

JEWISH PRIESTS AND THE SOCIAL HISTORY OF POST-70 PALESTINE

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ABSTRACT

MATTHEW J. GREY: Jewish Priests and the Social History of Post-70 Palestine
(Under the direction of Jodi Magness)

For over a century, most scholars have claimed that the presence, activity, and influence of the Jewish priesthood sharply declined with the destruction of the Jerusalem temple in 70 C.E. According to the traditional narrative, priestly authority in the Jewish community was replaced by the leadership of rabbinic sages, whose legal expertise superseded the third-party mediation of the divine presence previously provided by hereditary priests. Priests may have retained an honorary status in post-70 Jewish society, but functional leadership belonged to the rabbis. As a result of this model, most literary and archaeological material relating to Judaism after 70 has been viewed through the lens of rabbinic literature, rulings, and interests.

In this dissertation I challenge the traditional narrative by arguing that priests did not disappear from Jewish society or abrogate their claims to national leadership with the loss of the Jerusalem temple. Literary, epigraphic, and archaeological evidence indicates that many priestly circles survived the First Revolt, continued to identify themselves as priests, retained much of their status, and contributed to Jewish social, religious, and political dynamics in Palestine for several centuries after 70. While some priests associated with the emerging rabbinic movement, others pursued independent interests and promoted a priest-centered vision of Jewish society.

Examples of post-70 priestly dynamics include Josephus' endorsement of priestly leadership after the First Revolt, the priestly ideology behind the Bar Kokhba revolt in the second century, the continued presence of priestly aristocrats in Galilee, the leadership of priestly sages in the Tiberian academy during the late third and early fourth centuries, expressions of priestly nationalism in the Byzantine period, and the involvement of priests in synagogue worship. The extant sources do not allow for a complete reconstruction of post-70 priestly activity. However, there is sufficient evidence to establish a modest historical framework of Jewish priests and their activities in post-70 Palestine. This framework will help us appreciate the ways in which priestly circles contributed to Jewish dynamics after 70, and provide an alternative lens through which Jewish literature and material culture from this period can be viewed and interpreted.

To my wife Mary and our children Priscilla, Hannah, and John

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LIST OF ABBREVIATIONS

AB	<i>Art Bulletin</i>
AJA	<i>American Journal of Archaeology</i>
AJSR	<i>Association for Jewish Studies Review</i>
ANF	<i>Ante-Nicean Fathers</i>
B	Babylonian Talmud
BA	<i>Biblical Archaeologist</i>
BAR	<i>Biblical Archaeology Review</i>
BASOR	<i>Bulletin of the American Schools of Oriental Research</i>
BBR	<i>Bulletin for Biblical Research</i>
BJRL	<i>Bulletin of the John Ryland Library</i>
CIJ	<i>Corpus Inscriptionum Judaicarum</i>
CPJ	<i>Corpus Papyrorum Judaicarum</i>
DJD	<i>Discoveries in the Judaean Desert</i>
DOP	<i>Dumbarton Oaks Papers</i>
DSD	<i>Dead Sea Discoveries</i>
EI	<i>Eretz Israel</i>
ET	<i>Expository Times</i>
HA	<i>Hadashot Arkheologiyot</i>
HJ	<i>Historia Judaica</i>
HTR	<i>Harvard Theological Review</i>
HUCA	<i>Hebrew Union College Annual</i>

IEJ	<i>Israel Exploration Journal</i>
INR	<i>Israel Numismatic Research</i>
JBL	<i>Journal of Biblical Literature</i>
JJPES	<i>Journal of the Jewish Palestine Exploration Society</i>
JJS	<i>Journal of Jewish Studies</i>
JQR	<i>Jewish Quarterly Review</i>
JRS	<i>Journal of Roman Studies</i>
JS	<i>Journal for Semitics</i>
JSJ	<i>Journal for the Study of Judaism</i>
JSQ	<i>Jewish Studies Quarterly</i>
JSS	<i>Journal of Semitic Studies</i>
JST	<i>Journal of Theological Studies</i>
M	Mishnah
MGWJ	<i>Monatschrift für Geschichte und Wissenschaft des Judentums</i>
NTS	<i>New Testament Studies</i>
OS	<i>Oudtestamentische Studiën</i>
QDAP	<i>Quarterly of the Department of Antiquities in Palestine</i>
RB	<i>Revue Biblique</i>
RBL	<i>Review of Biblical Literature</i>
ROC	<i>Revue de l'Orient Chrétien</i>
SCI	<i>Scripta Classica Israelica</i>
SH	<i>Scripta Hierosolymitana</i>
T	Tosefta

TM	<i>Travaux et Mémoires</i>
VC	<i>Vigiliae Christianae</i>
VTs	<i>Vetus Testamentum Supplements</i>
Y	Yerushalmi (Jerusalem, or Palestinian, Talmud)
ZFN	<i>Zeitschrift für Numismatik</i>
ZPE	<i>Zeitschrift für Papyrologie und Epigraphik</i>

CHAPTER 1

INTRODUCTION

Throughout the biblical and Second Temple periods, the religious and political world of Judaism largely revolved around the Jerusalem temple, a sacrificial ritual system, and a hereditary priesthood. The centrality of these interconnected institutions was established by the Torah, and their role was to provide the primary form of mediation between God and Israel. According to biblical law, priests and temple rituals infused the community with divine presence, power, protection, and communication. Conversely, this system allowed for the needs, praise, and offerings of the community to be presented before God in a routine manner. The essential element of this reciprocal relationship was the priests themselves. In the biblical world, priests served as mediating agents whose unique access to the divine realm allowed them to represent the community to God and represent God to the community. For centuries Jewish priests were a lynchpin in Israel's covenant relationship with God.

Although the early history of the priesthood is not clear,¹ by the late Second Temple period (ca. 200 B.C.E. – 70 C.E.) priests were present at all levels of Jewish society, and their influence drove many of Judaism's political and religious dynamics. In

¹ See the classic treatments in Roland de Vaux, *Ancient Israel: Its Life and Institutions* (London: Darton, Longman and Todd, 1973), 345-405; Menahem Haran, *Temples and Temple Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School* (Oxford: Clarendon Press, 1978).

addition to serving as mediators of the divine, aristocratic priestly families in Jerusalem often functioned as the political mediators between the people of Judea and the ruling authorities. Historical records from this period indicate that the upper echelons of the priesthood controlled Judaism's most important institutions, and archaeological discoveries attest to the extent of priestly wealth, power, and influence in and around Jerusalem. Legal debates over priestly status, practices, leadership, and lifestyle led to the formation of Judaism's best-known ancient sects, including the Pharisees, Sadducees, and Essenes. Despite these debates, the Jewish masses continued to view priests and priestly activities as a critical component in their communion with the divine.

Owing to the centrality of the Jerusalem temple, its destruction by the Romans in 70 C.E. had a dramatic impact on the history and development of ancient Judaism. In the aftermath of this event, the question of maintaining Jewish identity and divine communion without the presence of God's house became a critical issue among Jews throughout Palestine. How could Jews worship and procure divine favor without the temple? Who would lead the Jewish community without an operational sacrificial cult at its center? Because some of the responses to these questions would eventually lay the foundation for modern Judaism, the centuries following the events of 70 comprise a period of transition that merits careful study and attention.

Scholars have made significant observations and discoveries that illuminate many aspects of this transition. These include studies of the development of ancient synagogues and the interactions between Jews and non-Jews in Late Antiquity. Because most of the Jewish literature that survived from this period is rabbinic in nature, the majority of modern scholarship on post-70 Jewish history has focused on the rise of rabbinic

Judaism. This focus has produced extensive discussions of the leadership role of the sages after 70, the emphasis on Torah study as a form of religious obligation, and various aspects of *halakhah* that developed after the second century. Without question, the examination of these issues helps us to make sense of the long transition from ancient to modern Judaism. One issue that has been almost completely neglected, however, is the role of the Jewish priesthood in the early centuries of this transition.

The history and influence of Jewish priests in the centuries leading up to the destruction of the temple is of obvious importance and in recent years has received detailed, nuanced, and careful treatment.² The subsequent fate of the priesthood has not been as well considered. Simply put, what happened to Jewish priests after the destruction of the Jerusalem temple and why? How did the biblically rooted system of temple rituals and priestly mediation eventually come to be replaced by a rabbinic system of lay Torah scholarship? Was the shift immediate and obvious? Would the traditional priestly families have any part to play in Judaism without a temple? As pivotal as these questions may be, the history and influence of Jewish priests after 70 have been largely ignored by modern scholarship. For over a century the focus on rabbinic Judaism has dominated the field in a way that has cultivated little interest in the presence of non-rabbinic circles after 70, including the activities of the once-powerful priests.

Traditionally, most scholars have assumed that the priesthood experienced a sharp decline when the temple was destroyed and subsequently had little or no impact on

² Important studies include Deborah W. Rooke, *Zadok's Heirs: The Role and Development of the High Priesthood in Ancient Israel* (Oxford: Oxford University Press, 2000); James C. VanderKam, *From Joshua to Caiaphas: High Priests after the Exile* (Minneapolis, MN: Fortress Press, 2004); Martha Himmelfarb, *A Kingdom of Priests: Ancestry and Merit in Ancient Judaism* (Philadelphia: University of Pennsylvania Press, 2006); Jonathan Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (Oxford: Oxford University Press, 2006).

Jewish thought, practices, worship, or politics. In the last two decades, however, a small number of scholars have made significant advances in reevaluating this issue. Their studies have considered the possibility that priests continued to play a significant role in Jewish society for centuries after 70. Yet, for various reasons, these advances have not penetrated the larger field of Jewish studies. As a result, modern historiography of post-70 Judaism continues to ignore an important aspect of Jewish social, political, and religious dynamics during this crucial period of transition. The purpose of this dissertation is to address this deficiency by evaluating evidence for the presence, activities, and influence of priests in Jewish society in the centuries following the destruction of the Jerusalem temple. This will provide a clearer picture of post-70 Jewish diversity and will articulate some of the ways in which priests continued to contribute to the social dynamics of post-70 Palestine.

1.1 History of Scholarship on Priests after 70

An overview of modern scholarship on Jewish priests after 70 highlights the need for this study. Such an overview can also help us understand why most scholars either lost interest in the fate of the priesthood or never thought to consider the issue. The historiography of post-70 Judaism began to establish its modern trajectories by the late nineteenth and early twentieth centuries. Before a standard narrative had fully crystallized, some Jewish scholars who studied this era expressed an interest in priests and their activities. Two in particular – Adolf Büchler (1867-1939) and Samuel Klein

(1886-1940) – raised questions about the fate of priests after the destruction of the temple and the ways in which they remained involved in Jewish society.

Büchler scoured the writings of Josephus and the rabbis to identify priestly settlements that survived the First Revolt. His research indicated that many priestly families retained their wealth after the war and continued to own estates in Judea and along the coast. Büchler was also interested in the role some priests played in the rabbinic movement during the Yavnean period. He noted that a tension seems to have existed between priestly sages and the circles of R. Yohanan b. Zakkai at Yavneh, while at the same time a group of priestly sages gathered around R. Tarfon at Lydda. Based on this observation he argued that the rabbinic movement included a vocal priestly component in its early years. In addition, Büchler considered the possibility that some priests operated outside the sphere of rabbinic influence. He argued from references in rabbinic literature that priestly aristocrats opposed the sages in Sepphoris during the second and third centuries and that priests were among the *'ammei ha-aretz* criticized by the rabbis.³

Samuel Klein also considered the fate of priests after 70, but focused on the migration of the twenty-four priestly courses from Judea to Galilee. Recently discovered liturgical texts (Byzantine-era *piyyutim*) from the Cairo Genizah associated each course with a Galilean village. Klein attempted to reconstruct the details of this list and began a long-standing debate over the logistics of the courses' resettlement. Klein argued that the courses left Judea and settled in Galilee some time after the First Revolt and he sought

³ These conclusions are scattered throughout Büchler's work in the late nineteenth and early twentieth century. See Adolf Büchler, *Die Priester und der Cultus im Letzten Jahrzehnt des Tempelbestandes* (Vienna: Alfred Hölder, 1895); *Der Galiläische 'Am Ha-'Aretz des Zweiten Jahrhunderts* (Wein: 1906); *The Political and the Social Leaders of the Jewish Community of Sepphoris in the Second and Third Centuries* (Oxford: 1909).

evidence for the presence of priests throughout Galilee during the post-70 period.⁴ Like other scholars of their time, Büchler and Klein largely based their historical reconstructions on rabbinic literature and mostly kept the discussion within a rabbinic framework. Nevertheless, the type of work they produced demonstrated an interest in the ways priests continued to contribute to Jewish society after the loss of the temple.

At the same time, however, other scholars began to promote a different narrative which would come to dominate Jewish historiography for most of the twentieth century. This narrative concluded that the priests lost their power base with the destruction of the Jerusalem temple and ceased to have any significant presence in Jewish society within a generation of that event. Sectarianism disappeared and most Jews coalesced around the rabbis – ideological descendants of the Pharisees who emphasized Torah study rather than rites of priestly mediation as the means of accessing God’s presence. In theory, priests may have retained an honorary position in post-70 Judaism, but any real religious or political influence they once had was supplanted by the rabbinic sages at the Council of Yavneh in the late first century. The emphasis on a pronounced shift from priestly to rabbinic authority rendered subsequent priestly presence inconsequential.

Variations on this narrative were promoted by several influential scholars, including Emil Schürer (1844-1910) and George Foot Moore (1851-1931). These Christian scholars laid the foundation for a century of scholarship that would consider the rabbinic movement as “normative Judaism” after 70 and would consequently ignore questions of priestly presence and activity. As influential as these scholars were,

⁴ For his attempts to work through these issues, see Samuel Klein, *Beiträge zur Geographie und Geschichte Galiläas* (Leipzig: 1909); *Selected Articles on the Study of the Land of Israel* (Vienna: 1924), 1-29 [Hebrew]; *The Galilee* (Jerusalem: Harav Kook, 1946), 62-68, 177-192 [Hebrew].

however, a few examples from their writings illustrate the brevity, simplicity, and implications of their arguments:

With the destruction of Jerusalem [in 70 C.E.]...Sadduceanism disappears from history. – The overthrow of the city...led also to the suppression of sacrificial worship, and therewith the gradual recession of the priesthood from public life....The priesthood, now that it could no longer perform its service, lost its importance. It was a memorial of a past age, which indeed, as time went on, sank more and more into obscurity and decay. The Pharisees and the Rabbis entered into the heritage of the Sadducees and the priests...for the factors which had hitherto stood in opposition to these had now sunk into utter insignificance....The priests, who had previously been the most influential in the direction and practice of religious duties, were now relegated to a condition of inactivity. All the energies of the pious had now to be restricted to the doing of that which the Rabbins prescribed to them. There was no need of external compulsion. Whatever the most distinguished teachers had laid down was regarded by the pious without any further question as obligatory....As a rule, the decisions on points of law issuing from Jamnia [Yavneh] were treated as constituting the authoritative standard.⁵

[The Council of Yavneh] was the definitive triumph of Pharisaism....The classes to which the Sadducees chiefly belonged had been reduced to insignificance...In the new order of things the Sadducees lost the extrinsic importance which the high station of their adherents had given them.⁶

The war of 66-72...eliminated classes or parties among the Jews which had previously been important factors. The sacerdotal and lay aristocracy, and the rich, to which classes the Sadducees chiefly belonged...perished during the siege of Jerusalem; their political power was completely broken, and with it their resistance to the Unwritten Law....[Of] the Essene Order, from that time on, nothing is heard. The recovery of Judaism from the catastrophe of the Jews was the work of men whom we are accustomed to call Pharisees....Judaism, which had previously been diversified...attained in the previous generation or two a homogeneity and an authoritativeness which have been its character to modern time.⁷

Slightly later generations of Jewish scholars, including Gedaliah Alon (1902-1950) and Michael Avi-Yonah (1904-1974), promoted a similar picture of post-70 Judaism that emphasized the continuation of Jewish national life under the leadership of rabbinic sages, to the exclusion of all other forms of Judaism:

[W]hen the temple was destroyed...it was then that the Sages, acting alone, created a centralized and inclusive structure of leadership that was ultimately able to put the nation back on its feet, to

⁵ Emil Schürer, *A History of the Jewish People in the Time of Jesus Christ*, Pt. 1 Vol. 2 (New York: Charles Scribner's Sons, 1891), 272-275. This was originally published as *Geschichte des jüdischen Volkes im Zeitalter Jesu Christi* in various editions from 1886-1890. A new English version was revised and edited by Geza Vermes and Fergus Millar as *The History of the Jewish People in the Age of Jesus Christ (175 B.C. – A.D. 135)* (Edinburgh: T&T Clark, 1973). See its revisions to the above statement in 1.523-524.

⁶ George Foot Moore, *Judaism in the First Centuries of the Christian Era: The Age of the Tannaim* (Cambridge: Harvard University Press, 1958), 1:85-86. This work was originally published in 1927.

⁷ Moore, *Judaism*, 3:21-22.

give it solidarity, and to enable it to survive.... That the Pharisaic teachers were able to gain the adherence of the vast majority of the people is due first and foremost to those religious ideas which sustained the national spirit.... As for the priests, they began by trying very carefully to preserve their separate and exalted status; but gradually this... wore away, and they merged into the mass of plain Jews.⁸

With Jerusalem in ruins and the Temple destroyed, a huge gap was torn in the social fabric of the Jewish nation... The ruling class, whether Herodian administrators and courtiers or Sadducee High Priests, had now lost their reason for existence. Many despaired entirely of a Jewish future... and became one with the upper stratum of Roman society.... [The] masses [were] now ruled firmly and competently by 'Jabneh and its scholars'.... They were led by Rabban Yohanan ben Zakkay... [who] was now able to reconstitute the Sanhedrin, whose authority was unchallenged.... The resurrected Jewish authority [succeeded] in its arduous task of restoring national life.⁹

The social position and the estates of [the priestly aristocracy of the Herodian period] ... were entirely dependent upon the continuation of the Temple services and in general on the stability of the existing social order. A destruction of the Temple would make the high priestly families redundant both socially and economically.... The lost war did not mark the end of the Zealots so much as of the 'Herodians' and the high priestly party.... Their power bases, the Temple and the royal court, were no more.... The moderate Pharisees... were now the real rulers of the nation.¹⁰

Both groups of scholars shared basic assumptions and methodologies which shaped their conclusions: 1) The narrative of rabbinic ascendancy as found in Talmudic literature accurately and fully describes the political, social, and religious realities of post-70 Judaism; since rabbinic literature claims that the sages became the only legitimate authority on matters of belief and practice, all other forms of Jewish leadership, including priests, must have acquiesced. 2) The fate of the entire Jewish priesthood was inextricably linked to the fate of the Jerusalem temple; once the temple no longer stood, all priestly presence, influence, and sectarianism (including the Sadducees and Essenes) necessarily vanished. 3) These claims are stated rather than argued, leaving readers with the impression that they are foregone conclusions. As far as I can determine,

⁸ Gedaliah Alon, *The Jews in their Land in the Talmudic Age* (Cambridge: Harvard University Press, 1989), 21-27. This was originally published in Hebrew (Tel Aviv: Ha-kibbutz Hameuchad, 1952-1961).

⁹ Michael Avi-Yonah, ed., *A History of the Holy Land* (Jerusalem: Jerusalem Publishing House, 1969), 157-159.

¹⁰ Michael Avi-Yonah, *The Jews of Palestine: A Political History from the Bar Kokhba War to the Arab Conquest* (New York: Schocken Books, 1976), 9, 12.

none of these or subsequent scholars systematically demonstrated that priests lost their significance in Jewish society. The claims of rabbinic literature and the assumption that priestly activity was dependent upon the temple were considered sufficient grounds on which to construct the narrative.

Regardless of the validity of this approach, the streams of scholarship which promoted it became firmly entrenched in subsequent historiography. As a result, almost all textual and archaeological discoveries relating to post-70 Judaism were viewed through the lens of rabbinic history, with little attention given to the fate of priestly circles.¹¹ One exception to this was the issue raised by Klein regarding the fate of the twenty-four priestly courses. As additional discoveries pertaining to the list of the courses' Galilean settlements were made, some scholars debated the development of the list and the period in which the courses transferred from Judea to Galilee.¹² However, these discussions consistently took place within a rabbinic framework and did not consider the possibility that the members of the courses pursued independent interests.

¹¹ A few scattered articles did appear between the 1940s and mid 1980s that considered some aspects of priests after 70. For example, Leo Mildenberg, "The Eleazar Coins of the Bar Kokhba Rebellion," *HJ* 11 (1949): 77-108 discussed coins minted during the Bar Kokhba revolt that bore priestly inscriptions. Gideon Foerster, "Synagogue Inscriptions and their Relation to Liturgical Versions," *Cathedra* 19 (1981): 12-40 [Hebrew] and "The Zodiac in Ancient Synagogues," *EI* 19 (1987): 225-234 [Hebrew] considered the possible relationship between priests and synagogue art. However, even in these articles priests are seen as an entity within the rabbinic world and not as an independent group.

¹² In the early and mid twentieth century, additional *piyyutim* and fragments of synagogue plaques – all from the Byzantine era – were discovered that mentioned the courses and their settlements. For these discoveries and the debates that followed, see E.L. Sukenik, "Three Ancient Jewish Inscriptions from Palestine," *Zion* 1 (1926/1927): 16-17 [Hebrew]; Samuel Klein, "Notes [On the Above Inscriptions]," *Zion* 1 (1926/1927): 20 [Hebrew]; Michael Avi-Yonah, "The Caesarea Inscription of the Twenty-Four Priestly Courses," in *The Teacher's Yoke: Studies in memory of Henry Trantham* (ed. E. Jerry Vardaman and James Leo Garrett, Jr.; Waco, TX: Baylor University Press, 1964), 46-57; Ezra Fleisher, "New Shiv'at of the Paytan R. Pinchas on Priestly Courses," *Sinai* 61 (1967): 30-56 [Hebrew]; Ibid., "Regarding the [Priestly] Courses in Piyyutim," *Sinai* 62 (1968): 13-40, 142-162 [Hebrew]; Ibid., "The Piyyutim of Yannai the Hazzan on the Priestly Courses," *Sinai* 64 (1969): 176-184 [Hebrew]; E.E. Urbach, "*Mishmarot* and *Ma'amadot*," *Tarbiz* 42 (1973): 304-327 [Hebrew]; Tobiah Kahane, "The Priestly Courses and Their Geographical Settlements," *Tarbiz* 48 (1979): 9-29 [Hebrew].

Before proceeding to the most recent developments in scholarship, it is useful to consider some of the forces which may have been behind this trajectory. For example, it is interesting to note that those early Christian historians who emphasized the triumph of rabbinic Judaism and ignored the question of post-70 priests were from a firmly committed Protestant background, which eschewed notions of ritual and priestly hierarchy in favor of lay interaction with the written word.¹³ I am not suggesting that these or subsequent scholars deliberately manipulated their findings to promote an agenda. However, the presence among Protestant theologians of an anti-priestly and anti-ritual bias – or at least one that minimizes or ignores such issues – provided a lens through which these writers and many who followed them viewed history.

It has been recognized recently that such a bias has colored much modern biblical scholarship relating to the temple and priesthood of the Hebrew Bible. This is noted by John Barton in his study of the relationship between Israelite prophets and the cult:

[Some scholars now speculate that] finding anti-ritualistic attitudes in the prophets reflects a characteristically Protestant agenda: that issues to do with disputes between Protestants and Catholics are being read back into the Old Testament... There is not much doubt, for example, that Wellhausen's opposition to ritual in religion, which he regarded as a somewhat degenerate phenomenon, is linked to his liberal Protestantism. Similarly, Jewish scholars sometimes see the emphasis on the anti-ritualism of the prophets as part of a general Christian opposition to the ritual side of Judaism, proceeding from a contrast between a dead religion of external works and a living religion of the heart, which they feel is a denigration of Judaism that looks for support from the prophets but in the process remakes the prophets in its own image.¹⁴

Barton's mention of Wellhausen is an excellent example of how the anti-priestly bias of an early Protestant scholar set the narrative tone for subsequent generations. In this

¹³ Schürer, for example, was a prominent German Protestant theologian of his day, while Moore was an ordained Presbyterian minister before becoming a professor of theology at Harvard.

¹⁴ John Barton, "The Prophets and the Cult," in *Temple and Worship in Biblical Israel* (ed. John Day; London: T&T Clark, 2007), 113-114. It should be noted, however, that Barton himself is personally optimistic about the findings of Protestant scholars that happened to coincide with Protestant interests (p. 121).

instance, Wellhausen dated the “priestly source” (P) of the Hebrew Bible as the last of the Pentateuchal sources based on the logic that priestly legalism can only be the end result of a slow corruption away from the pure ethical-based teachings of the pre-exilic prophets.¹⁵ Although this logic is clearly flawed, Wellhausen’s dating of P has remained a mainstream position for over a century.¹⁶ At a much broader level, it seems that, until recently, scholars of biblical studies generally have been ill-disposed towards the ancient temple, rituals and priesthood. As Jon Levenson puts it,

The fact that critical inquiry into biblical tradition was conceived and nurtured mostly by men whose outlook was molded by theologies whose origins lay in the Protestant Reformation has not aided the emergence of a serious and sympathetic appreciation of law and priesthood in the Hebrew Bible.¹⁷

It is certainly possible, or even probable, that the same anti-priestly bias traditionally inherent in biblical studies at least partially explains the lack of interest among many Christian scholars in the fate of Jewish priests after the Second Temple period.¹⁸

As for the Jewish scholars mentioned earlier, other forces might have been at work in the establishment of a rabbinocentric view of post-70 Judaism. Catherine Hezser and Seth Schwartz recently have suggested that the influence of political Zionism lay

¹⁵ On Wellhausen’s anti-priestly bias and its influence on his dating of Pentateuchal sources, see Michael Coogan, *The Old Testament: A Historical and Literary Introduction to the Hebrew Scriptures* (Oxford: Oxford University Press, 2006), 23; Lou H. Silberman, “Wellhausen and Judaism,” *Semeia* 25 (1982): 75-82; Joseph Blenkinsopp, *The Pentateuch: An Introduction to the First Five Books of the Bible* (New York: Doubleday, 1992), 11-12; Klawans, *Purity, Sacrifice, and the Temple*, 50-51. Klawans also has an extensive discussion on the cultural biases that contribute to the modern study of cult and ritual, which could easily apply to many modern treatments of priests and priesthood (pp. 3-48).

¹⁶ See Richard Elliot Friedman, *Who Wrote the Bible?* (San Francisco: HarperSanFrancisco, 1997), 24-27; Haran, *Temples and Temple-Service*, 5-9.

¹⁷ Jon D. Levenson, *Theology of the Program of Restoration of Ezekiel 40-48* (Missoula: Scholars Press, 1976), 1. See also Paul Joyce, “Temple and Worship in Ezekiel 40-48,” in *Temple and Worship*, ed. Day, 145.

¹⁸ For a consideration of the ways in which protestant ideology impacted the modern study of ancient Jewish art, see Steven Fine, *Art and Judaism in the Greco-Roman World: Toward a New Jewish Archaeology* (Cambridge: Cambridge University Press, 2005), 19-21.

behind the narrative of many twentieth century Jewish scholars. Building on the earlier narratives of Heinrich Graetz (1817-1891) and others, the Zionist historians of subsequent decades (such as Alon and Avi-Yonah) scoured the sources to find examples of Jewish autonomy in Palestine. The resulting picture was one of strong rabbinic leadership and institutions, including a Patriarchate, a reconstituted Sanhedrin, and a unified Jewish populace, all of whom followed the rulings of the sages as found in Talmudic literature.¹⁹ While this position is not anti-priestly *per se*, it established a rabbinocentric view of Judaism that excluded non-rabbinic forms of leadership, including priests. This overview is not exhaustive, but it begins to suggest why, even if for wildly different reasons, the standard narrative of post-70 Judaism that prioritizes rabbis while ignoring priests has long prevailed in Jewish and Christian scholarship.

Recent decades have seen serious challenges to the model of post-70 rabbinic hegemony, mostly due to literary and archaeological discoveries that appear to be in tension with rabbinic ideology and legal rulings. Among the first to criticize the traditional narrative was E.R. Goodenough. In the 1950s-1960s, Goodenough compiled a huge corpus of archaeological material to demonstrate that non-rabbinic forms of Judaism predominated throughout Late Antiquity and that the rabbis were a marginal group in this period.²⁰ Other scholars such as Jacob Neusner followed his lead by scrutinizing the historical value of rabbinic texts and postulating the presence of multiple

¹⁹ Catherine Hezser, *The Social Structure of the Rabbinic Movement* (Tübingen: Mohr Siebeck, 1997); Seth Schwartz, *Imperialism and Jewish Society, 200 B.C.E. to 640 C.E.* (Princeton: Princeton University Press, 2001), 5-8 and “The Political Geography of Rabbinic Texts” in *The Cambridge Companion to the Talmud and Rabbinic Literature* (ed. Charlotte Elisheva Fonrobert and Martin S. Jaffee; Cambridge: Cambridge University Press, 2007), 80-87. For the impact of Zionism on Jewish archaeology and art history, see Fine, *Art and Judaism*, 22-34.

²⁰ See his monumental work in E.R. Goodenough, *Jewish Symbols in the Greco-Roman World*, 13 Vols. (New York: Pantheon Books, 1953-68).

“Judaisms” in the place of a normative rabbinic Judaism.²¹ These arguments have not been accepted universally (especially in many Israeli circles), but they led a rising generation of scholars to alter or refine the traditional narrative by tempering the role that rabbis had in post-70 society.²²

The socio-historical implications of these trends in scholarship are significant. If the rabbis were not as influential as the traditional narrative (and their own literature) claimed, it follows that the religious and political dynamics of post-70 Judaism were much more diverse than previously expected. Some of this diversity has been articulated by the same scholars who challenged the notion of rabbinic hegemony. Goodenough, for example, suggested that a Hellenized form of mystical Judaism flourished throughout Late Antiquity. Some scholars adapted his thesis by suggesting that the circles which produced the type of mysticism found in *hekhalot* literature included a non-rabbinic lower class²³ or even groups of Jewish shamans.²⁴ Others pursued Neusner’s notion of multiple “Judaisms” in this period by finding traces of Jewish Gnosticism practiced against the wishes of the rabbis.²⁵ In addition, some recent studies have suggested that

²¹ Schwartz, “The Political Geography of Rabbinic Texts,” 80-87 provides an overview of the ways in which Goodenough and Neusner impacted the field of ancient Judaism.

²² For example, see Martin Goodman, *State and Society in Roman Galilee, A.D. 132-212* (New Jersey: Rowman and Allanheld, 1983); Lee I. Levine, *The Rabbinic Class of Roman Palestine in Late Antiquity* (New York: Jewish Theological Seminary of America, 1989); Hezser, *Rabbinic Movement* (1997); Schwartz, *Imperialism and Jewish Society* (2001).

²³ David J. Halperin, *The Faces of the Chariot: Early Jewish Responses to Ezekiel’s Vision* (Tübingen: Mohr Siebeck, 1988).

²⁴ James R. Davila, *Descenders to the Chariot: The People Behind the Hekhalot Literature* (Leiden: Brill, 2001).

²⁵ E.g., Alan F. Segal, *Two Powers in Heaven: Early Rabbinic Reports about Christianity and Gnosticism* (Leiden: Brill, 1977) and *The Other Judaisms of Late Antiquity* (Atlanta: Scholars Press, 1987).

pre-70 sectarianism – including the existence of Sadducees and Essenes – persisted for some time after the destruction of the temple.²⁶

This tempering of rabbinocentrism and consideration of post-70 Jewish diversity has been paralleled by a recent reevaluation of priestly activity in the centuries after the loss of the temple. In the mid 1980s, a few scholars directly addressed issues related to priests after 70. For example, Reuven Kimelman followed Büchler's earlier suggestion, arguing that traces of a priestly aristocracy existed in Sepphoris during the second and third centuries and competed with the rabbis over local leadership.²⁷ Shortly afterward, David Goodblatt argued from numismatic evidence that the Bar Kokhba revolt was motivated by a priestly ideology among circles outside the rabbinic movement.²⁸ At the same time, Stuart Miller devoted a portion of his doctoral dissertation to analyzing rabbinic traditions about the presence of priests at Sepphoris up until the fourth century.²⁹ The first two of these studies were inaccessible to western non-specialists since they both appeared in Hebrew. Nevertheless, all three provided valuable evidence that some

²⁶ Martin Goodman, "Sadducees and Essenes after 70," in *Crossing the Boundaries: Essays in Biblical Interpretation in Honour of Michael D. Goulder* (ed. Stanley E. Porter, Paul Joyce and David E. Orton; New York: E.J. Brill, 1994), 347-356; Ibid., "Religious Variety and the Temple in the Late Second Temple Period and its Aftermath," *JJS* 60.2 (Autumn 2009): 202-213; Joshua Ezra Burns, "Essene Sectarianism and Social Differentiation in Judaea After 70 C.E.," *HTR* 99 (2006): 247-274.

²⁷ Reuven Kimelman, "The Conflict between the Priestly Oligarchy and the Sages in the Talmudic Period (An Explication of PT *Shabbat* 12:3, 13c = *Horayot* 3:5, 48c)," *Zion* 48 (1983): 135-148 [Hebrew].

²⁸ David Goodblatt, "The Title *Nasi* and the Ideological Background of the Second Revolt," in *The Bar Kokhba Revolt: A New Approach* (ed. A. Oppenheimer and U. Rappaport; Jerusalem: Yad Izhak Ben-Zvi, 1984), 113-132 [Hebrew]; later in *The Monarchic Principle: Studies in Jewish Self-Government in Antiquity* (Tübingen: Mohr Siebeck, 1994), 72-73.

²⁹ Stuart S. Miller, *Studies in the History and Traditions of Sepphoris* (Leiden: Brill, 1984), 62-132. This work easily lends itself to the conclusion that priests were actually present in Sepphoris through the fourth century. However, Miller later clarified that he was not arguing for the historical presence of priests, but was merely analyzing rabbinic traditions about priests. See Miller, "Priests, Purities, and Jews of Galilee," in *Religion, Ethnicity, and Identity in Ancient Galilee: A Region in Transition* (ed. J. Zangenberg, H. W. Attridge, and D. B. Martin; Tübingen: Mohr Siebeck, 2007), 375-402.

priestly circles may have survived the trauma of 70 and continued to play a leadership role in Jewish society for several centuries afterwards.

The most comprehensive discussion of priests after 70 was a dissertation written in 1985 by Dalia Trifon entitled “The Jewish Priests from the Destruction of the Second Temple to the Rise of Christianity.”³⁰ Trifon’s work included chapters on rabbinic attitudes towards priests, the geographical dispersion of priests after the two revolts, the leadership roles of priests in the Yavnean and Amoraic periods, and the logistics of post-70 priestly duties. Her dissertation mostly considers priests within the rabbinic world, engages very little archaeology, and concludes with the fourth century. Despite these limitations, it is a tremendous contribution in advancing the discussion and should have been an important step in integrating priests into the historiography of post-70 Judaism.

However, two factors kept Trifon’s findings from reaching interested scholars: her dissertation was written in Hebrew (never to be translated into English) and it was not published, making it inaccessible to most scholars. While some were aware of it, few provided a summary of its content or seriously engaged with its conclusions.³¹ Those scholars who were aware of it merely cited it in a footnote as a study dealing with priests in Late Antiquity.³² Unfortunately, this inaccessible dissertation has been the only full-

³⁰ Dalia Ben Haim Trifon, “The Jewish Priests from the Destruction of the Second Temple to the Rise of Christianity,” (Ph.D. Dissertation; Tel Aviv: Tel Aviv University, 1985) [Hebrew]. Some of her conclusions were also published in “Did the Priestly Courses Transfer from Judaea to Galilee after the Bar Kokhba Revolt?” *Tarbiz* 59 (1989): 77-93 [Hebrew].

³¹ One exception to this was Ze’ev Safrai, “Did the Priestly Courses Transfer from Judaea to Galilee after the Bar Kokhba Revolt?” *Tarbiz* 62 (1993): 287-292 [Hebrew] which directly engaged Trifon’s 1989 article of the same title.

³² E.g., Steven D. Fraade, *From Tradition to Commentary: Torah and Its Interpretation in the Midrash Sifre to Deuteronomy* (New York: State University of New York Press, 1991), 232 n.20; Lee I. Levine, *The Ancient Synagogue: The First Thousand Years* (Second Edition; New Haven: Yale University Press, 2005), 520 n.9.

length study that attempts to flesh out the history of Jewish priests in post-70 Palestinian society.

Nevertheless, interest in priests and priestly ideology has increased noticeably in the last two decades. In 1990, two books each contained a chapter devoted to issues of priests after 70. In *Josephus and Judaeon Politics*, Seth Schwartz devoted a significant portion of his study to priests who appear in Josephus and rabbinic literature as having survived the war and who presumably remained involved in post-70 Judean politics.³³ That same year, Stuart Cohen published *The Three Crowns* – a look at Jewish communal politics after 70 – which briefly considered some of the leadership struggles that existed between priests and rabbis in the second and third centuries.³⁴ Both of these studies suggest that the religious and political shift from Judaism in the late Second Temple period to the rise of rabbinic Judaism after 70 might not have been as sharp, natural, or obvious as previous scholarship assumed.

Since then, a number of other scholars have produced highly specialized studies that deal with the growing evidence for priests and priestly themes in various post-70 literary genres and archaeological discoveries. A brief summary of these studies will show the multi-faceted consideration of this question in recent years. One example is the important contribution made by Joseph Yahalom, who examined the priestly themes of liturgical synagogue poetry (*piyyutim*) from the Byzantine period.³⁵ These themes include

³³ Seth Schwartz, *Josephus and Judaeon Politics* (Leiden: Brill, 1990), 58-109. Schwartz, however, remains skeptical of the possibility of writing any kind of history of priests after 70.

³⁴ Stuart A. Cohen, *The Three Crowns: Structures of Communal Politics in Early Rabbinic Jewry* (Cambridge: Cambridge University Press, 1990), 158-171.

³⁵ Joseph Yahalom, *Poetry and Society in Jewish Galilee of Late Antiquity* (Tel Aviv: Hikibbutz Hameuchad, 1999), 107-137 [Hebrew].

a glorification of the High Priest, the special status of the twenty-four priestly courses, and elements from earlier forms of temple mysticism. Some of these themes had been examined by earlier scholars, but only within the context of rabbinic Judaism.³⁶ Yahalom was the first to suggest that they indicated the presence of independent priestly circles which had an influence on synagogue liturgy, an argument partially based on the priestly identity of several of the genre's early poets.³⁷

After his initial publication, Yahalom pursued this topic in a study with Michael Swartz on the *piyyutim* written for synagogue services on the Day of Atonement.³⁸ Among other observations, Yahalom and Swartz noted the ways in which some *piyyutim* reverse the Mishnah's portrayal of the High Priest. The Mishnaic tractate *Yoma* depicts the High Priest as an ignoramus who needs guidance from a council of sages to perform his ritual responsibilities on that day. These *piyyutim* clearly draw upon the Mishnaic account, but with some key differences: they eliminate the presence of the rabbinic council and describe the High Priest as an angelic being whose unique access to divine revelation qualifies him to perform his ritual mediation. These differences contain significant implications for the social context of the *piyyutim*, their authors, and the synagogue congregations that incorporated them into the liturgy.

Around this time, Paul Flesher and Beverly Mortensen considered another aspect of synagogue liturgy from Late Antiquity in their work on Palestinian targums (Aramaic

³⁶ See, for example, the series of articles from the 1960s by Ezra Fleisher in n. 12 above.

³⁷ Menahem Zulay, "New Piyyutim by Rabbi Hadutha," *Tarbiz* 21-22 (1950-1951): 30 [Hebrew] came close to suggesting something similar in the early 1950s. Zulay argued that the *piyyutim* relating to the priestly courses were intended for use in Jewish villages in Palestine with a high concentration of priestly inhabitants, and that these *piyyutim* disappeared with the decline of the priestly communities.

³⁸ Michael D. Swartz and Joseph Yahalom, eds., *Avodah: An Anthology of Ancient Poetry for Yom Kippur* (University Park, PA: Pennsylvania State University Press, 2005), 1-42.

translations of the Hebrew Bible for use in synagogues). Flesher noted continuity between the dialect of some targums and that used by priests in the late Second Temple period. Based on this linguistic connection, Flesher suggested that these liturgical texts were the product of priestly authorship.³⁹ Mortensen followed Flesher's work by analyzing the expansions made to the biblical text by *Targum Pseudo-Jonathan*. According to her analysis, over 70% of the unique material in this targum directly relates to priestly interests and promoted the leadership roles of priests within Jewish society.⁴⁰ Both scholars suggested that these developments were the product of priestly circles hoping to "renew the profession" in the wake of Julian's attempt to rebuild the Jerusalem temple in the mid fourth century.

Another scholar who has recently argued in favor of post-70 priestly activity is Rachel Elijah, who focused on the presence of temple and priesthood themes in the mystical *hekhalot* literature of Late Antiquity. Scholars have long recognized the interest of *hekhalot* literature in ascents to the heavenly temple, communion with its angelic priesthood, and the learning of esoteric knowledge in God's throne-room. Elijah, however, traced the similarities between this material and earlier temple mysticism as found in Ezekiel and the Dead Sea Scrolls. She suggested that these texts, although dating from different periods, share a similar context – they were all produced by priests who, for various reasons, did not have access to the earthly temple. In other words, *hekhalot*

³⁹ Paul V.M. Flesher, "The Literary Legacy of the Priests? The Pentateuchal Targums of Israel in their Social and Linguistic Context," in *The Ancient Synagogue from Its Origins until 200C.E.* (ed. Birger Olsson and Magnus Zetterholm; Stockholm: Almqvist & Wiksell International, 2003), 467-508.

⁴⁰ Beverly P. Mortensen, *The Priesthood in Targum Pseudo-Jonathan: Renewing the Profession* (2 vols.; Leiden: Brill, 2006). Mortensen pointed out that this targum showed a special interest in priestly status, access to the divine realm, and esoteric temple knowledge. In addition, it promotes the role of priests as judges, historians, teachers, guardians of the calendar. Naturally, rabbinic literature assigns all of these responsibilities to the sages.

literature is a late manifestation of an ancient priestly tradition that compensates for the loss or defilement of the temple in Jerusalem. Because rabbinic literature explicitly eschewed this worldview, Elior postulated that *hekhalot* mysticism flourished among post-70 priests who were compensating for the loss of the Jerusalem temple with their interaction with the heavenly temple.⁴¹

These literary studies have been paralleled by work in Jewish art and archaeology. For example, Jodi Magness recently conducted a fresh examination of the art and social setting of synagogues in Byzantine-era Palestine.⁴² Six synagogues in particular puzzled earlier generations of scholars with their use of cosmic and temple motifs on their mosaic floors. These motifs include biblical scenes (such as the sacrifice of Isaac), Helios in his chariot surrounded by the twelve signs of the zodiac, and depictions of temple items such as incense shovels, menorahs, and the Ark of the Covenant. Since the initial discovery of these features, scholars have struggled to reconcile them with rabbinic prohibitions against figurative art and the replication of temple vessels. Such tension also frustrated attempts to identify the social circles that built these synagogues.

Magness drew upon the work of Yahalom and Elior to suggest that these synagogues were priestly productions and reflect the same worldview of the priests that produced the *piyyutim* and *hekhalot* literature. In particular, Magness argued that the

⁴¹ Rachel Elior, "From Earthly Temple to Heavenly Shrines: Prayer and Sacred Song in the Hekhalot Literature and Its Relation to Temple Traditions," *JSQ* 4.3 (1997): 217-267; later fleshed out in *The Three Temples: On the Emergence of Jewish Mysticism* (Portland, OR: Littman Library of Jewish Civilization, 2004).

⁴² See Jodi Magness, "Helios and the Zodiac Cycle in Ancient Palestinian Synagogues," in *Symbiosis, Symbolism, and the Power of the Past. Canaan, Ancient Israel, and Their Neighbors from the Late Bronze Age through Roman Palaestina, Proceedings of the Centennial Symposium of the W.F. Albright Institute of Archaeological Research and American Schools of Oriental Research, Jerusalem, May 29-31, 2000* (ed. W.G. Dever and S. Gitin; Winona Lake, IN: Eisenbrauns, 2003), 363-389 and "Heaven on Earth: Helios and the Zodiac Cycle in Ancient Palestinian Synagogues," *DOP* 59 (2005): 1-52.

zodiac-wheel in the center of these synagogues represented the heavenly dome, Helios was a depiction of Metatron (the angelic High Priest who imparted heavenly secrets in the *hekhalot* tradition), and the liturgy performed within these synagogues facilitated communion with the heavenly temple. She further argued that these features were in direct competition with Christian claims that churches were the new “temples.” In short, these synagogues were the product of priestly circles in Late Antiquity trying to reclaim their heritage and reassert their claims to be mediators of the divine realm. Similar suggestions have been made recently by others who research Byzantine-era synagogues in southern Judea.⁴³

Another scholar who deserves mention in this survey is Oded Irshai, who has examined references to Jewish priests in Christian literature from the Byzantine period. According to Irshai, several of these texts refer to influential Jewish priests who formed messianic-apocalyptic circles in Galilee, petitioned imperial officials to gain access to the temple mount, and attempted to establish a priestly kingdom in Yemen. In addition, Irshai noted the large number of priestly families who headed the Palestinian academies in the early medieval period. Based on this evidence, Irshai concluded that priests were a powerful presence in Late Antique Palestine, likely as a group who filled the power

⁴³ David Amit, for example, has connected synagogue architecture in the Darom with priestly influence. See David Amit, “Architectural Plans of Synagogues in the Southern Judean Hills and the ‘Halakah’,” in *Ancient Synagogues: Historical Analysis and Archaeological Discovery* (ed. Dan Urman and Paul V.M. Fleischer; Leiden: Brill, 1995), 129-156; “The Synagogues at Kh. Ma‘on and Kh. ‘Anim and the Jewish Villages of the Southern Mt. Hebron Region” (Ph.D. Dissertation; Jerusalem: Hebrew University of Jerusalem, 2003) [Hebrew]; and “Priests and the Memory of the Temple in the Synagogues of Southern Judea,” in *Continuity and Renewal: Jews and Judaism in Byzantine-Christian Palestine* (ed. Lee I. Levine; Jerusalem: Yad Izhak, 2004), 143-154 [Hebrew]. For an earlier study that lends itself well to these conclusions, see Joan R. Branham, “Sacred Space under Erasure in Ancient Synagogues and Early Churches,” *AB* 74 (1992): 375-94.

vacuum created by the loss of the Patriarchate and decline of the rabbinic academies in the fifth century.⁴⁴

This brief survey represents the bulk of recent work done on priests after 70.⁴⁵ Although these studies rarely cite each other, they all make a similar argument that the priestly class either continued after 70 or reemerged in Late Antiquity and rivaled the rabbis for influence within the Jewish community. Scholarly responses to this development have been mixed. Some scholars have defended the traditional narrative of rabbinic hegemony by denying that priests survived the destruction of the temple in any meaningful way. For example, Steven Fine,⁴⁶ Zeev Weiss,⁴⁷ Gudrun Lier,⁴⁸ and Stuart Miller⁴⁹ argue that, at most, the evidence considered by the above studies reflects a rise in

⁴⁴ Oded Irshai, "Confronting a Christian Empire: Jewish Culture in the World of Byzantium," in *Cultures of the Jews: A New History* (ed. David Biale; New York: Schocken, 2002), 180-220; "The Role of the Priesthood in the Jewish Community in Late Antiquity: A Christian Model?" in *Jüdische Gemeinden und ihr christlicher Kontext in kultur-räumlich vergleichender Betrachtung* (ed. Christoph Cluse, Alfred Haverkamp, and Israel J. Yuval; Hannover: Verlag Hahnsche Buchhandlung, 2003), 75-85; "Priesthood and Authority: Jewish Palestinian Leadership in Late Antiquity," in *Continuity and Renewal*, ed. Levine, 67-106 [Hebrew].

⁴⁵ Along with these formative studies, a small handful of other articles, chapters, and paragraphs have appeared in the last decade that indicate a growing interest in priests among some scholars. These include Hezser, *Rabbinic Movement*, 69-71, 480-489; Levine, *Ancient Synagogue*, 519-529; Peter Schäfer, "Rabbis and Priests, or: How to Do Away with the Glorious Past of the Sons of Aaron," in *Antiquity in Antiquity: Jewish and Christian Pasts in the Greco-Roman World* (ed. Gregg Gardner and Kevin L. Osterloh; Tübingen: Mohr Siebeck, 2008), 155-172. For a discussion of the relationship between priests and rabbis in Babylonia, see Geoffrey Herman, "The Priests in Babylonia during the Talmudic Period" (M.A. Thesis; Jerusalem: Hebrew University of Jerusalem, 1998) [Hebrew]; "Priests and Amoraic Leadership in Sasanian Babylonia," in *Proceedings of the Twelfth World Congress of Jewish Studies (1999-2000) - Division B: History of the Jewish People* (Jerusalem: Magnes Press, 2001), 59-68.

⁴⁶ Steven Fine, "Between Liturgy and Social History: Priestly Power in Late Antique Palestinian Synagogues?" *JJS* 56.1 (2005): 1-9.

⁴⁷ Zeev Weiss, *The Sepphoris Synagogue: Deciphering an Ancient Message through its Archaeological and Socio-Historical Contexts* (Jerusalem: Israel Exploration Society, 2005), 227, 247-249.

⁴⁸ G.E. Lier, "Another Look at the Role of Priests and Rabbis after the Destruction of the Second Temple," *JS* 16.1 (2007): 87-112 and *A Redaction History of the Pentateuch Targums: Genesis 1:26-27 in the Exegetical Context of Formative Judaism* (Piscataway, NJ: Gorgias Press, 2010).

⁴⁹ Miller, "Priests, Purities, and Jews of Galilee," 375-402.

priestly *interests* during the Byzantine period. However, this interest existed within a rabbinic framework and was not the result of actual priestly presence or leadership. These scholars claim that post-70 priestly activity has no literary or archaeological support.

Aside from these attempts to counter the emerging “priestly hypothesis,” most treatments of post-70 Judaism either ignore it or remain unaware of it altogether. Instead, most modern studies continue to minimize or neglect the role of priests in this period and favor the traditional rabbinocentric position. A few examples from current textbooks on ancient Judaism demonstrate how little the overall narrative has changed since the days of Schürer, Moore, Alon, and Avi-Yonah:

In the aftermath of the Great Revolt of 66-73 C.E., a total realignment of Jewish political and religious groups took place....The Sadducees lost their power when the Temple was destroyed,...ceased to be a factor in Palestinian life after the revolt,...[and] exited the stage of history....The Essenes and the various sects allied to or similar to them also disappeared....The only serious factor left in Palestinian Judaism in the aftermath of the war was the Pharisaic, rabbinic group....Large segments of the Jewish people came to accept [rabbinic hegemony]....the common people increasingly followed their lead in matters of religious practice. In view of the ease with which the rabbinic tradition established itself after the destruction, the tannaim must have captured the hearts of many of the populace.⁵⁰

[After 70] the high priesthood...was gutted of its influence....The high priest’s public role was gone, and the office passed into obscurity. Undoubtedly the priesthood remained an honorable position for many years after the Revolt, but its political clout was largely eliminated.... With the Sanhedrin gone and the priesthood on the wane, the Sadducees – who had close ties with both institutions – lost their ability to influence Jewish political life. Within a few generations, the Sadducees became extinct. The Pharisees, however, were in a unique position to fill the power void....[because] unlike the Sadducees, they weren’t so bound to the temple....Rabbinic Judaism became, in some sense, normative Judaism.⁵¹

The political structure of Jewish life was destroyed [in 70]. The former priestly government had been swept away....The priesthood, now without function, would presently dwindle into a mere reminder of past greatness....Without the Temple the priests were no longer useful [as national leaders]....In the end, a new Judaeen leadership based on wisdom and learning emerged, and came to bear the title sage or rabbi; this new aristocracy of the Torah enabled a threatened heritage to survive its crisis and then once more to flourish.⁵²

⁵⁰ Lawrence H. Schiffman, *From Text to Tradition: A History of Second Temple and Rabbinic Judaism* (Hoboken, NJ: Ktav Publishing, 1991), 167-169.

⁵¹ Anthony J. Tomasino, *Judaism before Jesus: The Events and Ideas that Shaped the New Testament World* (Downers Grove, IL: InterVarsity Press, 2003), 318-319.

⁵² Robert Goldenberg, *The Origins of Judaism: From Canaan to the Rise of Islam* (Cambridge: Cambridge University Press, 2007), 130, 138.

Some introductory works are beginning to acknowledge a larger degree of complexity in regards to post-70 priests, but only with a few sentences to that effect with no further consideration of the issue:

When the Romans destroyed Jerusalem, the Sadducees quickly disappeared. The masses had grown to detest the arrogant and corrupt high priests, and without the Temple there was no further need for them. The hereditary Jewish priesthood did not disappear, but leadership passed to other parties.⁵³

The destruction meant the decimation of several pre-70 groups. Those whose power and authority were based in the Temple were undercut. The Sadducees and Essenes faded from view in our sources....Priests survived and maintained some prestige, but the high priest was no longer a functioning authority.⁵⁴

The picture that emerges [after 70] is a complex one. The temple was destroyed, but the pre-70 high priestly families continued to have a good deal of power for some decades....It was probably in the 90s that the old power structures were ousted by new forces....Priests existed but they had nowhere to exercise their priesthood....It is the nascent rabbinic movement that had the dynamics to fit the new situation.⁵⁵

Other scholars mention post-70 priestly activity as an interesting possibility, but leave discussion of the topic for the footnotes.⁵⁶ The most recent reference work in the field – *The Eerdmans Dictionary of Early Judaism* (2010) – likely reflects current attitudes among most scholars. Its entry on “priests” states, “With the Roman destruction of the Second Temple...the priesthood came to an end,”⁵⁷ and its entries on “Levites” and “High Priests” both end with the events of 70.⁵⁸ Lier is probably correct when she states that the notion of priestly activity after 70 is still “contrary to the standard scholarly

⁵³ Goldenberg, *Origins of Judaism*, 102.

⁵⁴ Christine Elizabeth Hayes, *The Emergence of Judaism* (London: Greenwood Press, 2007), 58.

⁵⁵ Lester L. Grabbe, *Judaic Religion in the Second Temple Period: Belief and Practice from the Exile to Yavneh* (London: Routledge, 2000), 126.

⁵⁶ For example, see Fraade, *From Tradition to Commentary*, 232 n.20.

⁵⁷ Robert A. Kugler, “Priests,” in *The Eerdmans Dictionary of Early Judaism* (ed. John J. Collins and Daniel C. Harlow; Grand Rapids, MI: Eerdmans, 2010), 1098.

⁵⁸ See Joachim Schaper, “Levites,” (pp. 885-887) and James C. VanderKam, “High Priests,” (pp. 739-742), both in *Dictionary of Early Judaism*, ed. Collins and Harlow.

picture.”⁵⁹ As a result, many scholars continue to view the literary and archaeological discoveries from post-70 Palestine through the lens of rabbinic Judaism and ignore possible priestly or other non-rabbinic influences, however uncomfortable the fit may be.⁶⁰

Ultimately, the individual pieces of evidence that point to priestly activity after 70 produce a cumulative argument that is compelling, resolves many of the tensions that exist between recent discoveries and the rabbinic narrative, and is deeply significant for the history of ancient Judaism. However, there are a number of possible reasons why the “priestly hypothesis” has not yet penetrated the larger field of scholarship. For example, much of the relevant work in this area is published in Hebrew and is not always accessible to western non-specialists. Therefore, it is possible that many scholars are unaware of these findings and arguments. There may also be a degree of reluctance involved since the implications of priestly activity would require a thorough reevaluation of post-70 Jewish literature, material culture, and institutions.

I suggest that a major reason the evidence for priestly activity has not yet penetrated mainstream scholarship is the current lack of an accessible and unified synthesis of studies on post-70 priests. Although they all paint a similar picture, the specialized studies on priests and priestly themes in *piyyutim*, targums, *hekhalot* mysticism, synagogues, and Patristic literature rarely cite each other and have not worked

⁵⁹ Lier, “Rabbis and Priests,” 87.

⁶⁰ In my opinion, recent examples of this include Y. Eliav, “Viewing the Sculptural Environment: Shaping the Second Commandment,” in *The Talmud Yerushalmi and Graeco-Roman Culture III* (ed. Peter Schäfer; Tübingen: Mohr Siebeck, 1998), 411-433; Steven Fine, “‘Their Faces Shine with the Brightness of the Firmament’: Study Houses and Synagogues in the Targumim to the Pentateuch,” in *Biblical Translation in Context* (ed. Frederick W. Knobloch; Bethesda, MD: University Press of Maryland, 2002), 63-92; Stuart S. Miller, “‘Epigraphical’ Rabbis, Helios, and Psalm 19,” *JQR* 94.1 (Winter 2004): 27-76; Weiss, *Sepphoris Synagogue*, 225-262.

within a shared historical framework. This has allowed critics to dispute one or two lines of evidence as not being conclusive. For example, Fine dismisses post-70 priestly activity by downplaying the socio-historical significance of priestly themes in the *piyyutim*; with no evidence that priests wielded influence in this period, he concludes, these themes merely reflect increased priestly interests among rabbinic Jews.⁶¹ Elsewhere he states that references to Jewish priests in Christian literature are too few and lack the archaeological support necessary to include priests in our historical reconstructions.⁶² A cursory dismissal is also presented by Lier, who cites the arguments of Flesher and Mortensen relating to the targums, only to reject them by restating the traditional rabbinocentric position.⁶³ Similarly, in the fullest rebuttal of the “priestly hypothesis” to date, Miller restricts his response to a few aspects of the Byzantine period.⁶⁴

Even if these responses were convincing, they only dismiss individual strands of evidence as being less than conclusive. So far, no one has successfully refuted the cumulative evidence produced by all of the arguments in favor of priestly activity. This may be due to the fact that most studies arguing for post-70 priestly influence have also focused on one or two lines of evidence, without consideration of the larger picture. In light of this situation, it seems that an important “next step” in the discussion is to compile all of the evidence and arguments in support of post-70 priestly activity into a single study. This would allow the scholarly community to evaluate the strengths and

⁶¹ Fine, “Liturgy and Social History,” 1-9.

⁶² Steven Fine, “Review of Hagith Sivan, *Palestine in Late Antiquity* (Oxford University Press, 2008),” *RBL* (October, 2009): 5.

⁶³ Lier, “Priests and Rabbis.”

⁶⁴ See Miller, “Priests, Purities, and the Jews of Galilee.”

weaknesses of the “priestly hypothesis” as a whole, rather than focus on its individual pieces. Such a synthesis could also go far in integrating priests into the narrative of post-70 Judaism by making a broader range of scholars aware of this material.⁶⁵

A related reason why the “priestly hypothesis” has been vulnerable to criticism is a methodological issue which is shared by most of its proponents. Most of the recent studies on post-70 priests have focused on the presence of temple and priesthood themes in texts and material culture from the Byzantine period (ca. fourth to seventh centuries). The claim is then made that these themes reflect a resurgence of the priestly class in that period. However, since many scholars still assume that priests faded into insignificance shortly after 70, it is easy for critics to counter that priests were not sufficiently present, organized, or influential by the fourth century to initiate any social reforms. For example, Zeev Weiss recently dismissed the claim that priests were actively involved in synagogue worship during the fifth and sixth century. In his response he states, “One should consider how the status of the [priestly] elite which was diminished for such a long time (about 300 years or more), again took its place in the leadership of the community.”⁶⁶

In other words, it is difficult to imagine priests being in a position to claim leadership in the Jewish community so long after they lost their social standing in 70. Of course, this assumes that priests *did* lose their social standing after 70 and that their status within the community suffered an irreversible setback with the destruction of the temple. As I mentioned earlier, these assumptions have never been proven and are not foregone

⁶⁵ The need for such a treatment is highlighted by a recent article by Philip Alexander, which tries to bring together many of these issues in an introductory way. See Philip S. Alexander, “What Happened to the Jewish Priesthood after 70?” in *A Wandering Galilean: Essays in Honour of Seán Freyne* (ed. Zuleika Rodgers with Margaret Daly-Denton and Anne Fitzpatrick McKinley; Leiden: Brill, 2009), 5-33.

⁶⁶ Weiss, *Sepphoris Synagogue*, 247-248.

conclusions. Nevertheless, Weiss's statement highlights a weakness of the "priestly hypothesis" that must be addressed. Although I do not agree with their approaches, the responses of Fine, Miller, and Weiss remind us that postulating the existence of influential priests based on streams of priestly thought is putting the cart before the horse. Since no one has yet established that priests were, in fact, present and active in a significant way after 70, it is possible to argue that these streams of thought merely reflect priestly interests, and were not the product of priests themselves.

Therefore, another valuable contribution to the debate would be a fresh overview of the evidence for priestly presence and activity, beginning with the destruction of the temple in 70 and continuing into the Byzantine period. Rather than starting with priestly themes and working backwards to make socio-historical claims, we should start by demonstrating the post-70 existence and activities of priests, and then consider what impact they may have had on literature, liturgy, and art. Establishing this type of historical framework would buttress and refine the arguments of those scholars trying to draw socio-historical conclusions based on streams of priestly thought. It would also undermine the arguments of scholars who do not allow for the possibility that actual priests were behind these developments.

Based on these final points, I believe that a full-length treatment of post-70 priestly activity is important and necessary. In this dissertation I attempt to establish a historical framework of priestly activity from the late first century to the beginning of the Byzantine era by collecting and analyzing the literary, epigraphic, and archaeological evidence for priests after 70. This evidence demonstrates that priests continued to play an important role in Jewish society for centuries following the destruction of the Jerusalem

temple. Knowing where priests were present after 70 and the types of activities in which they were engaged clarifies the socio-historical significance of priestly themes in the texts and institutions of this period. In this broad synthesis of evidence I hope to help temper the rabbinocentric tendencies that still exist in modern scholarship and bring priests out of the footnotes and into the forefront of discussion.

1.2 Overview of Content

With this dissertation I seek to fill an important gap in historiography by assembling and evaluating evidence for the presence and activities of Jewish priests in post-70 Palestine. Ultimately, this evidence indicates that priests remained an active part of Jewish society for centuries following the destruction of the temple. By collecting the literary, epigraphic, and archaeological evidence related to priests after 70, we can gain a sense of where priests were present, the activities in which they engaged, the interests they cultivated, and the ways in which they contributed to Jewish dynamics. This will allow us to sketch a historical framework of post-70 priests that clarifies Jewish social history and provides an alternative lens through which we can interpret Jewish literature and material culture from this period.

To accomplish this, I will present the evidence chronologically and consider its implications for the various phases of the socio-political history of post-70 Judaism. Before we can evaluate the activities of priests in this period, we must first understand how deeply entrenched priests were in Jewish society in the decades immediately before 70. Therefore, Chapter Two will provide a brief overview of the priesthood and its

dynamics at the end of the Second Temple period, including its organization, functions, economic and geographic distribution, and perceived authority among Jewish groups. This will lay a foundation for evaluating the fate of priestly circles in the centuries after the First Revolt. In addition, this overview will challenge the assumption that priestly responsibilities and activities were dependent upon the Jerusalem temple and that priestly circles lost their *raison d'être* with its destruction.

Following this short background I will devote two chapters to considering the fate of Jewish priests in the generations between the two revolts (ca. 70-135 C.E.). In Chapter Three I will examine evidence for the continuation of priestly circles after the First Revolt and into the early second century. This will include an examination of the references to post-70 priests and priestly families as found in Josephus and early rabbinic literature. In addition, this chapter will consider the possibility that priestly sectarianism – such as the existence of Sadducees and Essenes – did not disappear with the loss of the temple but continued to contribute to Jewish dynamics for some time afterward. I will conclude this chapter by considering the geographical distribution of these priestly circles based on evidence from historical and archaeological sources.

After Chapter Three establishes the continuation of priestly circles, Chapter Four will consider the roles that priests played in post-70 Jewish society and national politics. This chapter will examine the ways in which priestly prestige, privileges, and ideologies continued after the loss of the temple. While it is traditionally claimed that most Jews submitted to rabbinic authority shortly after 70, literary sources indicate that some Jews still promoted a form of government in which priests retained their responsibilities as judges, teachers of divine law, and leaders of liturgical worship. In addition, sources

suggest that the allure of priestly leadership remained a factor in national politics after 70. This is demonstrated by attempts to establish a diarchic form of government in which “Patriarch” and priest work together to administer Jewish affairs. One example of this might be reflected in rabbinic traditions about Gamaliel II and the priestly sage R. Eleazar b. Azariah sharing power as “Patriarch” and *Av Bet Din*. In addition, numismatic evidence suggests that Bar Kokhba the “Prince” and Eleazar the Priest worked together to rebuild the temple and re-enthroned the priesthood. In these ways, many of the priestly dynamics of the Second Temple period did not come to an abrupt end in 70, but continued to impact Jewish life and politics in subsequent generations.

In Chapter Five I will consider the relationship between priests and non-priestly leadership during the third and fourth centuries. This is a period in which Patriarchs and rabbis wielded increasing influence in Jewish society. As these groups became viable community leaders, they also attempted to appropriate priestly prerogatives, such as claims to authority over tithing and ritual purity. Nevertheless, priests were still an active part of the community. Some priestly circles interacted with Patriarchal administrations, were involved in the rabbinic movement, and pursued their own interests. This is clear from the activities of priestly families in Sepphoris, the presence of priestly inscriptions at Beth Shearim, and the promotion of nationalist ideologies by priests in Tiberias. In these ways, priests remained an important part of the social, religious, and political dynamics in this period. After considering these issues, I will conclude this chapter with an excursus on the Galilean settlements of the “twenty-four priestly courses” – a theme that emerges among non-rabbinic circles during the third or fourth century.

Chapter Six will provide a summary of these findings and a short epilogue that considers the resurgence of priestly leadership in the Byzantine period. The main thesis of this dissertation is that priests continued to play an active role in Jewish society for centuries after the destruction of the Jerusalem temple in 70. Chapters Three through Five will demonstrate that priestly circles experienced periods of fluctuating influence during the second, third, and fourth centuries. In the early part of the Byzantine period, non-Jewish segments of Palestinian society – including Christians and Samaritans – initiated a series of priestly reforms in their own communities. These reforms elevated the status of priests in civic administration and in liturgical worship. Within this context it seems that some segments of the Jewish population also promoted priests and priestly ideology as an attempt to reclaim their biblical heritage.

As with the Christian and Samaritan communities, some Jewish circles began to reemphasize priestly mediation in synagogue liturgy, art, and architecture during the Byzantine period. More than simply reflecting priestly interests, however, literary and epigraphic evidence indicates that actual priests were part of (if not the motivating forces behind) these developments. This revival of priestly influence likely occurred in the wake of declining rabbinic academies, the attempt by Julian to rebuild the Jerusalem temple, and the elimination of the Patriarchate. Once this dissertation establishes the historical background to this period, future studies will be able to examine these dynamics with more precision.

1.3 Methodological Considerations

Attempting to create a historical framework for priests after 70 is an ambitious goal for a dissertation. Such an endeavor poses numerous methodological challenges which must be addressed in advance. In the remainder of this introduction I will discuss some of these challenges, describe the inherent limitations and assumptions of this project, and elucidate some of the approaches I will use to navigate the topic.

1.3.1 Limitations and Possibilities

One of the major challenges of this dissertation is to limit the scope of material in a way that makes it effective and manageable. As indicated by the above overview, the period and geographical location have been limited to the region of Palestine from 70 to the fourth century. Although I will occasionally use important pieces of evidence from other times and places to illuminate the discussion, it is the primary material and secondary scholarship relating to Palestine from the destruction of the temple to the beginning of the Byzantine era that will concern us here. In many ways, these boundaries are artificial since the presence and influence of Jewish priests extend well beyond that time and place. However, priests in Byzantine Palestine and in the Diaspora must await a future study, while the medieval and modern eras will have to be discussed by scholars who are better trained to deal with those periods.

As it is, the three-hundred years of history in Palestine chosen for this dissertation is more than enough for one study to handle efficiently. Indeed, many historical aspects

of this period are highly complex and obscure. These include the history of the early rabbinic movement,⁶⁷ the circumstances of the Bar Kokhba revolt,⁶⁸ the precise date and form of Roman support for a Jewish Patriarchate,⁶⁹ the rise and decline of various settlement and economic patterns,⁷⁰ the dating of monumental synagogue buildings,⁷¹ and a number of other important issues. Obviously, I will not be able to address many of these topics except where they might relate to the question of priestly activity in this period. In other words, it is important to recognize that this will be less a study about post-70 Palestine and more a study of *Jewish priests* in post-70 Palestine.

Even with maintaining a narrow focus on priests, however, a choice must be made on whether to treat the large amount of evidence broadly or deeply. For the sake of the argument and the necessity of working within the restrictions of a dissertation, I have

⁶⁷ See, for example, the varying conclusions and approaches presented in Levine, *Rabbinic Class*; Z.E. Safrai, *The Jewish Community in the Talmudic Period* (Jerusalem: Merkaz Zalman Shazar, 1995) [Hebrew]; Heszer, *Rabbinic Movement*; Schwartz, *Imperialism in Jewish Society*; Stuart S. Miller, *Sages and Commoners in Late Antique 'Erez Israel: A Philological Inquiry into Local Traditions in Talmud Yerushalmi* (Tübingen: Mohr Siebeck, 2006). See also the debate among various scholars in Lee I. Levine and Daniel R. Schwartz, eds., *Jewish Identities in Antiquity: Studies in Memory of Menahem Stern* (Tübingen: Mohr Siebeck, 2009), 163-209.

⁶⁸ See the various articles in Peter Schäfer, ed., *The Bar Kokhba War Reconsidered: New Perspectives on the Second Jewish Revolt against Rome* (Tübingen: Mohr Siebeck, 2003).

⁶⁹ Martin Goodman, "The Roman State and the Jewish Patriarch in the Third Century," in *The Galilee in Late Antiquity* (ed. Lee I. Levine; New York: Jewish Theological Seminary, 1992), 127-139; Goodblatt, *Monarchic Principle*, 131-231; Martin Jacobs, *Die Institution des jüdischen Patriarchen. Ein quellen- und traditionskritische Studie zur Geschichte der Juden in der Spätantike* (Tübingen: Mohr Siebeck, 1995); Lee I. Levine, "The Status of the Patriarch in the Third and Fourth Centuries: Sources and Methodology," *JJS* 67 (1996): 1-32.

⁷⁰ Zeev Safrai, *The Missing Century: Palestine in the Fifth Century: Growth and Decline* (Leuven: Peeters, 1998); Jodi Magness, "Did Galilee Decline in the Fifth Century? The Synagogue at Chorazin Reconsidered," in *Religion, Ethnicity, and Identity*, ed. Zangenberg, Attridge, and Martin, 259-274; Uzi Leibner, *Settlement and History in Hellenistic, Roman, and Byzantine Galilee: An Archaeological Survey of the Eastern Galilee* (Tübingen: Mohr Siebeck, 2009). See also the debate between Jodi Magness and Uzi Leibner in Levine and Schwartz, eds., *Jewish Identities in Antiquity*, 267-319.

⁷¹ See the debate between Jodi Magness, James Strange, and Eric Meyers in *Judaism in Late Antiquity*, Vol. 4 Pt. 3. (ed. Alan J. Avery-Peck and Jacob Neusner; Leiden: Brill, 2001), 1-91.

chosen the former. As will be obvious, many of the individual topics treated in this dissertation could be the subjects of detailed studies. These include the continuation of priestly sectarianism, practices of tithing and ritual purity without the temple, the impact of priestly thought on rabbinic literature, the role of priests in synagogue worship, and the socio-historical value of Christian references to Jewish priests. Each of these topics plays an important role in understanding priestly activity after 70 and I will incorporate as much detail as possible in my historical reconstruction.

However, many of these topics are so complex that an exhaustive analysis of each one would go beyond this dissertation's constraints on length, time, and resources. Although I will attempt to treat all the relevant issues with care and caution, these constraints might not allow for the type of depth and nuance that each topic deserves. Hopefully, the contribution made by bringing all of this material together in an accessible manner will compensate for any shortcomings in this area. While I will consolidate previous work, add additional evidence, and provide new suggestions, future studies will enhance, refine, or correct the picture I present here. At this point the most valuable contribution is not another study that specializes in one isolated aspect of the topic, but rather a broad treatment that allows the evidence to be accessible, understood, and integrated.⁷²

Another challenge in dealing with priests and the social history of post-70 Palestine is the nature of the available sources. Unlike for the priests of earlier periods or

⁷² Jonathan Klawans notes that broadly conceived works which attempt to cover a large amount of territory and synthesize a large amount of material often contain noticeable shortcomings and are vulnerable to various criticisms. However, he also notes that "it is primarily through such broadly conceived projects that scholarship can really move forward." See Jonathan Klawans, "[Review of Rachel Eilior's *The Three Temples*]," *AJSR* 29.2 (November 2005): 378.

the rabbis and Christians of Late Antiquity, there are no ancient texts that provide any kind of systematic “history” of priests after 70. Instead, we must sift for clues through a wide variety of literary and archaeological sources – such as Josephus, rabbinic literature, Christian texts, inscriptions, artwork, liturgical material, and excavation reports – to find hints of priestly presence. Those hints can provide a sense of where priests existed, the types of activities in which they engaged, and the ways some of their contemporaries viewed them. However, this situation makes our ability to understand completely the history of priests after 70 almost impossible. Seth Schwartz, who has done important work on late first century priests in the writings of Josephus, stated:

We cannot compose a history of the post-70 priesthood: precise chronology is impossible, and information too sparse; the tannaitic documents rarely report about [post-70] factions and politics. But we can complement the picture of the upper priesthood which emerges from Josephus’ works [and] determine with a reasonable degree of inaccuracy something of the relations between priests and Rabbis.⁷³

I generally concur with Schwartz’s assessment and extend it to include the Late Roman and Byzantine periods. I do so, however, with a bit more optimism. Although the sources mentioned above are disparate, each category of evidence provides enough windows of insight into priestly activity, often in complementary ways, that it is possible to paint a reasonable picture. I acknowledge that we must remain agnostic on some points and some of the details will need to be adjusted by future research. Nevertheless, if a complete, precise, and comprehensive history of priests after 70 is unattainable, the available evidence for the presence and activities of priestly circles is sufficient to justify an attempt to sketch out a historical framework.

⁷³ Schwartz, *Josephus and Judaeon Politics*, 100.

1.3.2 Use of Rabbinic Literature

Of the primary sources that I will draw upon to create a historical framework of post-70 priests, special mention should be made about the use of rabbinic literature (the Mishnah, Tosefta, Talmuds, and midrashim). In many ways, this vast corpus is one of our most promising sources for understanding the social history of this period. These texts span the entire length of time relevant to the topic and they contain reflections on Palestinian society from a prolific group of Jewish thinkers.⁷⁴ Indeed, many of the most important windows of insight into post-70 priestly activity come from this literature.

However, scholars increasingly note that use of the rabbinic corpus is fraught with historical difficulties. While earlier generations of scholars uncritically trusted its historical accuracy, many recent scholars have adopted a minimalistic view of its reliability for socio-historical reconstructions. For example, it is now recognized that rabbinic literature often anachronistically imposes the world of the sages onto the history of earlier Jewish institutions.⁷⁵ It often prescribes rabbinic ideals rather than describing social realities, and it often does not distinguish between theoretical and practical debates on Jewish law and society. For these and other reasons, disentangling history, ideology, and legend found within rabbinic literature is a difficult task.⁷⁶

⁷⁴ However, the rabbis did not intend to write social history in the conventional sense. See Isaiah Gafni, "Rabbinic Historiography and Representations of the Past," in *Cambridge Companion to the Talmud*, eds. Fonrobert and Jaffee, 295-312.

⁷⁵ For example, see the recent work in Naftali S. Cohn, "The Ritual Narrative Genre in the Mishnah: The Invention of the Rabbinic Past in the Representation of Temple Ritual" (Ph.D. Dissertation; University of Pennsylvania, 2008).

⁷⁶ For debates on the historical value of rabbinic literature, see the articles by Zeev Safrai, Jacob Neusner, Günter Stemberger, Richard Kalmin, David Kraemer, and Louis Feldman in Jacob Neusner and Alan J. Avery-Peck, eds., *Judaism in Late Antiquity*, Pt. 3 Vol.1 (Leiden: Brill, 1999), 123-230.

A related development among some modern scholars is to consider Talmudic passages as having historical value not for the events they describe but as insights into the interests of the editors at the time of the text's redaction.⁷⁷ Daniel Boyarin summarized this position as follows:

I assume that rabbinic writings are necessarily evidence for the time and place in which they have come into being as texts and not necessarily for the time and place of which they tell us. That is, they *may* be evidence for earlier times but are certainly evidence that something was being thought or said at the time that text was promulgated.⁷⁸

Because a significant amount of the evidence for priestly activity derives from rabbinic literature, these possibilities should be considered in evaluating its historical value. In many cases, the passages discussed may indeed reflect the world of the editors rather than the events they describe. To facilitate this type of analysis, I take care to indicate, where necessary, the time of editing for the rabbinic sources being used. Even if some of the references to priests are legendary or represent later theoretical commentary, it is still valuable to note when these topics were on the minds of rabbinic editors. It is also valuable to note when, where, and in what ways rabbinic tradition believed priests were active in Jewish society.

Along with acknowledging the value of these “miminalistic” approaches to rabbinic literature, I remain optimistic that rabbinic texts contain kernels of historical information.⁷⁹ For example, many of the references to priests in rabbinic literature do not bear the marks of legend or later imagination. Such references to priestly activity should

⁷⁷ Among the influential proponents of this approach are Jacob Neusner and Arnold Goldberg. See the overview of their work in Hezser, *Rabbinic Movement*, 20-23.

⁷⁸ Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (Philadelphia: University of Pennsylvania Press, 2004), 46.

⁷⁹ Miller, *Sages and Commoners*, 5-7 expresses similar optimism in regard to the potential historical value of some rabbinic passages, although he often takes this optimism in different directions than I do.

be taken seriously. This is especially the case in instances in which there was no obvious motivation to falsify the account or the account contradicts rabbinic ideals.⁸⁰ There is even less reason to doubt the historicity of these passages when they are supported by external evidence, such as inscriptions or non-rabbinic literature. For these reasons, I consider many rabbinic references to priests as being historically useful.

To maximize the historical usefulness of rabbinic texts, I prioritize rabbinic sources that most closely derive from the time and place of the event being discussed. For example, the Mishnah, Tosefta, and Tannaitic Midrashim (all from Palestine) provide the most reliable insights into the rabbinic world of the late first, second, and early third centuries. Likewise, I use the Palestinian Talmud and related Midrashim as the primary rabbinic sources for the third and fourth centuries.⁸¹ I use material from the Babylonian Talmud sparingly, mostly when a specific *baraita* or parallel with Palestinian material appears to be relevant. Despite this caution, however, I acknowledge that the loose dating of these sources often allows for only an approximation of social developments.

Finally, it is important to consider the ideological biases of rabbinic literature, which naturally reflects the worldview and interests of the sages. Groups, beliefs, and practices that contradicted these values or fell outside of these interests were often

⁸⁰ This latter category is reminiscent of the “criterion of dissimilarity” used by scholars of the historical Jesus; i.e., those accounts that work against the agenda of the writers are more likely to be historical. See Bart D. Ehrman, *Jesus: Apocalyptic Prophet of the New Millennium* (Oxford: Oxford University Press, 1999), 91-94.

⁸¹ Unless otherwise indicated, the translations of rabbinic passages I cite throughout this dissertation draw upon the following English editions: For the Mishnah I mostly cite the translation found in Herbert Danby, trans., *The Mishnah* (Oxford: Oxford University Press, 1933), which was occasionally supplemented by Jacob Neusner, ed., *The Mishnah: A New Translation* (New Haven: Yale University Press, 1988). For the Tosefta, I cite the translation found in Jacob Neusner, trans., *The Tosefta* (New York: KTAV, 1977). For the Palestinian Talmud, I cite the translation found in Jacob Neusner, ed., *The Talmud of the Land of Israel: A Preliminary Translation and Explanation* (Chicago: University of Chicago Press, 1982-1994), supplemented by the more recent critical edition of Heinrich W. Guggenheimer, ed., *The Jerusalem Talmud: Edition, Translation, and Commentary* (Berlin: Walter De Gruyter, 2000-2008).

disparaged or ignored. For example, we occasionally have to “read between lines” to determine the social realities behind rabbinic polemics against priests. It is reasonable to suggest that rabbinic criticism of priests reflected the anxieties of the sages over a priestly challenge to their authority, whether real or perceived. In these instances, the priests who were criticized obviously would have told the story differently. Recovering the “priestly” voice in these episodes can be a tenuous, but fruitful enterprise.⁸²

Similarly, the reticence of rabbinic literature on certain aspects of society should not be taken as evidence that these aspects did not exist. Rabbinic texts mostly discuss issues that interested the sages and largely ignore those that did not. For example, someone reading only the Palestinian Talmud would have no idea that it was composed in the context of a Greek-speaking Christian world full of bishops, churches, and monasteries. This reader also would be unaware of important events in the larger Jewish world, such as Julian’s attempt to rebuild the Jerusalem temple in 363.⁸³ Rabbinic texts mention the existence of “heretical” groups outside of their circle of fellowship, but they do not provide much detail as to the precise beliefs, practices, or identities of these groups.⁸⁴ Therefore, we often have to turn to other sources – inscriptions, art, and non-rabbinic texts – for a fuller understanding of Jewish society, including the presence and activities of priests who existed outside of rabbinic circles.

⁸² Himmelfarb, *Kingdom of Priests*, 29-30 offers valuable observations regarding the caution needed when drawing socio-historical conclusions from literary polemics.

⁸³ See Fergus Millar, “Inscriptions, Synagogues, and Rabbis in Late Antique Palestine,” *JSJ* 42 (2011): 3.

⁸⁴ For example, Goodman notes, “The fact that rabbis hardly talked about [non-rabbinic groups such as the Sadducees or Essenes] does not imply their non-existence.” See Martin Goodman, “The Function of Minim in Early Rabbinic Judaism,” in *Geschichte – Tradition – Reflexion: Festschrift für Martin Hengel zum 70. Geburtstag* (ed. H. Cancik, H. Lichtenberger, and P. Schaefer; Tübingen: Mohr Siebeck, 1996), 1:507-508.

1.3.3 Assumptions about Rabbinic History

Rabbinic literature and history are complex issues, and the reader should bear in mind that this dissertation is not primarily about either. I will leave consideration of these issues to scholars with more expertise in the field of rabbinic Judaism. Nevertheless, because the rabbinic movement traditionally has dominated the historiography of post-70 Judaism and contributed to the larger context of priestly activity, it is helpful to articulate a few assumptions underlying my approach to rabbinic history.

For one, it is clear that the title “rabbi” was used in this period as a designation given to honored individuals from a wide range of social circles.⁸⁵ I will consider the various uses of this title at relevant points throughout this dissertation. However, for the sake of convenience, I will typically use the terms “rabbi(s),” “rabbinic Judaism,” or “rabbinic movement” to refer to those sages who were behind the production of the Talmudic literary corpus. This does not imply any formal or institutionalized organization. Rather, the “rabbis” seem to have been groups of like-minded sages and their disciples who were somehow, though not identically, related to the pre-70 Pharisees. The unifying factor among these circles was their promotion of a worldview in which lay Torah scholarship, oral tradition, and the legal rulings of the sages provided the Jewish community with lifestyle guidelines and means of divine communion.

As with my position on rabbinic literature, I maintain a moderate view of rabbinic history. On the one hand, I reject traditional notions of rabbinic hegemony by following scholars who view the rabbis as one group among many within the Jewish community of

⁸⁵ Shaye J.D. Cohen, “Epigraphical Rabbis,” *JQR* 72 (1981): 1-17; Levine, *Rabbinic Class*, 15.

this period. The historical and archaeological evidence has made it clear that not all Jews, probably not even a majority of Jews, adhered to rabbinic rulings or coalesced around the leadership of the sages. On the other hand, I recognize that rabbinic circles were an important part of Jewish dynamics after 70. At times rabbis were insular and not overly concerned with outside political, religious, and social realities. At other times, they engaged with the larger Jewish community and enjoyed a degree of patronage from the Patriarchate (although the relationships between Patriarchs and sages also waxed and waned). The fluid nature of rabbinic influence is reflected in periods of rise and decline in the rabbinic academies as well as in the fluctuating literary creativity among the sages.

This view of rabbinic history has been articulated at length by other scholars.⁸⁶ I reaffirm it here to contextualize the historiographic approach of this dissertation. In this study I am not trying to give an unbalanced picture. I am not arguing that priests remained the ultimate authority after 70, nor am I trying to diminish the role of rabbinic sages in this period. I am simply trying to fill out the larger picture of post-70 Judaism which existed alongside the rabbinic world by adding the evidence for priestly activity.

It is also important to recognize that the rabbinic movement was not monolithic. Rabbinic texts make it clear that sages and their groups of disciples disagreed among themselves on a variety of matters.⁸⁷ As a result, we must be careful not to over-generalize when discussing the rabbis. However, while this type of diversity needs to be

⁸⁶ See, for example, the approaches taken in Levine, *Rabbinic Class*; Goodman, *State and Society*; Goodblatt, *Monarchic Principle*; Hezser, *Rabbinic Movement*.

⁸⁷ For a recent treatment of this issue, see Richard Hidary, *Dispute for the Sake of Heaven: Legal Pluralism in the Talmud* (Providence, RI: Brown Judaic Studies, 2010).

acknowledged, internal diversity should not be overstated.⁸⁸ Different and opposing viewpoints were expressed among the rabbis, but within certain ideological boundaries. As Martin Jaffee pointed out, differing rabbinic rulings were included in Talmudic literature in order to illustrate “the appropriate parameters of received opinion and a reasonable resolution” within the world of the sages.⁸⁹ However, other groups, beliefs, and practices existed which the sages considered to be outside those parameters.

Martin Goodman and Daniel Boyarin highlighted the ways in which rabbinic literature establishes boundaries of “orthodoxy and heresy” in regard to other forms of Judaism.⁹⁰ Categories of *minim* (“heretics”) and *‘ammei ha-aretz* (“people of the land”) are two examples of how rabbinic literature tried to marginalize those Jews whose beliefs, practices, or lifestyles were considered unacceptable by the sages. This is important because at least some of these marginalized circles appear to include priests. In gentler moments the rabbis simply branded these groups as heretics, while in other instances the rabbis excluded them from fellowship, denied their affiliation with “Israel,” and declared them unfit for life in the world to come.⁹¹ Obviously, these are not assessments that the non-rabbinic groups would have shared. To understand the dynamics

⁸⁸ An exaggerated picture of rabbinic inclusiveness is found in an often cited article by Shaye J.D. Cohen, “The Significance of Yavneh: Pharisees, Rabbis, and the End of Jewish Sectarianism,” *HUCA* 55 (1984): 27-53. Here Cohen argues that sectarianism ceased to exist after the destruction of the temple because the sages allowed for a “grand coalition” of previous groups to exist under their leadership.

⁸⁹ Martin S. Jaffee, “Rabbinic Authorship as a Collective Enterprise,” in *Cambridge Companion to the Talmud*, eds. Fonrobert and Jaffee, 28.

⁹⁰ Goodman, “Function of Minim,” 501-510; Boyarin, *Border Lines*, 1-86.

⁹¹ See Sacha Stern, *Jewish Identity in Early Rabbinic Writings* (Leiden: Brill, 1994), 105-113.

of post-70 society, we must see beyond the triumphalist rhetoric of the rabbis and articulate the diversity of Jewish belief, practice, and activities.⁹²

Fortunately, there are many windows of insight into the non-rabbinic world. As Goodenough demonstrated in the 1950s and 1960s, Jewish art and graffiti found in ancient synagogues and funerary contexts might reflect the values and interests of Jews who are not represented in rabbinic literature. Likewise, material remains discovered in the villages and cities of Palestine can point to the interests and lifestyles of Jews who were outside the sphere of rabbinic influence. Finally, marginalized Jewish texts, including pseudepigraphic, *hekhalot*, and magical literature attest to various streams of ideology present in the rich mosaic of post-70 Judaism. All of these sources have the potential to help us understand the interests and activities of priestly circles in this period.

1.3.4 Describing Jewish Society after 70

These points about rabbinic diversity, boundaries, and non-rabbinic groups raise one final methodological issue that must be addressed: the way in which social realities

⁹² In many ways, this approach parallels the reevaluation of “orthodoxy and heresy” in early Christianity made by Walter Bauer in the 1930s. Like the rabbis, “orthodox” Christian writers produced a large amount of literature which claimed that their own practices and theology had always been the correct position and, despite a few “heretical” offshoots, this position had always enjoyed majority status. Owing to the surviving preponderance of “orthodox” literature and its resonance with modern Christianity, scholars traditionally assumed that this claim reflected historical reality. However, Walter Bauer, *Rechtgläubigkeit und Ketzerei im ältesten Christentum* (Tübingen: J.C.B. Mohr, 1934) challenged this model. Despite the claims of this group to be the one correct (“orthodox”) version of Christianity to the exclusion of all others, Bauer argued that they were, in fact, one group among many in the widely diversified world of early Christianity. According to Bauer, their ultimate triumph and the self-promoting literature which they selectively preserved skewed modern perceptions of early Christian history. Bauer’s challenge fundamentally altered the way in which scholars view early Christian dynamics. As more “unorthodox” literature has been discovered from this period, scholars are able to reclaim some of the alternative voices that comprised early Christianity diversity. See Bart D. Ehrman, *The Orthodox Corruption of Scripture: The Effect of Early Christological Controversies on the Text of the New Testament* (Oxford: Oxford University Press, 1993), 4-25.

are described. Proponents of the traditional rabbinocentric view as well as those who suggest post-70 priestly activity often discuss a dichotomy of power: Which group had real authority in Palestinian society, rabbis or priests? This question is reflected in the tendency to refer to a “rabbinic class” and/or a “priestly class.” The impression left by this type of debate is of two monolithic groups who were in diametric opposition to each other. In this way, both the traditional rabbinic model and the newly emerging “priestly hypothesis” are to be faulted for oversimplification. Positioning the discussion in terms of “rabbis vs. priests” can be misleading. In reality, the socio-historical situation was much more complicated and nuanced.

For example, thinking of rabbis and priests as two mutually exclusive “classes” does not allow for the fact that, at times, some priests were active within the rabbinic movement. By considering only those priests who were outside this movement, we lose that segment of priestly voices which promoted a rabbinic worldview. Likewise, it is important to recognize that different rabbis could have different attitudes towards priests and priestly activities. Some rabbis were openly hostile towards priests, while others remained interested in priestly issues and associated with priestly circles. Speaking of a “priestly class” could also mislead us into thinking that the priesthood was monolithic. We know that priests were active in different parties and economic strata during the Second Temple period and did not always share the same beliefs and practices. As will be seen, such divisions among priests continued in the centuries after 70, leaving the notion of a “priestly class” without any substantive meaning for this period.

Instead of speaking about “classes” or “rabbis vs. priests,” I prefer to use language of “overlapping circles” to describe the social dynamics of post-70 Judaism.

This model allows us to appreciate the differences between and points of contact among groups of priests, rabbis, Patriarchs, and others. As other scholars have demonstrated, network theories and concepts of social circles (each with a “center and periphery”) provide a useful way to describe these interactions.⁹³ Just as “rabbinic circles” can be used to describe loosely-related groups who gathered around various sages, so “priestly circles” can describe those who gathered around priestly individuals, families, or groups at various times and places.⁹⁴ Some of these “priestly circles” may have been more interested than others in social position, national politics, temple mysticism, synagogue worship, or rabbinic *halakhah*. Yet just as a shared approach to written and oral Torah united the circles of the rabbinic movement, so issues of priestly lineage, status, and sacred power had the potential to bring together other groups of Jews.⁹⁵

Therefore, it seems best to trace priestly presence and activity in post-70 Palestine by speaking of priestly individuals, families, trends, and social circles. We should also bear in mind that the identity of those who associated with priestly circles need not be restricted to priests alone.⁹⁶ Anyone who held to an ideology similar to that of any given

⁹³ Examples of this approach can be seen in Hezser, *Rabbinic Movement*; Hayim Lapin, “Rabbis and Cities in Late Roman Palestine: The Literary Evidence,” *JJS* 50 (1999): 187-207; Miller, *Sages and Commoners*.

⁹⁴ In the case of “priestly circles,” a unifying factor is ancestry. Because the Jewish priesthood was hereditary, one’s priestly identity came from being born as a priest. Beyond this unifying factor, however, it is clear that different priestly individuals, families, and groups could hold to different worldviews, have different cultural proclivities, and engage in different activities.

⁹⁵ Much like “rabbinic Judaism” is used to describe those circles of sages who shared a general worldview, one possible term that could be used in reference to the priestly circles is “priestly Judaism.” However, extreme caution should be used with such a term, since it could also imply a well-defined and unified movement (See Alexander, “Jewish Priesthood after 70,” 25). In some cases we could argue that such movements existed, such as the mystical or messianic-apocalyptic groups. However, there is no evidence that an all-encompassing “priestly Judaism” ever existed with this type of unity.

⁹⁶ Several scholars have recently considered issues of boundaries and identities among ancient societies. Some of these studies may apply well to the type of social analysis considered in this dissertation. For example, concepts of “fixed” (ethnic) and “fluid” (chosen) identities, rigid boundaries (particularly as established by “sects”) versus zones of influence, and a consideration of the many ways in which social

priestly circle, whether in supporting the authority of priests within the community or seeking priestly mediation of the divine, could be considered part of a priestly circle. An example of this configuration can be seen at Qumran, where a sect with a priestly worldview was founded and presided over by priests, yet included non-priests among its membership who supported the sect's goals, practices, and leadership. As will be seen in this dissertation, it is not unreasonable to suggest that similar circles existed after 70.

To appreciate the relationship between different ideologies and overlapping social circles, we must also understand the complexities of unity and diversity within ancient Judaism. To be sure, important commonalities existed among most Jews in antiquity. E.P. Sanders defined "common Judaism" before 70 as those things on which the people and the priests agreed, such as the centrality of the temple and the Mosaic Law.⁹⁷ Obviously, this definition would need to be adapted for use after 70 when the temple no longer existed and its sacrificial cult was no longer taken for granted. Nevertheless, a form of "common Judaism" did continue after 70. Belief in the divine origins of the Torah provided a common inheritance for Jewish groups in this period. As a result, many Jews held in common the study of Law, the observance of Sabbath and other holy days, the practice of circumcision, and a kosher lifestyle. These issues would have allowed for several points of contact among all Jews within the villages and cities of Palestine.

boundaries can be defined among various groups (by lineage, ritual practices, political interests, lifestyle, etc.) are all concepts that may be useful for conceptualizing the relationship between Jewish priests, priestly circles, and the larger community. For examples of these approaches to identity in the "boundaries" between ancient Judaism and early Christianity, see Judith Lieu, *Christian Identity in the Jewish and Graeco-Roman World* (Oxford: Oxford University Press, 2004), 98-146; Denise Kimber Buell, *Why This New Race: Ethnic Reasoning in Early Christianity* (New York: Columbia University Press, 2005); Boyarin, *Border Lines*, 1-33.

⁹⁷ E.P. Sanders, *Judaism: Practice and Belief 63 BCE-66 CE* (Philadelphia: Trinity Press International, 1992), 11-12, 47-49.

It is important to recognize these commonalities and points of contact. However, it is also important to articulate those things that made various Jewish groups distinct from one another. Only by doing this can we appreciate the rich diversity of ancient Judaism. Before 70, many of the “issues that generated parties” revolved around how to relate to the temple:⁹⁸ Should ritual purity be restricted to priests functioning in the temple cult, or should it be extended to the daily life of all Jews? Was the current temple administration legitimate, or should Jews separate themselves from the Jerusalem temple to await a future restoration of its divinely appointed priesthood?⁹⁹ These seem to be the questions that led to the creation of Judaism’s most famous ancient sects.

After 70, however, the dynamics shifted. Although many scholars argue that the loss of the temple put an end to sectarian division within Judaism, the evidence suggests that divisive questions merely changed rather than disappeared. Indeed, the question of how to define Judaism without the temple had the potential to create as much division among Jews as the presence of the temple had before 70. As will be seen, ideological differences after 70 sprang from questions of leadership, the location of the divine presence, forms of worship *in lieu* of a sacrificial cult, and the role of a hereditary priesthood in mediating the divine.¹⁰⁰ Who should lead the community without the

⁹⁸ This phrase is borrowed from Sanders, *Judaism: Practice and Belief*, 13-29.

⁹⁹ For studies that consider pre-70 sectarianism in light of these questions, see Jacob Neusner, *From Politics to Piety: The Emergence of Pharisaic Judaism* (New Jersey: Prentice-Hall, 1973) and *The Idea of Purity in Ancient Judaism* (Leiden: Brill, 1973); Eyal Regev, “Non-Priestly Purity and its Religious Aspects according to Historical Sources and Archaeological Findings,” in *Purity and Holiness, The Heritage of Leviticus* (eds. M.J.H.M. Poorthuis and J. Schwartz; Leiden: Brill, 2000), 223-244 and “Pure Individualism: The Idea of Non-Priestly Purity in Ancient Judaism,” *JSJ* 31.2 (2000): 176-202; Risa Levitt Kohn and Rebecca Moore, *A Portable God: The Origins of Judaism and Christianity* (Lanham, MD: Rowman and Littlefield, 2007), 73-117; Jodi Magness, *Aspects of Jewish Daily Life in Late Second Temple Period Palestine* (Grand Rapids, MI: Eerdmans, in press).

¹⁰⁰ See the approach to these issues in Kohn and Moore, *A Portable God*, 119-163.

temple and on what authority: those with Roman backing, expertise in the Law, or biblically ordained lineage? Where was God located now that the temple was gone: anywhere, among certain groups of Jews, or in some other defined space? How should that presence be accessed: through study, prayer, or third-party priestly mediation as before? Related issues included the setting of the calendar (which one and who decided?), the continued need for purity (was it necessary without the temple and, if so, for whom?), and practical matters such as tithing (should it still go to priests or to others?).

Because the answers to these questions were not self-evident or immediately obvious, a wide spectrum of options was promoted among different social circles within the Jewish community. Some groups, such as the rabbinic sages, argued that Torah study and rabbinic *halakhah* replaced the need for third-party mediation of the divine as once provided by hereditary priests and temple ritual. While some rabbis argued that priests should continue to receive tithes *per* biblical injunction, others came to argue that sages should receive tithes based on their scholarship. Other groups continued to promote biblical notions of third-party priestly mediation of the divine, the hierarchical gradation of the community, and the leadership role of priests.¹⁰¹ These different visions for Jewish society flourished among different powerbases at different times – in synagogues, academies, study houses, and Patriarchal circles – and these different ideologies were often expressed in art, architecture, liturgy, and literature.

Ultimately, I will argue that post-70 Jewish society experienced the same dynamic diversity that characterized Second Temple Judaism. While a common biblical heritage

¹⁰¹ For similar worldviews as they existed during the biblical period, see Philip Peter Jenson, *Graded Holiness: A Key to the Priestly Conception of the World* (Sheffield: JSOT Press, 1992); Mark K. George, *Israel's Tabernacle as Social Space* (Atlanta: Society of Biblical Literature, 2009).

united most Jews in regard to many beliefs and practices, some ideological positions, visions, leadership, and forms of worship created different social circles to form a pluralistic society. Although some of these groups and individuals interacted with each other in a variety of settings, others were mutually exclusive, leading to distinct places of worship, forms of expression, and religious goals. In the Second Temple period, these dynamics were reflected in the relationships that existed among Pharisees, Sadducees, Essenes, and those not affiliated with any sect; some worked together in local politics, some denied others from table-fellowship, some tolerated the positions of others, and some withdrew from the larger community altogether. The socio-political fortunes of these groups waxed and waned as well, with each experiencing fluctuating periods of influence among the populace and standing in the eyes of the ruling authorities.

The evidence indicates that these dynamics survived the loss of the temple and continued after 70. Throughout Palestine, circles of rabbis, priests, Patriarchs, and others interacted in mutually enforcing and mutually exclusive ways, with each experiencing periods of strength and decline in their social influence. Identifying and articulating the priestly strands of this diversity will help us to understand more clearly the social dynamics of post-70 Judaism, provide us with an alternative lens through which the literary and archaeological material from this period can be interpreted, and allow us to update our historiography of the centuries following the destruction of the Jerusalem temple. These are the goals I seek to accomplish in this dissertation.

CHAPTER 2

JEWISH PRIESTHOOD DURING THE LATE SECOND TEMPLE PERIOD

The purpose of this dissertation is to consider the fate of the Jewish priesthood after the destruction of the Jerusalem temple in 70 C.E. Before we can effectively evaluate this issue, however, it is necessary to provide an overview of the history, organization, functions, and diversity of priestly circles before that event. Such an overview will assist this study in two important ways. First, a review of priestly dynamics during the late Second Temple period will provide the background necessary to assess the subsequent activities of priests. Once we understand the functions of the priesthood as prescribed in the Hebrew Bible and practiced before the loss of the temple we can appreciate the ways priests continued to contribute to Jewish society after 70.

Second, an overview of priestly dynamics before 70 will challenge the assumption that the loss of the temple brought a quick end to priestly influence in Jewish society. As I mentioned in the Introduction (1.1), scholars have traditionally claimed that the loss of the temple abrogated the need for divine mediation as provided by hereditary priests and eliminated the motivations behind priestly sectarianism. As a result of this shift, High Priests, Sadducees, Essenes, and other priestly circles all lost their *raison d'être* and faded from prominence. This is based on the assumption that priestly presence, authority, and activities were inextricably connected to and dependent upon the Jerusalem temple;

without the temple, priests and priestly sects simply had no relevance within the Jewish community.¹ Although these claims were never demonstrated based on historical evidence, they are a foundation for traditional historiography of post-70 Judaism.

In light of the evidence for priestly activity after 70, the assumption that the priesthood was dependent upon the Jerusalem temple must be reevaluated. Two considerations in particular undermine this notion. The first is historical precedence. The destruction of Herod's Temple in 70 was not the first time Jewish society had to adjust to the loss of the temple. Although the history of the priesthood during the First Temple period is unclear, priests did not disappear with the destruction of Solomon's Temple in 586 B.C.E. Rather, priests continued to preserve their genealogy, perform non-cultic functions, and provide the exilic and post-exilic community with leadership for decades before the temple was rebuilt in the Persian era.² Similarly, the Samaritan community retained an interest in priests and priestly leadership for centuries without their temple on Mount Gerizim.³ These examples show that the loss of priestly presence and influence with the destruction of the temple is not a foregone conclusion.

A second challenge to this assumption is the multi-faceted role of the priesthood in Jewish society during the late Second Temple period. An examination of priestly

¹ For example, see the comment in Grabbe, *Judaic Religion*, 126: "Priests existed [after 70] but they had nowhere to exercise their priesthood." This implies, of course, that Jewish priests could not function as priests without the temple.

² See the biblical books of Ezekiel, Ezra, and Nehemiah for the many ways in which priestly interests and leadership continued through the exilic and post-exilic periods.

³ Alexander, "Jewish Priesthood after 70," 10. For examples of priestly influence in the Samaritan community during the Hellenistic and early Roman periods, see the priestly inscriptions that continued to mark the temple precincts on Mount Gerizim long after the temple's destruction in the second century B.C.E.; Yitzhak Magen, Haggai Misqav, and Levana Tsfania, *Mount Gerizim Excavations: Volume I: The Aramaic, Hebrew, and Samaritan Inscriptions* (Jerusalem: Israel Antiquities Authority, 2004). In the Conclusion (section 6.1), I also discuss the revival of priestly interests among the Samaritans during the Byzantine period.

dynamics before 70 demonstrates that the priesthood was not as dependent upon the Jerusalem temple as many scholars assume. In reality, priests had many non-sacrificial responsibilities given to them by the Torah and the sources indicate that that they performed these functions for centuries. In addition, priests were present in various parts of the country and in various socio-economic strata. The complexity of these priestly dynamics renders any simple conclusion about the post-70 priesthood extremely problematic. Did the loss of the temple affect all priests in the same way, or were many priests in a position to continue their activities as before? Rather than making broad generalizations, we must carefully consider the varying degrees of impact the destruction of the temple would have had on each of these dynamics. An exhaustive examination of pre-70 priests is beyond the scope of this dissertation, but a brief overview of priestly responsibilities, sects, and politics will show how complex the priesthood was and how embedded it was in Jewish life in the years preceding the loss of the temple.

2.1 Organization and Functions

Much of what we know about how the ancient Jewish priesthood operated comes from the priestly writings and legislation of the Hebrew Bible. These texts pre-date the late Second Temple period (often by centuries) and prescribe priestly ideals that did not always reflect actual practice. However, the Hebrew Bible contains a strong priestly worldview which it bequeathed upon most, if not all, Jews of the early Roman period.⁴

⁴ Sanders, *Judaism: Practice and Belief*, 11-12, 47-49, 458-490 defines “common Judaism” in this period as those things on which the people and the priests agreed, placing priests in the ultimate position of authority in the late Second Temple period.

Literary and archaeological remains from this period confirm that several aspects of the priestly material from the Hebrew Bible did reflect reality in the decades leading up to 70. The combination of the Hebrew Bible, Second Temple period literature, and archaeology allows us to reconstruct and summarize the activities of priestly circles in the mid first century C.E.⁵

The Hebrew Bible lays a foundation for ancient Judaism that had at its center a sacrificial temple cult, hereditary priests, and priestly mediation of the divine. According to the Torah, God set the tribe of Levi apart from the other tribes to serve as a link between the divine realm (embodied in the temple) and the human world. Within this tribe, the “sons of Aaron” were designated as “priests” (כהנים) who had responsibility over the temple cult. They were presided over by a High Priest who was also descended from Aaron, had unique access to the divine realm, and was able to infuse the community with divine blessings. The rest of the “Levites” served the needs of the priests and supported the logistics of the temple.⁶ This system was meant to provide mediation between God and Israel, with priests both representing the needs of the people to God and representing the power of God to the community. As a result, the socio-religious orientation of ancient Israel was based on a concept of “graded holiness,” with its people

⁵ Detailed overviews of the priesthood in this period have been provided by several earlier scholars. Much of what follows in this section will summarize their work. See de Vaux, *Ancient Israel*, 345-405; Joachim Jeremias, *Jerusalem in the Time of Jesus: An Investigation into Economic and Social Conditions during the New Testament Period* (Philadelphia: Fortress Press, 1969), 147-221; Schürer, *History of the Jewish People* (rev. ed.), 2.199-291; Sanders, *Judaism: Practice and Belief*, 45-189, 315-379; Lee I. Levine, *Jerusalem: Portrait of the City in the Second Temple Period (538 B.C.E. – 70 C.E.)* (Philadelphia: Jewish Publication Society, 2002), 114-142, 219-281, 351-361; VanderKam, *From Joshua to Caiaphas*.

⁶ For the main biblical references to these offices, their ordination, and functions, see Exodus 28-29, 39-40; Leviticus 8-10, 16; Numbers 3-4, 8, 18; 20:22-29; 27:19-23; 35:25-32.

and institutions categorized by their proximity to the divine.⁷ The priesthood was at the apex of this gradation and served as the lynchpin in the covenant between God and Israel.

It is difficult to know how this system developed historically and the extent to which it reflected reality in the First Temple period,⁸ but sources from the Second Temple period confirm that these priestly offices existed during later centuries and generally functioned as outlined in the Hebrew Bible. These sources also expand our understanding of priesthood organization in the early Second Temple period by indicating that the line of Zadok (the legendary High Priest of Solomon's temple) held rights to the High Priesthood and supervised the administration of the temple complex.⁹ While Zadokite priests lost their administrative power in the second century B.C.E., the association between Zadokites and the High Priesthood remained in Jewish memory for centuries.¹⁰

Priests and Levites in this period were divided into twenty-four groups of families (or "courses") that settled throughout Judea and serviced the Jerusalem temple once or twice a year on a rotating basis. These courses are known to have existed from at least the early Second Temple period based on the lists found in 1 Chronicles 23-24.¹¹ Apparently

⁷ For elaboration upon these concepts, see Jensen, *Graded Holiness* and George, *Tabernacle as Social Space*.

⁸ See Haran, *Temples and Temple Service in Ancient Israel*, 58-131.

⁹ For biblical references to Zadok and Zadokite priority in the High Priesthood, see 2 Samuel 8:17; 15:24-37; 1 Kings 1-2; 4:1-6; 1 Chronicles 12:27-28; 15:11; 27:17; 29:22-25; Ezekiel 40:44-46; 44:15-31.

¹⁰ For a full treatment of Zadokites in Jewish history and legend, as well as the various academic discussions about them, see Alice Hunt, *Missing Priests: The Zadokites in Tradition and History* (London: T&T Clark, 2006). See also Rooke, *Zadok's Heirs*.

¹¹ For the debate on the period in which the twenty-four courses fully developed, see Hugh G.M. Williamson, "The Origins of the Twenty-Four Priestly Courses: A Study of 1 Chronicles xxiii-xxvii," in *Studies in the Historical Books of the Old Testament* (ed. J. A. Emerton; Leiden: Brill, 1979), 251-268 who

the priestly courses maintained some degree of coherence and prestige at the time the temple was destroyed, as indicated by literature and epigraphy from the first century.¹² For example, Josephus reaffirmed the importance of the courses and took pride in belonging to the “first of the twenty-four courses.”¹³ Several first century funerary inscriptions of priests buried in and around Jerusalem also noted the courses to which they belonged, including Shekhanya,¹⁴ Yeshavav,¹⁵ Hezir,¹⁶ Eliashiv,¹⁷ and possibly Yakim.¹⁸ These references confirm the existence and status of the twenty-four priestly courses in the late Second Temple period.

The priestly function which features most prominently in the Hebrew Bible and in Second Temple literature was the stewardship of priests over the sacrificial temple cult.¹⁹

dates it to the Persian period, and J. Dequeker, “1 Chronicles xxiv and the Royal Priesthood of the Hasmoneans,” *OS* 24 (1986): 94-106 who situates their origins in the Maccabean period.

¹² In addition to the following examples, Luke 1:5, 8-9 is careful to indicate that Zacharias, the father of John the Baptist, belonged to the course of Abiah. 4Q320-330 also show the attempts made by the Dead Sea sectarians to incorporate the rotations of the priestly courses into their unique liturgical calendar.

¹³ Josephus, *Antiquities* 7.365-368; *Life* 2. For a fuller consideration of Josephus’ understanding of the twenty-four priestly courses, see Richard Bauckham, “Josephus’ Account of the Temple in *Contra Apionem* 2.102-109,” in *Josephus’ Contra Apionem: Studies in its Character and Context with a Latin Concordance to the Portion Missing in Greek* (ed. Louis H. Feldman and John R. Levison; Leiden: Brill, 1996), 339-347.

¹⁴ L.Y. Rahmani, *A Catalogue of Jewish Ossuaries in the Collections of the State of Israel* (Jerusalem: Israel Antiquities Authority, 1994), 145 no.288.

¹⁵ See P. Jean-Baptiste Frey, *Corpus Inscriptionum Judaicarum* (Rome: Pontificio Istituto Di Archeologia Cristiana, 1952), 2.304-306 for an entire burial cave of priests from this course.

¹⁶ See *CIJ* 2:324-325 for the inscriptions from a tomb in the Kidron Valley belonging to the “Sons of Hezir.”

¹⁷ P.B. Bagatti and J.T. Milik, *Gli Scavi del “Dominus Flevit” (Monte Ilovetto – Gerusalemme): Parte I: La Necropoli del Periodo Romano* (Jerusalem, 1958), 92; *CIJ* 2:no.1317.

¹⁸ Bagatti and Milik, *Gli Scavi del “Dominus Flevit,”* 12-14, 89-92 reports a burial cave on the Mount of Olives that contained twenty-two ossuaries of the family of “Menahem the Priest” of the “sons of Yakim.” However, the dating of the cave is uncertain, owing to the presence of a late Roman lamp within.

¹⁹ Biblical and post-biblical descriptions of the temple rituals, sacrifices and festivals include Exodus 23:14-19; 34:18-26; Leviticus 1-7, 16, 23; Deuteronomy 16:1-17; 31:9-13; *Letter of Aristeas* 96-99;

Priests at the temple regularly officiated in sacrifices, burned incense, led prayer services, and pronounced blessings upon congregations.²⁰ Although priests in ancient Judaism were chosen by birth, they were also set apart from other Jews through prescribed rituals. For example, priests were initiated into their service with rituals of anointing with oil, washing with water, and dressing in special clothing. While participating in their cultic activities, priests wore white robes, undergarments, sashes, and turbans. High Priests wore additional items such as the ephod, an overcoat, a breastplate, and a headpiece indicating his special relationship to God (“Holiness to the Lord”). As part of their initiation and daily temple service, priests ate sacrificial meat from some of the animals offered at the temple.²¹

Because the temple represented the divine realm, priests were required to maintain a high level of ritual purity in their interaction with it. This was attained through various washings and the avoidance of those things deemed unclean by the Law. Requisite purifications ranged from washing hands and feet to full body immersion, both before participation in the temple cult and before eating consecrated food in a domestic setting.²² By the late Second Temple period the pursuit of priestly purity was manifested

Wisdom of ben Sira 50:1-21; Luke 1:5-24; Josephus, *Antiquities* 3.224-257. Modern scholarly assessments of these and other references to the temple cult include Sanders, *Judaism: Practice and Belief*, 103-145 and C.T.R. Hayward, *The Jewish Temple: A Non-Biblical Sourcebook* (London: Routledge, 1996).

²⁰ The High Priest often presided over these rituals and once a year made atonement for the entire nation by bringing the sacrificial blood and incense into the Holy of Holies in order to renew the covenant between God and Israel. For bibliography and consideration of the High Priest and his role on the Day of Atonement, see Deborah W. Rooke, “The Day of Atonement as a Ritual of Validation for the High Priest,” in *Temple and Worship in Biblical Israel*, ed. Day, 342-364.

²¹ Biblical and Second Temple period references to the above cultic actions can be found in Exodus 28-29, 40; Leviticus 8-9; Psalm 133; *Wisdom of ben Sira* 45:6-22; Philo, *Life of Moses* 2.143, 146; *Testament of Levi* 2:1-5; Josephus, *Antiquities* 3.205, 211, 258.

²² See Leviticus 11-15, 22; Josephus, *Antiquities* 3.258-273; Sanders, *Judaism: Practice and Belief*, 71-72; Hannah Harrington, *The Purity Texts* (London: T&T Clark, 2004), 7-44.

in material culture in several ways. For example, as a result of stone's insusceptibility to impurity, stone vessels were used by many priests (and those trying to emulate priestly purity) for storing liquids, washing hands and feet, and even as serving dishes in the more affluent dwellings. Stone vessels could be found in various parts of the country, but their connection with priests and the temple caused their production and use to center on Jerusalem and those areas that had a significant priestly population.²³

Another material manifestation of a concern with priestly purity was the presence of ritual baths (*miqva'ot*). These were stepped pools designed to contain enough undrawn water to allow for full immersion before coming into contact with the divine presence. Immersion in *miqva'ot* allowed priests to officiate in temple liturgies and eat consecrated food in a state of purity. As a result, these ritual baths were found in many private priestly dwellings, in connection with the temple complex, and in those areas that had a large concentration of priests, such as Jerusalem, Jericho, and Qumran. *Miqva'ot* also provided the purity necessary for non-priests to approach the temple, as shown by their existence along the pilgrimage routes leading to Jerusalem.²⁴ All of these features – the sacrificial ritual system, stone vessels, and *miqva'ot* – emphasize how important the temple and its cult were to priestly life.

²³ For consideration of stone vessel production and distribution before 70, see Yitzhak Magen, *The Stone Vessel Industry in the Second Temple Period: Excavations at Hizma and the Jerusalem Temple Mount* (Jerusalem: Israel Antiquities Authority, 2002); Jonathan L. Reed, "Stone Vessels and Gospel Texts. Purity and Socio-Economics in John 2," in *Zeichen aus Text und Stein: Studien auf dem Weg zu einer Archäologie des Neuen Testaments* (ed. Stefan Alkier and Jürgen Zangenberg; Tübingen: A. Francke Verlag, 2003), 381-401.

²⁴ Ronny Reich, *Miqwa'ot (Jewish Ritual Immersion Baths) in Eretz Israel in the Second Temple and the Mishnaic and Talmudic Periods* (Ph.D. Dissertation; Jerusalem: Hebrew University of Jerusalem, 1990) [Hebrew]; Jodi Magness, *Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids, MI: Eerdmans, 2002), 134-162; Jonathan D. Lawrence, *Washing in Water: Trajectories of Ritual Bathing in the Hebrew Bible and Second Temple Literature* (Atlanta: Society of Biblical Literature, 2006), 155-183.

As prominent as the temple was, however, it is important to note that its impact on the daily lives of common priests and Levites would have been relatively minimal. The Hebrew Bible and Second Temple period literature indicate that the average priest might have spent two to five weeks a year at the temple during their course rotation and pilgrimage festivals. Aside from this, priests had numerous non-sacrificial responsibilities in their home towns and villages that occupied their time on a more regular basis. For example, the Torah designated priests as Israel's legal experts and teachers. In Deuteronomy, the priests and Levites were appointed to "read [the] law before Israel" and to "teach Jacob [the] ordinances, and Israel [the] law."²⁵ The Chronicler, writing in the early Second Temple period, describes how "the Levites...taught in Judah, having the book of the Law of the Lord with them; they went around through all the cities of Judah and taught among the people."²⁶ Other post-exilic biblical texts, such as Ezekiel, Nehemiah, and Malachi, also assign to priests the responsibility of teaching Law.²⁷

Literary and archaeological evidence from several regions and spanning several centuries indicates that priests continued to fill this role throughout the Second Temple period. For example, the *Wisdom of Ben Sira* (early second century B.C.E.) states that God gave Aaron and his descendants "authority and statutes and judgments, to teach

²⁵ Deuteronomy 31:9-13; 33:10.

²⁶ 2 Chronicles 17:8-9. This passage seems to remember the social reality of ancient Judah in a way that reflects the writer's own time. 2 Chronicles 15:3 likewise depicts a time of spiritual darkness (the period of the Judges?) as a time when "Israel was without the true God, and without a teaching priest, and without law." The connection between God's presence, the law, and priests as teachers of the law forms a consistent foundation of Jewish society for the author of this work.

²⁷ E.g., Malachi 2:7; Ezekiel 44:23-24; Nehemiah 8:7-9.

Jacob the testimonies, and to enlighten Israel with his law.”²⁸ Philo states that this priestly instruction was conducted in synagogue gatherings on the Sabbath:

[Jews] constantly assemble together, and they do sit down one with another....And then some priest who is present...reads the sacred laws to them, and interprets each of them separately till eventide.²⁹

Archaeological evidence from first century Jerusalem confirms that priestly synagogue instruction occurred during this period. One synagogue inscription that pre-dates 70 indicates that the building and its teaching functions were presided over by a family of priests for over three generations:

Theodotos, the son of Vettenos, priest and archisynagogos, son of an archisynagogos, grandson of an archisynagogos, built the synagogue for reading the law and teaching the commandments...³⁰

This notion of priestly instruction appears to have been widespread among several Jewish groups in this period. For example, the Essenes insisted that a priest be present among any group of ten men studying the law in order to ensure correct interpretation.³¹ They even understood the anticipated messianic king as deferring to the priests in matters of divine law.³² That priestly stewardship over the law was more widespread than just

²⁸ *Wisdom of ben Sira* 45:17. A similar example of a Second Temple text identifying priests and Levites as teachers of the Law is *Testament of Levi* 13:1-3. *Aristeas* 310 indicates that priests had to give their approval for the translation of the Septuagint, thus acknowledging that priests were stewards over divine Law.

²⁹ Philo, *Hypothetica* 7.12-13 (cited in the fourth century writings of Eusebius, *Praeparatio Evangelica* 8.7.12-13). It is possible to argue that Philo’s reference to a “priest” here is a generic usage of the term meant to indicate any religious leader or specialist. However, given Philo’s deep interest and knowledge of the Jewish priesthood, it is likely that he indeed meant to indicate an actual Aaronide priest as the one who would ideally lead instruction at Jewish gatherings.

³⁰ *CIJ* 2:332-335 (no.1404). See also Levine, *Ancient Synagogue*, 57-59; Anders Runesson, Donald D. Binder, and Birger Olsson, eds., *The Ancient Synagogue from its Origins to 200 C.E.* (Leiden: Brill, 2008), 52-54. It is important to note that, along with building and maintaining the synagogue, members of this priestly family bore the title of “archisynagogos,” or “synagogue leader.” This suggests that they presided over the synagogue’s activities, including “reading the law and teaching the commandments.”

³¹ E.g., 1QS 6.1-10.

³² See the commentary on Isaiah found in 4Q161 8-10.

this sect is evident from numerous passages in which Josephus states or assumes that priests have a divine right over legal knowledge and teaching.³³ These and other references indicate that priests were viewed by various segments of the Jewish community as having stewardship over the Law and education in both the First and Second Temple periods.

The relationship between priests and the Law is also apparent in the scribal profession. Traditionally, scholars have assumed that Pharisees were the “scribes” of the Second Temple period. While this may have been the case in some instances, it is becoming increasingly clear that priests tended to fill this role more often than not.³⁴ Financial resources and leisure time allowed priests to receive the education necessary to be a scribe. Priests also had the biblical mandate to know and teach the law, and the temple was the nation’s central depository for sacred and secular records.³⁵ Throughout the Second Temple period, priests were publicly acknowledged as scribes. Ezra the priest was known for being a “scribe skilled in the Law of Moses,”³⁶ the biblical patriarch Enoch was portrayed in apocalyptic literature as being both a priest and a scribe,³⁷ and Josephus provides passing references to priestly scribes associated with the temple in the years immediately before its destruction.³⁸

³³ Josephus, *War* 3.252, 350-54; *Life* 9, 196-198.

³⁴ For an overview of scholarship on the relationships between scribes, Pharisees, and priests, see Joel Marcus, *Mark 1-8: A New Translation with Introduction and Commentary* (New York: Doubleday, 2000), 519-524.

³⁵ Josephus, *Antiquities* 4.303-304; *Life* 417-421; *Apion* 1.29-37; see also Sanders, *Judaism: Practice and Belief*, 170-182. Unfortunately, we know very little about the nature and logistics of the library or archives in the Jerusalem temple.

³⁶ Ezra 7:6.

³⁷ *I Enoch* 1-36; see Himmelfarb, *Kingdom of Priests*, 11-52.

Because of their legal expertise, the Torah appointed priests to serve as judges over religious and civic affairs on national and local levels. The books of Leviticus and Deuteronomy in particular appoint priests to adjudicate a wide variety of issues including property disputes, the purity status of individuals and households, accusations of adultery, and the acceptability of votive offerings.³⁹ The numerous references to this system throughout Second Temple literature suggest that it reflected reality in that period.⁴⁰ For example, Philo records:

And who should [be judges] but the priests, and the head and leader of the priests? For the genuine ministers of God have taken all care to sharpen their understanding and count the slightest error to be no slight error, because the greatness of the King whom they serve is seen in every matter.⁴¹

Not only was the highest national court presided over by the High Priest, but Josephus records that local courts were organized into a system based on priestly authority.⁴²

One of the reasons priests were considered to be in an adequate position to teach and judge was the perception that they had special access to divine revelation. The oracular function of priests was manifested in their inherent gift of prophecy and in their ability to use special divining equipment such as the *Urim* and *Thummim* (illuminating stones used to discern God's will), lots, and the inscribed stones on the High Priest's breastplate.⁴³ The connection between priests and prophecy was established by the time

³⁸ Josephus, *War* 6.291.

³⁹ Examples include Leviticus 10:10-11; 27:8, 12, 23; Numbers 5:11-31; Deuteronomy 17:8-12; 21:5; 24:8. References to a priestly judicial system in post-exilic biblical texts include Ezekiel 44:23-24; 2 Chronicles 19:8-11.

⁴⁰ E.g., *Aramaic Levi* 99; *Jubilees* 31:11-17; CD 10.4-7; 11QT 57.11-14. For a detailed discussion of priestly judicial responsibilities in the Second Temple period, see Sanders, *Judaism: Practice and Belief*, 170-182.

⁴¹ Philo, *Special Laws* 4.190.

⁴² Josephus, *Antiquities* 4.214-218. *Antiquities* 20.197-203 provides an example of the High Priest presiding over the Jerusalem court in the condemnation and execution of James the brother of Jesus.

of the Hebrew Bible and continued into the Second Temple period. In both eras these prophetic gifts provided priests with the necessary qualifications to impart judgment and guidance on religious, social, and political matters.⁴⁴

Although scholars traditionally have linked the fate of priests to that of the Jerusalem temple, these last items are an important reminder that the daily non-sacrificial activities of priests would not necessarily have been affected by the loss of the temple. Aside from the few weeks a year most priests worked in the temple, their regular responsibilities included functions that were not dependent upon the sacrificial cult. In many ways, priestly mediation of the divine presence extended well beyond the temple. The Hebrew Bible bequeathed a worldview to ancient Judaism in which the unique proximity of priests to the divine allowed them to serve as legal experts, teachers, judges, and diviners. A variety of sources from the Second Temple period indicate that priests performed these functions in the decades leading up to 70. This forces us to reconsider

⁴³ The earliest references to these divining instruments are in the Hebrew Bible; see Exodus 28:15-30; Numbers 27:21; Deuteronomy 33:8-10. References to these items being in use among priests and being considered legitimate means of divine communication throughout the Second Temple period include Ezra 2:63; Nehemiah 7:65; *Wisdom of ben Sira* 45:10; Josephus, *Antiquities* 3.218; 4Q175 17-18; 4Q376; 1Q29; 11QTa 48.18-21; 1QS 5.3, 6.16, 18-19, 21. For further discussion on the oracular function of priests, see Cornelis Van Dam, *The Urim and Thummim: A Means of Revelation in Ancient Israel* (Winona Lake, IN: Eisenbrauns, 1997); Armin Lange, "The Essene Position on Magic and Divination," in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies Cambridge 1995* (ed. M. Bernstein, F. G. Martínez, and J. Kampen; Leiden: Brill, 1997), 377-435; Florentino García Martínez, "Priestly Functions in a Community without Temple," in *Gemeinde ohne Tempel: Zur Substituierung und Transformation des Jerusalemer Tempels und seines Kults im Alten Testament, antiken Judentum und frühen Christentum* (ed. Beate Ego, Armine Lange, and Peter Pilhofer; Tübingen: Mohr Siebeck, 1999), 307-309.

⁴⁴ Along with the references to divining equipment in the previous note, it is important to point out that many of ancient Israel's most famous prophets were also priests (e.g., Isaiah 6; Jeremiah 1:1; Ezekiel 1:3). In the first century, Philo, *Special Laws* 4.190-92 states that the gift of prophecy is what allows priests to serve as judges. Josephus, *War* 1.68-69 and *Antiquities* 4.214-218 attribute various aspects of the High Priest's leadership to his gift of prophecy, while in *War* 3.350-354 Josephus views himself (a temple priest) within the prophetic tradition. The Gospel of John even attributes the gift of prophecy to an otherwise corrupt High Priest (John 11:47-53). For more on the connection between priests and prophecy, see Tomasino, *Judaism before Jesus*, 197; Geza Vermes, *The Passion: The True Story of an Event that Changed Human History* (London: Penguin Books, 2006), 19-20; Oliver Gussman, *Das Priesterverständnis des Flavius Josephus* (Tübingen: Mohr Siebeck, 2008), 288-305.

the impact that the loss of the temple would have had on priestly activities. As will be seen in later chapters, this impact seems to have been minimal in many areas of priestly life.

2.2 Economic and Geographic Distribution

Another factor that must be considered in evaluating the fate of priests after 70 is their economic and geographic distribution in the late Second Temple period. The traditional narrative exclusively focuses on the priestly aristocracy of Jerusalem; without the temple and the revenues garnered by pilgrimage and the sacrificial cult, the High Priestly families would have lost their economic base and would not have been able to sustain their status in society. However, the situation was much more complex than this and deserves more nuanced consideration. Put simply, the priesthood in the late Second Temple period was spread out geographically and was present in various economic strata. While the events of 70 undoubtedly dealt Jerusalem's priestly aristocracy a strong blow, the loss of the temple would have had varying degrees of impact upon priests in different locations and economic conditions.

Jerusalem's priestly aristocracy has received the vast majority of attention in both ancient and modern literature. This no doubt results from their position as the local ruling class of Judea. Under Herodian and Roman patronage, a small number of High Priestly families – including the dynasties of Ananus, Phiabi, and the Boethusians – enjoyed a significant amount of political clout and financial prosperity throughout the early Roman period. Several Jewish texts from these decades describe and celebrate the wealth and

power of Jerusalem's High Priestly families.⁴⁵ Other texts from this period criticize the priestly aristocracy for what were seen as excesses unbecoming their divinely appointed position.⁴⁶ These descriptions and controversies have prompted most modern scholars to focus on the role of Jerusalem's priestly elite in Judean life and politics.⁴⁷

The material culture of the priestly elite has also captured the imagination of modern scholars. Excavations in Jerusalem from the mid twentieth century onward have uncovered mansions which vividly illustrate the Roman lifestyle of the priestly aristocracy in the decades before the destruction of the city in 70.⁴⁸ These mansions often resembled the types of upper class Roman villas found in Pompeii and Herculaneum. Features include paved courtyards, private rooms and bathing facilities, elegant furniture, expensive mosaic, stucco, and fresco decoration, imitation Roman and Nabatean fine ware, and cooking vessels designed to prepare Roman-style cuisine. One aspect of these mansions which makes them different from other Roman villas, however, is the presence of numerous installations and items meant to promote priestly ritual purity, such as private *miqva'ot* and large quantities of stone vessels for dining and food storage.

⁴⁵ E.g., Philo, *Special Laws* 1.76-77 and the *Letter of Aristeas* 40.

⁴⁶ E.g., CD 5.6-7; 1QpHab 12.8; *1 Enoch* 1-16; *Psalms of Solomon* 8; *Testament of Levi* 14; *Testament of Moses* 6-7. Josephus, *Antiquities* 18.12 suggests that the Pharisees intentionally "simplify their standard of living, making no concession to luxury," which likely was a statement against perceived priestly excesses.

⁴⁷ VanderKam, *From Joshua to Caiaphas*, 394-490 provides a detailed overview of modern scholarship on the High Priestly families of this period.

⁴⁸ Three structures in particular were excavated by Nahman Avigad between 1969 and 1978. These include the "Herodian Residence," the "Palatial Mansion," and the "Burnt House." See Nahman Avigad, *Discovering Jerusalem* (Nashville: Thomas Nelson Publishers, 1983), 83-165. More complete excavation reports can be found in H. Geva, ed., *Jewish Quarter Excavations in the Old City of Jerusalem conducted by Nahman Avigad, 1969-1982. Volume II: The Finds from Areas A, W and X-2, Final Report* (Jerusalem: Israel Exploration Society, 2003). Levine, *Jerusalem*, 187-217, 255-281, 313-348 provides an accessible summary and analysis of this material.

Additional evidence for the upper class lifestyle of the priestly elite can be found in Jerusalem's funerary remains.⁴⁹ Surrounding Jerusalem are impressive monumental tombs that belonged to the city's wealthy inhabitants. These rock-cut tombs reflect Hellenistic and Roman funerary culture in their use of stylized columns, pyramidal markers, *loculi*, and ossuaries. The mansions and tombs of Jerusalem's elite contrasted significantly with the dwellings and burial practices of the lower class masses. Inscriptions associated with many of these mansions, tombs, and ossuaries indicate that they belonged to some of the same priestly families described, honored, and criticized in the literature mentioned earlier.⁵⁰

Much of the financial support for Jerusalem's priestly elite derived from revenues produced by the temple complex. Surcharges on sacrificial animals, the meat and hides of the animals, high exchange rates on temple currency, money brought to Jerusalem through pilgrimage, and the annual temple tax all contributed to the lifestyle of the High Priestly families. There is little doubt that these families suffered economically from the

⁴⁹ For further discussion of the following burial customs, see Byron R. McCane, *Rolling Back the Stone: Death and Burial in the World of Jesus* (London: Trinity Press International, 2003), 28-56; Jodi Magness, "Ossuaries and the Burials of Jesus and James," *JBL* 124.1 (Spring 2005): 124-140; Amos Kloner and Boaz Zissu, *The Necropolis of Jerusalem in the Second Temple Period* (Leuven: Peeters, 2006); Geoffrey B. Waywell and Andrea Berlin, "Monumental Tombs: From Maussollos to the Maccabees," *BAR* 33.3 (May/June 2007): 54-65.

⁵⁰ For example, a stone weight inscribed with "Bar Kathros" found in the "Burnt House" suggests that it belonged to the High Priestly family of that name (*T Menahot* 13.21; *B Pesah* 51a; see Avigad, *Discovering Jerusalem*, 129-130). In addition, fragments of plaster were found in the Herodian Mansion which were decorated with images of the menorah and table of showbread from the temple, suggesting a priestly identity for its inhabitants (Avigad, *Discovering Jerusalem*, 147-150). Indications of the priestly ownership of Jerusalem's monumental tombs come from inscriptions associated with the tombs and the ossuaries found within them. For example, inscriptions on the most noticeable tombs in the Kidron Valley mention the ownership of the High Priestly family of Bene Hezir. See *CIJ* 2:324-325 (nos. 1394-1395). Inscriptions on ossuaries from tombs surrounding Jerusalem also include names of priests and their families; e.g., Rahmani, *Jewish Ossuaries*, nos. 41, 151, 871; *CIJ* 2.250, 304-306 (nos. 1221, 1350-1354). Some ossuaries also contain depictions of cultic vessels associated with the temple and priesthood, including the altar and menorah (Rahmani, *Jewish Ossuaries*, nos. 41 and 815).

loss of the temple and its revenues in 70.⁵¹ However, it is important to remember that Jerusalem's priestly elite were not the only priests to receive an income based on their office. Biblical law requires that Jews support all priests and Levites through an extensive system of tithes and offerings.⁵² This meant that, for those Jews who followed the biblical injunction, a percentage of their monetary or agricultural increase went to local priests. Ideally, this allowed priests throughout the region to fulfill their responsibilities as teachers, judges, and diviners without distraction.

In many cases, and not only in Jerusalem, tithes and offerings made the priests who received them exceptionally rich. According to Philo, the tithing system made "even the very poorest of the priests...appear to be very wealthy" and provided "priests with the dignity and honor that belongs to kings."⁵³ Josephus confirms that many of the priestly Sadducees were associated with the upper class and is himself an example of a priest who owned a landed estate.⁵⁴ Although some revenues did go to Jerusalem, the tithing system that largely contributed to this wealth was not dependent upon the existence of the temple. Jews who otherwise had limited interaction with the temple paid tithes to priests

⁵¹ Josephus, *War* 7.218 indicates that after 70 the Jewish temple tax was transferred to the temple of Capitoline Jupiter in the Rome, thus diverting these funds away from Jerusalem's High Priestly families.

⁵² For a detailed overview of the scriptural and historical development of the tithing system, both within and outside of the temple complex, see Schürer, *History of the Jewish People*, 2:257-274; Sanders, *Judaism: Practice and Belief*, 85-92, 146-168.

⁵³ Philo, *Special Laws* 1.133, 141-145.

⁵⁴ Josephus, *Antiquities* 13.298; *Life* 422 recounts how Josephus' family estate in Judea was appropriated by Titus for purposes relating to the war, but was replaced by deeded property in the plain region. For additional studies on landed estates and the workings of the upper class economy in Judea, see Adolph Büchler, "The Economic Condition of Judaea after the Destruction of the Second Temple," in *Understanding the Talmud* (ed. Alan Corré; New York: KTAV, 1975), 86-100; Martin Goodman, "The First Jewish Revolt: Social Conflict and the Problems of Debt," *JJS* 33.1-2 (Spring-Autumn 1982): 417-426; *The Ruling Class of Judea: The Origins of the Jewish Revolt against Rome A.D. 66-70* (Cambridge: Cambridge University Press, 1987), 51-75.

in accordance with biblical law, and priests who did not work in the temple regularly often lived on the income provided by these offerings.

It is also important to recognize that not all Jews in every village were equally vigilant in paying their tithes. This resulted in some priests living at lower economic levels than others. Despite his statement about the ubiquitous wealth of all priests, Philo admits that the failure of some Jews to pay tithes left some local priests impoverished.⁵⁵ Josephus indicates that further economic disparity among priests was brought on by the High Priestly families occasionally stealing tithes meant for local priests.⁵⁶ These economic conditions resulted in a wide variety of professions among some priests that went beyond their traditional responsibilities. For example, some of the more educated priests (presumably those whose wealth allowed for training and leisure time) became scribes,⁵⁷ while some of the lower class priests supplemented their income by working as carpenters, stonemasons, butchers, and cattlebreeders.⁵⁸

Along with a range of economic distribution, priests in the late Second Temple period were dispersed geographically. Naturally, many of the aristocratic priestly families lived in Jerusalem in order to have regular access to the temple. However, studies have demonstrated that priestly families of various economic strata also lived in settlements

⁵⁵ Philo, *Special Laws* 1.153-155. Sanders, *Judaism: Practice and Belief*, 53 compares this statement with the others made by Philo regarding the standard wealth of priests. Josephus, *War* 4.155-157 gives one example of a family of lower-class village priests from whom the Zealots chose a High Priest (Phannias) by lot during a desperate time of the revolt.

⁵⁶ Josephus, *Antiquities* 20.179-181, 205-207.

⁵⁷ Sanders, *Judaism: Practice and Belief*, 170-182; Himmelfarb, *Kingdom of Priests*, 11-52; Josephus, *War* 6.291.

⁵⁸ Examples of priests in carpentry and stone masonry can be found in Josephus, *Antiquities* 15.390. Jeremias, *Jerusalem in the Time of Jesus*, 206-207 discusses and provides sources for priests in the other professions.

throughout Judea.⁵⁹ The Hebrew Bible sets apart several cities and villages throughout the region as priestly settlements,⁶⁰ but it is impossible to know the extent to which these settlements corresponded with historical reality in the Second Temple period.

Nevertheless, sources confirm that priests were present in significant numbers in cities and villages outside of Jerusalem from at least the time of the Maccabees until the events of 70.⁶¹ In Judea, priests lived in the villages of Modi'in, Mitzpah, Bethphage, and others.⁶² A large priestly settlement also existed in Jericho, where wealthy families of priests – including the Hasmonean king-priests of the second century B.C.E. – cultivated valuable tracts of land,⁶³ owned palatial estates,⁶⁴ and possessed family tombs.⁶⁵

⁵⁹ Büchler, *Die Priester und der Cultus*, 159-163; B. Z. Luria, "Priestly Cities during the Second Temple Period," *HUCA* 44 (1973): 1-18 [Hebrew].

⁶⁰ Joshua 21; 1 Chronicles 6. See Benjamin Mazar, "The Cities of the Priests and Levites," *VTS* 7 (1960): 193-205.

⁶¹ Nehemiah 11:12, 36 and 12:28 indicates that priests and Levites were scattered throughout the villages of Judea after the return from exile. 2 Chronicles 31:15-19 may also reflect early Second Temple reality in its description of priestly cities in Judea at the time of Hezekiah.

⁶² 1 Maccabees 2:1, 17-20 and 13:27-30 (cf. Josephus, *Antiquities* 12.265-267) indicates that the priestly family of Mattathias lived and served as leaders in the village of Modi'in. Josephus, *Life* 422 and Luke 1:39 mention priestly estates or villages in unnamed locations throughout the Judean countryside. For other villages known to have a priestly presence in this period, see Büchler, *Die Priester und der Cultus*, 159-163 and Levine, *Jerusalem*, 360. Presumably, many of the families associated with the twenty-four courses lived in some of these outlying Judean villages. Samuel Klein, *Jüdisch-palästinisches Corpus Inscriptionum (Ossuar-, Grab- und Synagogeninschriften)* (Wien-Berlin: R. Löwit Verlag, 1920), 53-54 (no.162) reports the presence of priestly funerary inscriptions from pre-70 Gophna, although it is more likely that these inscriptions date to the decades immediately following the war (see section 3.3).

⁶³ Joshua Schwartz, "On Priests and Jericho in the Second Temple Period," *JQR* 79.1 (July 1988): 23-48.

⁶⁴ Rachel Bar-Nathan, *Hasmonean and Herodian Palaces at Jericho. Final Reports of the 1973-1987 Excavations. Volume III: The Pottery* (Jerusalem: Israel Exploration Society, 2002), 129-133 shows that the palaces of Jericho share many traits in common with the priestly mansions in Jerusalem.

⁶⁵ Rachel Hachlili, "The Goliath Family in Jericho: Funerary Inscriptions from a First Century A.D. Jewish Monumental Tomb," *BASOR* 235 (Summer 1979): 31-66 and Rahmani, *Jewish Ossuaries*, 240 both provide examples of inscriptions which likely point to priestly family tombs in Jericho.

There is also evidence, albeit more limited, of priestly settlement in regions outside of Judea.⁶⁶ For example, it seems that some upper and lower class priestly families lived, worked, and owned land along the coastal plain in the years immediately preceding and during the war. This included the family of Phannias – the lower class priest appointed as High Priest by the Zealots during the First Revolt – who lived in the village of Aphtha near Gaza.⁶⁷ It is also possible that some priests lived in Galilee before 70, but most of the literary evidence for this is late and therefore uncertain.⁶⁸ Rabbinic literature claims that some priestly families, including individuals related to Jerusalem’s aristocracy, lived in Sepphoris during the final decades of the Second Temple period. However, the earliest sources to make this claim date to the third century and might only reflect the priestly presence in the city during that time.⁶⁹

⁶⁶ In addition, large numbers of Jewish priests are known to have lived throughout the Diaspora. For example, Philo, *Hypothetica* 7.12-13, 2 Maccabees 1:10, *Letter of Aristaeas* 310, and Victor A. Tcherikover, ed., *Corpus Papyrorum Judaicarum* (Cambridge: Harvard University Press, 1957-1964), 120:1, 452 indicate the presence of Jewish priests in Egypt during the late Second Temple period. Acts 19:13-14 describes the “sons of a Jewish high priest named Sceva” who were itinerant exorcists in Asia Minor. Herod also imported High Priestly families from Alexandria and Babylonia to Jerusalem during his reign. See VanderKam, *From Joshua to Caiaphas*, 394-419.

⁶⁷ Josephus, *War* 4.155. *Life* 422 records that Josephus was given land along the coastal plain as a replacement for his lands which were seized in Judea during the war, but this event was slightly after 70.

⁶⁸ Samuel Klein struggled to find contemporary evidence of priestly settlement in Galilee before 70. He did point to *Y Taanit* 4.5, 69a, which claims that the inhabitants of some Galilean villages (Kabul, Shihin, and Migdal) regularly supported the temple priesthood. He suggested that this could indicate the presence of priests in these villages, but he also acknowledged that this was not conclusive. See Seán Freyne, *Galilee from Alexander the Great to Hadrian 323 B.C.E to 135 C.E.* (Notre Dame: University of Notre Dame Press, 1980), 304 n.81 and Miller, *History and Traditions of Sepphoris*, 129 n.380. Similarly, Saul Lieberman, *Tosefta ki-Fshuta: A Comprehensive Commentary on the Tosefta: Volume 8: Seder Nashim* (New York: Jewish Theological Seminary, 1962), 745 n.31 [Hebrew] suggested that the priestly course of Yeda’yah had already settled in Sepphoris before 70, but this suggestion is also based on much later evidence. See Miller, “Priests, Purities, and the Jews of Galilee,” 378.

⁶⁹ For example, *T Yoma* 1.4 (cf. *Y Yoma* 1.38c-d; *Y Horayot* 3.47d; *Y Megillah* 1.72a) describes a priest from Sepphoris – Joseph b. Elim – who served as a substitute for the High Priest on the Day of Atonement during the Herodian period. These passages claim that R. Yose, a second century sage from Sepphoris, accused this man of trying to take advantage of the situation by seizing the office for himself. A similar episode is related in Josephus, *Antiquities* 17.165-167, but Josephus does not mention that Joseph b. Elim lived in Sepphoris. *T Sotah* 13.7 (cf. *Y Yoma* 6.43c) also claims that the legendary “Ben Hamsan” was a

Some first century dwellings that have been excavated in Sepphoris share many features with Jerusalem's priestly mansions, including Roman architectural styles, luxury items, and decoration coupled with items and installations used for ritual purity such as *miqva'ot* and stone vessels. Several scholars have interpreted these finds to indicate that some priestly aristocrats indeed lived in Sepphoris during this period.⁷⁰ Others, however, have challenged this conclusion.⁷¹ Although priestly settlement in pre-70 Galilee is a debatable issue, Josephus indicates that in the years leading up to and including the war, priests were active throughout Galilee collecting tithes, suggesting that priests did have at least some presence in the region during the late Second Temple period.⁷²

Unfortunately, it is impossible to ascertain precise numbers of priests or even their relative percentage in Jewish society. Biblical numbers during the early Second Temple period suggest that about one-tenth of the returnees from Babylon were priests (just over 4000 total).⁷³ Josephus records that, by the first century, over 20,000 priests lived in and around Jerusalem to service the temple.⁷⁴ Adding family members to this

priest who lived in pre-70 Sepphoris and greedily seized additional bread from his fellow priests during *Shavu'ot*. All of these rabbinic passages come from the third century and pass on traditions from second century sages, making their claims for first century history difficult to confirm; see Miller, *History and Traditions of Sepphoris*, 63-102 for a detailed literary analysis of these passages. Miller (p. 129) also suggests that later rabbinic references to "the daughters of Sepphoris" who used to go to Jerusalem on the Sabbath (*Y Maaser Sheni* 5.56a; *Lamentations Rabbah* 3.9) could be related to traditions of priests living in pre-70 Sepphoris. A passage in *M Qiddushin* 4.4-5 suggests that the "old archives of Sepphoris" contained documentation regarding priestly marriages, but the precise date and socio-historical implications of this reference are uncertain.

⁷⁰ See, for example, Eric M. Meyers, "Roman Sepphoris in Light of New Archaeological Evidence and Recent Research," in *Galilee in Late Antiquity*, ed. Levine, 322-326. Additional references, details, and consideration of this issue can be found in section 5.2.1 of this dissertation.

⁷¹ See section 5.2.1 for the sources and arguments of scholars who are skeptical of this position.

⁷² Josephus, *Life* 63, 77, 81.

⁷³ Ezra 2 and Nehemiah 7 record 4,289 priests and 42,360 non-priests among the Jews returning to Jerusalem from Babylon. See Levine, *Jerusalem*, 359.

number, one estimate places members of priestly households at about five percent of the total population of Judea.⁷⁵ However, numbers in ancient literature are notoriously unreliable, leaving us with very little we can say with certainty regarding the figures for priestly families before 70. The war, of course, had an impact on the numbers of priests (and other Jews) throughout Judea, with some priests being killed during the fighting,⁷⁶ executed by rebel leaders,⁷⁷ executed by Roman authorities after the siege of Jerusalem,⁷⁸ and fleeing the country.

This brief overview of the economic and geographic distribution of priests before 70 allows us to consider the impact the loss of the temple would have had on priestly presence and activities. While the war left its mark on the entire region, Jerusalem suffered the most. The loss of property, cult-based income, pilgrimage money, and the annual temple tax could have been detrimental to the economic standing of Jerusalem's priestly aristocracy. However, there is no reason to think that other upper class priests stopped receiving income from their agricultural estates or from tithing. Indeed, archaeological and literary evidence indicates that such income continued in the years

⁷⁴ Josephus, *Apion* 2.108. In comparison with these numbers, Josephus records that there were 6000 Pharisees and 4000 Essenes (*Antiquities* 17.42; 18.20-21). Other attempts at estimating the number priests in Jerusalem at various times during the Second Temple period include Hecataeus (Josephus, *Apion* 1.188), who put the number at 1500 and the *Letter of Aristeas* 95, which claims that over 700 priests were on duty during the services of the temple. For the problems inherent with ancient numerical estimates, particularly in Josephus, see Gaalya Cornfeld, *Josephus: The Jewish War* (Grand Rapids, MI: Zondervan, 1982), 450-51.

⁷⁵ Levine, *Jerusalem*, 359-360. See also Schürer, *History of the Jewish People*, 2:246-247 and Jeremias, *Jerusalem at the time of Jesus*, 203-206 for earlier consideration of these figures.

⁷⁶ E.g., Josephus, *War* 2.441 (the High Priest Ananias b. Nedebaeus and his brother); 4.314-6 (the High Priests Ananus b. Ananus and Jesus b. Gamala); 5.527-31 (Matthias b. Boethus and three of his sons); 6:271 (unspecified number of priests at the burning of the temple).

⁷⁷ E.g., Josephus, *War* 4.138-46, 333, 357ff; 5.30, 527-32.

⁷⁸ E.g., Josephus, *War* 6.318-22. See also Schwartz, *Josephus and Judaeon Politics*, 71.

immediately following the loss of the temple.⁷⁹ There is also no reason to assume that middle or lower class priests would have been forced to alter their lifestyle significantly. Considering the wide geographical distribution of priests, including in places like the coastal plain and possibly Sepphoris which survived the war relatively unscathed, the burden of proof is on those who claim that the destruction of Jerusalem brought an abrupt end to the presence and activities of Jewish priests.

2.3 Sects and Priestly Authority

It is also important to recognize that not all priests shared an identical outlook on Jewish society, religion, and politics. A brief overview of Jewish sectarianism in the late Second Temple period reveals the diversity of priestly thought and practice, as well as the extent to which most Jewish groups in this period based their identity, in one way or another, on some aspect of priestly authority.⁸⁰ To begin, the High Priesthood itself was comprised of a diverse group of families by the first century. In the early Second Temple period, High Priests were chosen from the line of Zadok, the legendary High Priest of Solomon's temple. In the second century B.C.E. the Zadokites lost the High Priesthood as a result of bribes and foreign appointments to the position.⁸¹

⁷⁹ For example, inscriptions found at Masada indicate that tithes and holy food were being set apart by and for priests for at least a year or two after the loss of the temple. See Yigael Yadin and Joseph Naveh, *Masada I: The Yigael Yadin Excavations 1963-1965 Final Reports. The Aramaic and Hebrew Ostraca and Jar Inscriptions* (Jerusalem: Israel Exploration Society, 1989), 32-39. Further epigraphic and literary evidence for the practice of tithing after 70 will be discussed in Chapter Four (4.1.1.2).

⁸⁰ Along with this overview, see Trifon, "Jewish Priests," 9-13 for a short consideration of the presence of priests among the various religious and political circles of Second Temple Judaism.

⁸¹ 1 Maccabees 7-9; 2 Maccabees 3-7, 14; Josephus, *Antiquities* 12.238-241, 385-413.

In theory the office could have been returned to the traditional line with the success of the Maccabean Revolt, but the Hasmonean kings, descended from non-Zadokite priests, assumed the position for themselves.⁸² This continued until the reign of Herod who attempted to weaken the office of High Priest by filling the position with members of priestly families imported from outside Judea. The political appointment of High Priests continued under direct Roman rule until the destruction of the temple in 70.⁸³ Thus, by the end of the Second Temple period, prominent families claiming High Priestly descent would have been present throughout Judea, including descendants of the Zadokites, Hasmoneans,⁸⁴ and the High Priestly dynasties of the early Roman period.

High Priestly politics also had a formative impact on contemporary Jewish sectarianism.⁸⁵ For example, at the time the Zadokites were ousted from their position in the second century B.C.E., one prominent line of this family (the Oniads) fled to Egypt where they built and officiated over their own temple to the Jewish God in Leontopolis.⁸⁶ Little is known about this temple and its sacrificial system, but we do know that it was in operation for over two hundred years (ca. 160s B.C.E. – 74 C.E.), until the Romans shut

⁸² 1 Maccabees 13-16; Josephus, *Antiquities* 13.230-432. Scholars have traditionally understood the Hasmoneans to be non-Zadokites. However, Alison Schofield and James C. VanderKam, "Were the Hasmoneans Zadokites?" *JBL* 124.1 (Spring 2005): 73-87 recently challenged this position.

⁸³ For detailed consideration of the history of the High Priesthood in this period, see Rooke, *Zadok's Heirs*; VanderKam, *From Joshua to Caiaphas*, 112-490.

⁸⁴ Although some Hasmoneans doubtless survived into the late first century C.E., several leading members of this family were killed in purges conducted by Herod the Great in the late first century B.C.E. (e.g., Josephus, *Antiquities* 14.175; 15.6; *War* 1.435-437).

⁸⁵ For general treatments of Jewish sectarianism in this period, see Albert I. Baumgarten, *The Flourishing of Jewish Sects in the Maccabean Era* (Atlanta: Society of Biblical Literature, 1997); Anthony Saldarini, *Pharisees, Scribes and Sadducees in Palestinian Society* (Grand Rapids, MI: Eerdmans, 2001).

⁸⁶ Josephus, *War* 1.31-33; 7.423-436; *Antiquities* 12.387-388; 13.62-73; R. Hayward, "The Jewish Temple at Leontopolis: A Reconsideration," *JJS* 33 (1982): 429-443; E. S. Gruen, "The Origins and Objectives of Onias' Temple," *SCI* 16 (1997): 47-70; Joan Taylor, "A Second Temple in Egypt: The Evidence for the Zadokite Temple of Onias," *JSJ* 29.3 (1998): 297-321.

it down. Unfortunately, it is impossible to determine the precise nature of Oniad beliefs and practices.⁸⁷ However, the fact that an established family of Jewish High Priests was present in Egypt and operated independently of the Jerusalem temple could have interesting implications for evaluating post-70 priestly dynamics.

Another Zadokite response to the High Priestly politics of this period can be seen among the Sadducees. Whereas the Oniads sought to maintain their power through the establishment of an alternative temple, the Sadducees seem to have included those Zadokite priests who retained political standing through accommodation with the foreign authorities.⁸⁸ The Sadducees might not have had the power to appoint their own High Priests,⁸⁹ but by supporting the Roman government they constituted a significant presence in Jerusalem politics. Unfortunately, as with the Oniads, we have very little to inform us of Sadducean ideology or practices. Literary and archaeological sources paint a rough picture of Sadducees as a group of wealthy and Hellenized priestly elite, mostly centered in Jerusalem, who maintained strict purity laws while operating in the temple but did not extend these levels of purity to life outside of the cult.⁹⁰ Their position on fate,

⁸⁷ One attempt to identify Oniad ideology and practices is Gideon Bohak, *Joseph and Aseneth and the Jewish Temple in Heliopolis* (Atlanta, GA: Scholars Press, 1996). Bohak bases his conclusions on *Joseph and Aseneth*, a text he believes was produced in Egypt during the late Second Temple period. Ross Shepard Kraemer, *When Aseneth Met Joseph: A Late Antique Tale of the Biblical Patriarch and His Egyptian Wife, Reconsidered* (Oxford: Oxford University Press, 1998) argues that *Joseph and Aseneth* is a later text that relates more to Jewish mysticism in Late Antiquity. Nevertheless, Bohak's study is useful for considering many aspects of the Oniad temple at Leontopolis.

⁸⁸ Sanders, *Judaism: Practice and Belief*, 25.

⁸⁹ There are a few examples of Sadducees becoming High Priest. John Hyrcanus, the Hasmonean king-priest became a Sadducee after his altercation with the Pharisees (Josephus, *Antiquities* 13.297-98). The High Priest Ananias b. Anannus who executed James the brother of Jesus was reported to have been a Sadducee (Josephus, *Antiquities* 20.199), and rabbinic tradition remembered the High Priest Ishmael b. Phiabi as being a Sadducee (*T Parah* 3.6).

⁹⁰ For attempts at fleshing out Sadducean *halakhah*, see Eyal Regev, *The Sadducees and their Halakhah: Religion and Society in the Second Temple Period* (Jerusalem: Yad Ben-Zvi, 2005) [Hebrew] and "Were

rejection of a belief in angels and the afterlife, and restriction of scriptural authority to the written Torah also distinguished them from other Jews (and priests).⁹¹

A third Zadokite response to High Priestly politics was the withdrawal of some of the “sons of Zadok” into the Judean desert to form a community awaiting God’s purification of the temple and restoration of the legitimate priesthood. This movement is traditionally known as the Essenes or Dead Sea sect. It was led by a priestly hierarchy (although non-priests could be part of the community), anticipated a priestly messiah, maintained a high degree of priestly purity, and interpreted many of their daily activities in light of priestly service.⁹² One distinct feature of Essene ideology was the adherence to a solar calendar which allowed the sect to conduct its liturgical worship in accordance with divinely appointed times. To compensate for its alienation from the Jerusalem temple, the Dead Sea sect cultivated a mystical form of worship which put its members into communion with the angelic priesthood of the heavenly temple.⁹³ Although the most famous settlement of this priestly community is at Qumran, Essenes were also present in numerous cities and villages throughout the country.⁹⁴

the Priests All the Same? Qumranic Halakhah in Comparison with Sadducean Halakhah,” *DSD* 12.2 (2005): 158-188.

⁹¹ E.g., Josephus, *War* 2.164-166; *Antiquities* 13.173, 297-98; 18.16-17; Matthew 22:23; Acts 4:1; 23:7-8.

⁹² The ancient sources that provide the best overview of Essene origins, beliefs, and practices include Philo, *Every Good Man is Free* 75-91; Josephus, *War* 2.119-161; *Antiquities* 18.18-22; 1QS; CD. Magness, *Archaeology of Qumran*, describes the archaeological evidence for this group and defends the position that Essenes and the Dead Sea sect are the same movement.

⁹³ See Carol Newsom, *Songs of the Sabbath Sacrifice: A Critical Edition* (Atlanta: Scholars Press, 1985). Philip S. Alexander, *The Mystical Texts: Songs of the Sabbath Sacrifice and Related Manuscripts* (London: T&T Clark, 2006) argues that this type of temple mysticism reflects a larger esoteric priestly tradition that goes beyond the Essene community.

⁹⁴ Josephus, *War* 2.124; Philo, *Hypothetica* 11.1; *Every Good Man is Free* 76. It is possible that the family legislation in CD 7.5-10 refers to members of the Essene community living in the cities and villages, while the absence of women and children in 1QS reflects Essene life at Qumran.

These priestly sects each had distinct emphases and practices, but their boundaries were not always strictly defined in a way that forced priests to choose between them. Indeed, it seems to have been possible for some priests to adhere to and be intrigued by their various features. Josephus is an example of a priest who claims to have associated with both the Sadducees and the Essenes at various times in his life.⁹⁵ It is difficult to know the extent to which he actually participated in these communities. However, his writings reveal that he eclectically adopted aspects of their various worldviews. It is clear, for example, that Josephus enjoyed an upper class Hellenized lifestyle somewhat akin to that of the Sadducees,⁹⁶ while at the same time expressing an admiration for Essene communal practices.⁹⁷ Furthermore, Josephus hints at his own cosmic interpretation of the temple cult which in some ways resembles Essene mysticism.⁹⁸

There is also evidence that some priests belonged to sects not traditionally identified as priestly movements. For example, we know that some priests endorsed the positions of the Pharisees, presumably regarding oral law, the extension of ritual purity observance in the daily lives of non-priests, and other Pharisaic tenets such as the

⁹⁵ Josephus, *Life* 10-12.

⁹⁶ Consider, for example, the many references in Josephus to his wealth and his apparent interest in (and emulation of) Greek historical literature and philosophy. For treatments of Josephus' Greco-Roman audience, social setting, and literary context, see the articles by Hannah M. Cotton and Werner Eck, "Josephus' Roman Audience: Josephus and the Roman Elite," and Christopher P. Jones, "Josephus and Greek Literature in Flavian Rome," in *Flavius Josephus and Flavian Rome* (ed. Jonathan Edmonson, Steve Mason, and James Rives; Oxford: Oxford University Press, 2005). Despite these cultural similarities with Sadducees, however, it must be pointed out that Josephus was consistently negative in his assessment of Sadducean attitudes. See *War* 2.164-6; *Antiquities* 13.297-98; 18.16-17; 20.199.

⁹⁷ E.g., Josephus, *War* 2.119-161; *Antiquities* 18.18-22.

⁹⁸ Josephus, *War* 5.207-237, 324 and *Antiquities* 3.102-187, for example, describe the temple layout, furniture, and priestly garments in terms of cosmic worship and ascent. See Hayward, *Jewish Temple*, 142-153. *Antiquities* 3.137 also expands on the story of Moses' Sinai revelation by recounting how Moses viewed God's throne and its attendant cherubim in a way that recalls early *merkavah* mysticism.

existence of angels, the reality of the afterlife, and the role of fate.⁹⁹ Christian literature from the late first century records that priests and Levites joined the Jesus movement in its early decades.¹⁰⁰ There are even examples of priests involved in the circles of ascetic holy men in the Judean desert.¹⁰¹ However, along with evidence of priestly involvement among Oniads, Sadducees, Essenes, Pharisees, Christians, and ascetics, we must also recognize that many priests did not necessarily belong to any of these groups. Rather, most priests likely fulfilled their biblically ordained responsibilities as part of the larger “common Judaism.”

Additional diversity existed among the priesthood through debates over the relative status of priestly offices. In particular, there were occasional tensions between priests and Levites over the extent to which the latter could access the divine realm. Levites were typically relegated to the position of servants to the priests and temple complex. However, there were instances in which members of that class attempted to insert themselves into greater participation in the cult, only to be opposed in their

⁹⁹ Josephus, *Life* 197-198 indicates that some priests were also Pharisees, while in *Life* 12 Josephus admits that he, as a priest, also followed some Pharisaic rulings in his public life. *Antiquities* 18.15-17 suggests that at least some priests (and possibly even some Sadducees) yielded to Pharisaic rulings on various sacrificial temple practices. John 1:19-28 suggests that the Pharisees sent priests and Levites (those who belonged to Pharisaic circles?) to interrogate John the Baptist. Many of the Pharisees’ beliefs and practices which these priests presumably followed are described in Josephus, *War* 2.162-166; *Antiquities* 13.171-173, 294-298; 18.12-15.

¹⁰⁰ Acts 6:7 reports that, in the earliest years of the Jesus movement, “a great many of the priests became obedient to the faith.” The book of Acts also emphasizes that Paul’s companion and mentor, Barnabas, was a Levite (Acts 4:36). Rick Strelan, *Luke the Priest: The Authority of the Author of the Third Gospel* (Aldershot: Ashgate, 2008) argues that the author of the Gospel of Luke was also a Jewish priest. While Strelan’s argument for the author’s priestly identity is not entirely convincing, his study rightly points out the extent to which Luke-Acts emphasizes priests and areas of priestly interest in a way that goes far beyond what is found in the other New Testament gospels.

¹⁰¹ In *Life* 11-12, Josephus claims that he spent some time with Banus, an ascetic holy man in the Judean desert. Luke 1 has John the Baptist being born into a priestly family (thus presenting him as a priest who retired into the Judean desert to proclaim his message), and John 1:19-28 has him interacting with priests and Levites from Jerusalem.

attempts by priests.¹⁰² This dispute between priests and Levites seems to have existed from a very early time, and was reflected in the late Second Temple period by different texts that have a variety of viewpoints on the proper status of Levites.¹⁰³

Along with priestly diversity in religious sects, first century sources indicate that priests could have different views on national politics. The decades leading up to and including the First Revolt saw different groups of priests on different sides of the political issues. While some priests encouraged submission or loyalty to the Romans, other priests were involved in acts of rebellion.¹⁰⁴ Once the war was underway, priestly aristocrats in Jerusalem saw an opportunity to seize additional power by creating a provisional government which sent out its own priests (including Josephus) to rally national support and command its troops in the field.¹⁰⁵ There is even evidence that the priestly administrators of Jerusalem's provisional government minted many of the coins which

¹⁰² Josephus, *Antiquities* 20.216-218 records an instance where Levitical singers persuaded Agrippa to allow them to wear priestly linen while singing during the temple services, much to the disgust of the priests.

¹⁰³ See James Kugel, "Levi's Elevation to the Priesthood in Second Temple Writings," *HTR* 86 (1993): 1-64.

¹⁰⁴ Josephus, *War* 2.408-424, for example, recounts how some High Priestly families in Jerusalem remained loyal to Rome, while other priests ordered the cessation of sacrifices for the welfare of Rome, thus declaring open rebellion. For other references to priests on various sides of the Revolt, see *War* 2.301-332 (High Priests, lower priests, and Levites trying to mediate between Florus and the people before the Revolt); *War* 4.510, 5.527ff. (some priests leading the revolt as part of Simon's faction); *Antiquities* 17.339 (members of High Priestly families apparently siding with rebels); *Life* 13-14 (priests being accused of seditious activity before the war).

¹⁰⁵ For detailed discussions of these various priestly political dynamics, see Goodman, *Ruling Class of Judea*, 135-227; Schwartz, *Josephus and Judaeae Politics*, 58-71; Goodblatt, *Monarchic Principle*, 71-72; David Goodblatt, "Priestly Ideologies of the Judean Resistance," *JSQ* 3 (1996): 225-249; the articles by Richard A. Horsely, "Power Vacuum and Power Struggle in 66-70 C.E." and Eric M. Meyers, "Sepphoris: City of Peace" in *The First Jewish Revolt: Archaeology, History, and Ideology* (ed. Andrea M. Berlin and J. Andrew Overman; London: Routledge, 2002); Shaye J.D. Cohen, *Josephus in Galilee and Rome: His Vita and Development as a Historian* (Leiden: Brill, 2002), 97-98, 184-191. As several of these authors point out, some of the different political positions, especially among the High Priestly families, might simply reflect Josephus' evolving agenda between his writing of *War* (70s C.E.) and *Antiquities* (90s C.E.).

served as propaganda for the Jewish war effort.¹⁰⁶ As Josephus himself demonstrates, however, some of these priests were also able to shift their personal loyalties during the course of the war in order to serve their own interests.

Despite the wide range of religious and political positions found among priests, it is important to remember how embedded priestly authority was throughout Jewish life and society in the late Second Temple period. This authority was buttressed by its prominence in the Torah, which unequivocally promotes priests as Israel's leaders, teachers, and mediators of the divine. Priestly titles gave weight to political office as seen in the Hasmonean use of the appellations "priest" and "High Priest" alongside "king" and "council of the Jews" on official coinage which circulated throughout the kingdom.¹⁰⁷ Claiming the title of "priest" also added prestige to one's social status, as is the case with Josephus' self-introduction¹⁰⁸ and in funerary inscriptions which indicate membership in priestly families.¹⁰⁹

In addition, scholars increasingly recognize the extent to which most, if not all, Jewish sects of this period based their widely varying positions on claims to priestly

¹⁰⁶ J.S. McLaren, "The Coinage of the First Year as a Point of Reference for the Jewish Revolt (66-70 C.E.)," *SCI* 22 (2003): 135-152; U. Rappaport, "Who Minted the Jewish War's Coins?" *INR* 2 (2007): 103-116; R. Deutsch, "The Jewish Coinage during the First Revolt against Rome, 66-73 C.E." (PhD. Dissertation; Tel Aviv: Tel Aviv University, 2009).

¹⁰⁷ Ya'akov Meshorer, *Ancient Jewish Coinage: Volume 1: Persian Period through Hasmonaeans* (New York: Amphora Books, 1982), 35-98. Although most of these coins depicted images of stars, wreaths, anchors, lilies, or double cornucopias, the coins struck by Mattathias Antigonus (40-37 B.C.E.) used the seven-branched menorah of the temple as its chief symbol.

¹⁰⁸ Josephus, *Life* 1-6.

¹⁰⁹ For example, see the ossuary inscription from Jerusalem, "Phineas and Jacibiah, priest" (*CIJ* 2.250). In more than one ossuary inscription the female descendants of priests emphasize the priesthood of their father or grandfather as a way of indicating their family's social prestige: "Yehohana, daughter of Yehohanan, son of Thophlos, the High Priest" (Rahmani, *Jewish Ossuaries*, 259 no.851); "Shalamsion, daughter of Simeon the priest" (*CIJ* 2.292). The recent discovery of a broken sarcophagus lid with the inscription, "...son of the High Priest..." attests to a similar phenomenon with a male descendant of a High Priest.

authority and activity. As mentioned earlier, groups like the Sadducees, Essenes, and Oniads had overt connections to the priesthood. However, owing to the common heritage bequeathed upon Judaism by the Torah, even groups with a largely non-priestly membership viewed their relationship with God and Israel in terms appropriated from the temple and priesthood.¹¹⁰ Pharisees, for example, sought to extend priestly purity into the daily lives of non-priests.¹¹¹ By establishing a table-fellowship based on priestly purity, the Pharisees were essentially making the divine communion inherent in the sacred meals of the Jerusalem temple accessible to all Jews.¹¹²

Christians also used language derived from the temple and priesthood to articulate their relationship to God and the covenant. Paul saw the Christian community in terms of God's dwelling place (the temple) and his own ministry in terms of priestly temple service.¹¹³ Other first century Christian texts describe Jesus as the heavenly High

¹¹⁰ Kohn and Moore, *A Portable God*, 73-93 view the sects of this period as "competing communities of priests," each drawing upon priestly themes, titles, actions, and authority for their legitimacy. For similar approaches, see Oskar Skarsaune, *In the Shadow of the Temple: Jewish Influences on Early Christianity* (Downers Grove, IL: InterVarsity Press, 2002), 103-122, and Maxine Grossman, "Priesthood as Authority: Interpretive Competition in First-Century Judaism and Christianity," in *The Dead Sea Scrolls as Background to Post-Biblical Judaism and Early Christianity* (ed. James R. Davila; Leiden: Brill, 2003), 117-131.

¹¹¹ Neusner, *From Politics to Piety*, 143-154; Skarsaune, *Shadow of the Temple*, 117-122.

¹¹² Alternative assessments of the relationship between Pharisees and priesthood can be found in E.P. Sanders, "Did the Pharisees Eat Ordinary Food in Purity?" in *Jewish Law from Jesus to the Mishnah* (London: SCM Press, 1990), 131-254 and Daniel R. Schwartz, "'Kingdom of Priests' – A Pharisaic Slogan?" in *Studies in the Jewish Background of Christianity* (Tübingen: Mohr Siebeck, 1992), 57-80. Neusner's response to these alternatives is in "Mr. Sanders' Pharisees and Mine," *BBR* 2 (1992): 143-169.

¹¹³ 1 Corinthians 3:16-17 and 2 Corinthians 6:16-17 describe the church as the temple where God's spirit now dwells. The Deutero(?)-Pauline tradition also makes this claim in Ephesians 2:19-20, which describes the church-temple as built on the foundation of Jesus (the cornerstone) and with the building blocks of the prophets and apostles. In 1 Corinthians 9:13-14, Paul compares Christian ministry with temple service, and in several other passages he describes Christian prayer, obedience, and living in terms unique to the sacrificial temple cult (e.g., Romans 12:1; 15:16; Philippians 2:17; 4:18). For further discussion on the church as a temple, see Bruce Chilton, *The Temple of Jesus: His Sacrificial Program Within a Cultural History of Sacrifice* (University Park, PA: Pennsylvania State University Press, 1992) and Christopher Rowland, "The Temple in the New Testament," in *Temple and Worship*, ed. Day, 469-483.

Priest,¹¹⁴ baptized Christians as the “kingdom of priests” from Exodus 19:6,¹¹⁵ and the Christian rituals of baptism and Eucharist as priestly ordination, purity washings, and sacrificial meals.¹¹⁶ By the beginning of the second century, Christian leadership offices such as bishop, elder, and deacon were described in terms of High Priests, priests, and Levites respectively.¹¹⁷ In the case of Pharisees and Christians it is difficult to articulate the differences between emulating, democratizing, and effectively rendering obsolete the hereditary priesthood of the Hebrew Bible.¹¹⁸ Nevertheless, both movements attest to the preeminence given to priestly authority when claiming access to divine presence, favor, and blessing.

2.4 Conclusion

The purpose of this chapter has been twofold. The first was to provide a background to priestly functions, activities, and dynamics in ancient Judaism.

¹¹⁴ The Epistle to the Hebrews is the New Testament book in which the identification of Jesus as the great High Priest features most prominently. This image, however, is scattered throughout other New Testament writings as well (e.g., Romans 3:21-26; Revelation 1). Gerald O’Collins and Michael Keenan-Jones, *Jesus Our Priest: A Christian Approach to the Priesthood of Christ* (Oxford: Oxford University Press, 2010), 1-104 provide an overview of these and other early Christian texts that connect Jesus to the priesthood. A related theme in the Gospel of John is Jesus as the temple in which the glory of God now resides. See John 1:1-18; 2:13-22; Paul M. Hoskins, *Jesus as the Fulfillment of the Temple in the Gospel of John* (Milton Keynes: Paternoster, 2006); Stephen T. Um, *The Theme of Temple Christology in John’s Gospel* (London: T&T Clark, 2006).

¹¹⁵ 1 Peter 2:1-10; Revelation 1:5-6; 5:10. See also Revelation 3:12, 7:14-15, and 20:6 for other references to Christians as priests.

¹¹⁶ Hebrews 10:19-22; *Didache* 7-9; Huub van de Sandt. “Do Not Give What is Holy to the Dogs (Did 9:5d and Matt 7:6a): The Eucharistic Food of the Didache in its Jewish Purity Setting,” *VC* 56.3 (Aug 2002): 223-246; Charles A. Gieschen, “Baptismal Praxis and Mystical Experience in the Book of Revelation,” in *Paradise Now: Essays on Early Jewish and Christian Mysticism* (ed. April D. DeConick; Atlanta: Society of Biblical Literature, 2006), 341-354.

¹¹⁷ E.g., *Didache* 13-15; *1 Clement* 40-44.

¹¹⁸ See the discussion in Klawans, *Purity, Sacrifice, and the Temple*, 145-245.

Understanding how the priesthood operated in the Hebrew Bible and Second Temple period lays a foundation that enables us to evaluate the role of priests in post-70 society.

The second goal was to challenge the assumption that the priesthood would have diminished significantly without the temple. Simply put, there is no obvious reason to think that the loss of the Jerusalem temple would have brought an end to all priestly presence, activities, or influence. This assumption is undermined by historical precedence and the fact that priests had many responsibilities in Jewish society that were not dependent upon the sacrificial cult.

The non-sacrificial aspects of the priesthood – such as teaching law, administering judgment, receiving divine oracles, and receiving tithes and offerings – were all prescribed by the Torah and were practiced in Jewish society for centuries. These factors made the standing of priests (at least in some communities) more secure than most scholars have acknowledged. There is little doubt that Jerusalem's priestly elite lost administrative functions, financial revenues, and property with the destruction of the city and temple. However, the war did not impact priests in other parts of the country in the same way. Furthermore, there is no reason why priestly sectarianism would have ceased to exist without the temple, especially since many of the sects' beliefs and practices did not require the existence of a sacrificial cult.

This overview reminds us that it is irresponsible to make simple claims regarding the impact the loss of the temple would have had upon priestly circles. The traditional claim that 70 brought a quick end to the priesthood is misleading and inadequate. Instead, we must carefully consider the ways in which the war impacted each aspect of priestly dynamics – responsibilities, sectarian identification, economic strata, and geographical

location. Did the loss of the temple put an end to priestly tithes, education, judicial authority, and oracular reception? How were the lifestyles of aristocratic, middle class, and lower class priests in different regions affected by the war? Were the priestly voices among Sadducees, Essenes, Pharisees, and Christians all silenced by the destruction of the temple? Did priestly political and religious authority automatically lose its substance without the temple, or did Torah and tradition continue to provide it with sufficient support? We will not be able to answer all of these questions fully, but by posing the questions against the backdrop of pre-70 dynamics we are in a position to evaluate the evidence for priestly activity after 70.

CHAPTER 3

THE CONTINUATION OF PRIESTLY CIRCLES AFTER 70

With the preceding overview of priestly dynamics in the late Second Temple period, we are now in a position to consider the impact that the First Revolt and loss of the temple had upon Jewish priests throughout Roman Palestine. This chapter will begin an evaluation of priests after 70 C.E. by examining evidence for the continuation of priestly circles in the generations immediately following the war. Traditionally, it has been stated that the events of 70 marked the rapid decline of priestly presence, prestige, and sectarianism. This claim seems to be based largely on the assumption that the priestly aristocracy was eliminated with the loss of the temple and its revenues. This assumption, however, is not a foregone conclusion and is contradicted by the literary, epigraphic, and archaeological remains from the decades between the two revolts.

A careful reading of the sources from this period indicates that priests continued to identify themselves as priests, retained some of their economic standing, and maintained an interest in local religious and political affairs. In addition, clues found in literary and archaeological sources allow us to say something about the geographic location of some priestly circles in the post-70 generations. Obviously, the continuation of priestly presence without the temple has important implications for the rest of this dissertation. Therefore, this chapter will consider what we know about the existence of

priestly circles in the period between the two revolts (ca. 70-135 C.E.), and where these circles were located. Once their presence and location is established, Chapter Four will consider some of the activities and roles of priests in post-70 Jewish society.

3.1 Priests and Priestly Families that Survived the First Revolt

In this section I will provide an overview of the priests and priestly families known to have survived the First Revolt by examining the references to them found in the writings of Josephus and early rabbinic literature. In many cases we are limited in what we can say about their exact situation, but enough clues exist in these sources to allow for some modest observations about their presence, location, and activities in the generations following the war. Establishing the continued existence of these priestly circles will allow us to evaluate their contributions to society in the next chapter.

3.1.1 Evidence in the Writings of Josephus

Perhaps the most promising source for this endeavor is the writings of Josephus. Josephus had a vested interest in the activities of the priestly aristocracy in Judea, likely stemming from his own priestly background and service before the war. This interest also reflected a desire to preserve continuity in priestly leadership as part of his hopes for the restoration of Judea.¹ Josephus did not write a systematic history of priests after 70 and did not describe their post-war activities in any detail, but his writings give enough

¹ Schwartz, *Josephus and Judaeae Politics*, 15, 22. See Chapter Four (section 4.1) for further consideration of Josephus' priestly interests, worldview, and agenda.

references to the fate of various priests to reconstruct a reasonable picture of priestly presence after the destruction of the temple. The fact that Josephus knew many of these families personally, wrote close in time to the events, and had a vested interest in the fate of priestly aristocrats makes his writings a valuable historical resource.

Seth Schwartz has compiled a list of Josephus' references to priests who survived the war and who likely participated in Judea's post-70 reconstruction.² The list begins, of course, with Josephus himself. Before the war, Josephus was a land-owning priest from a wealthy and influential family in Judea.³ During the war he served as a general in Galilee on behalf of the provisional Jerusalem government before defecting to the Romans and becoming a member of the Flavian court. Despite this shift in allegiance, Josephus never forfeited his priestly identity or his stake in Judean politics. As mentioned earlier, Titus appropriated Josephus' family lands around Jerusalem during the war for garrisoning troops, but compensated Josephus by giving him land somewhere along the coastal plain.⁴ In addition, upon receiving Roman citizenship after the war, Josephus was granted by the emperor Vespasian a "considerable tract of land in Judea."⁵

As far as we know, Josephus owned these lands for the rest of his life and even received a tax exemption on his property in Judea under the emperor Domitian in the mid

² Schwartz, *Josephus and Judaeon Politics*, 72-81.

³ Josephus, *Life* 1-2. Tessa Rajak, *Josephus: The Historian and His Society* (Second Edition; London: Duckworth, 2002), 14-21, doubts Josephus' self identification as a priest, largely based on an over-skeptical reading of *Antiquities* 16.187. This conclusion seems unfounded. Josephus' writings consistently affirm his priestly identity and demonstrate an intimate familiarity with priestly duties and traditions. See *War* 1.3; 3.352; *Antiquities* 16.184-187; *Life* 13, 29, 80; *Apion* 1.28-54; 2.184-193; Schwartz, *Josephus and Judaeon Politics*, 4; Steve Mason, *Flavius Josephus: Translation and Commentary: Volume 9: Life of Josephus* (Leiden: Brill, 2001), 4 n.4; Gussman, *Das Priesterverständnis des Flavius Josephus*, 200-215.

⁴ Josephus, *Life* 422.

⁵ Josephus, *Life* 425.

90s.⁶ We are not told the precise nature or exact location of these estates, but it is safe to assume that Josephus would have received a significant income from their agricultural production. Thus Josephus himself is an important example of a Hellenized Jewish priest who continued to possess land holdings, income, and upper class prestige as a Roman citizen after the war. Furthermore, Josephus' post-war activities demonstrate that at least some priests remained involved in national politics and continued to express an interest in the history, scriptural heritage, and future of Judaism.

Schwartz also lists other priestly aristocrats known from Josephus' writings to have survived the war. At the top of the list are Josephus' older brother Matthias and a large number of friends (presumably upper class priests) whom Titus released from captivity after the war at Josephus' request.⁷ Unfortunately, we are not given any information about their activities after this event.⁸ Two other survivors mentioned by name were Jesus b. Thebouthai and Phineas the temple treasurer, both priests who handed over the temple vessels to Titus in return for a pledge of safety.⁹ A dozen other high-profile priests and High Priests are mentioned by Josephus as having been active

⁶ Josephus, *Life* 429. Rajak, *Josephus*, 11, points out that it is difficult to know how much time Josephus actually spent at his estates in Judea and the coastal plain. It is possible that upon receiving them after the war he never returned. She further notes (p. 25) that biblical law technically prohibits priests and Levites from owning land (e.g., Numbers 18:24; Deuteronomy 10:9; 12:12; 18:1). Obviously, as Josephus and other priestly elite from this period attest, this legislation was not strictly followed in the post-biblical period.

⁷ Josephus, *Life* 418-421. In this passage Josephus mentions fifty friends and almost two hundred family members and associates for whom he secured a release. This passage also tells the story of the three friends Josephus saved from crucifixion. Mason, *Life of Josephus*, 166 n.1721 notes that Josephus' father and mother were held prisoner in Jerusalem during the war by the rebel government (*War* 5.533, 544-545). However, no mention is made of their release, suggesting that they died during the war.

⁸ Schwartz, *Josephus and Judaeon Politics*, 72 notes, however, that they all would have become *de facto* clients of Josephus as a result of his actions on their behalf.

⁹ Josephus, *War* 6.387-3901. Schwartz, *Josephus and Judaeon Politics*, 74 n.69 indicates that the latter could be identified with Pinhas *ha-malbish* ("the dresser" in charge of priestly garments) mentioned in rabbinic literature (*M Shekalim* 5.1; *B Yoma* 19a).

during the revolt in various camps and capacities but whose fate is unknown.¹⁰ It is uncertain whether they all survived the war and, if so, what their post-war activities were. In addition to these individuals, Schwartz also lists a priest who survived the war but who was not actually named by Josephus: ‘Aqavia, a son of the High Priest Ananias, is mentioned in an inscription on a storage jar meant for consecrated priestly food found at Masada (dating sometime between 70 and 73/74 C.E.).¹¹

Finally, Josephus names a number of High Priests and children of High Priests who deserted to the Romans as a result of his speech during the siege of Jerusalem.¹² This list includes the following: the High Priests Joseph¹³ and Jesus,¹⁴ three sons of the High Priest Ishmael,¹⁵ four sons of the High Priest Matthias,¹⁶ a son of the High Priest Matthias b. Boethus,¹⁷ and “many others of the aristocracy [who] went over with the chief

¹⁰ Schwartz, *Josephus and Judaeen Politics*, 74-77. This group includes the following: three sons of Ananus b. Sethi, Matthias b. Theophilus, Eleazar b. Ananias, Ananus b. Ananias, Simon b. Ananias, John b. Ananias, Jesus b. Sapphan, Simon and Iozar, Eleazar b. Simon, and Zacharias b. Amphikalleus.

¹¹ Yadin and Naveh, *Masada I*, 32, 37-39.

¹² See the list and commentary in Schwartz, *Josephus and Judaeen Politics*, 72-73. Schwartz rightly concludes that while we can be confident these men did desert (they were too well known to fabricate the episode entirely), the real circumstances of their desertion remain unknown. Josephus, *War* 5.530, for example, suggests that some of these individuals deserted to the Romans prior to Josephus’ speech (Schwartz, *Josephus and Judaeen Politics*, 80).

¹³ Likely Joseph Kabi (Kames), son of Simon, who was High Priest ca. 61 C.E. (Josephus, *Antiquities* 20.196).

¹⁴ Jesus b. Damnaeus was High Priest ca. 62 C.E. (Josephus, *Antiquities* 20.213-214).

¹⁵ Likely Ishmael b. Phiabi, High Priest ca. 59-61 (Josephus, *Antiquities* 20.179ff).

¹⁶ This could either refer to Matthias b. Ananus, a High Priest under Agrippa I (Josephus, *Antiquities* 19.316), or Matthias b. Theophilus, the last appointee of Agrippa II. Schwartz points out that, either way, these four men were from the most prominent High Priestly family of the final decades of the Jerusalem temple (Schwartz, *Josephus and Judaeen Politics*, 73).

¹⁷ Josephus, *War* 4.574; 5.527.

priests.”¹⁸ Unfortunately, Josephus does not record anything of their post-war activities, but he does indicate that this group of priestly families were relocated en masse to the town of Gophna in northern Judea. (I will consider this location further in section 3.3).

There is no reason to think that Josephus’ list of priestly aristocrats who survived the war was exhaustive. In the late 90s Josephus refers to large numbers of priests (20,000) with no indication of their disappearance.¹⁹ He also makes passing references to unnamed groups of Jerusalem aristocrats, many of whom were likely priests, who defected to the Romans before and during the war.²⁰ Despite the lack of detail given in Josephus’ remarks, his comments indicate that a significant number of priests and members of High Priestly families retained some of their wealth, possessed estates in different parts of the country, and continued to have an interest in local affairs. Josephus’ own post-war career demonstrates that at least some aristocratic priests retained their Hellenistic cultural proclivities, concern with Jewish traditions, and involvement with the larger Roman world. It is reasonable to assume that these surviving priestly circles bequeathed this heritage to subsequent generations.

3.1.2 Evidence in Early Rabbinic Literature

Another source that provides insights into post-70 priestly presence is early rabbinic literature. Naturally, the Tannaitic sages were not always as interested in or

¹⁸ Josephus, *War* 6.113-114.

¹⁹ Josephus, *Apion* 2.108. As noted in Chapter Two, we must remain suspicious of Josephus’ exact numbers. However, Josephus clearly intended to give an impression with these figures that pointed to the numerical significance of the priestly courses.

²⁰ E.g., Josephus, *War* 2.556; 4.377-379; 5.420-423; 6.356-357, 382-383.

sympathetic to the priestly aristocracy as Josephus.²¹ This is seen in the ways some rabbinic circles discussed the High Priestly families from the late Second Temple period. A few passages in Tannaitic literature show respect for some pre-70 High Priests, but these references are the exception.²² Typically, early rabbis viewed the High Priestly aristocracy as corrupt, greedy, and self-serving. In the Mishnah, sages decry the exorbitant economic policies of the former temple administration,²³ tell stories of temple priests who resorted to immoral means to promote their own interests,²⁴ and accuse priests of twisting scripture to their own financial advantage.²⁵ As rabbinic literature developed, accusations increased which asserted that the moral failings of the priestly

²¹ Cohen, *Three Crowns*, 34-41, 97-111, 167.

²² Rabbinic literature consistently remembers Simeon the Righteous (High Priest in the early second century B.C.E.) in a positive light as having presided over a golden age of priestly activity. However, as Neusner points out, the rabbis did not actually know much about him beyond his name. See Neusner, *Rabbinic Traditions*, 24-59. Aside from fond memories of two ancient and pious priests named Yosi b. Yo'ezer and Yosi b. Yohanan (see Neusner, *Rabbinic Traditions*, 61-81), only one later High Priest, Jesus b. Gamala, is consistently remembered positively in Tannaitic sources. Since he was an associate of Simeon b. Gamaliel (Josephus, *Life* 190), it is possible that circles around Gamaliel II were favorable towards him. There are also mixed perceptions of Ishmael b. Phiabi, who is sometimes praised and sometimes vilified in Tannaitic literature. In *Y Yoma* 1.1, 38d, the High Priest Simon b. Kamithos is praised, but *B Yoma* 47a negatively revised the passage (see Schwartz, *Josephus and Judaeon Politics*, 97-99). Daniel R. Schwartz, "KATA TOYTON TON KAIRON: Josephus' Source on Agrippa II," *JQR* 72 (1982): 241-268 has shown that Josephus and the rabbis are often critical of the same first century priests. However, a larger tension still remained between the aristocratic priestly circles mentioned by Josephus and the Yavnean sages. Chaim Licht, *Ten Legends of the Sages: The Image of the Sage in Rabbinic Literature* (Hoboken, NJ: KTAV Publishing, 1991), 103-117 considers other Mishnaic passages that criticize the High Priests for leading Israel astray.

²³ *M Kerithoth* 1.7 denounces the price of doves charged by the temple administrators; *M Sheqalim* 4.9 records abuses in the way the temple traded with local merchants.

²⁴ *M Yoma* 2.2 record an instance of young temple priests competing with each other for service at the altar, resulting in one breaking his leg. *T Kippurim* 1.12 (cf. *Y Yoma* 2.2; *B Yoma* 23a) amends the story to have one of the priests killing the other during the fight. See Licht, *Ten Legends of the Sages*, 88-92, who reviews these passages and shows an increased animosity towards priests in the development of the story, including their use of murder, bribery, and sorcery in order to secure their own positions.

²⁵ *M Sheqalim* 1.4.

aristocracy were primarily responsible for the loss of the temple.²⁶ In short, “the denigration of priests became a favorite motif in early rabbinic literature.”²⁷

The Tosefta records the hostility towards priestly aristocrats held by some Tannaim through claims that the “powerful men of the priesthood” grabbed consecrated hides from lower class priests by force.²⁸ In this context a saying was recorded which was likely a popular song about the corruption of High Priestly houses:

Woe is me because of the house of Boethus. Woe is me because of their staves.
Woe is me because of the house of Qadros. Woe is me because of their pen.
Woe is me because of the house of Elhanan. Woe is me because of their whispering.
Woe is me because of the house of Ishmael b. Phiabi.
For they are high priests, and their sons, treasurers, and their sons-in-law, supervisors, and their servants come and beat us with staves.²⁹

This poem criticizes four of the main High Priestly families from the final decades of Second Temple period for acts of violence, nepotism, and sorcery (incantations?). Its criticism of the “high priests and their sons” is followed by a passage that attributes the

²⁶ E.g., *Y Yoma* 1.1; *B Pesahim* 57a; *B Yoma* 9a.

²⁷ Cohen, *Three Crowns*, 167. I agree with Cohen that rabbinic polemics against priests provide relevant insights into contemporary social dynamics. However, Trifon, “Jewish Priests,” 36-54 downplays the significance of these polemics. She argues that the rabbis only criticized specific priests while respecting others. Therefore, rabbinic attacks on priests should not be seen as indicative of group dynamics between rabbis and priests. In general this is a helpful observation, but it ultimately ignores the strong tensions between some circles of priests and some circles of rabbis in this period.

²⁸ *T Zebahim* 11.16; cf. *T Menahot* 13.18-22.

²⁹ *T Menahot* 13.21; cf. *B Pesahim* 57a. The origins of this poem/song are uncertain. Some manuscripts of the Tosefta attribute the saying to Abba Saul b. Bitnit and Abba Yose b. Yohanan of Jerusalem. It is uncertain when these individuals lived, though this reading implies that they lived in Jerusalem while the temple stood. However, *B Yebamot* 53b mentions an Abba Yose b. Johanan who lived sometime between 80 and 120 C.E. It is possible that the song was written during the temple period (by Abba Saul b. Bitnit?) and transmitted by this later Yose. See Büchler, *Die Priester und der Cultus*, 30, and Jacob Neusner, ed., *Dictionary of Ancient Rabbis: Selections from The Jewish Encyclopedia* (Peabody, Mass.: Hendrickson, 2003), 247.

destruction of the temple and Jewish exile to priestly corruption, “because they love money and hate one another.”³⁰

An inscription on a stone weight suggests that members of one of these families (“the house of Qadros”) lived in a mansion in the Upper City of Jerusalem at the time of its destruction in 70.³¹ It is uncertain whether members of this family survived the war. However, Josephus makes it clear that members of other High Priestly families, including the Boethusians, did survive.³² Since members of these High Priestly families were still present in the late first and early second centuries, the rabbinic polemics against priestly aristocrats likely had contemporary relevance. As will be seen in Chapter Four, it seems that members of the early rabbinic movement generally clashed with the surviving High Priestly families over issues of community leadership, practices, and politics. This tension was present immediately after the war as indicated by several encounters between aristocratic priests and the sages attempting to reformulate Judaism at Yavneh.

Nevertheless, rabbinic literature provides evidence for the survival of other priests after 70, including priests within and on the margins of some rabbinic circles. In light of the above conclusions, it is interesting to note that the descendants of High Priests are mostly missing from this group. One possible exception is R. Hanina the Prefect of the

³⁰ *T Menahot* 13.22. Although this passage might describe the first temple, the line between ancient and contemporary priests seems very thin in this instance.

³¹ Avigad, *Discovering Jerusalem*, 120-139 describes the discoveries in the Burnt House, including a stone weight inscribed in Hebrew with “...bar Kathros,” a reference to the priestly family that lived in the house. Other discoveries indicate the family’s lifestyle standards and types of activities, including stone vessels and carved stone tables, perfume bottles, an inkwell for scribal activity, items for producing spices (incense?), and a stone mold for casting blanks for coins.

³² Josephus, *War* 6.113-114 records that at least one Boethusian, a son of the High Priest Matthias b. Boethus, settled in Gophna after the war. It will be seen below (section 3.2.1) that Boethusians remained opponents of rabbis at least throughout the Tannaitic period, and perhaps beyond.

Priests (*Segan ha-Kohanim*).³³ As implied by his title, R. Hanina – likely a priest with Pharisaic leanings – was somehow related to the temple administration in the final years of its existence. Early accounts indicate that he was present at Yavneh and provided testimony on several matters relating to the temple cult, but his rulings were not always accepted by the sages.³⁴ One passage in the Mishnah claims that R. Hanina’s father was a priest who operated in the temple,³⁵ but whether his father was actually a High Priest is uncertain. If he was, R. Hanina and his son R. Simeon³⁶ would have been among the very few members of High Priestly families to have joined the early rabbinic movement.

Another possible exception is R. Ishmael b. Elisha, a sage of the early second century whom rabbinic literature associates with the High Priesthood. Unfortunately, it is difficult to disentangle historical biography and legend regarding R. Ishmael in the extant texts.³⁷ Later tradition remembers him as having been a High Priest himself and attributes

³³ For a detailed overview of rabbinic sources related to R. Hanina, see Neusner, *Rabbinic Traditions*, 400-413. Many of his stories and sayings were transmitted in collections of Akiva and Ishmael, both rabbis known to have been interested in priestly issues.

³⁴ Examples of R. Hanina’s connection to the temple cult can be found in the following passages: *M Sheqalim* 6.1-6 lists the temple practices of the House of Hanina; *M Negaim* 1.4 (cf. *T Negaim* 1.6) gives his rulings on the priestly practice of cleansing lepers; *M Pesahim* 1.6 and *M Eduyot* 2.1 give his statements on priests roasting sacrificial meat. For more references to his various rulings, see the chart in Neusner, *Rabbinic Traditions*, 408-410. *M Eduyot* 2.1-3 also records that R. Hanina testified concerning four matters before the sages at Yavneh. In one of these he stated that he never saw hides being taken out to be burned, implying that they went directly to the priests. The sages, however, flatly rejected his testimony on this matter and ruled that the hides should be burned rather than given to the priests. See Neusner, *Rabbinic Traditions*, 404.

³⁵ In *M Zevahim* 9.3, R. Hanina recounts the types of offerings his father would reject from the altar while officiating as a priest.

³⁶ In *M Menahot* 11.9, a saying of R. Simeon, “son of the Prefect,” was cited by Simon b. Gamaliel II.

³⁷ For a thorough discussion of the sources dealing with R. Ishmael, including possible concerns with his priestly identification, see Gary G. Porton, *The Traditions of Rabbi Ishmael*, 4 vols. (Leiden: Brill, 1982). Menahem Hirshman, *Torah for the Entire World* (Tel Aviv: Hakibbutz Hameuchad, 1999), 114-149 [Hebrew] and Azzan Yadin, *Scripture as Logos: Rabbi Ishmael and the Origins of Midrash* (Philadelphia: University of Pennsylvania Press, 2004) remain optimistic about R. Ishmael’s priestly orientation. See also Ra’anan Boustan, “Ishmael ben Elisha,” in *Eerdmans Dictionary of Early Judaism*, eds. Collins and Harlow, 778-779.

many mystical temple traditions to him.³⁸ Since R. Ishmael apparently lived well into the second century, this identification is impossible. Nevertheless, a saying recorded in the Tosefta implies that his father (or grandfather?) was a High Priest before 70. On one occasion he is said to have sworn “[by] the clothes that father wore [i.e., priestly garments] and the [gold] plate he bore on his brow” that he would make an example of anyone who disagreed with his position on dough offerings.³⁹ Whether or not R. Ishmael was descended from a High Priest, he is known to have given many rulings relating to the sacrificial cult.⁴⁰ The Tosefta also records that “the priests were used to do things in accord with the position of R. Ishmael.”⁴¹ It is unclear, however, if this passage implies that R. Ishmael accurately preserved the traditions of pre-70 priests, or if some priests of his own day (the early second century) followed his rulings.

Although the High Priestly identities of R. Hanina, R. Simeon, and R. Ishmael are uncertain, it is likely that they were somehow connected to the priesthood. It is also clear that they and other priests were active after the war and became associated with the early rabbinic movement. A few scholars, including Büchler, Trifon, Schwartz, and Hezser,

³⁸ E.g., *B Berakot* 7a, 51a; *B Gittin* 58a; *B Hullin* 49a-b. Ra’anan Boustan, “Rabbi Ishmael’s Priestly Genealogy in Hekhalot Literature,” in *Paradise Now*, ed. DeConick, 127-141 also discusses the elaboration upon R. Ishmael’s High Priestly identity in the later *hekhalot* traditions, as well as the early medieval story of his miraculous conception in *Story of the Ten Martyrs*. See Ra’anan Boustan, “Rabbi Ishmael’s Miraculous Conception: Jewish Redemption History in Anti-Christian Polemic,” in *The Ways that Never Parted: Jews and Christians in Late Antiquity and the Early Middle Ages* (eds. Adam H. Becker and Annette Yoshiko Reed; Minneapolis: Fortress Press, 2007), 307-343.

³⁹ *T Hallah* 1.10; cf. *Avot d’Rabbi Nathan* B 41 (p.114), where he identifies himself as a priest.

⁴⁰ Schwartz, *Josephus and Judean Politics*, 104 n.179. In addition to R. Ishmael’s interest in the cult, Yadin, *Scripture as Logos*, argues that the exegetical traditions associated with him have close affinities with earlier priestly traditions (such as 4QMMT) which restrict legal authority to written scripture. See Boustan, “Ishmael ben Elisha,” 778-779.

⁴¹ *T Eduyot* 1.9 discusses the priests following R. Ishmael’s rulings on Sabbath regulations.

have compiled lists of priestly rabbis from the post-war generations.⁴² It is important to point out, however, that the priestly identity of some of these sages is uncertain. A few bear the title of “priest,” but many have been labeled as priests solely based on their involvement in priestly activities such as collecting tithes or purifying lepers. In this period these activities were likely still reserved for priests, making the identifications reasonable. However, considering the tendency of many rabbis to appropriate priestly prerogatives, priestly identifications for these rabbis is not always conclusive.⁴³

One rabbi from the late first and early second century whose priestly identity seems certain is R. Tarfon, a wealthy sage from Lydda.⁴⁴ In Tannaitic tradition he is said to have purified lepers,⁴⁵ redeemed first born sons,⁴⁶ ruled on several priestly issues (consistently to the advantage of priests),⁴⁷ and consumed food set aside as priestly gifts.⁴⁸ In one remarkable account, R. Tarfon married three hundred women during a famine so that they would have access to the tithes owed to them as the wives of a

⁴² Büchler, *Die Priester und der Cultus*, 7-47; Trifon, “Jewish Priests,” 174-175; Schwartz, *Josephus and Judaeen Politics*, 100-101. Hezser, *Rabbinic Movement*, 70-71.

⁴³ I think that priestly identification is reasonable in most of these instances. However, it is important to note that if these individuals were not priests, the degree to which sages had already appropriated priestly functions would be remarkable.

⁴⁴ The presence of R. Tarfon at Lydda is attested by *M Baba Metzia* 4.3 and *M Taanit* 3.9. For a complete analysis of the rabbinic traditions regarding R. Tarfon, see Joel Gereboff, *Rabbi Tarfon: The Tradition, the Man, and Early Rabbinic Judaism* (Missoula, MT: Scholars Press, 1979). Pp. 439-440 summarizes Gereboff’s conclusions regarding R. Tarfon’s priestly identity.

⁴⁵ *T Negaim* 8.2.

⁴⁶ *T Bekhorot* 6.14.

⁴⁷ *M Keritot* 5.2; *M Bekhorot* 2.6; *M Menahot* 12.5; *M Zevahim* 10.8; *M Terumot* 9.2; *Sifre Numbers* 75 on Numbers 10:8 (in this passage he clearly associates himself with the priests).

⁴⁸ *Sifre Numbers* 116 on Numbers 18:7; *T Hagigah* 3.33. In these passages, R. Tarfon accepts heave offerings because of his priestly rank.

priest.⁴⁹ Later tradition even claimed that R. Tarfon officiated as a priest in the temple before 70,⁵⁰ but these legends are clearly confused as to the time when he lived.

Other early rabbis who seem to have had priestly connections, but about whom we know very little, include the following: R. Zadok and his son R. Elazar;⁵¹ Yohanan b. Gudgada;⁵² R. Zachariah b. Hakazzab;⁵³ R. Yose the Priest;⁵⁴ R. Zechariah b. Kabutal;⁵⁵ R. Judah the Priest;⁵⁶ R. Hananiah b. Antigonus;⁵⁷ R. Eleazar b. Harsom;⁵⁸ R. Eleazar b. Azariah;⁵⁹ and possibly R. Eleazar b. Hyrcanus.⁶⁰ One long standing debate has even

⁴⁹ *T Ketubot* 5.1.

⁵⁰ *Y Yoma* 3.7, 40d; *Sifre Zutta Naso* 6:27; *B Qiddusin* 71a. See Gereboff, *Rabbi Tarfon*, 286-287.

⁵¹ *T Kippurim* 1.12 has R. Zadok serving in the temple as a priest, thus making him much older during the post-70 era. Other references to him and his son in the context of priestly issues include *M Menahot* 9.2; *M Meilah* 1.6; *M Sanhedrin* 7.2; *M Sheqalim* 8.5; *T Bezaḥ* 3.6; *Avot d'Rabbi Nathan* A 16 (which claims he descended from High Priests); and *B Bekhorot* 36a. *T Taanit* 4.6 claims that Elazar was from the tribe of Benjamin (i.e., not a priest), but the Tosefta seems confused on this point (Schwartz, *Josephus and Judaeon Politics*, 100 n.153). See also Jack Nathan Lightstone, "Zadok the Yavnean," in *Persons and Institutions in Early Rabbinic Judaism* (ed. William S. Green; Missoula: Scholars Press 1977), 47-147 who is skeptical about claims of R. Zadok's priestly identity. See also pp. 52, 102-107, and 142-143.

⁵² Neusner, *Rabbinic Traditions*, 417-418, suggests that he was a Levite who operated in the temple in its final years. *M Hagigah* 2.7 has him eating holy food and ordinary food in purity as a *haver*; *M Gittin* 5.5 has him commenting on priestly marriages and holy food; *T Terumah* 1.1 claims that all the purities of Jerusalem were under the supervision of his sons; *T Sheqalim* 2.14, *SifreNum* 116, and *B Arakhin* 11b all claim that he was responsible for locking the temple gates (a Levitical assignment?).

⁵³ *M Ketubot* 2.6; *M Eduyot* 8.2.

⁵⁴ *M Eduyot* 8.2; *M Avot* 2.8; later tradition connected him with mystical studies (*Y Hagigah* 2).

⁵⁵ *M Yoma* 1.6.

⁵⁶ *M Eduyot* 8.2.

⁵⁷ Neusner, ed., *Dictionary of Ancient Rabbis*, 181-182.

⁵⁸ *T Kippurim* 1.22 (cf. *Y Yoma* 3.6; *B Yoma* 35b) claims that he was an extremely wealthy priest who served at the altar of the temple before its destruction in 70. A later tradition elaborates upon his wealth by claiming he owned one thousand villages in the Judean hill country and one thousand ships, all of which were destroyed in the war (although the context of the passage is not clear whether the First or Second Revolt is intended; *Y Taanit* 4.8). See Rajak, *Josephus*, 25.

⁵⁹ *Y Berakhot* 4.1, 7c-d and *B Berakhot* 27b-28a present R. Eleazar b. Azariah as a priest in the story of the deposition of Gamaliel II. As Schwartz, *Josephus and Judaeon Politics*, 101, points out, the earlier traditions are ambiguous as to his priestly identity, but there is still a strong likelihood that this

raised the possibility that R. Yohanan b. Zakkai was a priest. This suggestion is largely based on a tenuous passage in the Tosefta⁶¹ and the popularity of his name among priestly circles.⁶² However, the common nature of his name and his consistent conflict with priests, priestly aristocrats, and Sadducees support the position that he was not a priest himself.⁶³

Finally, Tannaitic literature mentions a number of obscure figures who seem to be priests, but who are never given the title of “rabbi.” This, along with the fact that many of these individuals appear in disagreement with the sages, suggests that they were either on

identification is correct. For example, a *baraita* in *B Yevamot* 86a attributes an opinion to him which strongly rules in favor of priests by declaring that they should receive the Levitical tithes. This pro-priestly ruling was so unusual that the Mishnah and Tosefta might have suppressed it; see Tzvee Zahavy, *The Traditions of Eleazar ben Azariah* (Missoula: Scholars Press, 1977), 32. If this priestly identification is accurate, R. Eleazar b. Azariah might be seen as the token priest in the stories of the “rabbis in the boat” (*M Maaser Sheni* 5.9; *M Eruvin* 4.1). It is also possible that Simon, the brother of Azariah is R. Eleazar’s uncle. If so, his rulings on purity in *M Zevahim* 1.2 and *M Torohot* 8.7 might relate to his priestly identity. For his importance to the “patriarchal” administration of Gamaliel II, see section 4.2.1.

⁶⁰ Jeremias, *Jerusalem in the Time of Jesus*, 234, claims that he was “a very cultured priest who lived in Jerusalem before the destruction of the Temple” based on a later reference (*Y Sotah* 3.4, 19a). However, Neusner’s study of the early traditions associated with this sage leads him to conclude that R. Eleazar b. Hyrcanus “certainly does not appear to have been a priest or a Levite. Nothing in his sayings indicates much interest in priestly or Levitical affairs as such, apart from those aspects that impinged upon the Pharisaic piety.” See Jacob Neusner, *Eliezer Ben Hyrcanus: The Tradition and the Man*, 2 Vols. (Leiden: Brill, 1973), 2.296 and Trifon, “Jewish Priests,” 174-174, 185 n.53.

⁶¹ *T Parah* 4.7 implies that R. Yohanan b. Zakkai participated in the burning of the Red Heifer (a priestly ritual), while *T Ahilot* 16.8 uses the same language to imply that he ate a heave offering.

⁶² Daniel R. Schwartz, “Ha’im Hayah Rabban Yohanan b. Zakkai Kohen?” *Sinai* 88 (1980-1981): 32-39 [Hebrew]. Trifon, “Jewish Priests,” 131-168 also believes R. Yohanan b. Zakkai was a priest and uses this to downplay the tensions between priests and sages in the Yavnean period. In addition, Trifon sees his priestly identity as an important factor in the Romans choosing him as “patriarch.” See also Trifon, “Some Aspects of Internal Politics Connected with the Bar-Kokhva Revolt,” in *Bar-Kokhva Revolt*, eds. Oppenheimer and Rappaport, 13-26 [Hebrew]. This identification, however, is dubious and skews our understanding of the socio-historical dynamics between circles of priests and rabbis: there is no reason to think he was a priest, that his lineage had anything to do with his influence among early rabbinic circles, or that Rome appointed him any official position. Nevertheless, some scholars continue to identify him as a priest and use that identification to make these historical claims. See Lier, *Redaction History*, 40-44.

⁶³ E.g., *M Sheqalim* 1.4 where he seems to criticize priests as a group. See also Büchler, *Die Priester und der Cultus*, 18-19 n.2; Alon, *Jews in their Land*, 91-92; Schwartz, *Josephus and Judean Politics*, 101; Hezser, *Rabbinic Movement*, 71.

the margins of the rabbinic movement or outside of it altogether. For example, a priest named Ila presented to the sages at Yavneh a list of blemishes which disqualify sacrificial animals; the sages rejected most of his list.⁶⁴ Simon Hazzanua – an older priest who had served in the temple – was insulted by R. Eliezer for having incorrectly entered the temple precincts.⁶⁵ Joseph the Priest was rejected by some sages for his unacceptable first fruit offerings⁶⁶ and was declared unclean for going to Sidon to study with R. Yose.⁶⁷ Simeon b. Kahana (“the priest”), a contemporary of Simon b. Gamaliel II,⁶⁸ was once caught in Acre drinking wine from Cilicia in the status of a heave offering. Since this was against the ruling of the sages which banned imports from being consumed as holy offerings in Israel, Simeon was forced to finish his wine in a boat offshore.⁶⁹ Other obscure priests might be mentioned in early rabbinic literature as well.⁷⁰

A number of important observations can be made in regard to these early rabbinic references. For example, it is clear that, like Josephus, Tannaitic literature remembered a significant number of priests as surviving the war and remaining active in Jewish society. It is also important to point out that the priests mentioned by Josephus, including priestly

⁶⁴ *M Bekhorot* 6.8.

⁶⁵ *T Kelim Bava Kama* 1.6. Was this something he did before 70, or is this an anachronistic account?

⁶⁶ *M Hallah* 4.11. See David Instone-Brewer, *Traditions of the Rabbis from the Era of the New Testament. Volume 1: Prayer and Agriculture* (Grand Rapids, MI: Eerdmans, 2004), 370-376, for discussion on the possible context of this passage.

⁶⁷ *T Avodah Zarah* 1.8.

⁶⁸ *T Parah* 12.6.

⁶⁹ *T Sheviit* 5.2.

⁷⁰ For example, Schwartz, *Josephus and Judaeon Politics*, 101, also lists Yose b. Honi as possibly being a priest based on his commentary on sacrificial law and his father’s name (*M Zevahim* 1.2). However, Schwartz admits that this identification is not certain.

aristocrats and members of High Priestly families, were not the same priests mentioned in association with the early rabbinic movement. This suggests that not all priests operated in the same circles after the war. Just as before the war, High Priestly families, priestly aristocrats, and middle to lower class priests could have shared a common ancestry, yet possess different worldviews, goals, and socio-economic status.

Priestly sectarianism in this period will be discussed in the following section. Having just discussed the presence of priests within the rabbinic movement, however, a comment on their standing in that movement is appropriate here. Unfortunately, it is difficult to determine exactly what role priests played among the early sages. It is clear that some priests joined the movement after the war, but it is uncertain whether their positions in the movement were determined by their priesthood, their Torah scholarship, their wealth, or a combination of these factors.⁷¹ Were they honored by other sages primarily as priests who were also respectable scholars, or as respectable scholars who also happened to be priests? Rabbinic literature is not clear on these issues.

Nevertheless, the priestly contribution to the early rabbinic movement may have been considerable. Dalia Trifon calculates that no less than forty percent of attested Palestinian sages during the Yavnean period were priests. This figure (which may not be precise) is likely much higher than the proportion of priests in the larger rabbinic movement. Still, Trifon uses these numbers to argue that priestly lineage was a significant factor in “rabbinic ordination” during the late first and early second centuries. She also suggests that this high percentage of priests explains why the Tannaim had more

⁷¹ Saul Lieberman was persuaded that most of the wealthy Tannaim were priests (see Cohen, *Three Crowns*, 159). Philip Alexander suggests that the early rabbinic emphasis on the payment of tithes might have been a financial draw for priests towards the movement. See Alexander, “Jewish Priesthood after 70,” 7, 27.

interest in priestly issues than later sages.⁷² Other scholars have considered the possibility that priests who joined the movement provided some of the source material for the Mishnaic tractates dealing with cultic issues, including the material found in *Qodashim* – e.g., tractates *Tamid* (“Daily Whole Offering”), and *Middot* (“[Temple] Measurements”). If this was the case, priestly sages might have been seen within the movement as the “in-house” experts on temple law.⁷³ However, the evidence for this is mixed as shown by the non-priestly sages rejecting the cultic rulings of R. Hanina the Prefect of the Priests.⁷⁴

It is also possible that priests were afforded different degrees of respect in different rabbinic circles. Adolf Büchler noted that with the exception of R. Yose the Priest,⁷⁵ priestly sages were not present among the circle of R. Yohanan b. Zakkai at Yavneh. Rather, many of them seem to have clustered around R. Tarfon at Lydda or around Gamaliel II. Based on these trends, Büchler suggested that priestly sages were at odds with R. Yohanan b. Zakkai (who often sparred with priests) and formed their own leadership circles within the rabbinic movement.⁷⁶ Seth Schwartz also notes the tendencies of some priestly sages to associate in the same circles – including around R.

⁷² Trifon, “Jewish Priests,” 175, 188-189. See also Cohen, *Three Crowns*, 60, 175 n.40. Cohen, “Significance of Yavneh,” 42 n.43 also suggests that some groups of Sadducees might have joined the “grand coalition” at Yavneh.

⁷³ Schwartz, *Josephus and Judaeon Politics*, 104-105; Hezser, *Rabbinic Movement*, 70. Jacob Neusner, *Judaism: The Evidence of the Mishnah* (Chicago: University of Chicago Press, 1981), 132-152, 248-250 argues against this view. Neusner points out that most of the names appearing in *halakhic* digressions in narrative descriptions of temple procedures are non-priestly rabbis from the mid to late second century, such as Rabbis Judah, Meir, Yose, and Simon. Either way, Alexander, “Jewish Priesthood after 70,” 27-28, points out that interest in the temple cult diminished significantly in the later periods, as evidenced by the fact that neither Talmud produced *gemara* on Mishnah *Qodashim*.

⁷⁴ See *M Eduyot* 8.2-3; *M Zevahim* 12.4; Neusner, *Rabbinic Traditions*, 403-404.

⁷⁵ *M Avot* 2.8.

⁷⁶ Büchler, *Die Priester und der Cultus*, 17-35. See also G. Alon, *Jews, Judaism and the Classical World: Studies in Jewish History in the Times of the Second Temple and Talmud* (trans., Israel Abrahams; Jerusalem: Magnes Press, 1977), 318-323; Hezser, *Rabbinic Movement*, 71.

Tarfon and Gamaliel II – but finds no evidence for well-defined priestly “groups” among the rabbis.⁷⁷ Ultimately, the evidence is too meager to settle many of these issues with confidence. Nevertheless, it is clear that some priests actively participated in the early rabbinic movement and had a significant impact on the early stages of its development.

3.2 Perseverance of Priestly Sectarianism

Together with the survival of priestly individuals and families, it is also important to consider the fate of priestly sectarianism after the First Revolt. As mentioned earlier, the traditional narrative claims that Jewish sects – including the priestly Sadducees and Essenes – ceased to exist after 70, with the reasons for their differences disappearing along with the temple. A variation of this view is present in a widely cited article by Shaye Cohen:

The world which produced Jewish sectarianism, nurtured it, and gave it meaning, disappeared in 70....With the destruction of the temple the primary focal point of Jewish sectarianism disappeared....The holiness of the Jerusalem temple, the legitimacy of its priesthood, and the propriety of its rituals were no longer relevant issues.⁷⁸

In its place, according to Cohen, arose a “grand coalition” of diverse voices that united under the leadership of the rabbinic sages at Yavneh.⁷⁹ While this may be the ideal picture as presented in rabbinic literature, a close reading of the available sources suggests that some forms of priestly sectarianism survived the events of 70 and continued to operate outside of rabbinic circles.

⁷⁷ Schwartz, *Josephus and Judaeon Politics*, 102-104, 106.

⁷⁸ Cohen, “The Significance of Yavneh,” 45.

⁷⁹ Cohen, “The Significance of Yavneh,” 50. This position is still reflected in more recent works such as Instone-Brewer, *Traditions of the Rabbis*, 1:4-5.

Martin Goodman has recently pointed to several factors which speak against the traditional notion that sectarianism disappeared with the loss of the temple. Because some of these sects were associated with the priesthood, many of Goodman's arguments are relevant here. For example, Goodman notes that the sectarian identification of both the Sadducees and the Essenes was not dependent upon the temple. In both cases their sectarian distinctiveness came from ideologies that existed outside of the temple sphere, such as their stance on fate, afterlife, scriptural authority, and their various practices (especially in the ritual routine of the Essenes). Therefore, there is no reason why either group necessarily would have vanished with the loss of the sacrificial cult.⁸⁰

Goodman supports this argument and its implications by pointing out that no text – Jewish, Christian, or Roman – actually mentions the disappearance of Jewish sectarianism until Patristic writings of the fourth century. Pliny the Elder, writing in the late 70s, implied that the Essenes survived the war.⁸¹ Justin Martyr, writing in the mid second century, acknowledged the contemporary existence of several Jewish “heresies” (including Sadducees).⁸² It is not until the fourth century that Christian writers such as Eusebius and Epiphanius first mention that Jewish sectarianism had disappeared.⁸³ These

⁸⁰ Goodman, “Sadducees and Essenes after 70,” 347-356; “Religious Variety and the Temple,” 202-213.

⁸¹ Pliny, *Natural History* 5.15 (70-73). After mentioning the destruction of Jerusalem in 70, Pliny describes the Essenes in the present tense as living near the Dead Sea, with no hint of their post-war demise. However, Menahem Stern, *Greek and Latin Authors on Jews and Judaism: Volume One: From Herodotus to Plutarch* (Jerusalem: The Israel Academy of Sciences and Humanities, 1976), 479-481 and Mason, *Judean War* 2, 103-104 n.784 discuss some of the possible difficulties with this passage.

⁸² Justin Martyr, *Dialogue with Trypho* 80.4-5.

⁸³ Eusebius, *Ecclesiastical History* 4.22.7; Epiphanius, *Panarion* 19.5.6-7; 20.3.1-2. For an overview of references to Jewish sects in early patristic sources, see M. Black, “Patristic Accounts of Jewish Sectarianism,” *BJRL* 41 (1958-1959): 285-303. For later Syriac Christian sources, see Sebastian P. Brock, “Some Syriac Accounts of the Jewish Sects,” in *A Tribute to Arthus Vööbus: Studies in Early Christian Literature and Its Environment, Primarily in the Syrian East* (ed. Robert H. Fischer; Chicago: Lutheran School of Theology at Chicago, 1977), 265-276.

references are admittedly few and far between, but they do speak against the assumption that priestly groups like the Sadducees and Essenes either disappeared immediately after 70 or simply blended in with the rabbis.⁸⁴

It is also important to note that none of the Jewish sources from the late first or early second centuries indicates that these sects disappeared. To the contrary, Tannaitic rabbinic literature found contemporary relevance in the debates between Pharisees and Sadducees, and often referred to the Sadducees in the present tense. The early rabbis never explicitly mention the Essenes, but it is clear that groups which perpetuated Sadducean and Essene-like beliefs and practices were labeled as *minim* (“heretics”) by the early sages and were barred from fellowship within the rabbinic movement. The fact that the early sages discouraged participation in these movements supports the suggestion that they still existed in some significant way. Some of these priestly circles even seem to have been among the chief opponents of R. Yohanan b. Zakkai at Yavneh. The rabbinic passages mentioning priestly *minim* are too few to allow a full reconstruction of the beliefs and practices of these groups. Nevertheless, there is enough evidence to establish that these groups existed at least through the Tannaitic period and that they continued to present alternatives to rabbinic authority.

Similar indications of the perseverance of priestly sectarianism exist in the writings of Josephus. It is well known that Josephus is our main source on the beliefs and practices of the prominent Jewish sects from the late Second Temple period. What is not as well noted, however, is the fact that Josephus continued to talk about these sects in the present tense in three of his four writings (*War*, *Antiquities*, and *Life*), which date from

⁸⁴ Goodman, “Sadducees and Essenes after 70,” 347-349.

the 70s to ca. 100 C.E. In theory it is possible that Josephus' use of the present tense in reference to these groups reflects a "historic present," but there is little to suggest this is the case. Rather, Josephus' characterization of Judaism as including "three philosophical schools" continued throughout his post-70 literary career.

In Josephus' *Jewish War* (written in the mid to late 70s) we read that "three forms of philosophy are pursued [φιλοσοφείται] among the Judeans: the members of one are the Pharisees, of another Sadducees, and the third, who certainly are reputed to cultivate seriousness, are called Essenes."⁸⁵ After giving the impression that these groups were a current reality at the time of writing, Josephus proceeds to describe their various beliefs in the present tense as well. In his autobiography (written ca. 100) Josephus similarly tells us that at the age of sixteen, he "determined to gain personal experience of the several sects into which our nation is divided. These...are [εἰσιν] three in number – the Pharisees, the second that of the Sadducees, and the third that of the Essenes."⁸⁶

There are two passages in *Antiquities* (written in the 90s) which, it could be argued, hint that the sects no longer existed. The first describes the flourishing of sectarianism during the Hasmonean period: "now at this time there were [ἦσαν] three schools of thought among the Jews, which held [ὑπελαμβάνον] different opinions concerning human affairs."⁸⁷ The second is his summary of the groups which he prefaced with, "The Jews, from the most ancient times, had [ἦσαν] three philosophies pertaining to their traditions."⁸⁸ While it is possible that these passages imply the subsequent

⁸⁵ Josephus, *War* 2.119.

⁸⁶ Josephus, *Life* 10.

⁸⁷ Josephus, *Antiquities* 13.171.

⁸⁸ Josephus, *Antiquities* 18.11.

disappearance of the sects, two observations dissuade us from drawing this conclusion: 1) Both passages use an imperfect verb form, making the intended chronological implication notoriously difficult to determine. 2) Both passages proceed to describe the beliefs of the sects in the present tense. Considering these points, it is likely that Josephus was historically contextualizing these groups in the first passage (“they *began to exist* in the time of the Hasmoneans”) and indicating the longevity of the groups in the second (“they *have existed* from an ancient time”).⁸⁹

Simply put, Josephus gives no hint of the weakening or disappearance of Jewish sectarianism in the late first century. Rather, it is clear that Josephus personally remained interested in these sects, including the priestly Sadducees and Essenes, and continued to talk about them as a current reality into the late 90s. Many scholars assume that Josephus’ later references to Pharisees are an anachronistic reflection of the growing rabbinic movement at the time *Antiquities* was written. There may be some truth to this. However, we must also acknowledge that he never diminished the prominence given to priestly sects in his later writings; although Pharisaic rabbis may have grown in popularity after 70, Josephus gives the impression that they did so amid continued sectarian diversity and dynamics. It will be seen in Chapter Four that Josephus never could envision Judaism without the temple. It seems that he also could not envision post-70 Judaism without the type of priestly sectarianism that flourished in the late Second Temple period.

In claiming that sectarianism declined with the loss of the temple, scholars often point to the disappearance of sectarian literature after 70. The assumption seems to be

⁸⁹ For a discussion on the different uses of the imperfect verb, see Daniel B. Wallace, *Greek Grammar Beyond the Basics: An Exegetical Syntax of the New Testament* (Grand Rapids, MI: Zondervan, 1996), 540-553.

that since rabbinic texts are the only examples of Jewish literature that survived from the post-70 period, forms of non-rabbinic Judaism must have ceased to exist in any significant way. This argument, however, fails to consider two important points: 1) Most of the post-70 Jewish literature that survived (e.g., Mishnah, Talmuds, and midrash) did so only because the later rabbis chose to preserve it. Naturally, writings of which the rabbis disapproved were not transmitted by them into later periods. 2) There are examples of texts that were written in non-rabbinic circles in the decades following 70. Apocalyptic works such as *2 Baruch*, *4 Ezra*, and the *Apocalypse of Abraham*, although impossible to identify specifically with Sadducees or Essenes, were written around the same time as the writings of Josephus and the early rabbis. These indicate that some Jewish groups were still perpetuating their own unique worldviews for at least several decades after the loss of the temple.⁹⁰ The same could be said of many pseudepigraphic works which were written some time in this period but were preserved in Christian, not rabbinic, circles.⁹¹

With these considerations, we are in a position to evaluate the evidence for the survival of priestly sects, specifically the Sadducees and Essenes, in the generations after the First Revolt. As just indicated, one of the challenges inherent in such an examination is the fact that little or no explicitly sectarian literature survived from this period. We have no reason to think that such writings did not exist or were not produced, but unfortunately they were not preserved. This means that we are limited in what we can say about the post-70 activities of these sects and must recognize that we are relying upon the literature of “outsiders” in our reconstruction. Nevertheless, enough clues exist in

⁹⁰ Michael E. Stone, “Reactions to the Destruction of the Second Temple,” *JSJ* 12.2 (1981): 195-204.

⁹¹ See f.n. 2 in Chapter Five.

Josephus, early rabbinic literature, and other sources to allow us to say something about the perseverance of these priestly sects.

3.2.1 Sadducees and Boethusians

One of the most famous priestly sects of the late Second Temple period was the Sadducees. As I already discussed, this sect included many of Jerusalem's priestly elite and remained intimately involved with Judean politics throughout the first century (see section 2.3). Because of the association between the Sadducees and High Priestly politics, scholars traditionally have claimed that this sect was dependent upon the Jerusalem temple and thus ceased to exist with its destruction in 70. One of the few arguments in support of this claim is that the disappearance of the Sadducees from the literary record of the post-temple era reflects the disappearance of the sect itself. This logic is present in many of the passages I cited in the Introduction and continues to influence modern historiography of post-70 Judaism (see section 1.1). While I do not suggest that the Sadducees emerged from the war unscathed, I do think it is important to reevaluate traditional assumptions regarding the fate of the Sadducees and consider the ways in which the sect might have contributed to Jewish dynamics after 70.

To begin, it is necessary to point out that the majority of the sources we have about the Sadducees actually derive from the post-70 era. These sources also speak of Sadducees and their beliefs in the present tense and give no indication of their disappearance. This is the case for New Testament writings (such as the Gospels and Acts of the Apostles; ca. 70s-90s), the writings of Josephus (ca. 70s-100), and early

rabbinic literature (ca. second and third centuries). All of these sources describe Sadducees as being an important part of pre-70 dynamics and give examples of individuals who affiliated with the sect. However, each of these sources also implies that the Sadducees were a current reality at the time of the author(s). Because none of the extant sources derive from Sadducean circles, we are often given a hostile or relatively uninterested view of Sadducean beliefs and practices. Nevertheless, enough information is provided by post-70 sources to make some modest observations about their continued presence and activities.

Josephus was clearly less sympathetic towards the Sadducees than to the other sects he described. Throughout his writing career, he considered the Sadducees to be rude, unpopular with the masses, and harsh in judgment.⁹² In addition, Josephus provides fewer descriptions of the Sadducees than of the other groups, perhaps because they were already well known to his audience.⁹³ Nevertheless, Josephus remained interested in their connection with the priesthood throughout his career and often referred to occasions in which Sadducees were involved with High Priestly politics.⁹⁴ He also remained interested in their unique positions on fate (there is only human free will), the afterlife (the soul perishes with the body), and scriptural authority (anything outside the written Torah

⁹² Josephus, *War* 2.166; *Antiquities* 13.297-298; 18.16-17; 20.199.

⁹³ This is the working assumption of Emmanuelle Main, "Les Sadducéens vus par Flavius Josèphe," *RB* 97.2 (1990): 161-206. Main, however, follows the traditional assumption that Sadducees ceased to exist within a generation of 70.

⁹⁴ Josephus, *Antiquities* 13.297-298 (John Hyrcanus becoming a Sadducee after his fallout with the Pharisees) and 20.199 (the High Priest Ananias being a Sadducee who presided over the execution of James the brother of Jesus). See also *Antiquities* 18.16-17, where Josephus connects the Sadducees with some of Jerusalem's elite.

should be rejected).⁹⁵ Two of these positions are reflected in the book of Acts (ca. 80s), which also refers to the sect and its beliefs as current realities: “The Sadducees say [λεγουσιν] that there is no resurrection, or angel, or spirit.”⁹⁶

Josephus’ disapproval of the Sadducees seems to have increased in the 90s with the writing of *Antiquities*, but he still gave no indication that they no longer existed at the end of his career. It might even be possible to extrapolate from his writings that some Sadducees survived the war along with other High Priestly circles. For example, Josephus consistently associates Sadducees with Jerusalem aristocrats,⁹⁷ many of which resettled outside of Jerusalem after the war (see section 3.3 for literary and archaeological evidence of this resettlement). There is no reason to think that some Sadducees were not among these survivors. In at least one location (Gophna), the relocated priestly aristocrats included descendants of the Boethusians, a High Priestly family often associated with the Sadducees in rabbinic literature.⁹⁸ I admit that the evidence provided by Josephus is not extensive, but it does counter traditional assumptions.

The sages were even more negatively disposed toward Sadducees than was Josephus, but early rabbinic literature provides further evidence that some Sadducean circles survived the war. Unfortunately, there are many historical challenges to

⁹⁵ Josephus, *War* 2.164-166; *Antiquities* 13.171-173, 297-298; 18.16-17.

⁹⁶ Acts 23:8. The denial of resurrection overlaps with the statements of Josephus. The claim that Sadducees do not believe in angels or spirits might reflect their rejection of scripture beyond the Torah, which does not contain an extensive angelology, views of the afterlife, or a concept of souls.

⁹⁷ Josephus, *Antiquities* 13.298 describes, in the present tense, how Sadducees are most influential among Judaism’s upper class (cf. *War* 18.16).

⁹⁸ Josephus, *War* 6.113-114 (cf. 5.527).

reconstructing Sadducean history, beliefs, and practices based on rabbinic literature.⁹⁹ Nevertheless, several hints exist in the earliest strata of rabbinic literature (especially the Tannaitic corpus) to indicate that Sadducees were still a threat to the early sages. For example, many of the Tannaitic passages that refer to Sadducees place them in debate with Pharisees, typically over matters of ritual purity.¹⁰⁰ It is now almost universally understood that the debates found in rabbinic literature are of little historical value for the pre-70 period, a point lamented by many scholars.¹⁰¹ However, we can be confident that something about these debates was still relevant to rabbinic sages of the second and third centuries, perhaps as a model paradigm of debates between contemporary rabbis and their (priestly?) opponents.¹⁰²

Support for this conclusion is found in the nature of the rabbinic material about Sadducees. For example, Jacob Neusner pointed out that the pre-70 strata and traditions of rabbinic literature do not actually contain references to Sadducees. Rather, these materials exclusively discuss internal Pharisaic debates between the Houses of Hillel and Shammai. References to debates between Pharisees and Sadducees do not appear in the

⁹⁹ For one, references to Sadducees are scattered throughout various rabbinic genres dating from various periods. For considerations of the historical difficulties with rabbinic references to Sadducees, see Jean Le Moyne, *Les Sadducéens* (Paris: Librairie Lecoffre, 1972), 321-327 and Saldarini, *Pharisees, Scribes and Sadducees*, 226.

¹⁰⁰ E.g., *T Hagigah* 3.35.

¹⁰¹ Jack Lightstone, "Sadducees Versus Pharisees: The Tannaitic Sources," in *Christianity, Judaism and Other Greco-Roman Cults* (ed. Jacob Neusner; Leiden: Brill, 1975), 3:206-217 considers the Tannaitic passages about Sadducees and Pharisees "suspect as to their historical worth." Cf. Saldarini, *Pharisees, Scribes and Sadducees*, 227. It is interesting to note that these and other scholars generally express this disappointment about the lack of historical value for the pre-70 situation, but rarely consider the possibility that these rabbinic passages have value as a reflection of the Tannaitic period itself.

¹⁰² Alexander, "Jewish Priesthood after 70," 29.

rabbinic tradition until the material dealing with Yohanan b. Zakkai and his successors.¹⁰³

This suggests that the surviving Sadducees were among the fiercest opponents to the rabbinic movement in its earliest phases. This is precisely the picture that emerges from the Tannaitic narratives of the Yavnean period, in which Yohanan b. Zakkai frequently sparred with Sadducees, Boethusians, “sons of the High Priests,” and other priests.¹⁰⁴

For example, a lengthy passage in the Mishnah describes debates between the Sadducees and the Pharisees in which the former accuse the latter of being inconsistent in their laws of purity, including on matters relating to bones, streams of liquid, and the sanctity of holy books.¹⁰⁵ The passage consistently mentions that “the Sadducees say” [אומרין צדוקין], implying that this was an ongoing debate during the Mishnaic period. In this episode the debate was between Sadducees and Yohanan b. Zakkai, who pointed out the inconsistencies of Sadducean positions.¹⁰⁶ Pre-70 literature indicates that these *halakhic* debates also occurred during the late Second Temple period,¹⁰⁷ but this

¹⁰³ Neusner, “Mr. Sanders’ Pharisees,” 153.

¹⁰⁴ E.g., *M Sheqalim* 1.4; *M Eduyot* 8.3; *M Ohalot* 17.5; *M Ketubah* 13.1-2; *T Parah* 3.8. See Alon, *Jews in their Land*, 90. Schwartz, *Josephus and Judean Politics*, 99 takes some of these passages to indicate that the circles around Yohanan b. Zakkai were consistently at odds with the old priestly aristocracy.

¹⁰⁵ *M Yadaim* 4.6-8. Another issue in this passage is regarding the proper way to write a bill of divorce, but here the Pharisees’ opponent is a “heretic from Galilee” [אומר מין גליל]. This heretic also speaks in the present tense and might have been a Sadducee. It is interesting to note that in this passage, the Sadducees have an interest in both purity laws and Greco-Roman culture (e.g., the “books of Homer”), similar to the priestly aristocracy of the late Second Temple period and beyond. John P. Meier, *A Marginal Jew: Rethinking the Historical Jesus: Volume 3: Companions and Competitors* (New York: Doubleday, 2001), 3:401-402 suggests that there might be a connection between the stringency of the Sadducean positions on these rulings and Josephus’ statement that Sadducees were harsh in judgment.

¹⁰⁶ Yohanan b. Zakkai’s position on the sanctity of holy books found in this passage is also found in *T Yadaim* 2.19.

¹⁰⁷ See, for example, the debates over liquid streams in 4QMMT.

Mishnaic narrative seems to be more of an attempt to discredit contemporary Sadducees than to describe pre-70 sectarian interactions.¹⁰⁸

Early rabbinic literature also attests to the continuing presence of Sadducees by describing their current capitulation to rabbinic rulings. For example, there is a stream of tradition associating R. Yose (a Palestinian sage of the mid second century) with Sadducean women of his time, who he claims submitted to the purity rulings of the sages.

The earliest passage comes from the Mishnah:

The daughters of the Sadducees, if they follow after the ways of their fathers, are deemed like the women of the Samaritans; but if they have separated themselves and follow after the manner of the Israelites, they are deemed like to the women of the Israelites. R. Yose says: They may never be deemed like to the women of the Israelites unless they separate themselves and follow after the ways of their fathers.¹⁰⁹

A similar passage exists in the Tosefta with a parallel account in a *baraita*:

A Sadducean chatted with a high priest, and spit spurted from his mouth and fell on the garments of the high priest, and the face of the high priest blanched. Then he came and asked his [the Sadducee's] wife, and she said, "My lord priest: Even though we are Sadducean women, they [we] all bring their inquiries to a sage." Said R. Yose, "We are more expert in the Sadducean women than anyone. For they all bring their questions to a sage, except for one who was among them, and she died."¹¹⁰

These passages have a number of interesting implications for the present discussion. For example, they both indicate that Sadducean women were still identifiable as Sadducees well into the second century. The passage from the Mishnah represents an early stage of developing rabbinic rhetoric which debated whether Sadducees should be considered Jewish ("Israelite") if they continue

¹⁰⁸ Lightstone, "Sadducees Versus Pharisees," 208 discusses how this passages was not an attempt to describe pre-70 *halakhah*, but rather an attempt to discredit Sadducees. The emphasis on discrediting *post-70* Sadducees is my own.

¹⁰⁹ *M Niddah* 4.2

¹¹⁰ *T Niddah* 5.3; cf. *B Niddah* 33b which expands the account to state that wives of Sadduces show their menstrual blood to the sages. Lightstone, "Sadducees Versus Pharisees," 214-215 correctly doubts the historical veracity of this *halakhic* submission and suggests that this narrative was simply meant as a polemic against the Sadducees. He also demonstrates that the later rabbinic sources increasingly highlight the submission of Sadducees to rabbinic *halakhah*.

adhering to Sadducean beliefs and practices.¹¹¹ The Toseftan passage contains a recurring theme in rabbinic literature which promotes the superiority of rabbinic rulings over the rulings of the Sadducees, with divine punishment coming upon those who do not follow the sages.¹¹² This final point is obviously an example of rabbinic propaganda which would not have been shared by Sadducean circles.

It is also interesting to note that in the early rabbinic movement the name “Sadducee” became synonymous with the term for “heretics” (*minim*).¹¹³ In Tannaitic tradition, the broad category of *minim* seems to have been used to denote different groups deemed heretical by the sages, including Jewish-Christians, Samaritans, and Gnostics.¹¹⁴ At some point, however, the terms “Sadducee” and *minim* appear to have become interchangeable in Talmudic literature and in some manuscripts. Some instances of this conflation of terms seem to have been intended by the rabbis who wished to equate the positions of the Sadducees with heresy. Other instances appear to have been later alterations of the rabbinic texts, substituting the term “Sadducee” for whatever *minim*

¹¹¹ E.g., *B Eruvin* 68b-69a and *Genesis Rabbah* 53.12; See Stern, *Jewish Identity*, 113.

¹¹² Another example of this comes from *T Kippurim* 1.8 (cf. the *baraita* in *B Yoma* 19b) where a Boethusian (here apparently interchangeable with the Sadducees) broke tradition by differing from the sages in a matter relating to the temple cult. Within three days, the Boethusian was dead. See Lightstone, “Sadducees *Versus* Pharisees,” 213. Similarly, in *T Parah* 3.8 a Sadducean High Priest died after a confrontation with Yohanan b. Zakkai concerning the proper procedure in burning the red heifer. See Cohen, “Significance of Yavneh,” 32-33 for further consideration of this theme.

¹¹³ For examples and consideration of this phenomenon, see Le Moyne, *Les Sadducéens*, 97-99; Stern, *Jewish Identity*, 112-113.

¹¹⁴ For early examples of the famous “Blessing (Cursing) of the Heretics,” see *T Berakhot* 3.25 and a *baraita* in *B Berakhot* 28b-29a; for treatment of these and other passages relating to *minim*, see Alon, *Jews in their Land*, 288-290; Reuven Kimelman, “Birkat Ha-Minim and the Lack of Evidence for an Anti-Christian Jewish Prayer in Late Antiquity,” in *Jewish and Christian Self Definition* (eds. E.P. Sanders and A.I. Baumgarten; Philadelphia: Fortress Press, 1981), 2:226-244; Joel Marcus, “*Birkat Ha-Minim* Revisited,” *NTS* 55 (2009): 523-551.

originally appeared, perhaps out of coercion from or fear of medieval Christian censors who would have opposed negative references to Jewish-Christians.¹¹⁵

The interchangeable nature of these terms can be both insightful and potentially misleading. On the one hand, it indicates that this priestly sect was derided enough by the early sages to equate them with heresy. On the other hand, it is tempting to dismiss many references to Sadducees as talking about heretics in general, without first considering whether actual Sadducees could still be behind the debates. Clearly, the Sadducees became a type for opponents of rabbinic law.¹¹⁶ It is possible that the term “Sadducee” in some instances was a generic term for heresy, but there is often no compelling reason to think that it could not refer to Jews who perpetuated Sadducean beliefs and practices. Indeed, many defining characteristics of the Sadducees can be found among the heretical practices and beliefs decried by the early rabbis.

For example, *M Sanhedrin* makes a declaration regarding those who partake of Israel’s blessing and those who do not:

All Israelites have a share in the world to come... And these are they that have no share in the world to come: he that says there is no resurrection of the dead prescribed in the Law, and [he that says] that the Law is not from heaven, and an Epicurean.¹¹⁷

A Toseftan expansion to the Mishnah states:

Heretics, apostates, traitors, Epicureans, those who deny the Torah, those who separate from the ways of the community, those who deny the resurrection of the dead, and whoever sinned and caused the public to sin... Gehenna is locked behind them, and they are judged therein for all generations.¹¹⁸

¹¹⁵ Alon, *Jews in their Land*, 288-290, considers the use of *minim* in *B Berakhot* 28b and *Y Berakhot* 4.8a and their replacement with “Sadducees” in manuscripts which date after the sixteenth century. See also Le Moyne, *Les Sadducéens*, 95-102; Cohen, “Significance of Yavneh,” 39; Saldarini, *Pharisees, Scribes and Sadducees*, 226; Meier, *Marginal Jew*, 3:306, 391; Marcus, “*Birkat Ha-Minim* Revisited,” 523 n.2.

¹¹⁶ Saldarini, *Pharisees, Scribes and Sadducees*, 227.

¹¹⁷ *M Sanhedrin* 10.1.

¹¹⁸ *T Sanhedrin* 13.5.

It is clear from these passages that the early sages did not extend fellowship to those Jews who denied the resurrection and the afterlife. This concern was reflected in rabbinic synagogue services in which those giving a blessing were forced to say “from everlasting to everlasting,” because “the heretics had taught corruptly that there is but one world.”¹¹⁹

It seems that these particular “heresies” continued to circulate into the Amoraic period. For example, a rabbinic liturgical ruling in the Palestinian Talmud insists that anyone who gives a blessing and omits the phrase “who makes the dead to live” must repeat it, lest he is suspected of being a *min*.¹²⁰ Similarly, the Babylonian Talmud contains a tradition of R. Ammi (a third century Palestinian sage) debating the resurrection and afterlife with an unidentified *min*.¹²¹ These passages do not explicitly indicate that Sadducees were behind this heresy. However, as is known from Josephus and the New Testament, the Sadducees were famous for their denial of the afterlife and resurrection. If these passages do not point to the continuation of Sadducean circles (and they easily could), they at least indicate that beliefs similar to those of the Sadducees continued for some time after 70 and remained unacceptable in rabbinic circles.

Another heresy which the sages saw as disqualifying one from eternal life is the rejection of the divine origins of the Law. It is possible that this charge is against those who reject the written Torah, but it is more likely against Jews who do not accept the divine origins of the rabbinic oral law. As with the denial of afterlife and resurrection, it is well known that the Sadducees openly opposed the oral traditions of the Pharisees,

¹¹⁹ *M Berakhot* 9.5.

¹²⁰ *Y Berakhot* 5.3, 9c.

¹²¹ *B Sanhedrin* 91a.

putting them at odds with the early rabbinic movement. In *Sifre Numbers*, Sadducees are declared to be Jews who “despise the word of the Lord” (presumably rabbinic *halakhah*), while Epicureans are Jews who reject God’s commandments.¹²² Thus in at least two key areas – rejection of the afterlife and oral tradition – those who adhere to Sadducean beliefs were categorized as *minim* and disqualified from life in the world to come.

Several of these passages also associate Sadducean beliefs with the Epicureans. In *M Sanhedrin* 10.1 and *T Sanhedrin* 13.5, “Epicureans” are placed in close proximity to those heretics who deny the afterlife, resurrection, and the divine origins of the (oral?) Law. In *Sifre Numbers* 112, “Epicureans” are placed in parallel with Sadducees as those who reject God’s commandments. While it is possible that these passages refer to non-Jews, it is interesting to note that similar connections were made between the Sadducees and Epicureans in the writings of Josephus, which were roughly contemporary with the early Tannaitic tradition being discussed.

Josephus presented the “three sects” of Judaism by comparing them to the “three philosophical schools” of the Greco-Roman world as articulated by Cicero.¹²³ In this arrangement, the Sadducees are most aligned with the Epicureans, who also deny the afterlife and the involvement of the divine realm in human affairs.¹²⁴ The close association between Epicureans and Sadducean beliefs in Josephus and early rabbinic literature suggests that several Jewish circles saw a connection between the two.

According to Lawrence Schiffman, “it is safe to conclude that the ‘*apikoros* [Epicurean]

¹²² *Sifre Numbers* 112 (on Numbers 15:31).

¹²³ Mason, *Life of Josephus*, 16-17 n.70, 72.

¹²⁴ Josephus, *Antiquities* 10.277-281; 13.173; 18.16.

of our mishnah was often a member of the Sadducean group.”¹²⁵ This connection may have been heightened by Sadducean affinities towards Hellenistic culture.¹²⁶ For all of these reasons, it is likely that Sadducees, or at least some Jews who perpetuated Sadducean beliefs, were one type of *min* that existed alongside the sages.¹²⁷

Another group connected with the Sadducees in early rabbinic literature is the Boethusians. As mentioned previously, the Boethusians were likely related to a priestly family (the “House of Boethus”) during the late Second Temple period. This family immigrated to Judea from Alexandria and remained involved in High Priestly politics throughout the early Roman period.¹²⁸ With the historical sources available, it is difficult to ascertain the precise nature of the relationship between Sadducees and Boethusians in the late Second Temple period. Both seem to have been intimately involved with Jerusalem’s priestly aristocracy in the final decades of the temple, and some overlap might have existed in terms of their beliefs and practices. It has even been suggested that the Boethusians were a subgroup of the Sadducees in this period.¹²⁹ What interests us

¹²⁵ Lawrence H. Schiffman, *Who Was A Jew? Rabbinic Halakhic Perspectives on the Jewish-Christian Schism* (Hoboken, NJ: KTAV Publishing House, 1985), 43-46. Schiffman assumes that the passages connecting Epicureans with Sadducees must pre-date 70, since he believes that the Sadducees would have disappeared at that time. However, the association of some of these passages with R. Akiva suggests that they may reflect social dynamics in the second century.

¹²⁶ In Chapter Two I discussed the Sadducean affinity towards Hellenistic culture in the archaeological remains of palatial mansions in Jerusalem. Such an affinity was also noted in rabbinic literature, which associates the Sadducee’s interest in sacred literature with both Jewish scripture and the books of Homer (*M Yadaim* 4.6-8).

¹²⁷ Marcus, “*Birkat Ha-Minim* Revisited,” 536.

¹²⁸ For a detailed consideration of the Boethusian High Priests from this period, see VanderKam, *From Joshua to Caiaphas*, 406-409, 413-419, 443-451, 483-486.

¹²⁹ LeMoyne, *Les Sadducéens*, 177-198, 332-340 lists the rabbinic references to Boethusian rulings and practices and attempts to sketch out a history of the group based on these fragmentary references. A similar approach was taken more recently in Regev, *Sadducees and their Halakhah*, who compares Sadducean and Boethusian *halakhah* in matters of the Sabbath, calendar, civic law, ritual purity, and the temple cult. Unfortunately, the nature of the sources makes this impossible to do with any certainty or precision. See

here, however, is the fact that the priestly Sadducees and Boethusians retained such a close association in rabbinic literature in both the Tannaitic and Amoraic periods.

Even though the precise relationship between the two groups in the first century remains unclear, the rabbis apparently viewed them as representing the same circles of priestly aristocrats. This is evident in the consistent proximity or conflation of the two terms throughout rabbinic texts.¹³⁰ It is interesting to note that the conflation of Sadducees and Boethusians occurs with increasing frequency in the later development of rabbinic literature; whereas the Mishnah typically referred to the Sadducees with only one reference to the Boethusians, the Tosefta frequently inserts the Boethusians in place of the Sadducees.¹³¹ The Palestinian Talmud continues this trajectory by using the term Boethusian, whereas the Babylonian Talmud consistently uses the term Sadducee.¹³²

It is possible that some later rabbinic authors became confused as to the differences in identity and *halakhic* position between the two groups. However, it is clear that later rabbinic tradition continued to remember Sadducees and Boethusians as being separate but related groups, with both denying the resurrection, afterlife, and oral law, and both being associated with the aristocracy.¹³³ It is also possible that the increasing conflation of Sadducees and Boethusians among the Palestinian rabbis reflects a merging

Meier, *Marginal Jew*, 3:391 and Adiel Schremer, "Review of Eyal Regev, *The Sadducees and their Halakhah*," *AJSR* 30.2 (November 2006): 445-448.

¹³⁰ Le Moyne, *Les Sadducéens*, 101-102.

¹³¹ Le Moyne, *Les Sadducéens*, 332.

¹³² Saldarini, *Pharisees, Scribes and Sadducees*, 226-228. One example is *T Sukkah* 3.16, which tells how a Boethusian High Priest was responsible for violating Pharisaic altar laws, whereas a *baraita* in *B Sukkah* 48b claims that it was a Sadducean High Priest. See Miller, *History and Traditions of Sepphoris*, 86 n.126.

¹³³ For example, see *Avot d'Rabbi Nathan* A 5 (a seventh century text claiming to be in the tradition of R. Nathan's school from the second century).

of the two groups by the third century; just as some elements of the pre-70 Pharisees morphed into the early rabbinic movement, perhaps some pre-70 Sadducees in Palestine eventually blended in with a group more identifiable as Boethusians.¹³⁴

This last possibility is admittedly speculative. However, it is clear that by the third century, “Boethusian” had become the rabbinic term for groups associated with Sadducean beliefs and the priestly aristocracy. These groups are also described as being a contemporary reality. Passages in the Tosefta present Boethusians arguing (in the present tense) against Pharisaic positions on inheritance,¹³⁵ and hiring false witnesses to interfere with the calendrical reckoning of the sages.¹³⁶ I have already noted the poem condemning some of the high priestly families, including the “House of Boethus,” which was in circulation into the third century.¹³⁷ Again, it is important to note that at least some Boethusians survived the First Revolt and were relocated to Gophna.¹³⁸ It is therefore likely that some Boethusian circles continued to exist well beyond the late first century and were viewed by the sages as representing the priestly aristocracy whose leadership they aggressively opposed.

¹³⁴ This type of dynamic would fit well with Himmelfarb, *Kingdom of Priests*, 175, who indicates that even if pre-70 sectarianism did not last long after the destruction of the temple, there is no reason why different types of sectarian developments did not continue after that time.

¹³⁵ *T Yadaim* 2.20: “The Boethusians say” that the Pharisees are wrong in their rejection of Numbers 27:8, which states that a daughter, not a son’s daughter, takes precedence in inheritance. A *baraita* in *B Baba Batra* 115b has the same debate taking place between Yohanan b. Zakkai and the Sadducees of his day. See Lightstone, “Sadducees *Versus* Pharisees,” 211.

¹³⁶ *T Rosh Hashanah* 1.15 (cf. *Y Rosh Hashanah* 57d; *B Rosh Hashanah* 22b). In these passages, the Boethusians disputed the sages’ dating of Shavu’ot, and, by implication from their ruse, derided the sages’ use of human eye-witnesses in determining the calendar.

¹³⁷ *T Menahot* 13.21.

¹³⁸ Josephus, *War* 6.113-114 (cf. 5.527).

3.2.2 Essenes

Another priestly sect which flourished in the late Second Temple period was the Essenes. Like the Sadducees, the Essenes typically are thought to have disappeared in the aftermath of the First Revolt. This conclusion is usually based on the assumption that Qumran was the main Essene settlement and, therefore, the sect disappeared with the destruction of the site in 68 C.E. In addition, rabbinic literature does not mention the Essenes by name, leaving the impression that they were no longer a significant factor in post-70 Jewish society. Without question, the Essenes would have suffered as a result of the loss of Qumran and might have been affected in some ways by the destruction of the Jerusalem temple.¹³⁹ However, a close reading of the sources from the late first and second centuries indicates that the Essenes, or circles that maintained Essene-like practices and beliefs, likely continued to exist for decades following the First Revolt.

As with the Sadducees, Josephus discussed the Essenes as a current reality into the late 90s. Of all the sects, Josephus was most fascinated by the Essenes and devoted significantly more space in his writings to them than to the others. Not only did Josephus speak of the Essenes in glowing terms as being the most affectionate and pious, but he was deeply interested in their practices and beliefs. Among these were activities traditionally associated with the priesthood. For example, Josephus notes that the Essenes typically wear white linen garments,¹⁴⁰ participate in a sunrise prayer liturgy,¹⁴¹ practice

¹³⁹ Although, Magness, *Archaeology of Qumran*, 69-71, indicates how small the population of Qumran would have been at any given time. This undermines the assumption that the entire sect would have disappeared with the loss of this site.

¹⁴⁰ Josephus, *War* 2.123, 129, 137.

¹⁴¹ Josephus, *War* 2.128, 148.

magical healings (including work with stones),¹⁴² enjoy a special relationship with the angels,¹⁴³ conduct scribal activities dealing with the ancient holy books,¹⁴⁴ possess the oracular gift of prophecy,¹⁴⁵ and maintain a high degree of ritual purity through regular washings.¹⁴⁶ As seen in Chapter Two, these were all considered to be priestly prerogatives and practices in the Second Temple period.

Josephus' interest in the priestly activities of the Essenes included their sacred assemblies. The terminology he used to describe these assemblies points to the Essenes' ability to conduct priestly rituals apart from the Jerusalem temple.

[At the] fifth hour they are again assembled in one area, where they belt on linen covers and wash their bodies in frigid water. After this purification [αγνείαν¹⁴⁷] they gather in a private hall, into which none of those who hold different views may enter: now pure themselves, they approach the dining room as if it were some [kind of] sanctuary [καθαπερ εις αγιον τι τεμενος¹⁴⁸]. . . . The priest [ο ιερευσ] offers a prayer before the food, and it is forbidden to taste anything before the prayer; when he has had his breakfast he offers another concluding prayer. . . . [At the conclusion, they] lay aside their clothes as if they were holy [ως ιερας].¹⁴⁹

They send votive offerings [αναθηματα] to the temple, but perform their sacrifices [θυσιας] employing a different ritual of purification [αγνείων]. For this reason they are barred from those precincts of the temple that are frequented by all the people and perform their rites [θυσιας] by

¹⁴² Josephus, *War* 2.136.

¹⁴³ Josephus, *War* 2.142.

¹⁴⁴ Josephus, *War* 2.136, 142.

¹⁴⁵ Josephus, *War* 2.159; cf. 1.78-80; 2.112-113; *Antiquities* 13.311; 15.371-78; 17.346.

¹⁴⁶ Josephus, *War* 2.129, 137, 149-150, 159.

¹⁴⁷ This is the same term for water purification that Josephus used for the purifications performed by Bannus in the wilderness (Josephus, *Life* 11) and for the immersion of Jewish men the morning after a nocturnal emission (*Antiquities* 3.263), a prescription of Leviticus for the maintenance of priestly purity. See Steve Mason, *Flavius Josephus: Translation and Commentary: 1b: Judean War 2* (Leiden: Brill, 2008), 106-107 n.809-810.

¹⁴⁸ Although often used for foreign sanctuaries, this terminology was also used by Josephus in reference to the Jewish temple at Leontopolis (*War* 7.429, 434) and to the Jerusalem temple. See Mason, *Judean War 2*, 107 n.814.

¹⁴⁹ Josephus, *War* 2.129-131.

themselves....They elect by show of hands good men to receive their revenues and the produce of the earth and priests [ἱερείς] to prepare bread and other food.¹⁵⁰

Both passages (one written in the 70s and one in the 90s) use priestly and temple language to describe Essene activities and leadership. In the case of their holy assemblies, Essenes ate their communal meals dressed as priests (in white linen), were in a state of priestly purity, were presided over by priests who prayed over the food, and considered their assembly hall to be temple-space. From these actions it is clear that Essene meals were treated as the holy food consumed by priests at the temple.¹⁵¹ All of these descriptions of the Essenes point to a community that lived and acted as priests, albeit apart from the Jerusalem temple.¹⁵² This last point significantly undermines the assumption that this community could not have existed without the Jerusalem temple, since its core practices were conducted independently of that institution.

Another important detail given by Josephus is that while some Essenes lived as celibate ascetics, others lived with families in cities throughout Judea. In the mid to late 70s Josephus maintained that “no one city is theirs, but they settle amply [μετοικουσιν] in each,” and that a network of Essene communities exists in “every city where they live.”¹⁵³ The notion of Essenes living in cities throughout the region is also supported by

¹⁵⁰ Josephus, *Antiquities* 18.18-22.

¹⁵¹ Magness, *Archaeology of Qumran*, 73-162 discusses the many ways in which the archaeology of Qumran supports Josephus’ description of the Essene holy meals. Relevant features include a communal dining hall with *miqva’ot* at each entrance, individual dishes used for the sake of purity, and animal bone deposits that reflect an association between the community’s meals and the holy food eaten by priests in the Jerusalem temple.

¹⁵² The impression of Josephus’ Essenes being a priestly community is confirmed in the sectarian Dead Sea Scrolls such as 1QS, CD, the War Scroll, and scores of other fragments. Lawrence H. Schiffman, “Community Without Temple: The Qumran Community’s Withdrawal from the Jerusalem Temple,” in *Gemeinde Ohne Tempel*, eds. Ego, Lange, and Pilhofer, 267-284, discusses the ways in which the Dead Sea sect operated as a temple and priesthood independently of the Jerusalem temple.

¹⁵³ Josephus, *War* 2.124-125. 2.160-161 describes family life among the Essenes of these cities. *Antiquities* 18.22 contains an interesting manuscript dispute which may relate to Essene city life as well. Whereas W.

earlier references to this effect in the writings of Philo.¹⁵⁴ Furthermore, at least one sectarian text among the Dead Sea Scrolls (the *Damascus Document*) provided legislation for Essenes living with families in cities (“the camps of Israel”).¹⁵⁵ This is an important point because it suggests that the Essene way of life was not entirely dependent upon Jerusalem, or even Qumran, and could have easily survived the war.¹⁵⁶

Josephus himself hinted at this possibility. In addition to giving no indication of their disappearance after 70, Josephus, writing in the 90s, continued to provide numbers of Essene membership: “the men who practice [πρασσοῦσιν] this way of life number [οὐτῆς] more than four thousand.”¹⁵⁷ These are low numbers in comparison to the numbers Josephus gives for other groups, such as members of the priestly courses (20,000) and Pharisees (6000).¹⁵⁸ Of course, it is difficult to know the extent to which these numbers reflect historical reality. At most, the numerical value is likely restricted to its relative percentage compared with other groups mentioned by Josephus; i.e., the

Whiston and H. St. J. Thackeray read the text in a way that compared some Essenes to *Polistae* (“city-dwellers”), L. Feldman rejected this reading and preferred the phrase “Ctistae [‘founders’] among the Dacians.” See Feldman, *Jewish Antiquities Books XVIII-XIX* (Loeb; Cambridge: Harvard University Press, 1998), 20-21 n.a. Further consideration of Josephus’ understanding of “cities” can be found in Mason, *Judean War* 2, 103-104 n.784. Mason suggests that Josephus may have used the word loosely and points out that the only individual Essenes named by Josephus were present in and around Jerusalem (e.g., *War* 1.78; 2.113, 567; 5.1145; *Antiquities* 13.311; 15.371-78).

¹⁵⁴ Philo, *Hypothetica* 11.1; *Every Good Man is Free* 76.

¹⁵⁵ CD 7.6, 12.22-23, 13.5, 16, 20; 14.7, 9; 19.2; 20.26 provides legislation for Essenes living “in the camps of Israel,” while CD 10.21 and 12.19 similarly legislated for Essenes living in towns; Burns, “Essene Sectarianism,” 248.

¹⁵⁶ See Hartmut Stegemann, “The Qumran Essenes – Local Members of the Main Jewish Union in Late Second Temple Times,” in *The Madrid Qumran Congress* (eds. Julio Trebolle Barrera and Luis Vegas Montaner; Leiden: Brill, 1992), 1:82-166 (esp. 134-138), for a detailed overview of different approaches to related issues.

¹⁵⁷ Josephus, *Antiquities* 18.20.

¹⁵⁸ Josephus, *Antiquities* 17.41; *Apion* 2.108.

Essenes of Josephus' day were about two-thirds as numerous as Pharisees.¹⁵⁹

Nevertheless, Josephus continued to give the impression of a vibrant Essene community decades after 70. One passage even indicates that Josephus was aware of the impact of the war on the Essenes,¹⁶⁰ yet he proceeded to describe them as if they were still a part of post-war Jewish society.

While the Essenes were the sect most commented upon by Josephus, they are never mentioned explicitly in rabbinic literature. This omission has led many scholars to assume that the sect no longer existed in any meaningful way. However, Joshua Ezra Burns has recently argued that several Essene-like practices appear among the *minim* condemned by the rabbis throughout the Tannaitic period.¹⁶¹ Not all of the connections made by Burns are convincing,¹⁶² but enough parallels exist between Essene practices and rabbinic *minim* to indicate that some Essene-like circles still posed a threat to the sages in the post-70 period.

For example, the sages denounced the unique practices of *minim* who they considered to be excessive in matters of ritual purity. One passage in the Tosefta records

¹⁵⁹ Berndt Shaller, "4000 Essener-6000 Phariseer: Zum Hintergrund und antiker Zahlenangaben," in *Antikes Judentum und frühes Christentum. Festschrift für Hartmut Stegemann zum 65. Geburtstag* (ed. Bernd Kollmann et al; Berlin: de Gruyter, 1999), 172-182 argues that these numbers should be seen typologically in terms of population ratio, and should not be taken literally. See also Schwartz, *Imperialism and Jewish Society*, 93-95, and Burns, "Essene Sectarianism," 247.

¹⁶⁰ Josephus, *War* 2.152 describes how some Essenes were tortured by the Romans during the war, yet endured this ordeal in an exemplary manner.

¹⁶¹ Burns, "Essene Sectarianism," 247-274.

¹⁶² Some of the connections made by Burns could easily apply to any number of groups opposed by the sages, and do not necessarily indicate practices unique to the Essenes. These include the practicing of non-rabbinic rituals in private houses (*T Shabbat* 13.5), unusual sacrificial rites (*M Hullin* 2.9; *T Hullin* 2.19; *T Yoma* 2.10), an alternative festival calendar such as promoted by the Sadducees and Boethusians (*M Menahot* 10.3; *M Hagigah* 2.4; *M Rosh Hashanah* 2.1; 1.8; *T Rosh Hashanah* 1.15), and food prepared in a way not considered kosher by the sages (*T Hullin* 2.20-21).

that R. Akiva condemned some Jews who tied their stone vessels to the horns of oxen. Apparently this was done so that the vessels could be filled while the oxen stooped to drink, thus avoiding any human contact in drawing the pure water.¹⁶³ It is clear from Josephus, the Dead Sea Scrolls, and the archaeological excavations at Qumran that the Essenes were concerned with ritual purity in a way that went well beyond other Jewish groups. It is therefore possible that this “heresy” from the day of R. Akiva reflected an Essene-like purity practice considered extreme by the sages. Admittedly, however, this particular practice is not explicitly known from pre-70 Essene sources.

A stronger connection, mentioned but not emphasized by Burns, is found in the Tosefta’s condemnation of Jews who immerse themselves at sunrise:

Those who immerse themselves at dawn say, “We complain against you, Pharisees, for you mention the divine name at dawn without first immersing.” Say Pharisees, “We complain against you, those who immerse at dawn. For you make mention of the divine name in a body which contains uncleanness.”¹⁶⁴

This description recalls the regular purity immersions known to have been performed by the Essenes. It is also possible that this practice is related to the sunrise liturgy of the Essenes as described by Josephus:

Towards the Deity, at least: pious observances uniquely expressed. Before the sun rises, they utter nothing of the mundane things, but only certain ancestral prayers to him [i.e., “towards the sun”], as if begging him to come up.¹⁶⁵

¹⁶³ *T Parah* 3.3. Burns, “Essene Sectarianism,” 263-264. An alternative version of this ruling is found in *M Parah* 3.3, where the context seems to indicate a Sadducean practice from the Second Temple period.

¹⁶⁴ *T Yadaim* 2.20. For some reason, Burns relegates this much stronger connection between Essene practices and rabbinic *minim* to the footnotes. He does, however, make an interesting suggestion that the “morning immersers” could also be related to a Jewish sect called the “Hemerobaptists” mentioned in later Christian literature (Eusebius, *Ecclesiastical History* 4.22; Epiphanius, *Panarion* 17.1-5). See Burns, “Essene Sectarianism,” 264-265 n.40. For an examination of various Jewish and Christian sects that emphasized immersion in their pursuit of ritual purity, see Kurt Rudolph, “The Baptist Sects,” in *The Cambridge History of Judaism. Volume Three: The Early Roman Period* (eds. William Horbury, W.D. Davies, and John Sturdy; Cambridge: Cambridge University Press, 1999), 471-500.

¹⁶⁵ Josephus, *War* 2.128. See Mason, *Judean War* 2, 105-106 n.798-806 for further discussion of sun worship and the Essenes.

Some Jews continued to offer prayers for the sun into the third century, as indicated by the opposition to the practice by Judah I: “R. Judah says, ‘One who recites a benediction for the sun, behold this is heresy.’”¹⁶⁶ Taken together, these rabbinic passages suggest that Essene-like sunrise liturgies – including water immersion and blessings for the sun – continued to be practiced among some Jews for some time after 70.

Another parallel between Essene practices and the *minim* of rabbinic literature is the wearing of white linen during worship rituals outside of the temple. Just as the Essenes would dress in white linen while participating in their communal meals (in imitation of temple priests), so some Jews of the Tannaitic period were condemned by the sages for performing certain synagogue rituals dressed in white garments. “If a man said, ‘I will not go before the ark in colored raiment,’ he may not even go before it in white raiment. [If he said,] ‘I will not go before it in sandals,’ he may not even go before it barefoot....this is the way of heresy.”¹⁶⁷ This passage indicates that some Jews attended to synagogue rituals as if they were priests in the temple, barefoot and wearing white clothing. While these exact practices are not explicitly known from Essene worship, they are consistent with the ways in which Essenes functioned as priests outside the temple.¹⁶⁸ The fact that sages were condemning this behavior into the third century suggests that these practices still existed in that period.

¹⁶⁶ *T Berakhot* 6.6. In *T Terumah* 7.11 Judah I gives the same declaration, but adds the practice of straining gnats out of water vessels as another example of extreme priestly purity. Sanders, *Judaism: Practice and Belief*, 245-246, 351, discusses the continued rabbinic condemnation of priestly worship of the sun, as found in *M Sukkah* 5.2-4.

¹⁶⁷ *M Megillah* 4.8; Burns, “Essene Sectarianism,” 266.

¹⁶⁸ See Magness, *Archaeology of Qumran*, 193-202, for a discussion on Essene sectarian clothing and the ways in which it contrasted with surrounding culture.

One final parallel, not mentioned by Burns, relates to the holy books and healing practices of the *minim*. Josephus records that the Essenes were

extraordinarily keen about the compositions of the ancients, especially those oriented towards the benefit of soul and body. On the basis of these and for the treatment of diseases, roots, apotropaic materials, and the special properties of stones are investigated.¹⁶⁹

Essene holy books also contained special information about the names of the angels.¹⁷⁰

All of these practices are associated with heresy in the early rabbinic movement. For example, among the Israelites declared unfit for the world to come is “he that reads the heretical books, or that utters charms over a wound.”¹⁷¹ In the Tosefta, a list of condemned heresies groups rites of worship involving the sun, moon, constellations, and angels with having magical books and performing healings.¹⁷² These rabbinic texts do not mention the Essenes by name, but the grouping of magical books, healings, and angels indicate that at least some groups of Jews with Essene-like practices continued to operate into the third century.

The point is often made that since no Essene literature was produced after 70, the sect must have ceased to exist at that time. However, this is an argument from silence and one potentially skewed by later rabbinic scribes who did not preserve writings with which they did not agree.¹⁷³ It is also important to remember that a selection of Essene literature was preserved in some Jewish circles after 70. One “sectarian” text that was transmitted

¹⁶⁹ Josephus, *War* 2.136.

¹⁷⁰ Josephus, *War* 2.142.

¹⁷¹ *M Sanhedrin* 10.1.

¹⁷² *T Hullin* 2.18-24.

¹⁷³ Consider, for example, the “heretical” books which the rabbis intentionally ignored or discouraged, including the *Wisdom of Jesus Ben Sira*, texts written after that time, and the New Testament gospels; *M Sanhedrin* 10.1; *T Yadaim* 2.13; *T Shabbat* 13.5.

for centuries after the First Revolt was the *Damascus Document* (CD), sometimes referred to as “the Zadokite Fragments.” The earliest known manuscripts of this text were found at Qumran and contain striking parallels to the beliefs and practices of the Essenes as described by Josephus. These include the Essene positions on fate, purity washings, initiation, wealth, restrictions on oaths, use of oil, fellowship, Sabbath regulations, priestly leadership, and the presence of some married Essenes in various cities.¹⁷⁴

Although this text was written well before 70, it was copied by some Jewish group(s) for several centuries afterward, as attested by the presence of tenth and twelfth century manuscripts found in the Cairo Genizah.¹⁷⁵ It is difficult to know how the *Damascus Document* ended up in the genizah. Some scholars have argued that it was among the Jewish texts discovered in the Judean desert in the early Middle Ages and subsequently led to the establishment of the Karaite movement.¹⁷⁶ However, it seems more likely that this and other priestly texts from the Second Temple period (such as the *Wisdom of Jesus ben Sira* and *Aramaic Levi*) were preserved by some group(s) on the margins of the rabbinic movement (or outside of it altogether¹⁷⁷), which ultimately led to

¹⁷⁴ Cf. Josephus, *War* 2.119-161 and *Antiquities* 18.18-22 with CD 4:17-5:7; 6:15; 7:6-7; 8:5, 7; 9:8-12; 10:10-11, 18, 21; 11:5-6, 15, 21-22; 12:1-2, 6-7, 15-17, 19; 13:5; 14:6; 15:1-5; 16:10-12. Todd S. Beall, *Josephus' Description of the Essenes Illustrated by the Dead Sea Scrolls* (Cambridge: Cambridge University Press, 1988), 34-130 provides a partial list of these parallels, although even more exist now that the manuscripts of the Damascus Document have been published fully. See also Kenneth Atkinson and Jodi Magness, “Josephus’s Essenes and the Qumran Community,” *JBL* 129.2 (2010): 317-342.

¹⁷⁵ Solomon Schechter, *Documents of Jewish Sectaries. Volume 1: Fragments of a Zadokite Work* (Cambridge: Cambridge University Press, 1910); Magen Broshi, ed., *The Damascus Document Reconsidered* (Jerusalem: Israel Exploration Society, 1992).

¹⁷⁶ E.g., P.E. Kahle, *The Cairo Genizah* (Second Edition; Oxford: Blackwell, 1959), 13-28; Jeffrey H. Tigay, “Archaeology of the Bible and Judaism in Late Antiquity and the Middle Ages,” in *The Archaeology of Jordan and Beyond: Essays in Honor of James A. Sauer* (eds. Lawrence Stager, et al; Winona Lake, IN: Eisenbrauns, 2000), 490-497 reviews the evidence behind this approach. This also appears to be the leaning of Burns, “Essene Sectarianism,” 272-273 n.61, although I think he is too skeptical on this point.

the formation of later sects such as the Karaites, a group with their own priestly interests.¹⁷⁸ This suggestion is made by Magen Broshi, who believes that the manuscript transmission of the *Damascus Document* attests to “an underground movement, spiritual descendants of Qumran, [that] existed for many centuries and parented Karaism.”¹⁷⁹

Likewise, Lawrence Schiffman remarked:

It seems more logical to postulate that these texts survived in a continuing sectarian tradition that persisted through Talmudic times and that emerged anew into the light of day after lying dormant for some time. In such a case, the Genizah copies of the Zadokite Fragments would have originated, not in an earlier discovery of the Dead Sea Scrolls, but in this continuing sectarian tradition.¹⁸⁰

In support of this conclusion, it is important to point out that several unique aspects of the *halakhah* promoted within the *Damascus Document* were still actively contested by rabbis of the Tannaitic period. For example, in several discussions of ritual purity the sages argue against the strict priestly purity standards as found in the *Damascus Document*. These include debates over straining gnats out of liquids¹⁸¹ and the

¹⁷⁷ Steven D. Fraade, “Shifting from Priestly to Non-Priestly Legal Authority: A Comparison of the Damascus Document and the Midrash Sifra,” *DSD* 6.2 (1999): 109-125, notes the different ideologies behind the *Damascus Document* and later rabbinic literature. Although he ultimately concludes by noting some similarities between the two worldviews, the priestly ideology behind the *Damascus Document* and the authority attributed to sages by rabbinic literature would not have been compatible.

¹⁷⁸ Yoram Erder, “The Karaites and the Second Temple Sects,” in *Karaite Judaism: A Guide to its History and Literary Sources* (ed. Meira Polliack; Leiden: Brill, 2003), 119-143; Alexander, “Jewish Priesthood after 70,” 15; Lawrence H. Schiffman, “Second Temple Literature in the Cairo Genizah,” in *Qumran and Jerusalem: Studies in the Dead Sea Scrolls and the History of Judaism* (Grand Rapids, MI: Eerdmans, 2010), 393-410.

¹⁷⁹ Magen Broshi, “Anti-Qumran Polemics in the Talmud,” in *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid, 18-21 March 1991* (ed. Julio Trebolle Barrera and Luis Vegas Montaner; Leiden: Brill, 1992), 2:599-600.

¹⁸⁰ Schiffman, “Second Temple Literature in the Cairo Genizah,” 410.

¹⁸¹ CD 12.13-14, 19-20 declares all swarming things to be unclean, whereas the rabbis, who only viewed the eight species of Leviticus 11:29-30 to be unclean (*M Shabbat* 14.1), condemned those “heretics” who strained gnats out of their liquids for the sake of purity (see *T Terumot* 7.11).

restrictions on eating dead fish and locusts.¹⁸² In both cases, the sages condemn the stricter priestly position as found in the Essene sectarian texts. Since these appear to have been active and polemical arguments, it is likely that some groups in the Tannaitic period were still following these Essene-like practices and purity standards.¹⁸³

In summary and conclusion of this section, the cumulative evidence speaks against the traditional assumption that priestly sectarianism ceased with the destruction of the temple. Rather, all of our main literary sources from the period after the First Revolt – Josephus, early rabbinic texts, and even some early Christian texts – suggest that these sects continued into the post-70 generations. Josephus gives several hints at the survival of Sadducean and Boethusian aristocrats after the war and speaks of their belief system in the present tense. Likewise, he remained fascinated by the priestly Essenes until the end of his writing career and gave no hint of their disappearance. Similarly, early rabbinic literature suggests that Sadducees and Boethusians continued to oppose the sages at least into the Tannaitic period. The sages also continued to condemn Sadducean and Essene-like beliefs and practices as heresy, suggesting that these groups survived into the post-70 era. Although we must be modest in our reconstruction of post-70 sectarian dynamics, the extant sources suggest that the type of religious diversity that existed in the late Second Temple period continued for centuries after the loss of the temple.

¹⁸² *T Terumot* 9.6 declares that both live and dead locusts and fish could be eaten without concern for how they were slaughtered, whereas the sectarian Essene position forbids eating them if found dead, out of fear of improper slaughtering (CD 12.13-15; 11QT 48.3-6).

¹⁸³ See Jodi Magness, “Sectarianism Before and After 70 C.E.,” (Unpublished Manuscript) 8-13. Broshi, “Anti-Qumran Polemics in the Talmud,” 589-600 also discusses several areas of Essene *halakhah* that were contradicted by rabbinic rulings. As he admits, however, his list must be read with caution since many of its points were also shared by other priestly circles such as the Sadducees and Boethusians. These include the dating of the Omer reaping, the proper procedure for the burning of the red heifer, the payment of the half-shekel, and some marital laws. This makes it difficult to say with certainty that the contradicting rabbinic *halakhot* point to post-70 Essenes. However, the larger historical implication of his list – that the priestly positions on these matters must have been around for a long time after 70 – remains convincing.

3.3 Geographic Locations and Archaeological Remains

Now that I have presented evidence for the survival of priestly individuals, families, and sects after the First Revolt, it is worth considering the post-70 geographical distribution of members of these priestly circles. Unfortunately, the sources from this period do not provide a systematic description of where priests settled after the war. This leaves us with the task of assembling various pieces of evidence into what will inevitably be an incomplete picture. Nevertheless, some reasonable assumptions and observations can be made based on the available literary, epigraphic, and archaeological sources. Taken together, these sources indicate that not all or even most priests moved en masse to any single location in response to the destruction of Jerusalem. Rather, the evidence suggests that members of different priestly circles either relocated to different locations or remained unaffected by the war.¹⁸⁴

An important starting point for this issue is to consider the geographic locations of priests before the war and the demographic impact that the First Revolt had upon the region in general. As seen in Chapter Two, a large number of priestly families resided in and around Jerusalem during the late Second Temple period. In addition, we saw evidence that priestly families lived in Jericho, throughout the Judean countryside, along the coastal plain, and possibly in Galilee. The sources which describe post-70 economics and demographics are extremely limited, but a number of studies have considered the

¹⁸⁴ For another consideration of the geographic distribution of priests after 70, see Trifon, "Jewish Priests," 75-90.

ways in which the population of these regions would have been affected by the war.¹⁸⁵

We can assume that priests experienced fates similar to other Jews throughout the country.

Without question, Jerusalem received the brunt of the war's destruction, with its temple, fortifications, and Upper City being leveled during the siege in 70. A few other cities, such as Lydda and Jaffa, reportedly were burned during Cestius Gallus' march from Caesarea in 68. We also know that some destruction occurred in Galilee, and that some settlements and fortresses in the Judean desert and along the coast of the Dead Sea (such as Qumran and Masada) were destroyed as well. Beyond this, however, we should not imagine that the entire country was devastated or that a significant portion of the Jewish population was uprooted at this time.

Most of the lands confiscated by Vespasian in Judea were returned to Jewish owners after the war,¹⁸⁶ and pro-Roman Jewish aristocrats who were displaced from their estates in Jerusalem were allowed to resettle elsewhere.¹⁸⁷ Jericho presumably remained imperial property on account of its balsam plantations, and the few coastal cities which were adversely affected by the war (such as Yavneh and Lydda) were resettled with Jews friendly towards Rome. The Galilee region seems to have experienced no significant

¹⁸⁵ For the summary that follows, see Büchler, "Economic Condition of Judaea," 73-106; Benjamin Isaac, "Judaea after 70," *JJS* 35 (1984): 44-50; Martin Goodman, "Judaea," in *The Cambridge Ancient History. Volume XI: The High Empire, A.D. 70-192* (Second Edition; Cambridge: Cambridge University Press, 2000), 664-678.

¹⁸⁶ One exception was the village of Emmaus, which was retained by the Romans for the settlement of eight hundred war veterans (Josephus, *War* 7.216-217). For a discussion on whether the lands in Judea were sold, leased, or restored to their former owners, see Isaac, "Judaea after 70," 44-50.

¹⁸⁷ Josephus, *War* 5.422.

demographic shift as a result of the war. Overall, Martin Goodman estimates that “the mopping-up operations were executed with great thoroughness within four years.”¹⁸⁸

From these general observations we can guess that, with the exception of Jerusalem’s displaced aristocracy and the loss of the sectarian settlement at Qumran, the priestly population of Palestine was not dramatically affected. Priestly families that lived throughout the Judean countryside, along the coastal plain, south of Jerusalem, and perhaps in Galilee likely continued on as normal. Beyond this reasonable assumption, however, it is possible to be more precise about priestly settlement based on positive evidence. Clues exist in the literary and archaeological sources from this period that provide small windows of insight into where some priestly circles were operating in the generations after 70. Ben Zion Rosenfeld has recently produced a study that traces the geographic distribution of the rabbinic circles after the war.¹⁸⁹ A similar consideration of the geographic location of priests will be beneficial here.

Rosenfeld’s study can be a helpful starting point for locating priestly circles after 70. Generally speaking, rabbinic circles after the war operated along the coastal plain and in northern parts of the country. In both of these regions, rabbis encountered and interacted with priests. In some cases, these priests associated themselves with the sages, while in others they appear to have been on the margins of the rabbinic movement or outside of it altogether. For example, the main centers of rabbinic activity between 70 and 135 were the urban academies of Yavneh and Lydda near the Mediterranean coast.¹⁹⁰ We

¹⁸⁸ Goodman, “Judaea,” 665.

¹⁸⁹ Ben Zion Rosenfeld, *Torah Centers and Rabbinic Activity in Palestine 70-400 C.E.: History and Geographic Distribution* (Leiden: Brill, 2010).

¹⁹⁰ Rosenfeld, *Torah Centers*, 41-60.

saw earlier that priests – including R. Hanina the Prefect of the Priests, Ila, and others – were present at Yavneh in the late first century.¹⁹¹ Some of these priests actively participated in whatever “proceedings” occurred there, but many of them were in tension with the circle of Yohanan b. Zakkai (the one exception being R. Yose the Priest).¹⁹²

Tradition also claims that R. Tarfon, one of the most famous priestly rabbis of the Yavnean generation, led a group of sages based in Lydda.¹⁹³ Unlike the circle of Yohanan b. Zakkai at Yavneh, R. Tarfon’s circle apparently included a number of priestly sages, such as R. Zadok and his son Eleazar who spent some time at Lydda.¹⁹⁴ In addition to the priests mentioned in rabbinic literature, Josephus confirms that some priestly aristocrats resided along the coast after 70. We have already seen that Josephus himself was given land somewhere in this area as compensation for the lands he lost in Judea during the war.¹⁹⁵ Although we do not know exactly where his estate was located, it likely was not far from Yavneh or Lydda.¹⁹⁶ If this was the case, the coastal region seems to have been a dynamic part of the country after 70 in which various circles of sages (both priestly and non-priestly) and priestly aristocrats lived in close proximity and often debated with each other over the future course of Jewish society (see section 4.1).

¹⁹¹ E.g., R. Hanina the Prefect of the Priests (*M Eduyot* 2.1-3), Ila, the priest whose testimony was rejected (*M Berakot* 6.8), and unnamed priests opposed by R. Yohanan b. Zakkai (*M Sheqalim* 1.4).

¹⁹² Büchler, *Die Priester und der Cultus*, 17-35; Hezser, *Rabbinic Movement*, 71.

¹⁹³ *M Baba Metzia* 4.3; *M Taanit* 3.9.

¹⁹⁴ *T Pesahim* 3.11; 10.10. See Büchler, *Die Priester und der Cultus*, 17-35 and Rosenfeld, *Torah Centers*, 42-43.

¹⁹⁵ Josephus, *Life* 422.

¹⁹⁶ Mason, *Life of Josephus*, 167 n.1738.

Along with these two centers of activity, members of rabbinic circles could be found in smaller numbers in the northern parts of the country. Early rabbinic literature indicates that sages encountered priests in these areas as well. For example, priests on the margins of the rabbinic movement are mentioned as being active along the northern coast, as demonstrated by two stories mentioned earlier. In one account, Simon b. Kahana (a priest from the early second century) was caught drinking consecrated wine at Acre, and was forced by the sages to finish it in a boat offshore so as to not break their purity rulings.¹⁹⁷ In another account, the sages debated the legal status of Joseph the Priest who studied law at Sidon.¹⁹⁸ These stories do not imply that large numbers of priests lived along the northern coast, but they do show that it was possible for rabbis to encounter priests there well into the second century.

In Galilee, both rabbinic and priestly presence is difficult to ascertain for the decades immediately following the First Revolt.¹⁹⁹ One account in the Tosefta records a meeting that took place “in the store of R. Eleazar b. Azariah [a priestly sage] in Sepphoris,”²⁰⁰ which suggests that he was fairly well-established in the city by the late first or early second century. The account also places R. Eleazar b. R. Zadok (a priest) and R. Yeshebab (related to the priestly course by that name?) at the meeting. The

¹⁹⁷ *T Sheviit* 5.2.

¹⁹⁸ *T Avodah Zarah* 1.8.

¹⁹⁹ For the pre-70 period, the only solid references we have to priests in Galilee are Josephus’ statements that priests collected tithes in the region (Josephus, *Life* 63, 77, 81), and that the provisional government sent priests (such as himself) to run conduct affairs relating to the war in that region on their behalf. However, it is difficult to know the extent to which any of these priests lived in the region on a permanent basis. Samuel Klein claimed that priests lived in several villages throughout Galilee between 70 and 135. These include Tibon, Guvta-Ariah, Kefar Menori, Kefar Otnay, Sikhnin, Kokhba, and Rom-Beth Anat. However, most of his evidence is only suggestive and not conclusive. See Miller, *History and Traditions of Sepphoris*, 130.

²⁰⁰ *T Kelim Baba Batra* 2.2-3.

Tosefta assumes that members of High Priestly families had lived in Sepphoris since the late Second Temple period, which would imply a continuous High Priestly presence in the city after the First Revolt.²⁰¹ However, it is important to point out that all of these accounts only appear in the Tosefta, making it possible that they reflect third century reality more than first and second century history. Unfortunately, beyond these tenuous references there is little we can say with certainty regarding priestly presence in Galilee between 70 and 135.

In addition to priestly and rabbinic interaction in the coastal and northern regions of Palestine, there is evidence that some priestly circles operated in parts of the country that had little or no rabbinic presence. For example, Tannaitic literature records almost no rabbinic activity south of Jerusalem (the “Darom”) and along the shores of the Dead Sea.²⁰² Nevertheless, it is clear that some Jewish circles – including priests and Levites – lived in these areas after 70, and that many of these social circles fell outside the sphere of rabbinic influence. Evidence for these groups can be found in rabbinic polemics, legal papyri discovered in the Judean desert, and local inscriptions from subsequent centuries.

As for the first category, it is clear that Tannaitic sages found fault with many Jewish groups and practices that existed in this part of the country. Several of these groups apparently included priestly families who had moved to the region after the war,

²⁰¹ *T Kippurim* 1.4 records second century rabbis discussing the role of Joseph b. Elim of Sepphoris in filling in on Yom Kippur for the High Priest in the late first century B.C.E. Other traditions in the Tosefta describe the greedy priest “Ben Hamsan” who lived in Sepphoris during the Second Temple period. These negative portrayals imply that the rabbis assumed that at least some members of High Priestly families lived in Galilee by the second century. See Miller, *History and Traditions of Sepphoris*, 63-74, 88-102.

²⁰² The priestly sage R. Ishmael was reported to live in Kefar Aziz (south of Hebron), but no major rabbinic circles seem to have been present in that region (*M Kelaim* 6.4). Büchler, “Economic Condition of Judaea,” 83 n.41, points out that this location could not have been too far from Yavneh and Lydda, since R. Ishmael was visited by R. Tarfon, R. Eleazar b. Azariah, and R. Akiva after the death of his son (*B Moed Katan* 28b). See also Rosenfeld, *Torah Centers*, 68.

or who lived there before 70 and never left. For example, in one Mishnaic passage the sages express their discontent with the “men of Jericho” who were not following various aspects of rabbinic *halakhah*, including in their treatment of consecrated figs and vegetables being harvested in the region.²⁰³ According to Adolf Büchler and Joshua Schwartz, it is likely that these men were priests who were working as farmers or administrators on the imperial lands there.²⁰⁴ Another passage in the Mishnah implies that in the time of R. Akiva, groups of Levites were active in Zoar at the southern end of the Dead Sea.²⁰⁵ From the context of this story, it seems that these Levites did not follow rabbinic rulings regarding witnesses and remarriage.

The impression given by the above references is that some priestly and Levitical circles existed in the Judean desert and along the shores of the Dead Sea during the late first and early second centuries. This impression is confirmed by a number of legal documents discovered in caves throughout the region that slightly predate the Bar Kokhba revolt in 132. For example, a marriage contract from ca. 117 was found near Wadi Muraba’at that contains the terms for the upcoming marriage of “Yehuda,” a grandson of “Menashe from the sons of Eliashib” (מְנַשֶּׁה מִן בְּנֵי אֱלִישִׁיב).²⁰⁶ The reference to “the sons of Eliashib” (one of the twenty-four priestly courses) indicates that some priests in the region continued to identify with that course into the early second century.

²⁰³ *M Pesahim* 4.8.

²⁰⁴ Büchler, *Die Priester und der Cultus*, 178 sees the “men of Jericho” as upper class priests, while Schwartz, “Priests and Jericho,” 42-47 discusses the activities of priestly farmers. Schwartz restricts his reading of *M Pesahim* 4.8 to the time of the late Second Temple period, but a close examination of the passage seems to indicate that the concerns expressed by the sages are current.

²⁰⁵ *M Yebamot* 16.7; Büchler, “Economic Conditions of Judaea,” 78 n.13, 84.

²⁰⁶ P. Benoit, J.T. Milik, and R. de Vaux, *Discoveries in the Judaean Desert II: Les Grottes de Murabba’at* (Oxford: Clarendon Press, 1961), 109-114.

Other documents from the Judean desert contain references to individuals named “Levi,” suggesting either a priestly or Levitical identity: “Nehonia son of the Levi” was mentioned in the deed of a loan found in a cave near Jericho;²⁰⁷ a list of names in Greek from Nahal Se’elim contained a “Yeshua son of Levi”;²⁰⁸ an Aramaic deed of sale from the third year of the Bar Kokhba revolt was found near the same location which mentioned an “Eleazar son of Levi.”²⁰⁹ In addition, an archive of six legal documents (in Aramaic, Greek, and Nabatean) was found in connection with the “Cave of Letters” at Nahal Hever. This belonged to the family of “Salome Komaïse daughter of Levi,” a woman from the province of Arabia.²¹⁰ It is also possible that a cave complex on the cliffs of Nahal Michmas (ten kilometers northeast of Jerusalem) was used by a priestly family between the First and Second Revolts.²¹¹

The existence of non-rabbinic priests and Levites in these regions apparently continued well into Late Antiquity, as attested by a variety of funerary and synagogue

²⁰⁷ H. and E. Eshel, “Fragments of Two Aramaic Documents Which Were Brought to Abi’or Cave during the Bar Kokhba Revolt,” *EI* 23 (1992): 276-285 [Hebrew].

²⁰⁸ B. Lifshitz, “The Greek Documents from Nahal Se’elim and Nahal Mishmar,” *IEJ* 11 (1961): 53-62.

²⁰⁹ Hannah M. Cotton, “Archive of Salome Komaïse Daughter of Levi,” *ZPE* 105 (1995): 173.

²¹⁰ Cotton, “Archive of Salome,” 171-208 and “The Administrative Background to the New Settlement Recently Discovered Near Giv’at Shaul, Ramallah-Shu’afat Road,” in *New Studies in the Archaeology of Jerusalem and its Region* (eds. Joseph Patrich and David Amit; Jerusalem: Israel Antiquities Authority, 2007), 14.

²¹¹ Joseph Patrich reported that this complex had been in use from the mid first to early second centuries, and contained a *miqvah*, depictions of two *menorot* (with a pentagram), and four Aramaic inscriptions, one of which contained the common priestly name of “Jo’ezer.” This clustering of features led Patrich to suggest that the cave complex was used by a priestly family. Unfortunately, the dating of this complex is not certain. Patrich assigned the activities of this family to the First Revolt based on pottery found in the caves, Cross’s paleographic dating of one of the inscriptions, and a reference to Simon b. Giora’s construction of storage caves in the region during the First Revolt (Josephus, *War* 4.512-513). However, the imprecise dating of the pottery also leaves open the possibility that the complex was used or reused in the years leading up to the Bar Kokhba revolt. See Joseph Patrich, “Caves of Refugees and Jewish Inscriptions on the Cliffs of Nahal Michmas,” *EI* 18 (1985): 153-166 [Hebrew].

inscriptions. For example, several Byzantine era tombstones were discovered near Zoar which used a dating system that counted years “after the destruction of the temple.”

Because this dating system was condemned by the rabbis as early as the Tannaitic period,²¹² these tombstones suggest that some Jews in the region were more concerned with commemorating the temple’s destruction than they were with following the rulings of the sages.²¹³ Obviously, a concern with the temple does not in itself indicate the presence of priests. However, donative inscriptions in Byzantine era synagogues at Susiya, Eshtemoa, and Na’aran (near Jericho) also indicate that several priestly families were active in the Darom and along the Dead Sea long after 70, making a continuous priestly influence in the region a likely possibility.²¹⁴

Finally, central and northern Judea apparently contained little or no rabbinic activity, but did see priestly settlement after the First Revolt. I have already mentioned that after the war, Josephus was given a “considerable tract of land in Judea” by Vespasian²¹⁵ and was granted a tax exemption on that land by Domitian in the mid 90s.²¹⁶ Unfortunately, we do not know exactly where this estate was located, but we can assume

²¹² *M Gittin* 8.5 lists “after the destruction of the temple” as one of the dating formulas the sages considered to be unacceptable in legal documents, such as bills of divorce.

²¹³ See Eric M. Meyers, “A Note on an Aramaic Date Formula Found at Nabratein and Zoar,” and Paul V.M. Flesher, “When? ‘After the Destruction of the Temple,’” in *Aramaic in Postbiblical Judaism and Early Christianity* (eds. Eric M. Meyers and Paul V.M. Flesher; Winona Lake, IN: Eisenbrauns, 2010), 49-54 and 55-66 respectively. Although these tombstone date to the Byzantine period, their dating system might have interesting implications for our discussion if groups of non-rabbinic priests or Levites continued to operate in the Dead Sea region throughout Late Antiquity. For another view of these Zoar tombstones, see Yael Wilfand, “Aramaic Tombstones from Zoar and Jewish Conceptions of the Afterlife,” *JSJ* 40 (2009): 510-539 who argues that the tombstones attest to a rabbinic view of the afterlife.

²¹⁴ See Amit, “Architectural Plans” and “Priests and the Memory of the Temple.”

²¹⁵ Josephus, *Life* 425.

²¹⁶ Josephus, *Life* 429.

that other priestly aristocrats owned similar properties in the area. Josephus also noted that Essenes maintained family and community networks in many cities throughout Judea.²¹⁷ Because he described this scenario as a current reality in the mid 70s, it is possible that Essene presence in Judean towns and villages continued for some time after the First Revolt, despite the destruction of Qumran in 68.

In addition to these references, Josephus indicates that many of Jerusalem's priestly elite settled close to Jerusalem and in northern Judea immediately after the war. For example, Josephus gives the post-war location of several of Jerusalem's High Priestly families, including descendants of the Boethusians, who were relocated by Titus during the siege of Jerusalem:

Caesar both received them with all other courtesy, and, recognizing that they would find life distasteful amidst foreign customs, dispatched them to Gophna, advising them to remain there for the present, and promising to restore every man's property, so soon as he had leisure after the war. They accordingly retired, gladly and in perfect security, to the small town assigned.²¹⁸

According to this passage, a large number of priests, High Priests, and other aristocrats were resettled by Titus to the town of Gophna in northern Judea to await the restoration of their property after the war.²¹⁹ We are not told if this restoration of property ever materialized, leaving the impression that these families continued to reside in Gophna for some time.²²⁰

²¹⁷ Josephus, *War* 2.124-125, 160-161.

²¹⁸ Josephus, *War* 6.115-116; 6.117-118 relates that the rebels inside the city began a rumor that these men were killed by the Roman. To reassure those contemplating desertion that the men were alive and well, Titus temporarily brought them back from Gophna as evidence of the Roman treatment of deserters.

²¹⁹ Alon, *Jews, Judaism and the Classical World*, 278-280, provides a much more pessimistic reading of this passage, seeing the Romans as having detained the Jewish prisoners in Gophna against their will. While Josephus was certainly trying to portray the Romans in the best possible light, such a reading is not supported by internal or external sources.

²²⁰ Schwartz, *Josephus and Judaeon Politics*, 81, notes that Josephus, *War* 7.216-217 could be read as indicating a seizure of all Judean estates by Vespasian in 71. If this is an accurate reading, it would imply that these High Priestly families permanently lost their lands after the war. Schwartz then suggests that

Gophna (modern Jifna) was located about twelve miles north/northwest of Jerusalem and was the capital of one of Judea's ten or eleven toparchies dating back to the Hellenistic period.²²¹ It came under the control of Jerusalem's provisional government at an early phase of the Revolt, but fell to Vespasian on his way to Jerusalem from Caesarea in 68 and subsequently contained a garrison of Roman troops.²²² It is difficult to know exactly what role Gophna played in Judea's post-war administration, although it did continue to function as a toparchy.²²³ It was also situated along the most direct route between Caesarea (the administrative capital) and Jerusalem (base of the Legio X Fretensis),²²⁴ as well as along the most direct route from Galilee to Jerusalem (through Samaria).²²⁵ Therefore, it is likely that the priestly families at Gophna remained aware of and involved in regional political activity.

Josephus, in writing the account in *War*, was trying to persuade the Romans to restore these properties. However, between the obscurities of the passage and the fact that Josephus' own lands were not affected by any such seizure, we should not draw far-reaching conclusions based on this remark. Rather than assuming Vespasian seized and sold all Judean estates, it is likely that he only seized estates once owned by rebels and not the estates of those priests who defected to Rome during the war; Isaac, "Judaea after 70," 44-50.

²²¹ Josephus, *War* 3.55 lists eleven, and Pliny, *Natural History* 5.70 lists ten. Some of the differences between the lists may reflect the situations before (Josephus) and after (Pliny) the war. See Cotton, "Administrative Background," 12-18.

²²² Josephus, *War* 1.45; 1.222; 2.568; 3.55; 4.551; *War* 5.50-51 also records an overnight visit to Gopha by Titus on his way to besiege Jerusalem in 70. For primary and secondary references to ancient Gophna, see F.M. Abel, *Géographie de La Palestine: Tome II: Géographie Politique. Les Villes* (Paris, 1967), 339; Yoram Tsafrir, Leah Di Segni, and Judith Green, *Tabula Imperii Romani Iudaea Palaestina: Eretz Israel in the Hellenistic, Roman and Byzantine Periods: Maps and Gazetteer* (Jerusalem: The Israel Academy of Sciences and Humanities, 1994), 137.

²²³ Pliny, *Natural History* 5.70; Cotton, "Administrative Background," 13-14.

²²⁴ Michael Avi-Yonah, *Gazetteer of Roman Palestine* (Jerusalem: Institute of Archaeology, Hebrew University of Jerusalem, 1976), 63; *The Holy Land: A Historical Geography from the Persian to the Arab Conquest 536 B.C. to A.D. 640* (rev. ed.; Jerusalem: Carta, 2002), 182 A number of Roman milestones have been found near Gophna which likely belonged to the main road connecting Jerusalem and Caesarea and which likely date to the post-war period. This seems to have been the route taken by Vespasian on his campaign against Jerusalem from Caesarea during the war (Josephus, *War* 4.551).

²²⁵ Several passages in Josephus indicate that the shortest pilgrimage route between Galilee and Jerusalem was the road that went through Samaria (Josephus, *War* 2.232; *Antiquities* 20.118; *Life* 269), on which

No systematic excavations have been conducted at Gophna to shed light on the priestly presence in the city or the city's post-war history. There are, however, several scattered archaeological findings and literary references that indicate the continued existence of the site well into Late Antiquity, including some priestly presence at least into the second century.²²⁶ For example, evidence of a Roman-style villa, ossuaries, and several funerary inscriptions suggest that Hellenized Jewish elites occupied the site between the revolts and maintained a material culture similar to that of Jerusalem's priestly aristocracy during the late Second Temple period.²²⁷

Some of Gophna's Aramaic and Greek funerary inscriptions from the late first and early second centuries bear names often found in priestly families, including possible references to two of the priestly courses.²²⁸ One ossuary inscription contains the name

Gophna was also located. Of course, pilgrimage traffic would have become significantly reduced, if not ended altogether, without the temple. This road was, however, in use for military purposes during the revolt (e.g., *War* 5.50-51).

²²⁶ For a comprehensive overview of Gophna's history and its archaeological discoveries, see Samuel R. Wolff, "Gophna, for Gophna," in *In Quest of Ancient Settlements and Landscapes: Archaeological Studies in Honour of Ram Gophna* (eds. Edwin C.M. van den Brink and Eli Yannai; Tel Aviv: Ramot Publishing, 2002), 269-277.

²²⁷ For references to scattered archaeological findings at or near Gophna, see F.M. Abel, *RB* 32 (1923): 111-114 (Roman villa); Michael Avi-Yonah, "Mosaic Pavements in Palestine," *QDAP* 2 (1932): 178no.165 (mosaics and an oil press); Avi-Yonah, *Gazetteer of Roman Palestine*, 63 (Roman villa); Miller, *History and Traditions of Sepphoris*, 118-119 (funerary inscriptions). M. Schwabe, "A Greek Epigram from Gofna," *SH* 1 (1954): 99-119 discusses a lengthy inscription of Greek verse found near Gophna, reminiscent of the lengthy Homeric epitaph found at Beth Shearim. If this inscription was Jewish and dated between the revolts, it may be further indication of the Hellenistic lifestyles enjoyed by the priestly elite who resettled there. The lack of archaeological provenance for the inscription, however, calls into question its dating, Jewish authorship, and even authenticity, rendering it of little value for our historical reconstruction. The Roman-style villa is also difficult to date with certainty. The articles listed here describe it as containing architectural fragments – a pillar base, two Ionic capitals, and a cornice fragment – as well as two olive presses, a crushing basin, and a pressing floor. Coins from the fourth century have been found in the area, causing some to assign it to that time (see Wolff, "Gophna," 271). Without stratigraphic excavation, however, it is impossible to date the villa with certainty.

²²⁸ M. J. Lagrange, "Chronique de Jérusalem," *RB* 4 (1895): 96; H. Vincent, "Un hypogée juif à Djifneh," *RB* 10 (1913): 103-106; Klein, *Jüdisch-palästinisches Corpus Inscriptionum*, 53-54 n.162; Luria, "Priestly Cities during the Second Temple Period," 11; *CIJ* 2:1171-1172.

Σαλωμη Ιακειμου (“Salome of Yakim”), possibly a reference to the priestly course of Yakim.²²⁹ A nearby burial cave bears on its entrance the etching of a seven-branched menorah (a symbol only known from priestly contexts before Late Antiquity²³⁰), and contains a fragmentary inscription of לגה inside the cave. E. L. Sukenik reconstructed this inscription to read בילגה (a reference to the priestly course of Bilgah) or בני בלגה (“Sons of [the priestly course of] Bilgah”).²³¹ Another ossuary found near Gophna likely dates to between 70 and 135 and bears inscriptions of יעזר בר יהונתן הסופר (“Yo’ezer son of Yehohanan, the scribe”), indicating both a name and profession associated with priests.²³² Obviously, the impression of priestly presence given by these inscriptions is more suggestive than conclusive. However, considering the clustering of priestly names and the literary references to priests in this location, the confluence of evidence allows us to be optimistic in positing the existence of priests in Gophna during this period.

In addition to Josephus and funerary inscriptions, later rabbinic tradition held that a large priestly community resided in Gophna after 70. In one passage from the

²²⁹ Vincent and Sukenik both assumed that the name Σαλωμη Ιακειμου on the ossuary was the wife of the High Priest Alcimus during the early Hasmonean era. This suggestion and the implied dating of these inscriptions have been rejected by subsequent scholars. See Jonathan J. Price, “Epigraphical Remains from the Period between the Two Revolts,” in *Studies in the Archaeology of Jerusalem*, eds. Patrich and Amit, 22-24, n.23. Leah di Segni has suggested that while this particular inscription certainly post-dates 70, it may be as late as 150-250 (see Wolff, “Gophna,” 270-271). If that impression is correct, it could serve as evidence that some Jews with priestly names continued to live in Gophna after the Bar Kokhba revolt. It is also possible that the name “Yakim” does not relate to the priestly course. See Cotton, “Administrative Background,” 13, for an example of Yakim as the name of a village known from papyri in this period.

²³⁰ See Lee I. Levine, “The History and Significance of the Menorah in Antiquity,” in *From Dura to Sepphoris: Studies in Jewish Art and Society in Late Antiquity* (ed. L.I. Levine and Z. Weiss; Ann Arbor, MI: Journal of Roman Archaeology, 2000), 131-153.

²³¹ E.L. Sukenik, “An Ancient Jewish Cave on the Jerusalem-Shechem Road,” *JJPES* 1 (1933): 7-9 [Hebrew].

²³² Wolff, “Gophna,” 272-274; Price, “Epigraphical Remains,” 22-23. For the association of the name “Yo’ezer” or “Yeho’ezer” with priestly families, see Patrich, “Caves of Refugees,” 158-159; Rahmani, *Jewish Ossuaries*, 115 n.151; *CIJ* 2:304-306.

Palestinian Talmud, R. Yohanan (a sage from third century Palestine) mentioned its sizeable priestly population in a discussion on the Bar Kokhba revolt:

Said R. Yohanan, “Eighty pairs of brothers, who were priests, married eighty pairs of sisters, who were daughters of priests, on a single night in the town of Gophna, exclusive of brothers who were without sisters, sisters who were without brothers, exclusive of Levites, exclusive of Israelites.”²³³

It is not clear how this story relates to the material around it and the given numbers are suspect. However, the implication of the passage is clear: third century rabbis remembered Gophna as having had a large priestly population at some point between the two revolts. Another tradition from the Palestinian Talmud mentions a “Gophna synagogue in Sepphoris [כנישתא דגופנה דציפורין]” that existed in the Galilean city by the late third century and that was frequented by priests.²³⁴ I will discuss this passage in more detail in Chapter Five (section 5.2.1). At this point it is interesting to note the possibility that by the third century, an entire synagogue congregation (including priests) from Gophna had migrated to Sepphoris.²³⁵

Unfortunately, this evidence is too meager to allow a full reconstruction of post-70 Gophna and its priestly inhabitants. The reference in Josephus, local inscriptions, and later rabbinic traditions all indicate that a significant priestly population existed there after the war, possibly for several generations. Based on comments in the Palestinian Talmud, it seems that at least some of Gophna’s priests migrated to Galilee before the third century. It is unclear, however, if this was a mass migration or if it was in response to some event, such as the Bar Kokhba revolt in 132-135. Scattered references to Gophna

²³³ *Y Taanit* 4.5, 69a. Variations on this passage can also be found in *Genesis Rabbah* 65.23 and in *B Berakhot* 44a, where a similar saying was given by R. Isaac (a third century Palestinian sage).

²³⁴ *Y Berakhot* 3.1, 6a; cf. *Y Nazir* 7.1, 56a.

²³⁵ This suggestion was made by Büchler, *Die Priester und der Cultus*, 44-48, and has since been reiterated by Miller, *History and Traditions of Sepphoris*, 118-119.

continue into Late Antiquity,²³⁶ but these sources provide no further information regarding the Jewish priests who lived there.

Although Gophna is the only specific location named by Josephus as having had a priestly population after the war, it is likely that Jerusalem's surviving priestly aristocrats relocated to other parts of the country as well.²³⁷ We can also assume that the other priests who survived the war brought their remaining family members and possessions with them as they resettled around the country. Archaeological evidence confirms that migration and resettlements occurred after the war, with traces of Jerusalem's pre-70 material culture appearing in surrounding areas during subsequent decades.

For example, between 70 and 135 the types of ossuaries used among the elites of Jerusalem and Jericho during the late Second Temple period spread to other regions such as southern Judea, the Hebron Hills, along the coast, and Galilee.²³⁸ These ossuaries were manufactured at a lesser quality than those from pre-70 Jerusalem, but it is likely that

²³⁶ Benoit, Milik, and de Vaux, *Les Grottes de Murabba'at* (DJD II), 248-254, records a reference to Gophna on a Jewish marriage contract from 124. Eusebius, *Onomasticon* 26.2; 74.2; 168.16 mentions Gophna in the fourth century (see Joan Taylor, ed., *The Onomasticon: Palestine in the Fourth Century A.D.* [Jerusalem: Carta, 2003], 22, 45, 93, 135, 178, 181, 184), and it is included on the sixth century mosaic map in the church at Madaba (see Michele Piccirillo, *The Mosaics of Jordan* [Amman: American Center of Oriental Research, 1992], 31 n.49, 82).

²³⁷ Consider the large number of Jerusalem elite who defected to the Romans during the siege and were allowed to settle elsewhere in the region (Josephus, *War* 5.422).

²³⁸ Rahmani, *Jewish Ossuaries*, 21-25 (see Table 1, groups B1-B5). Bagatti and Milik, *Gli Scavi del "Dominus Flevit,"* 12-14, 89-92 reported a burial cave on the Mount of Olives that might belong to the post-70 period. The cave contained twenty-two ossuaries, one of which bears the inscription, "Menahem from the Sons of Yakim, Priest." If the ossuaries in this cave date to the period between the revolts, this would be an important example of priests continuing to own family tombs in Jerusalem after the war. Since a post-70 dating is largely based on the presence of a Roman lamp that might date from 70-200, this dating is too tenuous to draw any firm historical conclusions (see Price, "Epigraphical Remains," 21). However, it is interesting to note that there is a reference in early rabbinic literature to Gamaliel II renting a temporary grave site in Yavneh, and ultimately transferring the bodies of family members to Jerusalem in order to be buried there (*Semahot* 10; Büchler, "Economic Conditions of Judaea," 80). If this reflects historical reality and was practiced by other elite families, it is plausible that this priestly burial cave could reflect post-70 activity.

they reflect a migration of cultural tastes away from Jerusalem and into these other regions after the war. As L.Y. Rahmani observed, “the custom of *ossilegium* was probably introduced in these areas by refugees from Jerusalem who influenced the local population and created a demand for ossuaries.”²³⁹ Rahmani identifies these ossuaries with Pharisees, but others have argued convincingly that this unique funerary practice was common among Jerusalem’s Hellenized elites, which included priestly aristocrats.²⁴⁰

Other items that facilitated priestly purity, such as *miqva’ot* and stone vessels, followed a similar pattern of distribution after the war.²⁴¹ These objects and features were concentrated around Jerusalem and Jericho before 70, but after the war they began to appear in southern Judea, the coastal plain, and Galilee, often in the same locations as the ossuaries described above. In other words, there seems to have been a distinct material culture enjoyed by Jerusalem’s pre-70 elite which spread to other regions of the country along with the aristocratic families who were forced to resettle after the destruction of Jerusalem. These items were not exclusively used by priests,²⁴² but it is reasonable to assume that at least some of the upper class material culture that fanned out from Jerusalem after the war reflects the relocation of Jerusalem’s priestly families, such as those mentioned by Josephus.²⁴³

²³⁹ Rahmani, *Jewish Ossuaries*, 23.

²⁴⁰ Magness, “Ossuaries,” 129-140.

²⁴¹ David Amit and Yonatan Adler, “The Observance of Ritual Purity after 70 C.E.: A Reevaluation of the Evidence in Light of Recent Archaeological Discoveries,” in “*Follow the Wise: Studies in Jewish History and Culture in Honor of Lee I. Levine*” (ed. Z. Weiss, O. Irshai, J. Magness, and S. Schwartz; New York: Jewish Theological Seminary, 2010), 121-143. Unfortunately, the study of these items after 70 is still in its infancy, making it difficult to be too precise in drawing detailed historical conclusions at this time.

²⁴² See Reed, “Stone Vessels and Gospel Texts,” 381-401.

²⁴³ It is interesting to speculate on the possibility that the post-70 ossuaries, which retained the same style as pre-70 ossuaries but suffered a bit in quality, reflects the lessened economic condition of some priestly

One site that has been excavated recently might provide a parallel to the priestly relocation to Gophna as described by Josephus. About four kilometers north of Jerusalem, a salvage excavation of a narrow strip of land at Shu'afat revealed part of a Jewish settlement that was occupied for a single period between the two revolts (ca. 70-132). This site also yielded the type of material culture found in pre-70 Jerusalem.²⁴⁴ Public buildings and upper class private dwellings were carefully arranged and included Roman-style bath houses, water systems, colored frescoes, glass vessels, fine wares (*terra sigillata*), and imported amphorae. However, some of the private dwellings included *miqva'ot* and stone vessels, attesting to the Jewish identity of the settlement's inhabitants. One house (Insula 8) also contained a number of inkwells that point to the presence of scribal activity. A nearby burial cave containing six ossuaries is reported to have been found in connection with the site, but its contents have not yet been published.²⁴⁵ The numismatic finds at Shu'afat, supported by pottery and glass forms, indicate that the village was founded in the late first century and was abandoned some time before the outbreak of the Bar Kokhba revolt in the early second century.²⁴⁶

families after the war. Though they continued in their cultural tastes and preferences, they did not all have the same economic resources as they did before the loss of their lands around Jerusalem.

²⁴⁴ Preliminary reports of this excavation include Deborah A. Sklar-Parnes, "Jerusalem: Shu'afat, Ramallah Road," *HA* 117 (2005) and "Jerusalem: Shu'afat, Ramallah Road," *HA* 118 (2006); R. Bar-Nathan and D. A. Sklar-Parnes, "A Jewish Settlement in Orine between the Two Revolts," in *Studies in the Archaeology of Jerusalem*, eds. Patrich and Amit, 57-64 [Hebrew].

²⁴⁵ Price, "Epigraphical Remains," 23.

²⁴⁶ Cotton, "Administrative Background," 12 points out that this settlement would have been in the post-war toparchy of Orine, which replaced Jerusalem as the region's administrative unit after 70. When Jerusalem became a Roman colony, however, Orine would have lost its administrative status. This shift in fortunes might have contributed to the site's abandonment ca. 130. Nevertheless, while it was occupied the settlement would have been tolerated, or even approved, by the Roman government.

The archaeological profile of this site closely mirrors that of the elite mansions of pre-70 Jerusalem. The inhabitants were relatively wealthy, embraced a Roman lifestyle in terms of décor and luxury items, and maintained high levels of ritual purity through the use of stone vessels and *miqva'ot*. Because of this striking parallel, the excavators suggest that the settlement at Shu'afat was founded by aristocratic Jewish refugees who relocated from Jerusalem after the war.²⁴⁷ Jodi Magness observes that such a migration must have included aristocratic priestly families who remained as close as possible to Jerusalem after the war, possibly to await the rebuilding of the temple. In this way, the settlement at Shu'afat bears a close resemblance to the type of priestly relocation to Gophna as described by Josephus.²⁴⁸ Ultimately, there is no direct evidence that priests lived in Shu'afat. However, the suggestion that at least some of these migrant aristocrats were from priestly families is reasonable and fits with the evidence from Josephus.

Taken together, then, the literary and archaeological evidence from between the revolts provides enough clues to allow us to make some observations regarding the geographic distribution of priestly circles after 70. In short, it seems that priests were still present in most parts of the country, with Jerusalem being the exception. Early rabbinic literature, the writings of Josephus, and the material remains attest to priestly presence along the coastal plain, in the northern parts of the country, in the Darom, and along the shores of the Dead Sea. It seems that priests, like other Jews, were free to move around the country and regained some degree of normalcy after the war; many continued to possessed landed estates and received income from these lands.

²⁴⁷ Bar-Nathan and Sklar-Parnes, "Jewish Settlement in Orine," 63.

²⁴⁸ Magness, "Sectarianism Before and After 70 C.E.," 6, 24 n.31.

No unified mass migration of priests is evident in this period. Rather, it seems that different priestly circles were active in different locations. It also seems that priestly dynamics in these regions remained diverse. For example, priestly sages and other non-rabbinic priests were present in those regions to which the rabbinic movement spread, such as along the coast and in parts of northern Palestine. There is also evidence that priests outside of rabbinic influence resided in the Darom and in the Dead Sea region after the war. In addition, some of the High Priestly families and other priests resettled in northern Judea and just outside of Jerusalem, likely in anticipation of the restoration of the city and its temple.

2.4 Conclusion

In this chapter I have examined evidence for the presence of priestly circles in the generations between the two revolts (ca. 70-135 C.E.). The traditional narrative claims that priestly presence, activities, and aspirations began a sharp decline with the loss of the temple, but the literary and archaeological sources do not support this position. Rather, it is clear from the writings of Josephus, early rabbinic literature, epigraphic remains, and the distribution of material culture that many priestly families survived the war, continued to identify themselves as priests, and retained much of the economic standing and privileges they enjoyed before the war. Furthermore, it is apparent that priests in this period operated in a variety of different social circles. Whereas some priests associated themselves with the early rabbinic movement, others remained on the margins of that movement or outside of it altogether. This latter category likely included the surviving

High Priestly families, who were consistently criticized by the sages for being greedy, self-serving, and the main cause of the temple's destruction.

We have also seen that there is no solid evidence for the disappearance of priestly sectarianism with the loss of the temple. The traditional narrative claims that Sadducees, Essenes, and other sects lost their *raison d'être* with the cessation of the sacrificial cult and faded from existence after 70. However, none of the sources from this period – Jewish, Christian, or Roman – indicate such a diminution. Rather, the writings of Josephus dating as late as 100 C.E. describe the Sadducees and Essenes in the present tense and describe them as if they were still an active part of Jewish society. Similarly, early rabbinic literature from the second and third centuries maintains an active interest in the priestly Sadducees and Boethusians, often speaks of both groups in the present tense, and hints at their continued existence. The early sages also condemned various “heresies” that were still present among some Jews of this period, including beliefs and practices that strongly resemble those of Sadducees and Essenes.

Finally, I have considered evidence for the geographic distribution of priestly circles after the First Revolt. While some parts of the country (such as Jerusalem and Qumran) were devastated by the war, most areas survived the ordeal without a major shift in economy or demographics. Jerusalem's aristocracy was dispersed to other parts of the country. However, it seems that several priestly families were a part of this relocation and could be found in various regions after the war, including in the Judean countryside, the coastal plain, the Darom, and possibly Galilee. Families of the priestly aristocracy also seem to have settled in northern Judea and just outside of Jerusalem, likely to await the rebuilding of the temple.

This evidence speaks against the traditional assumption that priestly presence sharply declined after 70. Instead it appears that priestly individuals, families, and sects remained an active part of Jewish society in the generations between the two revolts. Now that we have established the continued existence of priestly circles and considered their geographic location, we must consider the ways they functioned in society during this period. What were the civic and religious roles of priests in a Jewish society that no longer had the temple? Were all Jews interested in reformulating Judaism so as to survive without the temple cult and its priesthood, or were some actively looking forward to the restoration of these institutions? Did all priests naturally accept the leadership of the sages, or did some have their own vision for Jewish society? These are some of the questions I will consider in Chapter Four.

CHAPTER FOUR

PRIESTLY INVOLVEMENT IN POST-70 SOCIETY AND NATIONAL POLITICS

Now that we have examined evidence for the survival of priestly families and sectarianism, we are in a position to consider how priests functioned in Jewish society after the loss of the temple. Traditional scholarship claims that Jewish society in Palestine fundamentally changed with the events of 70; whereas in the late Second Temple period Jewish religious and civic life centered around the temple, its sacrificial cult, and a hereditary priesthood, Judaism subsequently shifted to a system focused on lay Torah scholarship, a reformulated system of worship, and the leadership of the sages. It is usually assumed that this new system had no meaningful place for priestly leadership and its third-party mediation of the divine presence.

In this chapter I will argue against the traditional narrative by considering the ways in which priests continued to function in society and influence national politics in the generations after the First Revolt (late first and second centuries). I will begin by contrasting two different models of Jewish society that were promoted in this period – one that was in favor of reworking Judaism with sages at the center of Jewish life, and one that was in favor of maintaining a hereditary priesthood at its center. In the process of examining these two models, I will present evidence that priests continued to perform many of their non-sacrificial functions as legislated in the Hebrew Bible, including as

recipients of tithes, judges over civic and religious matters, teachers of divine law, and leaders of liturgical worship.

After examining these societal functions, I will consider evidence that forms of priestly leadership continued to influence national politics in this period. It seems that even within some rabbinic circles the prestige of priestly authority carried over from the late Second Temple period, as suggested by the appointment of a priestly sage (R. Eleazar b. Azariah) to work alongside Gamaliel II during his “patriarchal” administration. A similar diarchic arrangement – with a *Nasi* and a priest sharing political authority – was also apparent in the Bar Kokhba revolt, a restorationist movement largely outside of rabbinic circles which was determined to rebuild the temple and re-enthroned its priesthood. In all of these areas, priests continued to contribute to post-70 Jewish society and politics in dynamic ways.

4.1 Competing Visions of Jewish Society

The destruction of the Jerusalem temple in 70 C.E. has traditionally been understood to be a watershed in the history of Jewish society. At that moment, it is often claimed, Judaism began a fundamental shift away from a system based on a temple, sacrificial cult, and hereditary priesthood to one based on Torah study, new means of procuring divine favor, and the leadership of rabbinic sages. This shift is embodied in the traditions associated with R. Yohanan b. Zakkai and the sages at Yavneh in the late first century. Yohanan b. Zakkai is most famous for initiating a series of “enactments” (*taqqanot*) which reformulated Judaism and enabled it to function without a temple.

Many of these enactments transferred aspects of the temple cult – including pilgrimage liturgies, priestly blessings, and even acts of atonement – from their original context and placed them into non-temple settings under the guidance of the sages.¹ This began a process of democratizing the temple and priesthood in a way that removed the need for third party mediation as provided by hereditary priests. In the words of Gedaliah Alon, these enactments brought the rituals of the temple “from the realm of the altar and the priest to the everywhere and the everyman.”²

In place of priests, the early rabbinic movement emphasized the role of lay scholars in interpreting and disseminating divine Law. Whereas priests had once served the community as judges, teachers, scribes, and leaders of worship, rabbinic sages now filled these functions in Jewish society, not based on their genealogical descent but on their expertise in written and oral Torah. In addition, the academies established by Yohanan b. Zakkai and his successors were seen as the legitimate replacement of Jerusalem’s Sanhedrin, a governing council once presided over by the High Priest but now presided over by a rabbinic Patriarch.³ This shift was accompanied by a rabbinic description of Judaism’s institutional history in which sages had always advised the

¹ *M Rosh Hashanah* 4.1-4 and *M Sukkah* 3.12 contain lists of the most famous “enactments” of Yohanan b. Zakkai, including the blowing of the shofar on the Sabbath, the waving of lulavs during the Feast of Tabernacles, and the setting of the calendar. All of these actions were done in a temple setting before 70, but were extended beyond the temple afterwards (cf. *B Rosh Hashanah* 31b which expands on this list). Also, in *Avot d’Rabbi Nathan* A 4, Yohanan b. Zakkai declares good deeds be as efficacious as the temple cult in matters of atonement. A *baraita* in *B Rosh Hashanah* 31b and *B Sotah* 40a discusses the performance of the priestly blessing in a synagogue setting after 70.

² For a summary of the *taqqanot* and the ways in which Yohanan b. Zakkai sought to extend temple ritual beyond the temple, see Alon, *Jews in their Land*, 107-118, 260-261. Alon, *Jews, Judaism, and the Classical World*, 190-234 (“The Bounds of the Levitical Laws of Cleanness”) considers the many ways in which early rabbinic legislation extended temple purity laws to non-priests in the rabbinic movement. See also Baruch M. Bokser, “Approaching Sacred Space,” *HTR* 78 (1985): 279-299, for discussion on the rabbis’ application of temple categories to themselves and their institutions.

³ See the Mishnaic tractate *Sanhedrin* for an illustration of these dynamics.

Sanhedrin, determined temple procedure, and even instructed the High Priest in his proper cultic responsibilities.⁴ In all of these ways, Yavneh and its sages have been seen as laying the foundation for modern, post-temple Judaism.⁵

While this is the ideal picture presented by rabbinic literature, most scholars now recognize that the socio-historical dynamics of this period were much more complex. For example, it is difficult to know the real extent of Yohanan b. Zakkai's reforms and the precise nature of the "council" at Yavneh.⁶ It still seems that rabbinic circles sought to reformulate Judaism by promoting their own leadership and ideology as a replacement for the predominately priestly system of the late Second Temple period.⁷ As Eric Meyers notes, "There can be little doubt that [Yohanan b. Zakkai] and his disciples began the process of turning priestly Judaism into the rabbinic culture that developed in subsequent years."⁸

However, it is also becoming increasingly clear that the rabbis were only one voice among others who were also trying to make sense of the loss of the temple.⁹ For

⁴ One of the most striking examples of this can be found in *M Yoma*, a tractate which describes the rituals for the Day of Atonement. It also recounts how an ignorant High Priest was accompanied by a council of rabbinic sages who had to whisper in his ear how to properly perform each ritual act. See Sanders, *Judaism: Practice and Belief*, 318, 395-396. Cohn, "Ritual Narrative Genre in the Mishnah," describes the ways in which early rabbis wrote themselves into the leadership of central institutions such as the temple.

⁵ For examples of the above approach, see the Introduction (section 1.1).

⁶ Hayes, *Emergence of Judaism*, 57-64; Boyarin, *Borderlines*, 44-45, 151-201.

⁷ Even within the early rabbinic movement there seem to have been some individuals who did not advocate such a sudden shift. For example, Cohen, *Three Crowns*, 133-140 compares the progressive approach of Yohanan B. Zakkai (looking forward to Judaism without the temple) with more conservative rabbinic circles, as typified by R. Eliezer b. Hyrcanus who preferred to wait for the temple's reconstruction before any radical changes were made to Jewish life.

⁸ Eric M. Meyers, "Jewish Culture in Greco-Roman Palestine," in *Cultures of the Jews*, ed. Biale, 163. See pp.162-169 for a fuller evaluation of the emergence of rabbinic Judaism.

⁹ Stone, "Reactions to the Destruction," 195-204; Cohen, "Significance of Yavneh," 28. Although Cohen suggests that pre-70 sectarianism largely coalesced around rabbinic leadership at Yavneh, he does points

many Jews, making arrangements for a Judaism without the temple was not an obvious implication of its destruction. Rather, it appears that many Jews of the post-70 generation fully expected that the Romans would rebuild the temple in their lifetime.¹⁰ Therefore, reformulating Judaism to compensate for its loss was not a necessary move.¹¹

Considering these post-war dynamics, it is reasonable to suggest that groups of Jews outside rabbinic circles had different visions for how Jewish society should proceed. This is especially the case for those priestly individuals, families, and sects that survived the First Revolt. Rather than capitulating to rabbinic sages, it is much more likely that some of these priestly circles remained interested in their own positions within Jewish civic and religious life. In their favor, of course, was the Torah and centuries of tradition. Biblical legislation promoted priestly prerogatives and leadership, including in many aspects of society not dependent upon the existence of a sacrificial cult. From this perspective, the sages would have been viewed as radical reformers trying to undermine the biblical system and replace the divinely ordained priesthood with their own traditions.

out that not all Jews responded to the destruction of the temple in the same way, as attested by non-rabbinic works such as *2 Baruch* and *4 Ezra*.

¹⁰ Martin Goodman, "The Temple in First Century C.E. Jerusalem," in *Temple and Worship*, ed., Day, 459-468 and John Barclay, *Flavius Josephus: Translation and Commentary: 10: Against Apion* (Leiden: Brill, 2007), 279 n.769, both discuss how historical precedent would have fostered these expectations.

¹¹ Some scholars have even suggested that aspects of the sacrificial cult continued in Jerusalem in the period between the revolts. Kenneth W. Clark, "Worship in the Jerusalem Temple after A.D. 70," *NTS* 6 (1959-1960): 269-280 made the following observations: 1) No sources explicitly declare the cessation of a sacrificial cult in 70. 2) The exilic and post-exilic Jews maintained a sacrificial cult for some time before the rebuilding of the Jerusalem temple in the fifth century B.C.E. 3) The Romans issued no decree prohibiting worship at the temple site until 135. 4) Hints exist in the literature of some ongoing pilgrimage activity for several years after 70. These are intriguing arguments. However, Clark's lack of conclusive evidence has left many scholars skeptical of the continuation of cultic sacrifices in Jerusalem between 70 and 135. See Barclay, *Apion*, 279 n.769. Cohen, *Three Crowns*, 160 points out that if there was some form of post-70 sacrificial cult, priests undoubtedly would have retained much of their involvement in it and still would have been seen as being able to facilitate contact with the divine.

One source that supports this conclusion is the writings of Josephus. From beginning to end, Josephus' writings promote a vision of Jewish society in which the temple was its only legitimate form of worship and the priesthood its only legitimate form of leadership. Scholars typically focus on Josephus' relevance to the pre-70 period, but it is important to remember that Josephus wrote during the three decades *following* the destruction of the temple (ca. 70s-100 C.E.). Therefore, his writings attest to a strand of Jewish thought in the immediate post-temple generation.¹² Because Josephus wrote at the same time Yohanan b. Zakkai and his followers began promoting a sage-centered agenda, we are able to compare his writings with early rabbinic literature to identify competing visions for the role of priests in post-70 Jewish society.

Josephus' historiography and political agenda seem to have evolved over time. For example, in *Jewish War* (written in the 70s) Josephus consistently asserts the leadership and ubiquitous influence of the priestly elite before the war and exonerates the High Priestly families from any rebellion against Rome. This was most likely meant to promote the continuation of pre-war leadership by presenting the High Priests as viable post-war rulers in the eyes of the Romans.¹³ However, in *Jewish Antiquities* (written in the 90s) he acknowledges that some High Priestly circles were corrupt, involved in the

¹² On this point I employ the methodology that Neusner and Boyarin applied to the rabbinic texts; i.e., a text's primary historical value is as an insight into the author's own interests and goals. Unfortunately, outside of Schwartz's *Josephus and Judaeen Politics*, little work has been done on the ways in which Josephus contributes to our understanding of post-70 society in Palestine. Even less has been done on the value of Josephus for understanding the post-70 priesthood. As an example of how sparse scholarship has been in these areas, see Louis H. Feldman, *Josephus and Modern Scholarship (1937-1980)* (Berlin: de Gruyter, 1984), 437-444, 938-939. One recent work that does provide a lengthy analysis of Josephus' priestly worldview is Gussman, *Das Priesterverständnis des Flavius Josephus*.

¹³ Schwartz, *Josephus and Judaeen Politics*, 15.

revolt, and were often trumped by the religious influence of the Pharisees.¹⁴ By the time he wrote his autobiography (ca. 100), Josephus even claims to “defer to the philosophic school of the Pharisees”¹⁵ in his public life, and provides an encomium for the noted Pharisee Simeon I (father of Gamaliel II, the first “Patriarch” of Yavneh).¹⁶

The significance of these different emphases has been debated.¹⁷ One popular view is that they reflect Josephus’ personal shift away from supporting priestly circles immediately after the war to his support of the Roman-backed rabbinic leadership at Yavneh in the 80s and 90s.¹⁸ This approach aligns with the traditional narrative of post-70 Judaism; like most others, Josephus was acknowledging the authority of the Gamallean Patriarchate and falling in line with the rabbinic sages. However, the evidence for this position should not be overstated. Ultimately, none of Josephus’ writings aggressively promotes a Pharisaic agenda. To the contrary, Steve Mason has demonstrated that Josephus remained negatively disposed towards the Pharisees and only grudgingly acknowledged those times when they influenced events.¹⁹ Furthermore, Josephus’ writings completely ignore Yavneh and its sages by not including any reference to Yohanan b. Zakkai, Gamaliel II, or other rabbis. It is highly unlikely that

¹⁴ Schwartz, *Josephus and Judaeen Politics*, 82-96.

¹⁵ Josephus, *Life* 12. See the translation, notes, and commentary on this passage by Mason, *Life of Josephus*, 20-21.

¹⁶ Josephus, *Life* 191-192.

¹⁷ For an overview of different approaches to this issue, see Meier, *A Marginal Jew*, 3.301-305.

¹⁸ E.g., Neusner, *From Politics to Piety*, 54-55; Cohen, *Josephus in Galilee and Rome*, 144-151.

¹⁹ Steve Mason, *Flavius Josephus on the Pharisees: A Composition-Critical Study* (Leiden: Brill, 2001).

Josephus was unaware of these individuals and events.²⁰ Therefore, such omissions make it difficult to sustain the suggestion that Josephus converted to Pharisaism and came to support the rabbinic movement later in his life.

A more realistic view of Josephus' evolving agenda is presented by Seth Schwartz and John Meier. Schwartz suggests that, in the 70s and 80s, the High Priestly families were still vying for leadership positions in the post-war government. Josephus' *War* served as propaganda in favor of this proposition. By the late first century, when it became clear that the High Priests would not receive further Roman support, Josephus backed off this agenda while still promoting an ideal form of government led by priestly aristocrats (a position seen in *Antiquities*, *Life*, and *Against Apion*).²¹ Meier similarly argues that Josephus remained an aristocratic priest until the end of his life, and only made token gestures in his later writings to the provisional leadership of Gamaliel II out of personal political expediency.²² These views correctly highlight the fact that Josephus never conceded Jewish religious or political leadership to the Pharisees/rabbis, but maintained a strong priestly worldview throughout his writings.²³ Therefore, Josephus

²⁰ This is especially the case since Josephus owned property along the coastal plain, likely near Yavneh and Lydda where early rabbinic circles were active (see section 3.3).

²¹ Schwartz, *Josephus and Judaeon Politics*, 82-96, 170-208. Schwartz suggests that Josephus may be an example of a priest moving towards the rabbinic movement in the 80s. This suggestion is more stated than demonstrated, however, and is contradicted by the evidence presented in this section.

²² Meier, *A Marginal Jew*, 3:302-305. In his encomium to Simeon I (the one hint at his recognition of the political legitimacy of Gamaliel II), Josephus is careful to acknowledge Simeon's leadership qualities while still indicating a high degree of competition with him over political influence in Galilee; Josephus, *Life* 190-198. Even if this passage reflects his reluctant acceptance of a Roman-backed patriarchate (discussed further in section 4.2.1), it does not necessarily imply Josephus' support of the larger rabbinic movement.

²³ Steve Mason, "Priesthood in Josephus and the 'Pharisaic Revolution,'" *JBL* 107.4 (December 1988): 657-661 discusses some of the ways in which Josephus' priestly agenda conflicts with the "Pharisaic revolution."

remains an important witness of priestly thought in the generation that made the shift from Judaism with the temple to Judaism without it.

Examples of Josephus' priestly agenda can be found in two passages in which he describes the laws and form of government given by God to the Jewish nation.²⁴ In *Antiquities* 4.176-331 and *Against Apion* 2.145-286, both written in the mid to late 90s, Josephus endorses an ideal "constitution" (πολιτεία²⁵) which establishes a theocracy (θεοκρατία²⁶) with God, the temple, and the priesthood at its center. In many ways Josephus' "constitution" confirms the divine system of the Torah without any hint of reformulating Judaism's institutions or leadership after the destruction of the temple.

A few excerpts from these two passages demonstrate how strongly Josephus endorsed the priest-centered form of government as found in the Torah. In *Antiquities* 4.176-331 Josephus recounts the giving of the Law by Moses:

Let me suggest the way in which you may be happy and may bequeath to your children the eternal possession of good things (179)....
Only obey those [rules] that God wishes you to follow, and do not value more highly another arrangement more than the present laws, and do not scorn the piety that you now have with regard to God and change it for another way (181)....
The High Priest Eleazar and Joshua, the council of elders [γερονσία], and the leading men of the tribes will propose to you the best counsels, by following which you will attain happiness. Listen to them without annoyance (186).

In *Against Apion* 2.145-286, Josephus makes it clear that he personally endorsed this system as he described the ideal administration of Jewish society:

²⁴ For a consideration of the two passages and their development, see Yehoshua Amir, "Josephus on the Mosaic 'Constitution,'" in *Politics and Theopolitics in the Bible and Postbiblical Literature* (eds. Henning Graf Reventlow, Yair Hoffman, and Benjamin Uffenheimer; Sheffield: Sheffield Academic Press, 1994), 13-27. See also Zuleika Rodgers, "Monarchy vs. Priesthood: Josephus, Justus of Tiberias, and Agrippa II," in *A Wandering Galilean*, eds. Rodgers, Daly-Denton and McKinley, 173-184 and Gussman, *Das Priesterverständnis des Flavius Josephus*, 306-320.

²⁵ This term is used in Josephus, *Antiquities* 4.184, 191-198 and *Apion* 2.145.

²⁶ Josephus, *Apion* 2.165.

What could be finer or more just than [a system] that has made God governor of the universe, that commits to the priest in concert the management of the most important matters, and, in turn, has entrusted to the high priest of all the governance of the other priests? These the legislator initially appointed to their office not for their wealth nor because they were superior by any other fortuitous advantage; but whoever of his generation surpassed others in persuasiveness and moderation, these were the people to whom he entrusted, in particular, the worship of God.... So, what regime could be more holy than this? What honor could be more fitting to God, where the whole mass [of people] is equipped for piety, the priests are entrusted with special supervision, and the whole constitution is organized like some rite of consecration?²⁷

[There is] one temple of the one God....The priests will continuously offer worship to him, and the one who is first by descent will always be at their head. He, together with the other priests, will sacrifice to God,... We offer sacrifices....And at the sacrifices we must first offer prayers for the common welfare, and then for ourselves....Such is our doctrine concerning God and his worship.²⁸

These excerpts highlight several important aspects of Josephus' agenda. 1) It is clear that Josephus viewed the Mosaic "constitution" as the path to human happiness and divine favor. 2) For Josephus, the temple did not need to be replaced, even temporarily. This is emphasized by his description of the temple and sacrificial cult in the present tense over two decades after its destruction.²⁹ Elsewhere he admits that the temple no longer stands, yet he continues to speak of it as a present reality. This suggests his

²⁷ Josephus, *Apion* 2.185-188.

²⁸ Josephus, *Apion* 2.193-198.

²⁹ The clause that mentions the temple has no verb, but the language used in reference to the sacrificial cult implies a present reality. This same sense of post-70 continuity of the temple cult is also given elsewhere in Josephus' later writings (e.g., *Antiquities* 3.224-236; *Apion* 2.77). *War* 5.227-236 and *Apion* 2.102-104 describe the temple courts in past tense. The difference could be a matter of the temple as an institution (which Josephus considers a present reality) and the physical building (which Josephus acknowledges was destroyed decades earlier). See Bauckham, "Temple in *Contra Apionem*," 347. Ultimately, considering the fact that the passages in present tense were written at a time when the temple no longer stood, Josephus' intentions are unclear: Did he give this impression as a reflection of his expectation that the temple's reconstruction was inevitable? Is this an indication that some sort of sacrificial cult was in operation after 70? Whatever the answer is, it is clear that Josephus, unlike some early sages, did not intend to replace the temple and its sacrificial cult. Other post-70 texts also describe the temple as a present reality, including the Epistle to the Hebrews, the book of Revelation, the *Epistle of Barnabas*, and *1 Clement*. To a degree, Tannaitic rabbinic literature also remained interested in the temple cult and legislated for it extensively in *Qodashim*. However, this was likely the temple cult as the rabbis envisioned it, perhaps in preparation for its reconstruction but with the assumption that it would be run according to rabbinic, not priestly, legislation. See Burton L. Visotzky, *Golden Bells and Pomegranates: Studies in Midrash Leviticus Rabbah* (Tübingen: Mohr Siebeck, 2003), 2.

inability to envision Judaism without it.³⁰ 3) Josephus continued into the late 90s to promote a system of priestly leadership as the ideal form of Jewish government. This final point is the most valuable for our present discussion: at a time when sages were claiming Jewish leadership based on their scholarship, at least one strand of thought continued to argue for a priestly hierarchy based on lineage and divine appointment.

There might even be a hint of polemics in Josephus' promotion of priestly government: "Only obey those [rules] that God wishes you to follow, and do not value more highly another arrangement more than the present laws, and do not scorn the piety that you now have with regard to God and change it for another way."³¹ "Now [a priestly] aristocracy and the life therein is best. Let not a longing for another government take hold of you, but be content with this."³² Josephus wrote this as part of Moses' speech, but it easily could have been aimed against those in the late first century who were attempting to create a different kind of Jewish "arrangement," such as one that replaced priests with sages. A similar motive could be behind the rhetorical questions that Josephus asks while describing the priestly theocracy: "What could be finer or more just... what regime could be more holy than this?"³³ It is also tempting to speculate that Josephus had the oral law

³⁰ Josephus, *Apion* 2.102. See Bauckham, "Temple in *Contra Apionem*," 347; Barclay, *Against Apion*, 279n.769; Louis H. Feldman, *Flavius Josephus: Translation and Commentary: Volume 3: Judean Antiquities 1-4* (Leiden: Brill, 2000), 465 n.1042; Gussman, *Das Priesterverständnis des Flavius Josephus*, 320-324.

³¹ Josephus, *Antiquities* 4.181.

³² Josephus, *Antiquities* 4.223.

³³ Josephus, *Apion* 2.185-188.

of the sages in mind when he noted that he “added nothing for embellishment” to the description of priestly government from what was recorded in written scripture.³⁴

In the remainder of this section I will compare the views of priests within two different “constitutions” being promoted in the post-war generation – one as found in early rabbinic literature and one as found in the writings of Josephus. While there will be some overlap and agreement between the two models, they represent two different and competing visions for the role of priests in post-70 Jewish society. I assume that the views expressed by Josephus were not unique to him, but likely reflected the views of other aristocratic priests in the late first and early second centuries.³⁵ As for the early rabbinic movement, I do not pretend that all sages shared the same views on these matters. However, enough evidence exists in the Tannaitic tradition to provide a general sense of rabbinic ideology regarding the role of priests in society. In this chapter I am mostly interested in the period between the two revolts, but I recognize that some of the Tannaitic material could also relate to the late second and early third centuries. It is likely that each of these visions reflected some degree of reality among different circles. As they are supplemented with archaeological discoveries and other texts, we can make a number of observations regarding the role of priests in post-70 Jewish society.

³⁴ Josephus, *Antiquities* 4.196.

³⁵ I am not necessarily claiming, however, that these aristocratic priests represented a unified movement. Although this is possible, the dearth of available sources compels us to be modest in our socio-historical conclusions on this point.

4.1.1 Priestly Prestige, Privileges, and Purity

To begin, it is valuable to consider different post-70 views on priestly prestige, privileges, and purity. Simply put, did the priesthood retain any of its former distinction in Jewish society without the temple? If so, was this status merely an honorary one meant to serve as a reminder of Israel's past in a society now functionally led by others? Or, did the social distinctions given to the priesthood in the Torah still translate into actual practice even after the loss of the temple? The answers to these and related questions seem to have varied among different groups. While some groups such as the early rabbinic movement seemed eager to relegate priests to an honorary status with no practical authority, others such as Josephus and aristocratic priestly circles seem to have envisioned a society in which priests were still very much an active influence.

4.1.1.1 Priestly Lineage

Josephus continued to promote the virtues of the priesthood and the rights of priests to leadership in the Jewish community throughout his writing career. An important example of this is found in the way he introduced himself in his autobiography (ca. 100):

My family is no ignoble one, tracing its descent far back to priestly ancestors. Different races base their claim to nobility on various grounds; with us a connection with the priesthood is the hallmark of an illustrious line. Not only, however, were my ancestors priests, but they belonged to the first of the twenty-four courses – a peculiar distinction – and to the most eminent of its constituent clans. Moreover, on my mother's side I am of royal blood; for the posterity of the Hasmoneans...were kings, as well as high-priests.³⁶

³⁶ Josephus, *Life* 1-2.

Josephus' self-introduction is interesting in several ways. For example, it indicates that Josephus still viewed priestly lineage as a factor which bestowed claims to nobility within Jewish society. Based on the order of his family credentials, it even seems that priesthood trumps royal descent, to which Josephus gave only secondary consideration.

It is also interesting to note that thirty years after the destruction of the temple, Josephus still implied that the twenty-four priestly courses retained their identity and still possessed a high degree of prestige in the Jewish community.³⁷ In this passage, Josephus highlights his affiliation with the "first of the twenty-four courses" (Jehoiarib?), and points out to his readers the honors which accompany that identification. We saw in Chapter Three (section 3.3) that some other priests between 70 and 135 also continued to identify themselves as members of priestly courses. These included "Yehudah, [grandson] of Menashe of the sons of Eliashib" who was identified in a marriage contract from around 117, and funerary inscriptions from post-70 Gophna that mentioned the courses of Yakim and Bilgah.

We saw earlier that Josephus endorsed a priestly aristocracy as the ideal form of Jewish government, which no other system should replace.³⁸ In one instance Josephus even takes priestly prestige beyond lineage and states that priests are the natural leaders

³⁷ Josephus, *Antiquities* 7.366 also claims that the division of the priesthood into twenty-four courses "has remained to this day" (i.e., mid 90s). This is particularly interesting given Josephus' statement in *Apion* 2.108 that "there are four tribes of priests, and each of these tribes contains more than five thousand men," which perform sacrifices and are replaced by other priests (referring to the function of the courses). It is possible that this is a textual corruption (supposed to read "twenty-four tribes of priests"), in which case the number of priests claimed by Josephus would be 120,000! It is also possible that in this passage Josephus is referring to four different subdivisions of the priesthood, such as found in Ezra 2:36-39 and Nehemiah 7:39-42 (the four priestly clans that returned from exile). For consideration of this issue, see Schürer, *History of the Jewish People*, 2:247; Bauckham, "Temple and *Contra Apionem*," 339-347; Barclay, *Against Apion*, 225-226 n.385.

³⁸ Josephus, *Antiquities* 4.223; *Apion* 2.185.

in Jewish society (and are entrusted with divine worship) as a result of “surpassing others in persuasiveness and moderation.”³⁹ For Josephus, all other forms of leadership are meant to be subservient to the priesthood. This is made clear in his pro-priestly revision of Deuteronomy 17:18-20, in which Josephus adds that even a king must “concede to the laws [presented in the ‘constitution’]...and let him do nothing apart from the High Priest and the advice of the elders [γερονσιαστων].”⁴⁰

Because Josephus emphasizes the leadership rights inherent with priestly lineage, he enthusiastically endorses the biblical injunctions on the genealogical purity of priests (see Leviticus 21). This is illustrated by a lengthy passage from *Against Apion* (ca. late 90s) in which Josephus justifies the need for sacred and genealogical records to be passed down through the line of chief priests:

Not only did they, from the outset, place in charge of this matter the best people and those who are devoted to the worship of God, but they also took care that the priestly stock should remain unalloyed and pure.

For anyone who takes a share in the priesthood must father children by a woman of the same nation; he must pay no attention to wealth or other distinctions, but should examine her pedigree, procuring her genealogy from the archives and supplying multiple witnesses.

And this is our practice not only in Judea itself, but wherever there is a corps of our people, there also precision is maintained with regard to the marriages of priests. I am referring to those in Egypt and Babylon and wherever else in the world any members of the priestly stock have been dispersed;⁴¹ for they write a statement, which they send to Jerusalem, indicating the name of the bride, with her patronymic, and of her ancestors of previous generations, and who were the witnesses.

³⁹ Josephus, *Apion* 2.186.

⁴⁰ Josephus, *Antiquities* 4.224. It is interesting to note that whereas the king only needs the advice of the *Gerousia*, he can not act without the High Priest. *M Sanhedrin* 2.4 claims that the king should not wage war without consulting with the rabbinic Sanhedrin (no High Priest is required). However, Josephus was certainly referring to the *Gerousia* of Jerusalem (which was presided over by the High Priest), and not the idealized rabbinic Sanhedrin. For further discussion on this passage, see Feldman, *Judean Antiquities 1-4*, 415 n.705.

⁴¹ It is interesting to speculate on whether Josephus had specific priestly families in mind here, such as the Oniads in Egypt or the Boethusians from Alexandria. See Barclay, *Against Apion*, 26 n.132.

If a war breaks out – as already happened on many occasions...[as] above all in our own times – the surviving priests make up new lists from the archives and scrutinize the women who are left, since they no longer admit any who have been prisoners, suspecting that they have had frequent intercourse with foreigners.⁴²

The greatest proof of precision is this: our chief-priests for the last 2,000 years are listed in the records by name, in line of descent from father to son. And to those who break any of the above rules, it is forbidden to approach the altars or share in any other rite.⁴³

Several aspects of this passage are worth noting for our discussion.⁴⁴ For one, Josephus is still insisting in the late 90s that priests must preserve the purity of the priestly line through proper marriage.⁴⁵ It is unclear whether Josephus is advocating the marriage of priests to women of priestly families or simply women from Jewish families.⁴⁶ Nevertheless, Josephus claims that the genealogical purity of priests is more of a qualifying factor in their leadership than “wealth or other distinctions.” According to Josephus, this is attained through a system of meticulous record keeping, archives, and witnesses.⁴⁷ A remarkable aspect of this system is that it was to continue regardless of location or national disaster, making it independent of the temple. The fact that Josephus specifically cites the example of the system surviving the First Revolt indicates that he

⁴² Josephus’ insistence on this point is particularly interesting in light of his own marital history. In his autobiography, Josephus tells us that his first wife was a prisoner of war. However, he seems to acknowledge that this was not in keeping with his priestly status and quickly points out that Vespasian commanded him to marry her, that she was indeed a virgin, and that he divorced her as soon as he was set free. See Josephus, *Life* 414-415; Rajak, *Josephus*, 20-21.

⁴³ Josephus, *Apion* 1.30-36.

⁴⁴ For a more detailed consideration of Josephus’ views on priestly genealogical purity, see Gussman, *Das Priesterverständnis des Flavius Josephus*, 269-287.

⁴⁵ Priestly marital purity was a major issue among various Jewish sects of the late Second Temple period; see Philo, *Special Laws* 1.110; *Aramaic Levi*; 4QMMT (b) 75-82; Himmelfarb, *Kingdom of Priests*, 25-28. If some of these texts were polemical it implies that some of the Jerusalem priests were not being as meticulous in this regard as their opponents would have preferred (cf. the attacks on impure priestly marriages during the post-exilic period in the books of Ezra and Nehemiah).

⁴⁶ Barclay, *Against Apion*, 25 n.126 suggests that Josephus was mostly concerned with the Judean ethnicity of a priest’s wife, rather than insisting that the wife must also be from a priestly family.

⁴⁷ Josephus, *Life* 6 contains another reference to a system of public records which recorded priestly genealogies (in this case relating to Josephus’ own family).

believed it was still being practiced almost thirty years later, and that he expected it to continue indefinitely. Because there is no reason to doubt that many priestly families supported these genealogical standards, an important implication is the perpetuation of genealogically pure priestly lines well into the post-temple era.

Early rabbinic literature supports this conclusion by indicating that a system was still in place to ensure the genealogical purity of priestly marriages. To a large degree, the sages also endorsed the biblical laws of priestly marital purity.⁴⁸ This is clear from rabbinic *halakhot* that attempt to regulate priestly marriage. These include rulings on the (in)eligibility of captive women to marry priests,⁴⁹ the need to demonstrate a woman's genealogical purity for four generations before her marriage to a priest, and indications that witness documents were available in city archives which could be used for verification.⁵⁰ There is even a late tradition which claims that R. Zadok (the Tannaitic priestly sage) refused to procreate with a beautiful Roman slave girl, "for I am [descended] of the High Priesthood."⁵¹

Despite the common interest in priestly marital purity, there are indications that the early sages and some contemporary priests were at odds over its precise boundaries. For example, a *baraita* claims that priests intensified their interest in marital purity *after* 70: "From the day that the temple was destroyed, the *kohanim* have become very

⁴⁸ Indeed, a full-length study could be done tracing the rabbinic views on priestly marital purity from tractate *Qiddushin* and its development from the Mishnah, Tosefta, and Palestinian Talmud.

⁴⁹ *M Ketubot* 2.7-9.

⁵⁰ *M Qiddushin* 4.4-5 indicates that a woman can stop counting generations if she can prove that an ancestor had ministered at the temple as a priest. Also in this passage, R. Yose (a second century Tanna) mentioned the old city archives of Sepphoris, a city known in rabbinic tradition as having a significant priestly population.

⁵¹ *Avot d'Rabbi Nathan* A 16. See Lightstone, "Zadok the Yavnean," 102-103.

particular about themselves...which is to say, they have become very fastidious about the purity of their priestly lineage.”⁵² This intensification seems to have been in tension with the sages, who saw the priests as being too strict on these matters. On one occasion, Yohanan b. Zakkai expressed frustration that priestly courts were unfairly excluding women from marriages with priests: “The priests would hearken to you in what concerns putting away but not in what concerns bringing near.”⁵³ In another tradition, Yohanan b. Zakkai declares that Elijah will judge those priestly families who impose their lineage standards onto others: “It is the like of these that Elijah will come to declare unclean or clean, to decide who is a *kohen* and who is not.”⁵⁴ These episodes indicate an important dynamic among some rabbis in this period: while priestly lineage was still important in theory, the sages believed themselves to be more qualified to determine the rules that guarded it than the actual priests.⁵⁵

This last point raises the issue of priestly prestige in the early rabbinic movement. Without question, the early sages recognized that a certain amount of honor was owed to the priesthood, if only as a gesture towards the prominence of the priesthood in the Torah. Still, the rabbinic view of post-temple society seems to have relegated priests to an honorary status, whereas real functional leadership belonged to the sages. This hierarchy is illustrated by what Stuart Cohen calls the “federal arrangement” of the “rabbinic

⁵² *B Qiddushin* 78b; cf. *B Bekhorot* 30b.

⁵³ *M Eduyot* 8.3.

⁵⁴ See citation and discussion in Alon, *Jews in their Land*, 102.

⁵⁵ Another example of the sages trying to determine priestly marriage is found in *T Yebamot* 1.10, which states that R. Tarfon wanted a case of a daughter’s co-wife to come before him so he could “marry her into the priesthood.” Apparently, R. Tarfon wanted to marry a co-wife to a priest as a public display of his agreement with the ruling of the House of Hillel in this matter. See Hidary, *Dispute for the Sake of Heaven*, 192-193.

constitution,” which divided power between sages, kings, and priests: “There are three crowns – the crown of the Law, the crown of the priesthood, and the crown of kingship.”⁵⁶ Within this “constitution,” however, it is clear that the sages viewed their own scholarship – the “crown of Torah” – as the institution that trumped the others.

Do not seek greatness for yourself and do not covet honor. Practice more than you learn; and do not crave the tables of kings, for your table is greater than their table and your crown than their crown...Great is [learning in] the Law than priesthood or kingship; for kingship is acquired by thirty excellences and the priesthood by twenty-four; but [learning in] the Law by forty-eight.⁵⁷

This rabbinic elevation of Torah learning above priesthood and kingship is illustrated by several traditions that view study as being the factor which allowed a king or a priest to function with divine approval. For example, in *Avot d’Rabbi Nathan B* Aaron and David are both said to have received their respective crowns based on their Torah scholarship.⁵⁸ *Sifre Numbers* states that one who obtained the crown of Torah learning was automatically worthy of the other two crowns.⁵⁹ In a remarkable enunciation of hierarchical priority, the Mishnah recognizes that, at least theoretically, priests should be accorded the highest place in Jewish society. However, it is quick to clarify that a priest who is not learned in rabbinic scholarship is trumped by even a bastard sage:

A priest precedes a Levite, a Levite an Israelite, an Israelite a bastard, a bastard a Nathin, a Nathin a proselyte, and a proselyte a freed slave. This applies when they all are [otherwise] equal; but if a bastard is learned in the Law and a High Priest is ignorant of the Law, the bastard that is learned in the Law precedes the High Priest that is ignorant of the Law.⁶⁰

⁵⁶ *M Avot* 4.13. This arrangement was first articulated by R. Simeon b. Yohai in the mid second century. Cohen, *Three Crowns*, 12-24 discusses this “constitution” and its implications for rabbinic views of Jewish leadership after 70.

⁵⁷ *M Avot* 6.5-6. This passage goes on to list the “excellencies” of the Law, including study, association with sages, knowledge of scripture and Mishnah, and making a fence around the Law.

⁵⁸ *Avot d’Rabbi Nathan B* 48.

⁵⁹ *Sifre Numbers* 119.

⁶⁰ *M Horayot* 3.8; cf. *T Horayot* 2.10; *Numbers Rabbah* 6.1; Aharon Oppenheimer, *The ‘Am Ha-Aretz: A Study in the Social History of the Jewish People in the Hellenistic Period* (Leiden: Brill, 1977), 109. It is interesting to note that sectarian texts among the Dead Sea Scrolls provide a similar hierarchy of Jewish

Needless to say, this is all a much different vision for Jewish society than what we saw in the writings of Josephus. In Josephus, biblically ordained priestly lineage trumped all other forms of Jewish leadership, including kingship, and scholar-sages were never even considered for a prominent role in society. In the early rabbinic movement, however, priests are acknowledged for their place in biblical legislation, but they are superseded by sages as the functional leaders of the Jewish community. While priests in general are accorded an honorary status among the sages, it is only those individuals (priests or non-priests) with “correct” learning in the Torah who are capable of providing leadership. From these two examples, it seems that different groups of Jewish had different visions of priestly prestige and its practical value in the generations following the loss of the temple.

4.1.1.2 Priestly Tithes and Offerings

In addition to priestly prestige, it is important to consider the continuation of priestly privileges after 70. One prominent aspect of priestly privilege was the reception of tithes and other consecrated gifts. Biblical legislation and Second Temple literature make it clear that a significant portion of Jewish agricultural and monetary increase was to be given to priests and Levites on a regular basis.⁶¹ Because this aspect of biblical law was not entirely dependent upon the existence of the temple and because many priestly

society – “Priests, Levites, and Israel” – yet make no provisions for annulling the role of priests in the hierarchy. See similar lists of social hierarchy in Shaye J.D. Cohen, “The Rabbi in Second-Century Jewish Society,” in *Cambridge History of Judaism*, eds. Horbury, Davies, Sturdy, 3:978-979.

⁶¹ For a detailed overview of the scriptural and historical development of the tithing system, see Schürer, *History of the Jewish People*, 2:257-274.

families survived the war, the cessation of priestly tithes would not have been an obvious or necessary development after 70.⁶² Indeed, all of our available sources agree that Jews continued to give tithes and offerings to priests long after the destruction of the temple.

Our earliest evidence for post-70 tithing comes from discoveries made at Masada, up to three or four years after the fall of the temple (ca. 73-74). A number of finds indicate that the defenders of Masada continued to separate tithes and consecrated food for priestly consumption until the fall of the fortress. For example, an inscription was discovered (apparently in the synagogue) on an ostrakon or jar that read מעשר כהן (“Priest’s Tithe”). This term has no exact parallel in rabbinic literature but the inscription resembles a practice mentioned in *M Maaser Sheni* 4.9: “If a potsherd was found [with coins] on it was written, ‘Tithe’ [מעשר], they [the coins] must be deemed [Second] Tithe [redemption money].”⁶³ The inscription and passage suggest that the practice of setting aside tithed coins for priests continued after the destruction of the temple.

Similar inscriptions at Masada demonstrate that consecrated food and wine continued to be set apart for priestly consumption. This is apparent from two other categories of inscriptions that were discovered there. The first category consisted of seven ostraca or whole jars on which were inscribed in ink or charcoal a ת or a ט. From *M Maaser Sheni* 4.11, it seems that these letters referred to food set apart for the priests: “If a man found a vessel and on it was inscribed...a *Tet* it is *Tebel* [produce certainly untithed]; and if a *Tau* it is *Terumah* [Heave-Offering].”⁶⁴ The second category of

⁶² Alexander, “Jewish Priesthood after 70,” 6 notes that, while the loss of the temple certainly brought an end to that portion of priestly tithes connected to the temple, in theory there is no reason why priests would have ceased receiving tithes that were not based on the temple cult.

⁶³ Yadin and Naveh, *Masada I*, 32-33 (Pl. 26.441).

⁶⁴ Cf. *T Maaser Sheni* 5.1; Yadin and Naveh, *Masada I*, 33 (Pl. 26.442-448).

inscriptions identifies rows of storage jars as כשרין לטהרת הקדש (“suited for the purity of hallowed things”), indicating that they contained oil, wine, or foodstuffs meant for consumption by priests.⁶⁵ In at least two instances, inscriptions also included the names of the priests who either owned the jars or declared them clean (“Yeshua” and “Aqavia, son of the High Priest Ananias”).⁶⁶ All together, the Masada inscriptions indicate that the fortress’s defenders continued to set apart tithes and consecrated food offerings, either for the priests among them or in anticipation of the temple’s imminent restoration.⁶⁷

On the payment of tithes after 70, both Josephus and early rabbinic literature agree that the general practice should continue. Josephus, for example, continues to talk about the tithing system in the present tense throughout his writings as an active part of the divine “constitution” to which Jews should adhere.

[Moses] directed that the people should also pay a tithe of the annual produce both to the Levites themselves and to the priests. These are the things that this tribe receives [λαμβάνει] from the multitude. I have also thought it necessary to reveal what personal contributions are given [γίνονται] to the priests by everyone.⁶⁸

According to Josephus, the priestly tithe in the mid 90s still includes a tenth of what the Levites receive, first-fruits of all agricultural increase, dough offerings, money for the redemption of first born males (or the first born itself in the case of animals), and other monetary gifts.⁶⁹ Although he does not cite any specific examples of priests receiving tithes after 70, he mentions that in the years leading up to and during the war, priests

⁶⁵ Yadin and Naveh, *Masada I*, 33-36 (Pls. 27-28.449-455).

⁶⁶ Yadin and Naveh, *Masada I*, 36-38 (Pls. 29.456; 30.461).

⁶⁷ Yadin and Naveh, *Masada I*, 38-39.

⁶⁸ Josephus, *Antiquities* 4.68.

⁶⁹ Josephus, *Antiquities* 4.69-74; cf. 4.240-243.

collected tithes in Galilee and waited by threshing floors to receive tithes.⁷⁰ There is no hint in his writings that these activities ceased when the temple was destroyed.

Likewise, early rabbinic literature discusses the need to continue paying tithes to priests *per* biblical injunction.⁷¹ Mishnaic tractates such as *Terumot* (“Heave Offerings”), *Maaserot* (“Tithes”), *Maaser Shenii* (“Second Tithe”), *Hallah* (“Dough Offerings”), *Bikkurim* (“First Fruits”), and *Bekhorot* (“Firstlings”) contain Tannaitic discussion on the logistics of the tithing system in a post-temple world.⁷² Some early sages explicitly advocated the payment of priestly tithes after the destruction of the temple.⁷³ In some cases the Tannaim differentiate between those tithes that only need to be paid while the temple stands, such as the temple tax and First Fruits, and those that continue to apply without a temple, such as tithes on wheat, cattle, and firstlings, as well as heave offerings, the second tithe, and the priests’ portion of butchered animals.⁷⁴

The Tosefta contains a tradition in which Simeon b. Gamaliel I and Yohanan b. Zakkai organized regional tithing drives in the final years of the Second Temple:

Rabban Gamaliel and sages were in session on the steps to the Temple. And Yohanan the scribe was before them. He said to him, “Write [in Aramaic]: ‘To our brethren, residents of Upper Galilee and residents of Lower Galilee, May your peace increase! I inform you that the time for the removal has come, to separate the tithes from the olive vats.’ ‘To our brethren, residents of the

⁷⁰ Josephus, *Life* 12, 62-63; 15, 80.

⁷¹ Oppenheimer, ‘*Am Ha-Aretz*, 42-49 discusses the payment of priestly tithes after 70, mostly from the perspective of rabbinic literature; cf. Alon, *Jews in their Land*, 254-258. Lawrence H. Schiffman, “Was There a Galilean Halakhah?” in *Galilee in Late Antiquity*, ed. Levine, 149-153 discusses the rabbinic tithing system as it related to Judea and Galilee.

⁷² Cohen, *Three Crowns*, 159 notes that even in rabbinic culture as long as these injunctions had any practical value, priests would have retained some kind of corporate authority.

⁷³ *Sifre Numbers* 119; *Sifrei Zuta Korah* 18.21. See Oppenheimer, ‘*Am Ha-Aretz*, 43.

⁷⁴ E.g., *M Sheqalim* 8.8; *M Bikkurim* 2.3; *M Hullin* 10.1; *M Bekhorot* 9.1; See Schürer, *History of the Jewish People*, 1:524; Alon, *Jews in their Land*, 254-258; Hezser, *Rabbinic Movement*, 481 n.76.; Cohn, “Ritual Genre,” 226.

Upper South and residents of the Lower South, may your peace increase! We inform you that the time for the removal has come, to separate the tithes from the sheaves of grain.”⁷⁵

Although this account is anachronistic for the pre-70 period, it reflects an active interest in the tithing system by early sages.⁷⁶ It is remarkable that even Yohanan b. Zakkai, one of the most vocal rabbinic critics of priestly circles, was remembered as being committed to the payment of tithes and offerings.

Rabbinic interest in tithing is also reflected in the sages’ condemnation of the *‘ammei ha-aretz*. According to the sages, one of the defining characteristics of the *‘ammei ha-aretz* is their laxity in practicing and interpreting the tithing system.⁷⁷ Unfortunately, it is difficult to know the precise identity of these people, as well as the reasons they failed to live up to the rabbinic tithing standards. Alon suggests that the reason some Jews struggled to pay tithes after 70 was the economic hardships experienced after the war combined with the sense that priests no longer needed to be supported in their temple service, but this is only speculation.⁷⁸ What we do know is that the sages insisted on tithing anything bought from an *‘am ha-aretz* on the assumption that

⁷⁵ *T Sanhedrin* 2.6. Alon, *Jews in their Land*, 91 discusses a similar passage found in the much later *Midrash Tannaim* from the Cairo Genizah. The Tosefta version of this account does not specify that Yohanan “the scribe” is Yohanan b. Zakkai. However, the setting of the story in the final years of the Second Temple and the explicit identification in *Midrash Tannaim* make it likely that Yohanan b. Zakkai was intended.

⁷⁶ Schiffman, “Galilean Halakhah,” 153 suggests that this letter may actually reflect the activities of Gamaliel II after the destruction of the temple.

⁷⁷ Oppenheimer, *‘Am Ha-Aretz*, 69-79 considers the rabbinic legislation regarding dealing with the *‘ammei ha-aretz* in matters of produce and eating with them at their homes. See also Miller, *Sages and Commoners*, 302-338; Alexander, “Jewish Priesthood after 70,” 7.

⁷⁸ Alon, *Jews in their Land*, 254-258.

it had not been tithed to rabbinic standards.⁷⁹ In addition, some rabbis did not trust the wife of an *'am ha-aretz* to serve tithed food in a domestic setting.⁸⁰

Early rabbinic literature also gives several examples of priests who continued to receive tithes and eat consecrated food in the late first and early second centuries.⁸¹ In particular, priestly sages are often depicted as receiving tithes and consuming consecrated food. For example, R. Tarfon (a priest involved in the early rabbinic movement) appears in several passages as engaging in these activities as a result of his priestly heritage. One such passage has R. Tarfon eating consecrated food offerings after the destruction of the temple, and indicates that some early sages regarded the eating of priestly food to be a continuation of the temple cult:

Once R. Tarfon was late in coming to the bet ha-midrash. Rabban Gamaliel said to him, What is the reason for your late-coming? He answered him, I was engaged in the priestly service. He [Rabban Gamaliel] said to him, What you say is utterly surprising. Is there, then, any priestly service nowadays? He [R. Tarfon] answered him, It says, "I give your priesthood as a service of gift," thus making the eating of holy things outside the Temple and Jerusalem like the Temple service in the Temple.⁸²

Another passage in the Tosefta has R. Tarfon accepting consecrated food as a right of his priestly lineage, and doing so with the permission of Yohanan b. Zakkai:

R. Tarfon was going along the way. A certain old man came across him [and] said, "Why do people complain against you? And are not all your rulings true and right? But you accept food in the status of heave-offering on the other days of the year [outside of the harvest time, wine-pressing, or olive-crushing season] from everyone [without regard to the status of the donor as an associate]!" Said R. Tarfon, "May I bury my sons, if I do not have a law in my hands from Rabban Yohanan b. Zakkai, who told me, 'You are permitted to receive food in the status of heave-

⁷⁹ *M Demai* 4.1

⁸⁰ *T Demai* 3.9.

⁸¹ The practice of priests eating consecrated food seems to have been taken for granted by sages of the second century. For example, in *M Berakhot* 1.1 (MS Kaufman), R. Eliezer ruled that the *Shema* can be recited "from the time that the priests enter to eat their *terumah*," and continue until the end of the first watch of the night. This is likely a reference to impure priests who needed to bathe and wait for sunset to become pure enough to eat his consecrated food. See Hidary, *Dispute for the Sake of Heaven*, 244.

⁸² *Sifre Numbers* 116; cf. *Sifrei Zuta*, *Korah* 18:7 and *B Pesahim* 72b-73a. See also Alon, *Jews in their Land*, 254-258; Oppenheimer, *'Am Ha-Aretz*, 44; Cohen, *Three Crowns*, 160.

offering on the other days of the year [besides the harvest seasons] from any one [not merely an associate].’ But now that the people are complaining against me, I decree for myself that I shall not accept food in the status of heave-offering on the other days of the year [besides the harvest seasons] from any one at all.”⁸³

This passage not only indicates that priestly rabbis such as R. Tarfon were eating consecrated food by virtue of being priests, but it suggests that Jews within and outside of rabbinic fellowship were offering these tithes and priestly gifts.

One remarkable account has R. Tarfon marrying three hundred women during a famine so that they would have access to the tithes owed to them as the wives of a priest.⁸⁴ Yet another passage indicates that R. Tarfon redeemed first born sons, although in one instance he returned the money to the father.⁸⁵ Priestly rabbis had a natural interest in the *halakhot* related to tithes and consecrated food. For example, R. Judah the Priest testified that an Israelite girl who was a minor and married to a priest could eat Heave Offerings after she entered the bridal chamber, even if the marriage had not yet been consummated.⁸⁶ Prominent non-priestly rabbis are also known to have supported the continued payment of tithes and other offerings to priests. In one account, Gamaliel II personally paid tithes to a Levite (Joshua) and a priest (Eleazar b. Azariah), both of whom rented the land on which the produce was grown.⁸⁷ In another, Gamaliel II insists that priests should continue to receive heave-offerings and Levites should continue to receive First Tithes at the threshing floors.⁸⁸

⁸³ *T Hagigah* 3.33.

⁸⁴ *T Ketubot* 5.1.

⁸⁵ *T Bekhorot* 6.14.

⁸⁶ *M Eduyot* 8.2.

⁸⁷ *M Maaser Sheni* 5.9.

Finally, documents discovered in the Judean desert from the time of the Bar Kokhba revolt indicate that the payment of priestly tithes was still actively practiced by some Jews over fifty years after the destruction of the temple. A number of important examples include leases signed by Bar Kokhba which mention that tenants separated tithes (מעשרת/מעשרת) before paying landlords their due produce. Other references in these documents describe the annual tithes being kept in a treasury at Herodium (אוצר בהרדיוס).⁸⁹ There is no explicit mention of priests in these documents, but there was likely a high degree of priestly ideology behind the revolt (see section 4.2.2), making it a reasonable assumption that the tithes were connected to the priesthood.⁹⁰ It is also possible that Hadrianic decrees issued in the wake of the Bar Kokhba revolt prohibited the Jewish payment of priestly tithes and offerings, suggesting that such practices were widespread at that time.⁹¹

⁸⁸ *T Peah* 4.5; cf. *T Ketubot* 3.1. These readings are found in the Vienna MS, and hence most printed editions. However, it is interesting to point out that in the Erfurt MS, Gamaliel assigns all of the tithes to the priests, with no mention of the Levites. This latter reading is found in parallel passages in *B Ketubot* 26a; *Y Ketubot* 3.1. Oppenheimer, 'Am Ha-Aretz, 45, thinks that the Vienna MS represents the later emendation. As for the general practice of priests collecting tithes at the threshing floors, *T Peah* 4.3-4 gives the impression that this still occurred in the generations following 70. This practice recalls the accounts in Josephus, *Antiquities* 20.179-181, 205-207 in which some wealthy priests before 70 stole the tithes from the threshing floors that were due to the lower class priests.

⁸⁹ Benoit, Milik, and de Vaux, *Les Grottes De Murabba'at (DJD II)*, 122-133 no.24 (see fragments B, C, and E).

⁹⁰ It is possible that other references to tithing exist in P.Yad 57, a papyrus fragment in which Bar Kokhba himself requests palm branches and citron to be sent to his camp at Herodium in preparation for the Feast of Tabernacles. Yigael Yadin suggested that the verb used in the request could refer to the setting aside of priestly gifts from produce, thus instructing the recipient of the letter to properly tithe the materials before delivering them. See Yigael Yadin, Jonas C. Greenfield, Ada Yardeni, and Baruch A. Levine, eds., *The Documents from the Bar Kokhba Period in the Cave of Letters: Hebrew, Aramaic and Nabatean-Aramaic Papyri* (Jerusalem: Israel Exploration Society, 2002), 322-328 and Yigael Yadin, "Expedition D," *IEJ* 11 (1961): 36-52 (especially p. 49).

⁹¹ This conclusion is presented by Oppenheimer, 'Am Ha-Aretz, 44, based on *M Maaser Sheni* 4.11, which makes provisions for marking jars of consecrated food in "times of danger [i.e., persecution]."

All of the sources agree that Jews did or should continue to give tithes and offerings to priests in the decades after 70. However, there was some disagreement about the way in which this should be done. For example, a close comparison of Josephus and early rabbinic literature indicates that some circles argued for a tithing system that benefited priests more than the system promoted by others. For example, Josephus advocated a tithing system that produced maximum revenues for the priests. This included a second annual priestly tithe with an additional tithe given every third and sixth years.⁹² Naturally, this would have been an enormous benefit to the priests and resembles an ideal of tithing that was also present in priestly texts from the late Second Temple period.⁹³ Early sages, however, consistently followed Pharisaic tendencies to legislate to the disadvantage of priests by lessening tithing burdens on farmers, thereby lowering priestly revenues.⁹⁴ In regard to the second and third tithes advocated by Josephus, early rabbinic rulings lowered this requirement in order to be less of a burden on the farmers, despite the lessened priestly revenues that would result.⁹⁵ Similar discrepancies exist between Josephus and early sages on matters relating to the redemption of first born animals and First Fruits.⁹⁶

⁹² Josephus, *Antiquities* 4.69, 205, 240.

⁹³ cf. *Jubilees* 32; Sanders, *Judaism: Practice and Belief*, 149.

⁹⁴ Oppenheimer, 'Am Ha-Aretz, 46-47; Sanders, *Judaism: Practice and Belief*, 149-155 gives several examples of this tendency. One exception to this is the way in which the sages extended biblical parameters on tithing (which singled out crops, wine, and oil) to include all food consumed by Jews, both in the city and in the countryside. Cf. *M Maaser* 1.1 with Leviticus 27.30; Numbers 18.27; Deuteronomy 12.17, 14.23, 28, 26.12.

⁹⁵ See the summary of tithing laws from *M Maaser* and *M Maaser Shenit* in Sanders *Judaism: Practice and Belief*, 149.

⁹⁶ Sanders, *Judaism: Practice and Belief*, 151-152. Sanders points out that Josephus consistently ruled with biblical passages that increase priestly revenues, while the rabbis consistently used clever exegesis in order to lower the revenues going to priests and to lessen the burdens on lower class farmers.

There are other instances in which rabbinic legislation worked to the disadvantage of priests in regard to tithes and offerings. At Yavneh, for example, R. Hanina the Prefect of the Priests testified that priests should receive animal hides based on precedent from temple practices. The sages, however, overruled him on this matter and insisted that hides be burned rather than given to the priests.⁹⁷ Simeon b. Kahana (a priest from the early second century) was once caught drinking consecrated wine in Acre which had been sent to him from Cilicia. When the sages saw him doing this, they made him finish it in a boat offshore in order to enforce their ruling that priests in the land of Israel could not consume *terumah* that originated in the Diaspora.⁹⁸ This story implies that there still existed a network of tithing from Jews as far as Cilicia. It also indicates that sages were trying to impose their positions onto priests who followed a different standard.

It also seems that there was some disagreement among the sages as to the precise practice of tithing. For example, later tradition remembers debates between R. Eleazar b. Azariah (a priestly sage) and R. Joshua b. Hananiah over whether the First Tithe should go to Levites or to priests.⁹⁹ A *baraita* records that, in this case, Eleazar b. Azariah ruled contrary to scripture by insisting that priests should receive the Levitical tithe.¹⁰⁰ Tzvee Zahavy thinks that this pro-priestly ruling was so unusual that the editors of the Mishnah

⁹⁷ *M Eduyot* 2.2; See Neusner, *Rabbinic Traditions*, 404. Passages in the Tosefta (*T Zebahim* 11.16; cf. *T Menahot* 13.18-22) indicting “the powerful men of the priesthood” for forcibly taking hides from lower class priests might be a memory of priestly corruption in the Second Temple period, but might also imply some resentment felt by sages for priestly reception of tithes in the Tannaitic period.

⁹⁸ *T Sheviit* 5.2. This story serves as an illustration of the ruling on this matter found in *M Sheviit* 6.6.

⁹⁹ *Y Maaser Sheni* 5, 56b. Cf. the account in *B Yebamot* 86b, where Gamaliel II stops Eleazar b. Azariah from receiving his priestly tithe by a ruse (also set in the context of a debate over the First Tithe). See Oppenheimer, *‘Am Ha-Aretz*, 44.

¹⁰⁰ *B Yebamot* 86a-b; cf. *B Hullin* 131b; *B Ketubot* 26a; *B Baba Batra* 81b.

and Tosefta sought to suppress it.¹⁰¹ There was also a debate over whether priests must still eat the Second Tithe in Jerusalem. Some sages said that they should, even without a temple structure. Other sages (such as R. Ishmael) said that it must simply be redeemed with money and eaten as regular food.¹⁰²

The precise parameters of priestly financial obligations were also a source of tension between priests and Yohanan b. Zakkai at Yavneh. For example, an individual named Ben Bukhri (a priest?) testified at Yavneh that priestly payment of the temple tax was optional, whereas Yohanan b. Zakkai argued that priests were bound to pay it like everyone else. Following this confrontation, the tractate records that priests tried “to expound [Leviticus 6:23] to their advantage” by reading it in a way that exempted them from the tax: because they were to be given temple food which was purchased from the tax, they did not need to pay the tax themselves.¹⁰³ Since the temple tax was converted into the *fiscus Iudaicus* with the destruction of the Jerusalem temple in 70, this discussion at Yavneh may have been merely theoretical. It is also possible, however, that priests were trying to get out of paying the *fiscus Iudaicus* based on this reasoning.

Taken together, the sources from between the two revolts provide a number of indications regarding priestly tithing: 1) It is clear that many Jews in the post-70 generations felt that the payment of tithes and offerings was still imperative. The fact that this was done on a wide scale implies that priestly families were still present in

¹⁰¹ Zahavy, *Traditions of Eleazar ben Azariah*, 31-32.

¹⁰² See *M Eduyot* 8.6; *T Sanhedrin* 3.6; *B Makkot* 19a. According to *M Maaser Sheni* 5.7 and *T Maaser Sheni* 3.18, many priests in Palestine followed the ruling of R. Ishmael on this matter. See Alon, *Jews in their Land*, 254-258.

¹⁰³ *M Sheqalim* 1.4. For discussions of this passage, see Alon, *Jews in their Land*, 101-102; Cohen, *Three Crowns*, 133-140; Hezser, *Rabbinic Movement*, 484-485.

significant numbers, were still easily identifiable as priests, and still performed some non-sacrificial functions in the community. 2) In addition to family estates and inheritances, tithing would have contributed to priestly wealth for some time after 70.¹⁰⁴ This helps to explain the contemporary reality reflected in *Sifre Deuteronomy* (ca. second century) which records, “the sages have said, ‘Most priests are wealthy.’”¹⁰⁵ 3) The debates about the logistics of tithing indicate that different social circles had different visions of Jewish society. Some, like Josephus, endorsed a tithing system that maximized priestly revenues. Others, such as the early sages, sought to keep biblical tithing laws with as little burden on non-priests as possible. This issue demonstrates that there was still much diversity regarding priestly laws after 70.

4.1.1.3 Priests and Ritual Purity

The continuation of priestly tithes and offerings after 70 was accompanied by the need for continued ritual purity. The extension of purity into the daily lives of non-priests in the early rabbinic movement is well known.¹⁰⁶ However, it is valuable to point out that

¹⁰⁴ Cohen, *Three Crowns*, 159; Alexander, “Jewish Priesthood after 70,” 7 points out that average priests may have even been better off financially after 70 than before 70, since tithing funds were no longer funneled through the temple complex (a practice established by the Hasmoneans in the second century B.C.E.; see Oppenheimer, *‘Am Ha-Aretz*, 30-38), but rather went directly to local priests. In general, there is no reason to think that priests were impoverished after the loss of the temple.

¹⁰⁵ *Sifre Deuteronomy* 352. Büchler, *Political and Social Leaders*, 27, 69 also concludes that priests in the second century were able to become wealthy as a result of the tithing system. Goodman, *State and Society*, 33 urges caution on this conclusion, but elsewhere points out the ways in which this would have been possible (p. 233 n.43).

¹⁰⁶ *T Hagigah* 3.2-3, for example, has Gamaliel II eating secular food in a state of ritual purity, and also mentions others entering the waters of purification. *T Avodah Zarah* 3.10 and *T Demai* 5.2 both reflect rabbinic criticism of the *‘ammei ha-aretz* for not eating secular food in a state of ritual purity. For further discussion on the rabbinic extension of priestly purity into the daily lives of non-priests, see Alon, *Jews, Judaism, and the Classical World*, 190-234 (“The Bounds of the Levitical Laws of Cleanness”);

priests also continued in their purity practices.¹⁰⁷ A detailed study of the purity of priests in the post-70 era has yet to be done. Unfortunately, a comprehensive study of this issue is beyond the limits of this dissertation. Nevertheless, a few observations demonstrate that priests still concerned themselves with purity after the loss of the temple.

For example, rabbinic literature claims that priestly interest in purity continued after the temple cult ceased to exist. Later tradition even remembers priests as intensifying their pursuit of ritual purity after 70. A tradition from the Babylonian Talmud highlights this development by indicating that R. Hananiah b. Antigonus (a second century sage of priestly descent) held other sages in contempt in matters of ritual purity. In response, R. Yose declared that “from the day the Temple was destroyed the priests guarded their dignity by not entrusting matters of ritual purity to everybody.”¹⁰⁸ The late date of this tradition and its Babylonian setting require us to be cautious in drawing historical conclusions for second century Palestine. However, it does suggest that priests were still observing purity laws after 70, and that they were not necessarily following the rulings of the sages in this observance.

Josephus does not provide any specific standards on priestly purity outside of the temple, making it impossible to compare with standards found in rabbinic literature. However, the ways in which the two sources disagree on priestly purity within the temple might indicate that differences existed between some priests and rabbis in regard to

Oppenheimer, *‘Am Ha-Aretz*, 63-66, 83-96; Neusner, *From Politics to Piety*, 143-154; Skarsaune, *In the Shadow of the Temple*, 117-122; Klawans, *Purity, Sacrifice, and the Temple*, 145-245. See also Bokser, “Approaching Sacred Space,” 279-299.

¹⁰⁷ Alon, *Jews in their Land*, 259-260.

¹⁰⁸ *B Bekhorot* 30b. Other later texts, such as *Avot d’Rabbi Nathan* A 12 (B 27) and *Midrash Hagadol Leviticus* 11.35 also portray tension between priests and sages over matters of ritual purity. See Alon, *Jews and their Land*, 100-103.

general purity laws in the late first and early second centuries.¹⁰⁹ Examples of these dynamics from third and fourth century Palestine will be discussed in Chapter Five.

In Chapter Three I discussed the post-70 diffusion of material culture meant to promote ritual purity. Here it is only important to remember that those items and installations which facilitated priestly purity before 70 – such as *miqva'ot* and stone vessels – primarily existed in and around Jerusalem, as well as along the pilgrimage routes, while the temple stood. After 70, these items spread out into other parts of the country, such as the Judean hills, the Darom, the coastal plain, and Galilee.¹¹⁰ The study of these items and installations from the Late Roman and Byzantine periods is still in its infancy, making it difficult to offer a detailed reconstruction of priestly purity practices in this period. Their existence, however, attests to the continued pursuit of ritual purity among some Jewish circles, no doubt including priestly families.¹¹¹

In addition to maintaining their own ritual purity, there is evidence that priests sought to retain supervision over the ritual purity of others. For example, a passage in the Tosefta records how R. Tarfon purified lepers and declared that “they” (priests?) were to do this “while the House [temple] is standing and not while the House is standing.” He

¹⁰⁹ For a comparison of priestly temple purity in Josephus and rabbinic literature, see Bauckham, “Temple in *Contra Apionem*,” 328-339.

¹¹⁰ Reich, *Miqwa'ot*, claimed that purity interest as reflected in material culture dramatically declined after 70. However, Amit and Adler, “Ritual Purity after 70 C.E.,” 121-143 demonstrate that *miqva'ot* and stone vessels continue to be found in post-70 contexts throughout the country.

¹¹¹ Patrich, “Cave of Refuge,” 153-166 describes a cave complex northeast of Jerusalem that was in use from the late first century through the Bar Kokhba revolt. This complex contained a *miqvah*, inscriptions bearing a name (Jo'ezer) frequently found in priestly families, and drawings of two seven-branched *menorot*. This clustering of purity installations, names, and images led Patrich to suggest that this complex may have been used by a priestly family. Although Patrich suggested that the cave's primary use was during the First Revolt, the imprecise dating of the complex leaves open the possibility that it was in use as late as the early second century.

also declared that “they” need to purify lepers in the provinces as well.¹¹² Another Tannaitic tradition claims that priests continued to purify those with corpse impurity after 70 as long as a supply of red heifer ashes remained.¹¹³ The priestly supervision of these purity issues is another important example of non-sacrificial duties of priests as prescribed in the Torah. As with the other non-sacrificial functions, priestly supervision of ritual purity should not have ended with the loss of the temple, and the above references indicate that in many circles it did not.

However, it is interesting to point out that this is a priestly duty which the sages attempted to appropriate at an early period. Leviticus 13-14 makes it clear that only priests were authorized to make pronouncements and prescriptions in matters of leper-impurity. This priestly stewardship continued into the late Second Temple period as indicated by texts such as Mark 1:44 and CD 13.2-7, both of which affirm the role of priests in declaring lepers clean or unclean. Early rabbinic literature reluctantly acknowledges the role of priests in this ritual *per* biblical injunction, but relegates the presence of a priest to a mere formality. In the Mishnah, it is a sage who has the expertise to determine purity in the case of leprosy, and the priest simply vocalizes the declaration of the sage:

All are qualified to inspect leprosy signs, but only a priest may pronounce them unclean or clean. They [that are skilled] say to a priest, “Say, Unclean!” and he shall say “Unclean!” or [they say to him], “Say, Clean!” and he shall say “Clean!”¹¹⁴

¹¹² *T Negaim* 8.2.

¹¹³ *T Parah* 5.6 specifically mentions an episode with the ashes at Beth Shearim, where a famous necropolis existed in the third century and following. This episode might be a reflection of the early third century when the necropolis was expanding (see Chapter Five for more on this site). Nevertheless, Shmuel Safrai, “Beth She’arim in Talmudic Literature,” *EI* 5 (1958): 206-212 [Hebrew] suggests that reserves of red heifer ash existed at Beth Shearim through the Tannaitic and Amoraic periods.

¹¹⁴ *M Negaim* 3.1.

In this ruling, the priest only serves a mechanical function while the sage possesses the real expertise. According to Steven Fraade, this is a remarkable example of “shifting from priestly to non-priestly legal authority” within early rabbinic Judaism.¹¹⁵ Needless to say, this shift likely was not endorsed by non-rabbinic priests such as Josephus.

To conclude this sub-section, sources including Josephus, early rabbinic literature, and archaeological finds make it clear that priests after the First Revolt continued to receive the tithes and offerings assigned to them by the Torah, and continued to maintain a high degree of ritual purity long after the cessation of the temple cult. The sources also indicate, however, that different social circles had different visions of how these aspects of the priesthood should logistically function in society. Aristocratic priests like Josephus argued that priestly lineage bestowed the rights to leadership in the post-70 Jewish community, with all other systems being unacceptable reformations of the divine “constitution.” Other groups such as the early sages relegated priests to an honorary status in the community, likely out of acknowledgement of the place accorded them in the Torah, but argued that rabbinic sages were to have priority in community leadership. The sources agree that tithing and purity practices should continue after 70, but disagree on the extent and parameters of these practices. Nevertheless, it is clear that priestly prestige, privileges, and purity remained important aspects of Jewish society after 70.

¹¹⁵ Fraade, “Non-Priestly Legal Authority,” 111-119, compares this text with CD 13.2-7 and considers the social implications of these two models. See also Goldenberg, *Origins of Judaism*, 102 n.14.

4.1.2 Priestly Civic and Religious Activities

Another issue that must be considered is the nature of priestly activities in the civic and religious spheres of post-70 society. We saw in Chapter Two that priests were involved in various civic and religious activities outside of the temple in the decades before 70. These included priests serving as local civic judges, teachers of law, stewards over Israel's scriptural tradition, and leaders of liturgical worship. The traditional narrative claims that after 70 priests ceded these roles to sages. This is based largely on the impression given in rabbinic literature that sages, not priests, served in these capacities. However, as was seen the previous sub-section, a close examination of the sources from the post-70 era indicates that this shift was not as complete, sudden, or universally acknowledged as previously assumed. While sages tried to appropriate many of these civic and religious functions, other voices, such as Josephus, argued that priests should retain these roles. Early rabbinic literature also provides hints that priests were still active in these ways. This sub-section will consider the evidence for the various civic and religious activities of priests in the generations after the First Revolt.

4.1.2.1 Priests as Judges

With regard to civic responsibilities, it is clear that the early rabbinic movement promoted a system in which sages assumed the role of legal experts and judges in post-70 Jewish society.¹¹⁶ As discussed previously, the picture provided by rabbinic literature is

¹¹⁶ See the discussion in Gunter Stemberger, *Jews and Christians in the Holy Land: Palestine in the Fourth Century* (Edinburgh: T&T Clark, 2000), 280-283. Ze'ev Safrai, *The Economy of Roman Palestine* (London:

that R. Yohanan b. Zakkai reconstituted a Sanhedrin at Yavneh, which was led by sages and served as the highest civic court in the land. A careful reading of *M Sanhedrin* reveals that priests were not a necessary component of this court as they had been before. Rather, Tannaitic tradition claims that the scholarship of the sages trumped any rights of priestly lineage in this regard. I have already considered passages in which priests were merely the mouthpiece of an expert sage in cases of leprosy and in which priests were to submit to the sages in matters pertaining to the temple cult.¹¹⁷ Other passages explicitly and implicitly claim that rabbinic courts had authority over the priesthood.¹¹⁸

However, close scrutiny of the sources from this period – including rabbinic literature – reveals that sages only had limited control over these matters in post-70 society.¹¹⁹ Jacob Neusner,¹²⁰ Martin Goodman,¹²¹ Shaye Cohen,¹²² Naftali Cohn,¹²³ and

Routledge, 1994), 46-48, concluded in his study of Jewish life after 70 (solely based on Talmudic literature) that most Jewish towns in this period were judged and legally ruled by rabbinic courts. This model is also followed by other scholars of rabbinic literature; see H.L. Strack and G. Stemberger, *Introduction to the Talmud and Midrash* (Minneapolis: Fortress Press, 1992), 15, 28, 101, 129, 130.

¹¹⁷ E.g., *M Negaim* 3.1; *M Yoma* 1.6.

¹¹⁸ E.g., *M Middot* 5.4; *M Berakhot* 6.8; *T Ahilot* 16.13; *T Niddah* 5.2. Cohn, “Ritual Narrative Genre,” 195 considers examples of Tannaitic sages reading their ideal rabbinic courts back into the Second Temple period. See also Schwartz, *Josephus and Judaeae Politics*, 101, 106.

¹¹⁹ For a critical assessment of the rabbinic “Sanhedrin” in general, see Goodblatt, *Monarchic Principle*, 104-108, 232-276.

¹²⁰ Neusner, *Mishnaic Law of Purities*, for example, demonstrated that rabbinic purity laws in the Mishnah were created in this period based on logic, not legal precedence.

¹²¹ Goodman, *State and Society*, 93-118 considers rabbinic case law from Galilee in the second and third centuries, and establishes the limited jurisdiction of the sages in areas such as purity, kashrut, tithes, the calendar, and synagogue ritual.

¹²² Cohen, “Rabbis in Second Century,” 961-971.

¹²³ Cohn, “Ritual Narrative Genre,” 207-213; Naftali Cohn, “Rabbis as Jurists: On the Representation of Past and Present Legal Institutions in the Mishnah,” *JJS* 60.2 (Fall 2009): 245-263, examines the ways the Mishnah presents rabbis as jurists, including the way they wrote themselves into the history of earlier Jewish legal institutions such as the temple and courts. Cohn also examines the ways in which early rabbis claimed authority over ritual law that they did not yet have.

Hayim Lapin have all produced studies that demonstrate the limited extent of actual rabbinic legal authority in this early period. For example, Lapin has recently examined ninety-six legal cases brought before sages as recorded in Tannaitic literature. These include property law (wills, deeds, and rent), family law (remarriage, vows, and levirate obligations), and matters of ritual purity. His conclusion after studying these cases is that the rabbis had little or no authority in this period to enforce their legal rulings. Because these areas mostly fall outside the scope of provincial law, it was mostly those Jews who deferred to the opinion of sages (i.e., those who associated with the rabbinic movement) who brought these cases before the rabbinic courts. Therefore, these cases are more of a reflection of rabbinic piety than actual jurisprudence, and seem to represent rabbinic “sectarian” interests in this period.¹²⁴

If rabbis did not preside over civic courts in this period, who did? It seems from the available sources that many Jews submitted to secular courts in most legal matters. The documents of Babatha from the early second century take it for granted that many Jews in southern Palestine availed themselves of provincial and urban courts throughout the province of Arabia.¹²⁵ Rabbinic literature often complains about local courts which contained judges who were “not skilled” (meaning those who were not rabbinic Torah scholars) and who were appointed on account of their wealth and social status.¹²⁶

¹²⁴ Hayim Lapin, “The Rabbinic Class Revisited: Rabbis as Judges in Later Roman Palestine,” in *Follow the Wise*, eds. Weiss, Irshai, Magness, Schwartz, 255-273.

¹²⁵ Lapin, “Rabbis as Judges,” 256; Hannah M. Cotton, “The Guardianship of Jesus Son of Babatha: Roman and Local Law in the Province of Arabia,” *JRS* 83 (1993): 94-108. For references to civic courts scattered throughout the Babatha archive, see Naphtali Lewis, ed., *The Documents from the Bar Kokhba Period in the Cave of Letters: Greek Papyri* (Jerusalem: Israel Exploration Society, 1989).

¹²⁶ For example, *Sifre Deuteronomy* 17 sharply criticizes local magistrates who appoint judges based on nepotism, standing in the community, Hellenistic proclivities, and ability to lend money. For further discussion of these tensions, see Alon, *Jews in their Land*, 179-184, 217-225.

Although the precise identity of these judges is rarely made explicit in our sources, it is reasonable to conclude that priests served in judicial capacities in at least some local governments. This is especially likely if, as I argued earlier, many priestly families were still members of the land-owning aristocracy of the post-70 era.

In Chapter Two we saw that biblical and Second Temple literature prescribed a judicial system in which priests served as the main judges over civic and religious matters, including property, family, purity, and cultic law.¹²⁷ This was based largely on priestly legal expertise and the connection between priesthood and prophecy, which made priests privy to the divine will in court cases.¹²⁸ In many locations, most notably in Jerusalem's *gerousia*, such priestly judges and courts seemed to have been a reality in the pre-70 period.¹²⁹ Owing to their long tradition, scriptural backing, and the fact that they were not dependent upon the Jerusalem temple, priestly courts and judges are not likely to have disappeared after 70.

According to the writings of Josephus in the mid to late 90s, priests still had the divine right to serve as judges, the High Priests should still serve as the highest court of appeals, and the Mosaic "constitution" required that local courts contain, or are at least advised by, priests and Levites. This position is stated in those sections of *Antiquities* and *Against Apion* which endorse the ideal form of Jewish government:

¹²⁷ See section 2.1; Leviticus 10:10-11; 27:8, 12, 23; Numbers 5:11-31; Deuteronomy 17:8-12; 21:5; 24:8; Ezekiel 44:23-24; 2 Chronicles 19:8-11; *Aramaic Levi* 99; *Jubilees* 31:11-17; CD 10.4-7; 11QT 57.11-14.

¹²⁸ For example, Philo, *Special Laws* 4.190-92 states that the gift of prophecy is what allows priests to serve as judges.

¹²⁹ E.g., Josephus, *Antiquities* 4.214-218; 20.197-203. See Sanders, *Judaism: Practice and Belief*, 170-182.

In each city, let seven men rule who have previously displayed their virtue and their zeal for justice.¹³⁰ For each office, let two assistants be given them from the tribe of the Levites. Let those who have obtained the position of judging in the cities be held in every honor, so that when they are present no one be permitted to revile...since respect on the part of the people themselves for those in high position makes them more reverent, so as not to despise God. Let the judges be empowered to render opinions on the basis of what seems best to them, provided only that no one denounce them for having received money in corruption of justice.... If the judges do not understand how to decide about the matters that are lined up before them...let the High Priest and the prophet¹³¹ and the council of elders come together and decide what seems best.¹³²

Immediately after this passage, Josephus adds that priests and Levites have jurisdiction over local murder cases, and that no other system should be sought after.¹³³ Elsewhere Josephus states:

That involved close supervision of the law and of the other life-habits; for the priests have been appointed as general overseers, as judges in disputes, and with responsibility for punishing those condemned. So, what regime could be more holy than this? What honor could be more fitting to God, where the whole mass [of people] is equipped for piety, the priests are entrusted with special supervision, and the whole constitution is organized like some rite of consecration?...[The High Priest], together with the other priests...will safeguard the laws, will adjudicate in disputes, and will punish those who are convicted. Whoever disobeys him will pay a penalty as if he were sacrilegious towards God himself.¹³⁴

These passages make it clear that Josephus endorsed the biblical system in which priests served as local judges, or at least advised local courts. Josephus also expressed concern in both passages that some were attempting to replace this system with another arrangement. It is interesting to speculate on whether the courts prescribed by the early rabbis were the type of reformation that Josephus warned against. It is also interesting that rabbinic criticisms of courts that they considered to be “unskilled” in the Law are the

¹³⁰ Josephus, *War* 2.570-571 and *Antiquities* 4.287 indicate that councils of seven individuals judged in local contexts during the late Second Temple period (cf. Acts 6:3, which advocates a similar judicial arrangement in the early Christian community). In *M Sanhedrin* 1.1, however, the sages advocate a system of three or twenty-three local judges, depending on the size of the city. See Feldman, *Judean Antiquities* 1-4, 408 n.648.

¹³¹ The wording here suggests that the High Priest was the prophet (cf. the connections between the priesthood and prophecy discussed in section 2.1). See Feldman, *Judean Antiquities* 1-4, 410-411 n.668.

¹³² Josephus, *Antiquities* 4.214-218.

¹³³ Josephus, *Antiquities* 4.222-223.

¹³⁴ Josephus, *Apion* 2.187-188, 194.

very types of criticisms Josephus forbids to be leveled against the priestly courts. For Josephus, the connection of priests to prophecy and divine will made them ideal candidates for judges in the Mosaic “constitution.”

Needless to say, this is a different vision of the Jewish judicial system than is found in early rabbinic literature. The closest the early sages come to recognizing the biblical insistence on priestly judges is found in *Sifre Deuteronomy*. This rabbinic text acknowledges the injunction in Deuteronomy 17:9, only to rule that priests are not necessary for a court to be legitimate:

It is a positive commandment to have priests and Levites in the court; but lest one should think that, since this is a commandment, if a court does not have them, it is disqualified, the verse goes on to say, *And unto the judge* – even if the court has no priests and Levites, it is legal.¹³⁵

R. Yose concludes that one should seek out a “judge who is qualified,” suggesting that this exegesis was being used by rabbis to justify the priority of sages over priests in judicial settings.¹³⁶ The fact that this passage reflects a tradition within a generation or so of Josephus’ comments supports the conclusion that different visions of priestly involvement existed among different groups in this period.

Nevertheless, early rabbinic literature provides a few reluctant hints that priestly judges and courts operated after 70.¹³⁷ In one instance, R. Eleazar b. Zadok (a priestly

¹³⁵ *Sifre Deuteronomy* 153.

¹³⁶ For further discussion on this passage, see Cohen, *Three Crowns*, 163 and Hidary, *Dispute for the Sake of Heaven*, 297-300, 311-312, 332. Hidary points out that a passage in the Babylonian Talmud claims, “You will not find any rabbinical scholar giving decisions who is not a descendant from the tribe of Levi or Issachar” (*B Yoma* 26a). However, Hidary notes that “even though a remnant of the ancient requirement for priests to be part of the judicial system still lingers in these rabbinic texts, it is only a vestige and never an obligation” (pp. 311-312 n.46).

¹³⁷ Hidary, *Dispute for the Sake of Heaven*, 311-312 n.46. *M Bekhorot* 4.4 contains one example of a priestly sage, R. Tarfon, rendering judgment as “one skilled,” but it is not clear if he acted in this capacity as a priest, as a sage, or both. It is also unclear whether the other sages accepted his ruling in this instance. Schwartz, *Josephus and Judaeon Politics*, 103, interprets the passage as the sages rejecting R. Tarfon’s ruling, but this reading is not obvious.

rabbi of the second century) described how a priest's daughter was burned to death for committing adultery. The sages responded that the priestly court, perhaps comprised of Sadducees, "did not have the correct knowledge" in this matter.¹³⁸ Interestingly enough, this same judgment – that a priest's daughter should be burned for committing adultery – is mentioned by Josephus as part of his ideal priestly court system.¹³⁹ Elsewhere, the Mishnah refers to a "court of the priests" that apparently existed in the Yavnean period.¹⁴⁰ One passage relates how "the court of the priests used to levy 400 denars [as Ketubah] for a virgin, and the sages did not [could not?] reprove them."¹⁴¹ Unfortunately, it is difficult to be certain whether passages that mention this priestly court were intending to describe pre- or post-70 reality. Either way, they could have easily reflected a contemporary reality. Furthermore, the admission by sages that such a court existed outside of rabbinic control has significant historical value for the post-70 period.¹⁴²

¹³⁸ *M Sanhedrin* 7.2; cf. *T Sanhedrin* 9.11. The *gemara* in *B Sanhedrin* 52b adds that the court was Sadducean.

¹³⁹ Josephus, *Antiquities* 4.248. In this case, Josephus is upholding standard priestly law in regards to priestly virgins committing adultery (see *Leviticus* 21:9; *Jubilees* 20:4). See Feldman, *Judean Antiquities* 1-4, 424 n.792.

¹⁴⁰ Daniel Tropper, "Beth Din shel Kohanim," *JQR* 63.3 (January 1973): 203-221, examines the few references to a priestly court in Tannaitic and Amoraic literature. Ultimately, Tropper concludes that there is too little information to determine its precise nature, especially considering that each reference indicates a different area of jurisdiction (domestic law, oversight of scriptural texts, etc.). It seems that Tropper only considers possibility of the relevant passage to the late Second Temple period, without considering its potential value for the post-70 period. He does mention, however, that a second century Christian text, the *Proto-Evangelium of James* 10:1, describes a priestly court in ways similar to the Mishnah's description (p. 216).

¹⁴¹ *M Ketubot* 1.5; Cohn, "Ritual Narrative Genre," 227. Schwartz, *Josephus and Judaeen Politics*, 106 suggests that this passage refers to priestly legislation exclusively meant for other priests, and thus would not have been a threat to rabbinic hegemony. However, Hezser, *Rabbinic Movement*, 482-483 points out that this passage does not indicate that the virgin was daughter of a priest. Therefore, the implication is that the priestly court had authority that extended beyond priestly families.

¹⁴² Cohn, "Ritual Narrative Genre," 196, considers examples of past cases being used by the sages to illuminate current reality. See the general assessments in Schwartz, *Josephus and Judaeen Politics*, 106, and Hezser, *Rabbinic Movement*, 482-483.

There are also a number of instances in which Yohanan b. Zakkai engaged in disputes with the “Sons of the High Priests” over cases of civil law.¹⁴³ We have already seen one episode in which Yohanan b. Zakkai expressed frustration that priests did not adhere to the ruling of the sages in regard to the eligibility of women for marriage into priestly families. Because priests maintained stricter rules in this matter than rabbis, he exclaimed, “The priests would hearken to you in what concerns putting away but not in what concerns bringing near.”¹⁴⁴ This reaction seems to be an admission by Yohanan b. Zakkai that he could not impose marriage law onto priests and their courts.¹⁴⁵ Similar priestly disregard for rabbinic rulings can be found in accounts of priests acting against the will of the sages in matters of temple ritual.¹⁴⁶

In some passages, sages openly admit that priests have jurisdiction over certain types of cases. For example, according to the sages anyone can judge non-capital cases concerning purity. However, “all are not qualified to try capital cases, but only priests, Levites, and Israelites that may give [their daughters] in marriage into the priestly stock.”¹⁴⁷ The Tosefta records a claim that Judah’s ancient kings had to present their scrolls for examination “to the court of the priests, the court of the Levites, and the court of the Israelites who are of suitable genealogical character to marry into the

¹⁴³ E.g., *M Ketubot* 13.1-2; Cohn, “Ritual Narrative Genre,” 228. *M Ohalot* 17.5 also mentions a group known as the “Sons of the High Priests” who were in a position of authority over the purity of letters from foreign lands.

¹⁴⁴ *M Eduyot* 8.3.

¹⁴⁵ Schwartz, *Josephus and Judaeen Politics*, 105; Cohn, “Ritual Narrative Genre,” 228.

¹⁴⁶ E.g., *M Pesahim* 5.8; Cohn, “Ritual Narrative Genre,” 196, sees this as another example of sages illustrating a present situation with past disagreement.

¹⁴⁷ *M Sanhedrin* 4.2.

priesthood.”¹⁴⁸ A passage in *M Sanhedrin* 9.6 implies that priests had jurisdiction over other priests, which allowed priests to bypass the courts of the sages in order to execute a priest who had acted inappropriately in the temple cult.¹⁴⁹ Taken together, these passages suggest that priests and priestly courts were seen by the sages as having some jurisdiction in the Tannaitic period.

One area of tension between priestly and rabbinic courts appears to have been in regard to the calendar. Throughout the post-70 era, sages and “patriarchs” claimed authority over a lunar calendar determined by human observation of the phases of the moon. A detailed discussion of the different calendars used in the late Second Temple period is outside the scope of this dissertation, but it seems that calendrical disputes did not end in 70.¹⁵⁰ For example, one passage in the Mishnah reflects the existence of a priestly court which independently made calendrical rulings (especially in regard to the festivals), as well as rabbinic disagreements with that court over the acceptability of various witnesses.¹⁵¹ Other passages indicate that rabbinic courts often came into conflicts with priests, Sadducees, or Boethusians over the use of human eye-witnesses in making calendrical decisions. According to the sages, priestly *minim* occasionally hired false witnesses to testify to the rabbinic courts about their observation of the lunar phases, thus intentionally tampering with (or mocking) the rabbinic system. This led the sages to

¹⁴⁸ *T Sanhedrin* 4.7; Cohn, “Ritual Narrative Genre,” 229.

¹⁴⁹ Cohn, “Ritual Narrative Genre,” 228-229.

¹⁵⁰ For two different considerations of calendrical issues from the late Second Temple period and the post-70 era, see Sacha Stern, *Calendar and Community: A History of the Jewish Calendar Second Century BCE – Tenth Century CE* (Oxford: Oxford University Press, 2001), 1-62, 99-181, and Eilior, *Three Temples*, 82-134. Stern views the passages discussed here as a description of pre-70 events, while Eilior sees them as reflections of ongoing debates in subsequent centuries.

¹⁵¹ *M Rosh Hashanah* 1.7; see also Schwartz, *Josephus and Judaeon Politics*, 106; Hezser, *Rabbinic Movement*, 483-484; Cohn, “Ritual Narrative Genre,” 227.

insist that judges only admit evidence on these matters from individuals who they personally know and trust.¹⁵²

It is interesting to note that one point of disagreement between rabbinic and priestly calendars concerned the dating of *Shavu'ot*.¹⁵³ By the late Second Temple period, this festival was seen by priests as an annual celebration and renewal of the priesthood covenant given at Sinai.¹⁵⁴ Josephus, in the mid 90s, still highlights that the priests had a sacred feast during this festival.¹⁵⁵ It is also the one holiday of the Jewish sacred calendar that is most ignored in rabbinic literature, as the only pilgrimage festival to not receive its own Mishnaic tractate. This suggests that *Shavu'ot* remained a point of contention between some priests and rabbis after 70.¹⁵⁶ All things considered, it seems that calendrical issues were another aspect of Jewish society on which some groups, including rabbinic and priestly circles, continued to disagree after 70.¹⁵⁷

¹⁵² *M Rosh Hashanah* 2.1; *T Rosh Hashanah* 1.15.

¹⁵³ *M Menahot* 10.3; *M Hagigah* 2.4; *T Rosh Hashanah* 1.15. For a discussion of *M Bikkurim* 1.1, 3, 10; 3.2-6 and its implications for non-rabbinic activities relating to *Shavu'ot*, see Sanders, *Judaism: Practice and Belief*, 153.

¹⁵⁴ E.g., 11QT 18-22, 4Q377, *Jubilees*, the Qumran *Thanksgiving Hymns* 4-5, and Philo, *On the Decalogue* 33 (cf. Exodus 19-24; Leviticus 23:15-22; 2 Chronicles 15:10-19). It is also possible that the initiation ceremonies of the *Damascus Document* and *Community Rule* also took place on *Shavu'ot*.

¹⁵⁵ Josephus, *Antiquities* 3.252-254.

¹⁵⁶ Eilior, *Three Temples*, 135-165.

¹⁵⁷ For the limitations of the rabbinic calendrical system in post-70 Jewish society, see Lapin, "Rabbis as Judges," 262-264.

4.1.2.2 Priests as Teachers of Divine Law

Related to priestly judgment is the role of priests as guardians over Israel's scriptural tradition and teachers of divine law. As with judicial responsibilities, the Torah and Second Temple literature appoint priests as stewards of God's law and the authorized teachers of Israel.¹⁵⁸ Again, it is traditionally assumed that sages took over this function after 70. However, because of the independence of this function from the sacrificial cult, its deeply rooted ancient tradition, and its biblical endorsement, this is another area of priestly activity that would not have been affected by the loss of the temple. Indeed, sources from the late first and second century indicate that the struggle for control over Israel's education and scriptural tradition was one of the more intensely disputed issues of the post-temple era.

For Josephus, the issue is settled by the Mosaic "constitution" as found in the Torah: priests were divinely appointed to serve as the guardians of scriptural tradition and the teachers of Israel, and all other claims to this authority were to be considered illegitimate. The following passage from *Against Apion* encapsulates Josephus' views on this matter:

Among both the Egyptians and Babylonian, from extremely early times, the priests...were entrusted with taking care over the records and conducted philosophical enquiry on that basis....But that our ancestors took the same, not to say still greater, care over the records as did those just mentioned, assigning this task to the chief-priests and prophets, and how this has been maintained with great precision down to our own time – and, if one should speak with greater boldness, will continue to be maintained – I shall try to indicate briefly. Not only did they, from the outset, place in charge of this matter the best people and those who are devoted to the worship of God, but they also took care that the priestly stock should remain unalloyed and pure....Naturally, then, or rather necessarily...it is not open to anyone to write of their own accord [αυτεξουσιον].¹⁵⁹

¹⁵⁸ See section 2.1; e.g., Deuteronomy 31:9-13; 33:10; 2 Chronicles 17:8-9; Malachi 2:7; Ezekiel 44:23-24; Nehemiah 8:7-9; *Wisdom of ben Sira* 45:17; *Testament of Levi* 13:1-3.

¹⁵⁹ Josephus, *Apion* 1.28-30, 37.

This passage contains a number of important insights. For example, Josephus insists that Jewish priests were divinely appointed as the keepers of Israel's scriptural records, a practice which continued from ancient times until his own day (ca. late 90s). The notion of priests as stewards over scriptural records is found throughout Josephus' writings. This is illustrated in Josephus' claim that Moses deposited the sacred records "in the temple" and "handed over to the priests these books."¹⁶⁰ Josephus also claims that Titus allowed him, as a priest, to take many of the scriptural records from the Jerusalem temple archives after its destruction,¹⁶¹ and attributes his own reliability as a translator of scripture to his priestly ancestry.¹⁶² Elsewhere he takes it for granted that his priestly status enabled him to excel in matters regarding scriptural law and interpretation.¹⁶³

These passages highlight Josephus' assumption that priests are meant to "safeguard the laws."¹⁶⁴ In the longer passage cited above, the only other group mentioned in connection with this responsibility is the prophets. In Chapter Two I discussed the ways in which priesthood and prophecy were connected in the biblical and late Second Temple periods.¹⁶⁵ This association of priests and prophetic abilities continues in the writings of Josephus,¹⁶⁶ including in his own claims to prophecy and the

¹⁶⁰ Josephus, *Antiquities* 4.303-304.

¹⁶¹ Josephus, *Life* 418. See Mason, *Life of Josephus*, 166 n.1719.

¹⁶² Josephus, *Apion* 1.54: "I translated from the sacred writings, being a priest by ancestry and steeped in the philosophy contained in those writings."

¹⁶³ E.g., Josephus *War* 3.352; *Life* 9. In *Life* 197-198, Josephus assumes that all Jews recognize priestly expertise in the nation's laws and customs.

¹⁶⁴ Josephus, *Apion* 2.187, 194.

¹⁶⁵ See 1.1; E.g., Isaiah 6; Jeremiah 1:1; Ezekiel 1:3; Philo, *Special Laws* 4.190-92; John 11:47-53.

divine interpretation of dreams.¹⁶⁷ In these ways, Josephus' vision for the stewardship over Israel's scriptural records has more to do with revelation and divinely appointed lineage than with an individual's scholarship or understanding of oral tradition.

It could even be argued that this last point carries with it a hint of polemics. In his promotion of priestly stewardship over sacred records, Josephus states that "it is not open to anyone to write of their own accord." Rather, he "speaks with greater boldness" that the system he just described will continue beyond his own time.¹⁶⁸ This language seems to suggest that someone is, in fact, trying to alter this system and assuming authority over these matters. It is interesting to point out that at about the same time Josephus was promoting priests as the guardians and teachers of Israel's scriptural tradition, the early sages were promoting a different vision entirely.

As I mentioned previously, early sages had the difficult task of convincing other Jews that they should be teachers of the Law based on their scholarship and not on their lineage. Since ancient tradition and biblical legislation assigned this role to priests, the rabbis had to justify why they, and not priests, had real authority to interpret and apply the Torah. Generally speaking, they tried to accomplish this by claiming that they possessed the Oral Law passed down from Moses at Sinai to the rabbinic sages of the late first century and beyond. This model is best articulated in the chain of transmission presented in *M Avot*:

¹⁶⁶ E.g., Josephus, *War* 1.68-69 and *Antiquities* 4.214-218. Also see Joseph Blenkinsopp, "Prophecy and Priesthood in Josephus," *JJS* 25 (1974): 239-62, and Gussman, *Das Priesterverständnis des Flavius Josephus*, 288-305.

¹⁶⁷ Josephus, *War* 3.350-354.

¹⁶⁸ Josephus, *Apion* 2.29, 37. Mason, "Priesthood in Josephus," 660 points out that 4 Maccabees, another Jewish writing from the late first century, also promotes the biblical ideology of priests being guardians over Jewish law (see 4 Maccabees 5:4, 29, 35; 7:6).

Moses received the Law from Sinai and committed it to Joshua, and Joshua to the elders, and the elders to the Prophets; and the Prophets committed it to the men of the Great Synagogue. They said three things: Be deliberate in judgment, raise up many disciples, and make a fence around the Law.¹⁶⁹

Needless to say, the historical value of this passage is not as a record of any real events, but as an insight into the self-identification of the early rabbinic movement.¹⁷⁰

Many scholars have noted the significance of this passage for rabbinic claims to authority. For example, Daniel Boyarin regards it as a rabbinic invention meant to forge a legitimate spiritual genealogy for the movement.¹⁷¹ Stuart Cohen considers it a stunning piece of propaganda that presents a slanted view of Israel's "constitutional" history in order to promote the rabbinic agenda.¹⁷² This chain of transmission establishes sages as the heirs to the Torah, guardians over its implementation, and as the ones responsible to teach it to Israel.¹⁷³

For the purposes of our discussion, one of the most striking aspects of *M Avot* is the omission of priests in the chain of authority. In light of the ubiquitous role that the Torah and Second Temple literature gives to priests relating to guarding, transmitting, and teaching the Law, this "constitutional" history was innovative, and the absence of

¹⁶⁹ *M Avot* 1.1.

¹⁷⁰ Unfortunately, the precise dating and redactional history of this passage is not clear. Scholarly opinion on its dating range from the late first to early third centuries, and includes suggestions that different parts of *M Avot* were updated to reflect Patriarchal claims of Gamaliel II and Judah I. I assume that the general thrust of this passage reflects a core claim of the rabbinic movement from a very early period, and is thus useful in comparison to other claims to spiritual authority in the post-70 era. For fuller consideration of the dating, transmission, and social setting of *M Avot*, see Cohen, *Three Crowns*, 58-88; Baumgarten, *Flourishing of Jewish Sects*, 147-150; Schäfer, "Rabbis and Priests," 166-170.

¹⁷¹ Boyarin, *Border Lines*, 77.

¹⁷² Cohen, *Three Crowns*, 58-59.

¹⁷³ Alexander, "Jewish Priesthood after 70," 26-27 suggests that the rabbis used the concept of the Oral Torah to counter priestly claims to authority over the written Torah.

priests was an unmistakable ideological statement. A few scholars have noted this omission and have commented on its significance.¹⁷⁴ According to Boyarin:

Since a large part of the attempted rabbinic takeover of religious power involved displacing the priests, this absence is highly telling, especially when we realize that prior succession lists of this type found in prerabbinic texts do include the priests.¹⁷⁵

Here Boyarin is echoing an earlier statement made by Moshe David Herr:

The saying in Aboth I,1 is not an accurate description of what really happened. Rather, it appears that a conscious effort was made to remove priests from the list, and insert the prophets in their stead.¹⁷⁶

In light of these observations, it is reasonable to conclude that the role of priests as teachers and interpreters of divine law was debated among different groups of the post-war generations. Some aristocratic priests, such as Josephus, continued to argue for the biblical model which gave this authority to the priesthood. Other groups, such as the early sages, attempted to rework Jewish society in a way that promoted themselves as lay scholars into this role. In Josephus and Tannaitic literature we have seen several examples of this debate over control of ritual purity, the temple cult, and other aspects of divine law. Josephus consistently argued that priests were in charge of these matters and should remain so, whereas the early rabbis argued that sages possessed this authority.¹⁷⁷

¹⁷⁴ Cohen, *Three Crowns*, 61; Schäfer, "Rabbis and Priests," 167-170.

¹⁷⁵ Boyarin, *Border Lines*, 77.

¹⁷⁶ Moshe David Herr, "Continuum in the Chain of Torah Transmission," *Zion* 44 (1979): x-xi, 43-56 [Hebrew]; cited in Boyarin, *Border Lines*, 77. While I agree with the main point of Herr's statement, I find his claim that the sages replaced priests with prophets to be unconvincing. After all, prophets have always been associated with Israel's scriptural tradition (even in Josephus' pro-priestly tradition), whereas the real innovation of *M Avot* is the replacement of priests with sages.

¹⁷⁷ Another interesting aspect of these polemics, which lies beyond the scope of this dissertation, is the exegesis of scriptural texts. As might be expected, Josephus consistently reads the Hebrew Bible through a pro-priestly lens. This includes a unique priestly (cosmic) interpretation of the temple cult, expanding the biblical text to reflect priestly tradition of the late Second Temple period, and adding pro-priestly elements to biblical narratives; see Schwartz, *Josephus and Judean Politics*, 40-46, 89-91 and Feldman, *Judean Antiquities 1-4*, 405 n.628. On the other hand, early rabbinic scriptural exegesis consistently removes priests from biblical narratives, undermines their connection to the divine, emphasizes their moral failings, or makes them into rabbis whose greatness lies in their Torah scholarship rather than their ancestry; for

Unfortunately, given the polemical nature of these sources, it is impossible to determine how this issue realistically worked in post-70 society. Did the priests actually retain their role as scriptural experts and teachers, or did sages replace them in the eyes of the populace? My guess is that it may have varied depending on location, demographics, and the proclivities of various individuals, families, and villages. In one aspect of Jewish society – synagogue liturgy – priests do seem to have retained a public role as teachers of the Law. Even early Tannaitic literature acknowledges, perhaps reluctantly, that priests and Levites had priority in any public reading (and expounding?) of scripture: “These things they have enjoined in the interests of peace. A priest reads first, and after him a Levite, and after him an Israelite – in the interests of peace.”¹⁷⁸

4.1.2.3 Priests as Leaders of Liturgical Worship

This leads to another aspect of priestly functions in post-70 society – the role of priests as leaders of liturgical worship. Priests were the stewards over public worship in the centuries before 70. This is most notable in their administration of the temple cult, including offering sacrifices and incense, leading communal prayers, bestowing ritual blessings, and providing public instruction. Many of these actions were not necessarily

examples, see Cohen, *Three Crowns*, 167 and Schäfer, “Rabbis and Priests,” 157-166, who look at the ways in which early Tannaitic midrashim (such as *Sifre Numbers* and *Mekhilta on Exodus*) promotes these views. A detailed comparison of these two exegetical traditions in the post-70 era would be a fascinating future study.

¹⁷⁸ *M Gittin* 5.8. Unfortunately, it is unclear who exactly “enjoined” this hierarchy and how this contributed to “the interests of peace.” In light of the dynamics discussed in this chapter, it is reasonable to suggest that the sages are conceding this public function to the priests, likely as a result of priestly priority in both in biblical legislation and long-held local tradition – perhaps this was one aspect of Jewish society that was so deeply embedded that the sages were not able to displace it. Lawrence H. Schiffman, *The Eschatological Community of the Dead Sea Scrolls* (Atlanta, GA: Scholar’s Press, 1989), 61-62 discusses the *baraita* in *B Gittin* 59b and other later traditions that also give priests priority in scripture reading and other activities.

dependent upon the sacrifices themselves, and so were easily extended beyond the temple. In Chapter Two (section 2.1), we saw examples of priests leading synagogue congregations in the late Second Temple period. For example, Philo noted that priests read and interpreted laws to Jews assembled on the Sabbath.¹⁷⁹ The Essenes practiced this arrangement in a sectarian setting, in which a priest was required to be present in quorums of ten males studying the law to ensure correct interpretation. Priests also led communal prayers among the Essenes and presided over communal meals.¹⁸⁰ Josephus may have summarized general pre-70 understanding, and likely the views of many post-70 priests, when he states that priests are “entrusted, in particular, to the worship of God” (την περι τον θεον μαλιστα θεραπειαν ενεχειρισεν).¹⁸¹

Considering the biblical appointment of priests as leaders of communal liturgy and the long-standing tradition of this arrangement, it is not likely that priest-centered worship immediately ceased with the loss of the temple. In fact, rabbinic and archaeological sources indicate that priests remained actively involved in public synagogue worship for several centuries after 70.¹⁸² One of the strongest pieces of evidence in favor of post-70 priestly involvement in synagogue liturgy is the recognition in rabbinic literature that such was the case. While Tannaitic literature in general has very little to say about synagogue activities, consistent references to priests in synagogue

¹⁷⁹ Philo, *Hypothetica* 7.12-13.

¹⁸⁰ E.g., 1QS 6.1-10; 9.5-10; Josephus, *War* 2.129-131; *Antiquities* 18.18-22. See also section 3.2.2.

¹⁸¹ Josephus, *Apion* 2.186; cf. 1.30. *Apion* 2.188-189 also compares priestly service with the Hellenistic “mysteries and rites of initiation” (μυστηρια και τελετας).

¹⁸² While this section is mostly interested in priests and synagogue worship in the late first and second centuries, Chapters Five and Six will consider the role of priests in synagogues during the third through seventh centuries.

readings, prayers, blessings, and other ritual activities seem to reflect a tacit (and likely reluctant) acknowledgement that priests retained a high profile in public worship in the second century and beyond.

I have already cited one passage in the Mishnah that gives priests and Levites priority in public reading of scripture. Other passages also include the role of priests in leading prayers and reciting the priestly blessing. For example, tractate *Megillah* describes several synagogue activities that require priestly participation:

If there are less than ten men present they may not recite the *Shema* with its Benediction, nor may one go before the Ark [הַתְּבֵרָה], nor may they lift up their hands, nor may they read the [prescribed portion of] the Law or the reading from the Prophets...nor may they make mention of the name of God in the Common Grace. Also, [the redemption value of dedicated] immoveable property [is assessed] by nine and a priest [תְּשֻׁעָה וְכֹהֵן]....He that gives the concluding reading from the Prophets recites also the *Shema* with its Benedictions; and he goes before the Ark, and he lifts up his hands [in the Benediction of the Priests].¹⁸³

These passages are informative in a number of ways. For one, they indicate that some communal activities, such as reciting the *Shema*, reading scripture, imparting a blessing, and invoking the name of God in a meal required an assembly of ten males, including a priest. This requirement is remarkable in its preservation of biblically-ordained responsibilities for priests and the ways in which it resembles the prayer services of the priestly Essenes (who also required a priest in every group of ten who engaged in these activities). The recognition of this arrangement in rabbinic literature suggests that this form of priest-centered worship went beyond sectarian circles and was a larger social practice.

In addition, these passages envision a liturgy in which priests – the only ones qualified to give the priestly blessing – also led prayers, did the reading, and went before the “Ark” (תְּבֵרָה; a portable chest) in order to raise their hands and bless the

¹⁸³ *M Megillah* 4.3, 5.

congregation.¹⁸⁴ All of this would have been unmistakably reminiscent of the priestly liturgy at the temple. In fact, while the sages acknowledged the existence of these activities, they also condemned those who were making too close of an association with the temple, including those who performed these rituals wearing white garments and no sandals.¹⁸⁵ This, of course, describes the appearance of priests as they operated in the temple, indicating that some priests viewed their participation in public synagogue worship in light of the temple services. The early sages apparently did not approve of these temple-like activities and associations.¹⁸⁶

Some sages were also uncomfortable about local fast-day rituals in which priests played a prominent role. For example, in the early second century some villages would bring the Ark (“chest”) into the public square, cover it with ashes, read selections from

¹⁸⁴ Levine, *Ancient Synagogue*, 526 points out that both Talmuds try to explain away the implication of this passage that priests performed all of these activities in synagogues. Nevertheless, other Tannaitic passages attempt to legislate the qualifications for priests engaged in these activities; see *M Megillah* 4.5-6 (placing restrictions on the participation of minors), 4.7 (prohibiting priests with blemishes from giving the blessing), and 4.10 (declaring which passages should not be read or interpreted). *T Megillah* 3-4 expands on this legislation in interesting ways, including by allowing the participation of priests with blemishes as long as they were “associates” and well known in the community (3.29), and by giving more detail on the lectionary readings (3.1-7; 3.28-30). *Sifre Numbers* 39 further considers the logistics of the priestly blessing. *M Tamid* 5.1 retrojects this synagogue liturgy, including the *Shema*, readings, and priestly blessing into the pre-70 temple cult (cf. *M Tamid* 1.2, 2.1, 7.2; *M Sotah* 7.6-7).

¹⁸⁵ *M Megillah* 4.8 declares these activities to be “the way of heresy.”

¹⁸⁶ One remarkable exception to this is found in *T Megillah* 3.21-23, which preserves a tradition in which the synagogue was treated like a temple; its entrance was to face east like the ancient Tabernacle, be located on the highest spot in town, and the priests were to face the congregation (with their backs to the sanctuary) while giving blessings as happened in the temple services. It is difficult to know what to make of these passages, however. Are these rabbinic ideals or did the Tosefta preserve a non-rabbinic (priestly?) tradition? Very few synagogues actually follow this arrangement, with most of the exceptions being in the Darom from the fourth and fifth centuries (e.g., Eshtemoa, Susiya, and Ma’on). As it turns out, we know that priests were active in this region during this period (see Amit, “Synagogues in the Southern Judean Hills,” and “Priests and the Memory of the Temple”).

the prophetic writings appropriate for the occasion, and recite twenty-four benedictions.¹⁸⁷ In at least some locations, the reader would then instruct:

Sound the sustained sound on the *shofar*, O priests! Sound the sustained sound on the *shofar*! [תקעו הכהנים תקעו] He that answered Abraham our father at Mount Moriah will answer you and hear the sound of your cry this day. Sound the quavering sound on the *shofar*, sons of Aaron! Sound the quavering sound on the *shofar*! [הריעו בני אהרן הריעו] He who answered our fathers at the Red Sea will answer you and hear the sound of your cry this day.¹⁸⁸

When the sages heard of this practice, they responded that this was only how it was done at the east gate of the temple, implying that it should not be done in a local setting.¹⁸⁹

All of this raises the important question of synagogue leadership. Who built synagogues and presided over synagogue worship in this period? Traditionally it has been assumed that rabbis did both, and that any role that priests had in synagogue liturgy was merely honorific. Over the last few decades, however, many scholars have recognized that rabbinic involvement in synagogues from this period was marginal at best.¹⁹⁰ Rabbinic references to synagogues in the second century are negligible, sages from this period consistently express concern over the types of activities occurring in synagogues,¹⁹¹ and many archaeological discoveries (although mostly from later periods) reveal a strong tension between synagogue art and rabbinic legislation. Instead, the world of the early sages appears to have revolved around the study house (*bet midrash*), an institution they unquestionably controlled and which served as the base for discussion of

¹⁸⁷ *M Taanit* 2.1-2.

¹⁸⁸ *M Taanit* 2.5. *T Taanit* 1.13-2.3 expands this account to include a discussion on the contemporary practices of the priestly courses (see Chapter Five, section 5.3, for a consideration of this issue).

¹⁸⁹ See Levine, *Ancient Synagogue*, 205-206.

¹⁹⁰ For considerations of this issue, see Goodman, *State and Society*, 99; Cohen, “Rabbi in Second Century,” 972-974 and “Epigraphical Rabbis”; Levine, *Ancient Synagogue*, 466-498.

¹⁹¹ E.g., *M Avot* 3.11 condemning the meeting places of the *‘ammei ha-aretz*.

rabbinic *halakhah*. Taken together, this suggests a scenario in which other groups, mostly outside of rabbinic circles, focused on prayer and synagogue liturgy as the primary forms of communal worship, whereas early sages (at least before the third century) were relatively insular and focused on the intellectual activities of the *bet midrash*.

This scenario still begs the question of who *did* build and operate synagogues in this period? The answer to this question is not entirely clear. While I disagree with many of Stuart Miller's conclusions about the historical development of synagogues, I do agree with his claim that "the synagogue" was never a monolithic institution.¹⁹² In other words, it seems that different circles built different types of synagogues in different locations and periods. This being the case, it is impossible to identify one exclusive group as "synagogue leaders" in the post-war era. However, it is clear from references in rabbinic literature, general developments in synagogue liturgy, and inscriptions that priests played a prominent role in synagogue activities in various times and places. If they were not the "leaders" of these synagogues, they were certainly the main facilitators of the public liturgical worship that occurred inside.¹⁹³

A full consideration of early synagogue liturgy is beyond the scope of this dissertation, but it is helpful to point out that many of its core features seem to have developed out of priestly temple rituals. The role of priests in reading the law and reciting blessings (both in the temple and early synagogues) has already been discussed. It is also

¹⁹² See Stuart S. Miller, "The Rabbis and the Non-Existent Monolithic Synagogue," in *Jews, Christians, and Polytheists in the Ancient Synagogue* (ed. Steven Fine; London: Routledge, 1999), 57-70 and "'Epigraphical' Rabbis," 27-76.

¹⁹³ Although I disagree with his suggestion, Schäfer, "Rabbis and Priests," 171-172, raises the possibility that priestly involvement in synagogue liturgy was a way for rabbis to "domesticate" priests by publicly demonstrating their submission to the Torah of the sages. If the sages had any real authority in synagogues of this period, Schäfer's suggestion might carry more weight.

interesting that the main prayer of the synagogue – the *‘Amidah* (or “eighteen benedictions”) – began to take shape in the post-70 period and bears striking similarities to the national prayers previously offered by priests in the temple.¹⁹⁴ In addition, the rabbinic references to synagogue lectionary practices indicate that some congregations were reading scriptural materials that were not approved by the sages, but that had a tradition of use in priestly circles.¹⁹⁵ If the rabbinic references mentioned earlier are accurate and priests still led these activities, it seems that many Jewish villages and cities remained supportive of the non-sacrificial activities of priests in leading communal worship.

Unfortunately, no archaeological remains of synagogues exist from the late first and second centuries that would clarify this issue. There are several potential reasons for this gap in material culture.¹⁹⁶ Most likely, “synagogues” in this period were still largely community centers and, as such, are not recognizable to archaeologists as purpose-built

¹⁹⁴ For examples of priests offering national prayers in the temple that bear a close resemblance to themes from the *‘Amidah*, see Philo, *Special Laws* 3.131; *Wisdom of Ben Sira* 50:1-24; Luke 1:67-79. Tzvee Zahavy, *Studies in Jewish Prayer* (Lanham: University Press of America, 1990), 94-101 (“Priestly and Patriarchal Influences on Prayer: The Eighteen Benedictions”) argues that the *‘Amidah* contains “themes most apt for reinforcing the primacy of the priestly aristocracy” and was loosely based on the national prayers offered by the priests in the temple. According to Zahavy, the ultimate version of the prayer represents a priestly liturgy as adapted by the Patriarchate. Levine, *Ancient Synagogue*, 542 n.45, remains unconvinced. However, Schäfer, “Rabbis and Priests,” 171, points out that priests have the most to gain from the requests of the *‘Amidah* that the temple would be rebuilt soon. For comparison between priestly prayers at Qumran and the prayers that came to be said in post-70 synagogue settings, see Esther Eshel, “Prayer in Qumran and the Synagogue,” in *Gemeinde ohne Tempel*, eds. Ego, Lange, and Pilhofer, 323-334.

¹⁹⁵ For example, *M Megillah* 4.10 forbids the reading of Ezekiel 1, a priestly text about mystical chariot-throne (*T Megillah* 3.28, 34 admits that it is being read anyway). *T Megillah* 3.5 expresses the rabbinic ideal that Deuteronomy 16 be read on *Shavu’ot*, but indicates that some congregations read Exodus 19 on that day, reflecting the priestly mythology about the priesthood covenant being given at Sinai during this festival. See Levine, *Ancient Synagogue*, 538-539.

¹⁹⁶ Levine, *Ancient Synagogue*, 182-187. For an overview of this issue and an argument in favor of a second to third century synagogue at Nabratein, see Eric M. Meyers, “The Problem of the Scarcity of Synagogues from 70 to ca. 250 C.E.: The Case of Synagogue I at Nabratein (2nd-3rd Century C.E.),” in *Follow the Wise*, ed. Weiss, Irshai, Magness, and Schwartz, 435-448.

religious structures. Nevertheless, synagogue inscriptions from before and after this period indicate that priestly leadership and involvement in synagogues had a long tradition. The Theodotos inscription, for example, reveals that a family of priests built a synagogue in pre-70 Jerusalem and presided over “reading of the law and teaching of the commandments” in that synagogue for at least three generations.¹⁹⁷

Chronologically, the next synagogue inscription so far discovered comes from the roof tiles of the third century synagogue at Dura Europos, which indicate that a family of priests also built and presided over it (see Chapter Five; section 5.2.1).¹⁹⁸ As will be mentioned in Chapter Six, inscriptions that identify priests as synagogue donors and teachers continue into the Byzantine period. Although the late first and early second centuries reflect a gap in archaeological evidence for synagogues, inscriptions from before and after that period indicate that priests often built synagogues and presided over their liturgies. In light of the literary evidence discussed above, there is no reason to think that this type of priestly activity did not also exist in the period between the two revolts.

In this section I have argued that post-70 Jewish society was much more dynamic than many scholars have traditionally thought. In particular, I have attempted to articulate the different views that existed after the loss of the temple in regard to the continued role of priests in society. Some groups, such as the early sages, sought to reorganize Jewish society by placing lay scholars at its center. Other groups, such as some priestly aristocrats, continued to promote the biblical system which appointed priests at its center.

¹⁹⁷ See section 2.1; *CIJ* 2:332-335 (no.1404); Levine, *Ancient Synagogue*, 57-59; Runesson, Binder, and Olsson, eds., *Ancient Synagogue*, 52-54.

¹⁹⁸ Carl H. Kraeling, *The Excavations at Dura Europos, VIII Part I: The Synagogue* (New York: KTAV, 1979), 263-268, 331; Jodi Magness, “Priests and Purity in the Dura-Europos Synagogue,” in *Follow the Wise*, eds. Weiss, Irshai, Magness, Schwartz, 421-433.

Sources from this period indicate that priests retained some of their non-sacrificial functions in Jewish society, including in their capacity as local judges, teachers of divine law, and leaders of public worship.

By highlighting these priestly activities, I am not trying to give an unbalanced picture. I am not claiming that priests remained the ultimate authority within Jewish society, nor do I claim that the rabbis had no impact upon the populace during this period. My guess is that in many of these areas – legal judgment and expertise, scriptural education, and synagogue worship – different families or villages had different proclivities. While some may have deferred to the sages in these matters, others continued to defer to priests *per* biblical injunction and centuries of local tradition. Nevertheless, highlighting these priestly activities demonstrates that priests remained an active and influential part of the social dynamics of Palestine in the generations after 70.

4.2 Priests and National Politics: Attempts at Diarchic Leadership

Along with assessing the role of priests in post-70 society, it is important to consider the ways in which priestly circles continued to influence national politics in Palestine during the late first and second century. Since at least the Persian period, priestly aristocrats had participated in the upper echelons of national leadership, functioning either as the primary ruling class of the nation or as religious authorities operating in conjunction with secular rulers. This long tradition of priestly involvement in national politics created a natural expectation among many Jews that priests were divinely appointed to act as leaders in the affairs of the Judean state.

David Goodblatt has surveyed Jewish national politics from the Persian through Late Roman periods and identified a number of recurring themes in “Jewish self-government.” According to Goodblatt, Judean politics in these periods consistently gravitated toward priestly monarchy or diarchy as ideal forms of government. The first form – priestly monarchy – is defined by Goodblatt as “the possession of the highest office within the Judean polity by the high priest.”¹⁹⁹ It can be argued that this form of government characterized Judean politics in the Persian, Hellenistic, and Hasmonean periods.²⁰⁰ This form of government is promoted by several texts from the Second Temple period, such as the *Wisdom of Jesus ben Sira*, *Jubilees*, the *Testaments of the Twelve Patriarchs*, and the writings of Philo and Josephus.²⁰¹

The second ideal form of government in this period was a diarchy in which a secular leader (such as a prince or governor) and a priest shared political power.²⁰² Examples of this arrangement can be found as early as the post-exilic period.²⁰³ For example, the book of Zechariah contains a vision of the rebuilding of Jerusalem and its

¹⁹⁹ Goodblatt, *Monarchic Principle*, 6-7. In articulating this position, Goodblatt is quick to point out that “such a regime excludes neither a state of vassalship to a foreign suzerain...nor the existence of other centers of power within Judah...What counts is formal recognition of the supremacy of the high priest by the Judeans themselves and by outside powers.”

²⁰⁰ In the Persian and Hellenistic periods, the High Priest and priestly aristocracy ruled the nation under the auspices of foreign governments, whereas in the Hasmonean period the offices of king and High Priest were combined into a single individual. For debates over the precise parameters of these political boundaries, see Rooke, *Zadok's Heirs*, and VanderKam, *From Joshua to Caiaphas*, x-xi (as well as his treatments of the relevant periods). Rooke argues that the High Priests were politically less significant in the pre-Hasmonean period, while VanderKam sees them as increasing in political significance from the early post-exilic period.

²⁰¹ For a detailed discussion of these issues, see Goodblatt, *Monarchic Principle*, 6-56.

²⁰² For a detailed discussion of this arrangement, see Goodblatt, *Monarchic Principle*, 57-76.

²⁰³ It is possible that this model even pre-dates the exile, with descriptions in the Pentateuch of the dual leadership of Moses and Aaron, followed by Joshua and Eleazar. Ezekiel's vision of the return from exile similarly had Zadokite priests and a *Nasi* (“prince”) working together in the restoration government (Ezekiel 40-48).

temple under the Davidic “prince” Zerubbabel and the High Priest Joshua. Zerubbabel and Joshua were depicted together as olive trees flanking a menorah, a symbol of their divine appointment to guide Judea through this period of national restoration.²⁰⁴

Additional examples of diarchic leadership are found in sectarian Dead Sea Scrolls which envision Israel’s eschatological government as being presided over by a Davidic king and Zadokite High Priest. These include references to two messiahs – a priestly messiah of Aaron and a royal messiah of Israel – which appear in the *Damascus Document*, the *Community Rule*, and perhaps others.²⁰⁵ It is possible that Jerusalem’s provisional government during the First Revolt followed a similar pattern, with Joseph b. Gorion and the High Priest Ananus sharing control of the city in the war’s early phases.²⁰⁶

There are a few important points to consider in light of these political models. 1) Most of the sources that promote and describe these forms of government derive from priestly circles, including Ezekiel, *Ben Sira*, sectarian Dead Sea Scrolls, and Josephus. This suggests that concepts of priestly monarchy or diarchy originated as a priestly ideal, with different circles of priests favoring one or the other. 2) The fact that variations of these models were practiced and promoted for over five hundred years in Judea (ca. 539 B.C.E. to 70 C.E.) forces us to evaluate how the ideals of Jewish government developed after 70. Did the First Revolt and loss of the temple automatically prompt a radically new form of national government that did not include priests? Or, did aspects of this long-

²⁰⁴ Zechariah 4:1-14; On Zerubbabel’s “Davidic” ancestry, see Haggai 2:20-23 and 1 Chronicles 3:17-19.

²⁰⁵ E.g., 1QS 9.11; 1QSa 2.11-22; 1QSB 5.20; CD 12.23-13.1, 19.10-11, 20.1. Along with Goodblatt’s discussion on these and related passages (*Monarchic Principle*, 66-71), see Joseph A. Fitzmyer, *The Dead Sea Scrolls: Major Publications and Tools for Study* (Atlanta, GA: Scholars Press, 1990), 164-167 for bibliography on the concept of two messiahs at Qumran.

²⁰⁶ Josephus, *War* 2.563; Goodblatt, *Monarchic Principle*, 71. Goodblatt, “Priestly Ideologies,” also considers the ways in which these concepts motivated various Jewish groups during the First Revolt.

standing tradition continue into the post-70 period, with priestly circles still interested and involved in political activities?

In this section I will consider evidence which suggests that priestly influence in national politics continued for several generations after the destruction of the temple, and that perceptions of priestly authority continued to impact a variety of Jewish social circles. Although political dynamics in this period were quite diverse, I will examine two instances in which priests continued to play an important part in national politics between 70 and 135 C.E., possibly in ways that reflect diarchic leadership. The first comes from rabbinic circles, which promoted a tradition that the “Patriarch” Gamaliel II shared power with a young priestly sage named R. Eleazar b. Azariah. The second is the Bar Kokhba revolt, which seems to have promoted a restoration of the temple and priesthood under the dual leadership of Simon “the *Nasi*” and Eleazar the Priest. Unfortunately, the source material for post-70 national politics is fragmentary, late, or comes from a single ideological perspective (i.e., rabbinic literature). Therefore, any reconstruction of administrative institutions must be modest and tentative. Nevertheless, it is possible to make a few observations regarding the role of priests in post-70 politics that will demonstrate their continued participation in national affairs.

4.2.1 Gamaliel II and Eleazar b. Azariah

In the traditional understanding of post-70 national politics, the priestly leadership that existed before the war was immediately replaced by the Romans with rabbinic Patriarchs based at Yavneh who served as official liaisons between Rome and the Jews of

Judea. Based on claims made in rabbinic literature, it is assumed that the first to hold this office was Yohanan b. Zakkai (ca. 70-80), followed by Gamaliel II (ca. 80-120). These early Patriarchs are thought to have had complete religious authority over the Jewish people, including an ability to ordain sages, pass judgment, and determine the calendar. According to this model, the shift from priestly to non-priestly national leadership occurred early and was recognized by Jews and Romans alike.

However, as with much of the traditional model, this picture has been severely scrutinized in recent decades. Most scholars now see Yohanan b. Zakkai as an individual sage who had some influence in the early rabbinic movement, but whose status as a national leader was created by later rabbinic legend. Many still recognize that Gamaliel II had some special status in both Roman and rabbinic circles, but there is a debate concerning the extent of his actual powers, the nature of his Roman support, and the precise form of the Jewish Patriarchate before the third century.²⁰⁷

This debate lies beyond the scope of this dissertation. I will simply state that I generally follow Goodblatt's view of the development of the Patriarchate in the immediate post-70 period.²⁰⁸ Goodblatt demonstrates that there is early evidence for Gamaliel II having had some official ties with Rome,²⁰⁹ some authority over the

²⁰⁷ Goodman, *State and Society*, 111-118, and "Jewish Patriarch in the Third Century" argues, based on Roman legal documents, that no real Patriarchal authority existed until the fourth century, and that its official status was an experiment in Roman administration that lasted only a few decades (until 429). See Levine, "Status of the Patriarch," for a more mainstream approach.

²⁰⁸ See Goodblatt, *Monarchic Principle*, 176-229; cf. the views of Cohen, *Three Crowns*, 180-185. Even if this position is not correct, however, it does not substantially alter my arguments for attempts at establishing priestly leadership in this period.

²⁰⁹ *M Eduyot* 7.7 states that Gamaliel II traveled to Syria to receive authority from the governor there, although the nature of this authority is not clear (the narrative is in the context of calendrical issues). *T Sotah* 15.8 also claims that the household of Gamaliel II was given permission to teach their sons Greek, "because they are close to the government" and presumably needed to interact with Roman officials.

calendar,²¹⁰ and an ability to depose some local Jewish leaders.²¹¹ Although he does not seem to have had the official title of *Nasi*, in many ways he functioned as a quasi-official appointed by Rome to help administer Jewish affairs in the province. At first glance, it seems that the administration of Gamaliel II represented a significant shift from priestly to non-priestly national leadership in the aftermath of the First Revolt.²¹² Since High Priestly families and other priestly aristocrats survived the war and remained interested in retaining power, it would appear that Rome's choice to affect this shift in leadership was deliberate and innovative. Perhaps this was a result of priestly involvement in the First Revolt, which forced Rome to make alternative arrangements in regard to local government after 70.

This basic outline is reasonable in light of the available evidence, but a few caveats are necessary. For example, if Gamaliel II was given some official status by Rome, it is still difficult to know the nature of his relationship with the early rabbinic movement as a whole. He seems to have been affiliated with the movement in some way, but there is evidence that some rabbis felt threatened by the power he wielded independently of other sages.²¹³ These struggles suggest that the coalition of Gamaliel's

²¹⁰ *M Rosh Hashanah* 2.8-9; *M Eduyot* 7.7; *M Yevamot* 16.7 (in which R. Akiva was accountable to Gamaliel II in matters relating to the calendar).

²¹¹ *Y Rosh Hashanah* 1.6, 57b and a *baraita* in *B Rosh Hashanah* 22a both describe Gamaliel II deposing Shizpar, a local leader in Gader/Gezer. See Goodblatt, *Monarchic Principles*, 196-197.

²¹² In fact, this is Goodblatt's conclusion, as illustrated by the title of his chapter, "From Priestly to Lay Monarchy: The Origins of the Gamalielian Patriarchate." While I generally agree with his conclusions, he does not consider the possible role of priests in Gamaliel's administration, as I will discuss below.

²¹³ Alon, *Jews in their Land*, 317-319, discusses the struggle between the Patriarchate and rabbinic "Sanhedrin" over several points of authority, including the rights to ordain sages and determine the calendar. Alon argues that the sages wanted more collective power (considering the Patriarch to be just another rabbi) and the Patriarch wanted more monarchical power. See Goodblatt, *Monarchic Principle*, 182 and Levine, *Rabbinic Class*, 186-191, who discuss these tensions in this and later periods.

administration went beyond rabbinic circles to include Jews of other socio-economic positions. Related to this is a tradition of the deposition of Gamaliel II from the rabbinic academy and his subsequent reinstatement as joint ruler with a young priestly sage, R. Eleazar b. Azariah. Unfortunately, the sources for this episode are relatively late (mostly from the Palestinian and Babylonian Talmuds). Nevertheless, enough clues exist to suggest that the administration of Gamaliel II included an element of priestly leadership, perhaps even in the form of a diarchy of “Patriarch” and priest.

According to the tradition, Gamaliel II and R. Joshua (a disciple of Yohanan b. Zakkai) disagreed over aspects of liturgy in the rabbinic academy. When Gamaliel II publicly insulted R. Joshua, the assembly called for Gamaliel to be removed from his position.²¹⁴ In his place they appointed R. Eleazar b. Azariah, a young and wealthy priest who had joined the rabbinic movement:

They [deposed Gamaliel and] appointed [מִיָּנִי] R. Eleazar ben Azariah to [head] the Academy [בִּישִׁיבָה]. He was sixteen years old and all his hair had turned grey. And R. Aqiba sat, troubled [that he had not been selected]. And he said [concerning Eleazar], “It is not that he is more learned in Torah than I. Rather he is of greater parentage than I. Happy is the person who has ancestral merit! Happy is the person who has a ‘peg’ to hang upon!” And what was R. Eleazar b. Azariah’s ‘peg’? He was the tenth generation [in descent] from Ezra.²¹⁵

After Gamaliel II made amends with members of the academy, he was reinstated to his position. Variant endings to the story exist, but most indicate that Eleazar was informed of this reconciliation and, rather than being completely deposed himself, “they appointed him Chief Judge [אֶבֶר בֵּית דִּין].”²¹⁶ Another version of the tradition explicitly states that

²¹⁴ Louis Ginzberg suggested that the sages only deposed Gamaliel II from his position within the rabbinic academy because they were powerless to do anything about his position as Patriarch. Alon disagrees (arguing that he was deposed as Patriarch), but relies on an uncritical reading of later Talmudic evidence to do it. Considering the realities of the political situation and Gamaliel’s Patriarchal position deriving from Roman authorities, Ginzberg was probably correct. See Alon, *Jews in their Land*, 320.

²¹⁵ *Y Berakhot* 4.1, 7c-d; cf. *Y Taanit* 4.1, 67d.

²¹⁶ *Y Berakhot* 4.1, 7c-d; cf. *Y Taanit* 4.1, 67d.

Gamaliel II and Eleazar b. Azariah shared power from that point, with Gamaliel functioning as Patriarch (*Nasi*) and Eleazar functioning as head of the rabbinic academy (*Av Bet Din*).²¹⁷

Various aspects of this tradition make historical reconstruction difficult. Some scholars have treated it as history (requiring some harmonization),²¹⁸ while others have viewed it as a composite text with an historical event at its core. The latter include Robert Goldenberg and Tzvee Zahavy. Both see the stories of debate, deposition, and appointment as promoting a message of how a Patriarch should treat his subjects and how the sages can have a role in replacing him.²¹⁹ A minimalistic reading of the tradition also exists among some scholars, who see the story as containing no first century history at all, but rather see it as a reflection of fourth century rabbinic interests.²²⁰ Unfortunately, the ultimate historicity of this episode might be irretrievable. Nevertheless, a few observations can be made that illuminate our discussion.

As it stands, the tradition contains several elements relevant to the question of priestly leadership in national politics. First, it is interesting that Eleazar b. Azariah was appointed to his leadership position on account of his priestly lineage. In the version cited

²¹⁷ *B Berakhot* 27b-28a; *B Bekhorot* 36a; see Robert Goldenberg, "The Deposition of Rabban Gamaliel II: An Examination of the Sources," in *Persons and Institutions*, ed. Green, 14-28. Zahavy, *Traditions of Eleazar Ben Azariah*, 151-160, also looks at *Y Pesahim* 6.1, in which Eleazar voluntarily gave up his right to rule.

²¹⁸ E.g., Alon, *Jews in their Land*, 319-322.

²¹⁹ Goldenberg, "Deposition of Rabban Gamaliel," 9-14; Zahavy, *Traditions of Eleazar Ben Azariah*, 146-151. Goldenberg suggests that the tradition must pre-date 185, as the Patriarchal administration of Judah I was secure enough that rabbinic deposition was not a realistic possibility.

²²⁰ E.g., Haim Shapira, "The Deposition of Rabban Gamaliel: Between History and Legend," *Zion* 64.1 (1999): 5-38 [Hebrew]. Boyarin, *Border Lines*, 185-189 also considers some aspects of the tradition as found in the Babylonian Talmud, but mostly focuses on its implications for rabbinic notions of "pluralism" in that later period.

above, R. Akiva desired the position, but admitted that he did not have the necessary ancestral merit. Eleazar, on the other hand, was descended from Ezra, the renowned priestly scribe of the post-exilic period.²²¹ This priestly descent, perhaps accompanied by his wealth,²²² qualified him for his position as head of the academy.²²³ Considering everything we have seen in this chapter, the connection between priestly lineage and leadership is remarkable in a rabbinic context. This is especially the case given the rejection of R. Akiva, a sage who was “more learned in the Torah” than Eleazar.

If this tradition has any historical validity, it could be evidence that the early rabbinic movement had not yet fully divested itself from the allure of priestly authority. On the one hand, it is possible that this is an example of the early rabbis trying to expand their own political influence by combining scholarship with priesthood and wealth.²²⁴ If so, it indicates that priestly authority was still very much respected on the national scene. On the other hand, it is interesting that the three main characters in the traditional account – Gamaliel II the Patriarch, Eleazar b. Azariah the priest, and R. Joshua the disciple of

²²¹ Reference to his priestly descent also appears in *Y Yebamot* 1.6 (see Zahavy, *Traditions of Eleazar Ben Azariah*, 161). Although his priestly descent is not emphasized in Tannaitic literature, the Mishnah and Tosefta have Eleazar discussing priestly issues and associating with other known priestly rabbis; e.g., *M Berakhot* 4.7 (additional service); *M Maaser* 5.1 and *M Maaser Sheni* 5.9 (priestly tithe); *M Menahot* 19.6 (burnt offering); *M Negaim* 7.2, 8.9, 13.6 (rulings on leprosy); *T Berakhot* 1.4 (discussions with R. Ishmael). Zahavy, *Traditions of Eleazar Ben Azariah*, 13-130, considers all of the legal materials associated with this priestly sage.

²²² *M Sotah* 9.15; *T Sotah* 15.19; Cf. *B Berakhot* 57b; *Avot d’Rabbi Nathann* A 40; Zahavy, *Traditions of Eleazar Ben Azariah*, 133-134.

²²³ Alon, *Jews in their Land*, 465-466, suggests that R. Eleazar b. Azariah, and then R. Tarfon continued to lead the rabbinic “Sanhedrin” after the death of Gamaliel II. In both cases, priestly lineage and wealth were the qualifiers: “There is reason to believe that a principle factor in propelling Rabbi Tarphon and Rabbi Eleazar ben Azariah into the leadership was the fact that they were kohanim. In addition, both of these scholars were men of considerable means, something which was of no small importance, because the leader was expected to fund many of the expenses of the Sanhedrin, and to defray the costs of ‘diplomatic’ representation to the Roman authorities.”

²²⁴ Cohen, *Three Crowns*, 240-241.

Yohanan b. Zakkai – each represented major circles within the early rabbinic movement. It is possible that this story reflects internal power struggles among these groups as the early sages were still attempting to define their larger movement and articulate the respective roles of wealth, ancestry, and scholarship.²²⁵

A second implication is the possibility that Gamaliel II and Eleazar b. Azariah shared power in some way. Unfortunately, it is impossible to know the precise nature of this relationship. Did Gamaliel as “Patriarch” and Eleazar as *Av Bet Din* both have Roman backing and some kind of national authority? Or, as is more likely, was Eleazar simply a representative of the rabbinic academy in Gamaliel’s administration? Either way, the tradition presents a version of diarchic leadership, with prince and priest ruling together as head of the state and head of the rabbinic academy respectively.²²⁶ This suggests that the shift from priestly to non-priestly authority may not have been as early, natural, or well-defined as previously thought, even within rabbinic circles. Rather, claims of Davidic and priestly descent still held sway among most Jews of the post-war period.²²⁷

As mentioned earlier, it is difficult to know how much actual history can be gleaned from this tradition. Some aspects of it are reflected in Tannaitic literature, suggesting that the core account is plausible. For example, we know that the appointment of Eleazar b. Azariah to the rabbinic academy was a significant moment in the early

²²⁵ Goldenberg, “Deposition of Rabban Gamaliel,” 38-39.

²²⁶ Previous generations of scholars understood this relationship to be one of co-regency, with Gamaliel and Eleazar each possessing an equal share of power. For example, see Büchler, “Economic Condition of Judaea,” 79.

²²⁷ Goldenberg, “Deposition of Rabban Gamaliel,” 28, said of the tradition, “at a time when Davidic ancestry was claimed by any politically ambitious person, descent from Ezra was an appropriate priestly counterclaim.”

rabbinic movement, as the phrase “on the day when they made [שהושיבו] R. Eleazar b. Azariah head of the college [בישיבה]” was used as a benchmark in some Tannaitic stories.²²⁸ We also know that many of the priestly sages associated themselves with Gamaliel II rather than Yohanan b. Zakkai, whom they seem to have avoided.²²⁹ There is even an early account of Gamaliel’s tithes going to Eleazar, suggesting that they might have had a special relationship.²³⁰ Taken together, these passages describe dynamics that support the plausibility of the later tradition.

One final piece of Tannaitic evidence that lends credibility to the tradition is the dual leadership of the pre-70 period as imagined by second century sages. In two Mishnaic passages (including in the “chain of tradition” presented by *M Avot*), six pairs of sages are listed as being the prominent guides of previous generations.²³¹ The historical value of these pairs for pre-70 history is negligible, but its importance lies in how second century sages envisioned them. According to one description, “The former [of each of these several pairs] were Presidents [נשיאים], and the others were Fathers of the Court [אבות בית דין].”²³² In this description we see early sages envisioning an ideal form of leadership in which the *Nasi* and *Av Bet Din* share power in some way. This does

²²⁸ E.g., *M Yadaim* 3.5, 4.2; *M Zebahim* 1.3; cf. *M Ketubot* 4.6 (which has Eleazar teaching in the “vineyard of Yavneh”). In fact, the accounts of the deposition of Gamaliel and appointment of Eleazar in the Palestinian Talmud attempted to explain these phrases; see *Y Berakhot* 4.1, 7c-d; *Y Taanit* 4.1, 67d; Zahavy, *Traditions of Eleazar Ben Azariah*, 119.; Goldenberg, “Deposition of Rabban Gamaliel,” 9-14.

²²⁹ Büchler, *Die Priester und der Cultus*, 17-35; Alon, *Jews, Judaism, and the Classical World*, 318-323; Schwartz, *Josephus and Judaeon Politics*, 103, 106; Hezser, *Rabbinic Movement*, 71.

²³⁰ *M Maaser Sheni* 5.9. Of course, it should be pointed out that R. Joshua, Gamaliel’s opponent in the deposition tradition, also received a Levitical tithe from him in this passage.

²³¹ *M Avot* 1.4-15; *M Hagigah* 2.2.

²³² *M Hagigah* 2.2. See Goodblatt, *Monarchic Principle*, 72-73, 184-187.

not prove the historicity of the Gamaliel and Eleazar tradition, but it does make it plausible that some sort of diarchy of Patriarch and priest existed in this period.²³³

Again, I stress that we must be modest in our conclusions about this episode and I admit that much of what I have suggested here is speculative. However, the fact that this tradition exists, along with genealogical justifications for leadership that run counter to rabbinic ideology, suggests that something like this might have actually happened. If there is an historical core to the story, the deposition of Gamaliel II and appointment of Eleazar b. Azariah were likely internal rabbinic affairs: the rabbis would not have had the power to depose a Roman-backed Patriarch, and the head of the rabbinic academy would not have had much religious authority over non-rabbinic Jews. It would also suggest that Gamaliel attempted to work with different social groups, such as allowing a rabbinic representative in his administration. Finally, it could show that priestly authority still had influence in Jewish politics, even among some early rabbis who appointed their national representative based on his lineage. At the very least, it is interesting that rabbinic tradition remembered a form of diarchy in attempts at working out national leadership soon after 70.

4.2.2 Bar Kokhba and Eleazar the Priest

A more concrete example of post-70 diarchic leadership can be found in the political dynamics of the Bar Kokhba revolt (132-135). As with much else in this period,

²³³ It is interesting that at least some of the pairs of pre-70 leaders may have been priests (e.g., Yose b. Yo'ezer and Yose b. Yohanan), but not enough to establish any kind of consistent pattern. See Neusner, *Rabbinic Traditions*, 63-66, 81, 158-159.

the scantiness of relevant primary sources leaves our understanding of many aspects of the revolt uncertain or incomplete. These include the precise cause of the war, the extent of Bar Kokhba's territorial conquests (including Jerusalem itself), and the war's impact on different regions of Palestine.²³⁴ However, there is one aspect of the revolt that has a direct impact on our present discussion: it is becoming increasingly clear that the revolt (at least in its early stages) was led by a diarchy in which a *Nasi* (Bar Kokhba) and a priest (Eleazar the Priest) worked together to reclaim Jerusalem, rebuild its temple, and restore its priesthood.

The major factors which led to the revolt were Hadrian's decisions to not rebuild the Jerusalem temple, to convert the city into a Roman colony (Aelia Capitolina), and to establish a Roman temple (or shrine) dedicated to Capitoline Jupiter on the temple mount.²³⁵ Most Jews after 70 fully expected the Romans to rebuild the Jerusalem temple. We saw in Chapter Three that several priestly families were still available to participate in the temple's cult and administration, and anticipated such a restoration. Once it became clear that Rome had no intention of rebuilding (and instead moved in the opposite direction), a nationalistic sentiment developed in many circles within Judean society, including among the priestly families who for sixty years had been awaiting the temple's restitution. In addition to the sentiments created by Hadrian's policies, it is

²³⁴ For discussions on these and other issues, see the articles in Schäfer, ed., *Bar Kokhba War Reconsidered*.

²³⁵ For a summary of this episode and its impact on the revolt, see Ya'akov Meshorer, *A Treasury of Jewish Coins: From the Persian Period to Bar Kokhba* (Jerusalem: Yad Ben-Zvi Press, 2001), 135-137. Meshorer considers evidence from Cassius Dio (69.12.1-3) which describes Hadrian's visit to Jerusalem in 130, bronze coins on which Hadrian's visit was commemorated, and the fact that coins minted in Aelia Capitolina were found among hoards of Bar Kokhba coins. According to Meshorer, all of this combines against the claims of fourth century Christians (e.g., Eusebius, *Ecclesiastical History* 4.6) that Jerusalem was converted into a pagan city as a punishment against Jews after the revolt.

possible that a power vacuum was created within Jewish national leadership upon the death of Gamaliel II.²³⁶ We do not know exactly when the “patriarch” died (ca. 120s?), but if he had Roman backing his death may have been seen as an opportunity for other groups to seize power.²³⁷ This is the environment in which the Second Revolt broke out.

Because primary sources are so sparse, the revolt is often summarized by describing its main leader (Simon b. Kosiba), the messianic imagery attached to his leadership (investing him with the name, “Son of a Star”), and the tremendous impact the revolt had on the region. Beyond these generalities, however, there is more that we can say about the revolt, particularly in regard to the ideology behind it and the organization of the movement’s leadership.

Before we proceed further, it is important to point out that the Bar Kokhba revolt did not have wide support among the rabbinic movement. Traditionally, scholars have assumed that the revolt must have taken place within a rabbinic framework.²³⁸ Many still see R. Akiva as being an active supporter of the revolt based on the following passage:

R. Simeon b. Yohai taught, “Aqiba, my master, would interpret the following verse: ‘A star (*kokhab*) shall come forth out of Jacob’ (Num 24:17) — ‘A disappointment (*Kozebe*) shall come forth out of Jacob.’”

²³⁶ Alon, *Jews in their Land*, 465-466 discusses the hiatus of over thirty years in which Roman Palestine was without a Jewish national leader. He suggests that R. Eleazar b. Azariah, followed by R. Tarfon continued to serve as heads of the rabbinic “Sanhedrin” during this period, largely based on their priestly lineage and their wealth.

²³⁷ It seems reasonable to conclude that the seeds of priestly revolt began when Rome passed over the priestly aristocracy in favor of Gamaliel II for post-war leadership. Gamaliel’s death may have provided a moment of opportunity for some of these priestly circles to attempt to seize power.

²³⁸ Alon, *Jews in their Land*, 630-632, reflects this view when he claims that “Rabbis Akiba’s outspoken backing of the Bar Kokhba revolt doubtless expressed the point of view of a great many – perhaps the majority – of the Sages...For most of the war the Sages stood solidly with the rebels.” This assumption is based mostly on the “declaration” of R. Akiva, the association of R. Eleazar of Modi’in with the revolt (see below), and a claim that the rabbinic “Sanhedrin” moved to Bethar (for which he gives no reference). However, Alon admits that the Talmudic sources point to some disagreement among the rabbis.

R. Akiba: When he saw Bar Kozeba, he said, “This is the King Messiah.” Said to him R. Yohanan ben Toreta, “Akiba! Grass will grow on your cheeks, and the Messiah will not yet have come!”²³⁹

This passage has been used to claim that R. Akiva endorsed Bar Kokhba as the messiah, and that he (Akiva) served as the revolt’s spiritual advisor.²⁴⁰ However, as Peter Schäfer has demonstrated recently, the evidence overwhelmingly indicates that the rabbis, possibly including R. Akiva, never supported the war or its goals.²⁴¹ Even if Schäfer is overly skeptical about R. Akiva’s involvement, he is correct in pointing out the rabbinic ambivalence or opposition to the revolt and its leader.²⁴² Rabbinic literature is virtually silent on the revolt’s goals and motivations. Furthermore, it consistently refers to Bar Kokhba as the “son of a liar” (*Bar/Ben Kozeba*) and portrays him as a godless tyrant who deceived many Jews with his messianic claims.²⁴³

This indicates that most members of the rabbinic movement were not interested in the revolt and its goals.²⁴⁴ Considering this lack of rabbinic support, the sheer scale of the revolt begs the question of who *was* behind it. Direct and circumstantial evidence

²³⁹ *Y Taanit* 4.8, 68d; cf. *Lamentations Rabbah* 2.2-4.

²⁴⁰ E.g., Menahem Mor, “The Geographical Scope of the Bar Kokhba Revolt,” in *Bar Kokhba War Reconsidered*, ed. Schäfer, 108; Elisheva Revel-Neher, “An ‘Encore’ on the Bar Kochba Tetradrachm: A Re-vision of Interpretation,” in *Follow the Wise*, eds. Weiss, Irshai, Magness, and Schwartz, 190.

²⁴¹ Schäfer, “Bar Kokhba and the Rabbis,” 1-22.

²⁴² Schäfer goes so far as to argue that R. Akiva himself never made the above messianic proclamation for Bar Kokhba. Even if Schäfer’s reasoning here is incorrect, R. Akiva still seems to have been the only sage in rabbinic tradition who supported Bar Kokhba in some way. For the possibility that Akiva’s students actively participated (and were killed) in the war, see Alon, *Jews in their Land*, 631-632.

²⁴³ For example, *Y Taanit* 4.8 contains an account of “Bar Kozeba” testing his troops by having them cut off their little fingers. “The sages sent word to him, ‘How long are you going to turn Israel into a maimed people?’” A subsequent passage has him murdering his own uncle, R. Eleazar of Modiin, based on an unfounded suspicion of treason. For that, “an echo came forth and proclaimed the following verse: ‘Woe to my worthless shepherd, who deserts the flock! May the sword smite his arm and his right eye!...(Zech 11:17)’...Forthwith Betar was taken, and Ben Kozebah was killed.” In a later Babylonian legend, the sages put “Bar Kozeba” to death for falsely proclaiming himself to be the messiah (*B Sanhedrin* 93b).

²⁴⁴ Cohen, *Three Crowns*, 162 notes that the success of the Bar Kokhba revolt with its restoration of temple and priesthood would have posed a threat to the rabbis’ Torah-centered power base.

suggests that the revolt was, to a significant degree, a priestly movement trying to restore the Jerusalem temple and re-enthroned its priesthood. I have already implied that Judea's surviving priestly families, who had been passed over once by Rome for the region's post-70 leadership, would have been among the most frustrated by Hadrian's policies and would have had an enormous amount to gain by the revolt's success. Without a Gamalielian "patriarch" to keep the peace between Rome and the Judeans, it is easy to imagine members of the priestly aristocracy attempting to seize power and establish an independent national government.²⁴⁵

The most direct evidence in support of this scenario comes from the coins minted by the rebel government at the outbreak of the war.²⁴⁶ Coins provide some of our few insights into the ideology behind the revolt. According to Elisheva Revel-Neher, "The inscriptions on the coins are witnesses to its ideological background....using coinage as a means of propaganda to touch the masses, [Bar Kokhba] struck his coins with wording

²⁴⁵ It is interesting to note that the Bar Kokhba revolt mostly took place in south-central Judea and in the Judean desert, with little or no action along the coast or in Galilee; see the early study by Adolf Büchler, "Die Schauplatz des bar-Kokhbekrieges und die auf Diesen Bezogenen Jüdischen Nachrichten," *JQR* 16.1 (October 1903): 143-205 (although, Alon, *Jews in their Land*, 595-603 argues, mostly based on hints in rabbinic literature, that Galilee was also affected). Leo Milkenberg, *The Coinage of the Bar Kokhba War* (Zürich: Schweizerische Numismatische Gesellschaft, 1984), 53, 83, 86 maps out the coins finds and the locations mentioned in the Bar Kokhba documents, which largely confirms Büchler's claims for the geographical extent of the war being mostly in Judea. The presence of hiding complexes in this region confirms the centrality of Judea in the war; see Amos Kloner and Boaz Zissu, "Hiding Complexes in Judaea: An Archaeological and Geographical Update on the Area of the Bar Kokhba Revolt," in *Bar Kokhba War Reconsidered*, ed. Schäfer, 181-216. This could be a valuable insight for our present discussion since, as we saw in Chapter Three (section 3.3), early rabbis were mostly attested along the coast and in Galilee (with only a few in Judea), whereas non-rabbinic priestly families were largely attested in Judea, the Darom, and the desert. In this way, the geographical extent of the Bar Kokhba revolt roughly corresponds to the geographical distribution of many priestly circles. For further discussion on the geographical extent of the Bar Kokhba revolt, see Mor, "Geographical Scope," 107-131.

²⁴⁶ The most thorough treatments of the Bar Kokhba coins are found in Milkenberg, *Coinage of the Bar Kokhba War*; Ya'akov Meshorer, *Ancient Jewish Coinage: Volume II: Herod the Great through Bar Cochba* (New York: Amphora Books, 1982), 132-165 and *Treasury of Jewish Coins*, 135-165.

and symbols rooted in the nation's past and eschatological hopes."²⁴⁷ Perhaps the most famous coins associated with the revolt are the silver tetradrachms depicting the façade of the Jerusalem temple with the Ark of the Covenant (?),²⁴⁸ accompanied by inscriptions of "the Redemption of Israel," "the Freedom of Jerusalem," and "Shimon" (a reference to Bar Kokhba himself). Images on other coinage – silver denarii and various denominations of bronzes – include temple vessels associated with the Feast of Tabernacles, such as a *lulav*, *ethrog*, musical instruments, and amphorae for pouring water, oil, and wine.²⁴⁹ These coins make it clear that the restoration of Jerusalem and rebuilding of the temple were among the revolt's highest priorities.

In addition to these images and legends, a number of Paleo-Hebrew inscriptions also appear on the revolt's coinage that refer to "Eleazar the Priest" (אלעזר הכהן).²⁵⁰ These inscriptions appear on coins from the first year of the revolt (ca. 132) and were among the earliest minted by the rebel government. They first appeared on the reverse of silver denarii and small bronzes. In both cases, the obverse contained a grape cluster with the

²⁴⁷ Revel-Neher, "Bar Kochba Tetradrachm," 190.

²⁴⁸ For the relationship between the images on the Bar Kokhba coins and the Jerusalem temple, see Alice Muehsam, *Coin and Temple: A Study of the Architectural Representation on Ancient Jewish Coins* (Leeds: Leeds University Oriental Society, 1966). Revel-Neher, "Bar Kochba Tetradrachm," 189-205 explores the relationship between the item in the center of the temple façade and the Ark of the Covenant.

²⁴⁹ For a consideration of the revolt's ideological connection to the Feast of Tabernacles, see Meshorer, *Treasury of Jewish Coins*, 140-161.

²⁵⁰ The most important treatment of these coins is Mildenberg, "Eleazar Coins," 77-108. In this article, Mildenberg discusses some of the problems early scholars faced in deciphering the coins. These include the "Eleazar" inscriptions often appearing with strange letter order, containing omissions and abbreviations, and part of the legend being in mirror image (see pp. 102-108 for an appendix which lists all of these irregularities). However, no similar problems exist with the legends on other side of coins, suggesting that different people made the obverse and reverse dies. Beyond this observation, there has never been a full explanation of these irregularities. Mildenberg suggested that the revival of the Paleo-Hebrew script (which had not been in use for some time) might have led to errors, whereas in some cases the die engravers might have simply forgot to carve the lettering in mirror image, suggesting that they were not yet fully skilled at this early stage of the war (see pp. 78-83, 101).

inscription, “Year One of the Redemption of Israel.” On the denarii, the “Eleazar” inscription accompanied a jug and a palm branch, whereas on the small bronzes it was placed under a palm tree. The next two years of the revolt saw a decrease in “Eleazar” coins, but the name still appeared in various forms during that period. For example, some denarii of the second year bear the legend “Eleazar the Priest” with a jug and palm branch on the reverse, and “Shim” (an abbreviation of “Shimon”) surrounded by an olive wreath on the obverse.²⁵¹ Small bronzes of the second year similarly contained “Eleazar the Priest” under a palm tree on the reverse and “Year Two of the Freedom of Israel” with grapes on the obverse. Some small bronzes from the third year were nearly identical, only with “For the Freedom of Jerusalem” on the obverse.²⁵²

Since these inscriptions were discovered, scholars have attempted to determine the precise identity of “Eleazar the Priest.” Suggestions have varied widely. Some earlier scholars suggested that it was Eleazar b. Azariah, the priestly sage associated with the administration of Gamaliel II.²⁵³ This claim, however, is unpersuasive due to the absence of evidence that this Eleazar supported the war and the probability that he died before the

²⁵¹ It is possible that the “Eleazar” coins of the second and third year were “hybrids” in which the minters simply reused the “Eleazar” die from the first year on each reverse, while updating the obverse dies to reflect years two and three. Meshorer, *Treasury of Jewish Coins*, 156-157.

²⁵² For a table recording all of the coins, images, and inscriptions from the revolt, see Miltenberg, *Coinage of the Bar Kokhba War*, 365-368. Meshorer, *Treasury of Jewish Coins*, 164, and Miltenberg, *Coinage of the Bar Kokhba War*, 16-17, both note that most of the Bar Kokhba coins come from hoards that were not found in controlled archaeological excavations. This makes it difficult to establish conclusively their geographical distribution, though most seem to have come from Judea. As a result, it is also impossible to determine the extent of circulation the Eleazar coins received during the war.

²⁵³ E.g., L. Hamburger, “Die Silber-Münzprägungen während des letzten Aufstandes der Israeliten gegen Rom, nach einem in der Nähe von Chebron gemachten Münzfunde classificirt,” *ZFN* 18 (1892): 311; F.-M. Abel, *Histoire de la Palestine depuis la conquête d’Alexandre jusqu’à l’invasion arabe, I-II* (Paris, 1954), 2:87; A. Reifenberg, *Ancient Jewish Coins* (2nd Rev. Ed.; Jerusalem, 1974), 34.

war began.²⁵⁴ A similar dearth of evidence undermines claims that it was the wealthy rabbi Eleazar b. Harsom.²⁵⁵ One of the more interesting suggestions is that “Eleazar the Priest” was R. Eleazar of Modi’in. According to the Palestinian Talmud, Eleazar of Modi’in was Bar Kokhba’s uncle who, late in the war, was wrongly suspected of treason and murdered by Bar Kokhba himself. This passage attributes the fall of Bethar and Bar Kokhba’s death to his cruelty on this occasion.²⁵⁶ Two problems exist, however, in the identification of this Eleazar with “Eleazar the Priest” on the Bar Kokhba coins. First, there is no indication from the literature that he supported the war or was involved with its leadership. Second, there is no evidence that he was a priest.²⁵⁷

All of these suggestions have suffered from the same fundamental problems. As I already mentioned, the literary references to these individuals do not indicate that any of them had positions of leadership in the revolt or, for that matter, supported the revolt at all. In addition, each of these suggestions reflects the traditional impulse to fit the Bar Kokhba revolt within a rabbinic context. Ultimately, none of these individuals are solid

²⁵⁴ On the death of Eleazar b. Azariah before the war, see Alon, *Jews, Judaism, and the Classical World*, 321 n.24.

²⁵⁵ *Y Taanit* 4.8 claims that this was an extremely wealthy sage who owned one thousand hamlets (farmsteads?) in the “Royal Mountains” (Judean hill country?) and one thousand ships, all of which were destroyed in the war (70 or 135?). The Tosefta claims that he was also a priest whose mother made for him an expensive tunic to wear at the altar (*T Kippurim* 1.22; cf. *Y Yoma* 3.6; *B Yoma* 35b; *B Qiddushin* 49b). This tradition, while pointing to his priestly lineage, suggests that he served at the temple before its destruction in 70, making his active participation in the Bar Kokhba revolt extremely unlikely.

²⁵⁶ *Y Taanit* 4.8; cf. *Lamentations Rabbah* 2.2-4. This position is tentatively endorsed by Alon, *Jews in their Land*, 623-624, and apparently by Meshorer, *Treasury of Jewish Coins*, 142-143.

²⁵⁷ Typically those who argue in favor of R. Eleazar of Modi’in base his priestly identity on his place of origin, assuming that since the Hasmoneans originated there, most of the town was comprised of priestly families. Needless to say, this is insufficient evidence to posit a priestly lineage. Furthermore, Miltenberg, *Coinage of the Bar Kokhba War*, 29-30, points out that if this Eleazar was a priest, the fact that he was Bar Kokhba’s uncle would make Bar Kokhba himself a priest (unless Eleazar was his mother’s brother). This is something that Bar Kokhba never claimed for himself, but presumably would have if he possessed this legitimizing characteristic.

candidates for “Eleazar the Priest.” Given our current evidence, it is best to admit that we do not know his identity apart from the coins. In light of the rabbinic sentiment towards the war, it is likely that “Eleazar the Priest” was not part of the rabbinic movement. Rather, it is reasonable to assume that he was a prominent member of one of the non-rabbinic priestly families that survived the First Revolt and continued to vie for positions of national leadership.

Whatever his precise identity, it is clear that Eleazar was a central figure in the revolt’s propaganda in its first year. Just as other images and inscriptions symbolized the redemption of Jerusalem and the rebuilding of the temple, the inscriptions of “Eleazar the Priest” likely represented hopes that the priesthood would be restored to national prominence. The position of the “Eleazar” inscription under a palm tree on the small bronzes of the first year supports this association. Throughout the first century, the palm tree was a symbol of Judea that was used on coins of the procurators and the Jewish rebels of the First Revolt. Perhaps the most famous example of this is the coins minted by the Flavians after the Roman victory in 70: the reverse placed a prisoner under a palm tree accompanied by the legends “IVDAEA CAPTA” or “IVDAEA DEVICTA.”²⁵⁸ It can not be a coincidence that the reverse of some of the Bar Kokhba coins retained the palm tree (still a symbol of Judea?), but replaced the prisoner with the inscription of “Eleazar

²⁵⁸ See Meshorer, *Treasury of Jewish Coins*, 149-150, 167-176 (coins of the procurators), 185-191 (Flavian coins).

the Priest.”²⁵⁹ In other words, the Bar Kokhba coins likely advertised the intent of the revolt to replace Judea’s “captivity” with the reinstated Jewish priesthood.²⁶⁰

This numismatic use of a priestly title to promote a political agenda has an important precedence in the Hasmonean period. In order to legitimize their claims to national leadership, Hasmonean monarchs from John Hyrcanus I to John Hyrcanus II (ca. 135-40 B.C.E.) minted coins with Paleo-Hebrew inscriptions that contained their names accompanied by the titles “High Priest and Council of the Jews” or “High Priest, Head of the Council of the Jews.” When Rome threatened to displace Hasmonean national leadership, Mattathias Antigonus (40-37 B.C.E.) similarly used coins with temple images (a seven-branched menorah and the table of showbread) and his priestly titles (“High Priest” or “Priest”). These coins served as a rallying point for the preservation of the priestly Hasmonean kingdom against the non-priestly rule of Herod the Great.²⁶¹ The similarities between the Hasmonean coins and the Eleazar coins minted during the Bar Kokhba revolt cannot be a coincidence. Using the same Paleo-Hebrew script, similar images, and including a priestly title on some of its coins, the leadership of the Second Revolt used the priesthood as a symbol of its political legitimacy in much the same way as the priestly Hasmonean kingdom had two centuries earlier.

According to David Goodblatt, this numismatic evidence also suggests that the Bar Kokhba revolt began with a diarchy of *Nasi* (Bar Kokhba) and priest (Eleazar) at its

²⁵⁹ Mildenberg, “Eleazar Coins,” 86.

²⁶⁰ Meshorer, *Treasury of Jewish Coins*, 137, gives other examples of the ways in which the Bar Kokhba coins served as anti-Roman propaganda, including by removing Roman coins from circulation and overstriking them with images of the revolt.

²⁶¹ For an overview of all the Hasmonean coins, see Meshorer, *Ancient Jewish Coinage*, 1.35-98 and *Treasury of Jewish Coins*, 23-59.

head.²⁶² In this way, the revolt's leadership symbolized the restoration of Israel's past glories and the fulfillment of its eschatological hopes, with a new "Zerubbabel the governor" and "Joshua the High Priest" working side by side in Judea's national restoration. The fact that so much of the numismatic iconography draws upon images such as palm fronds and citron from the Feast of Tabernacles – the eschatological festival of Zechariah 14 – suggests that the leaders of the revolt viewed themselves as ushering in a messianic era in which God's temple, priesthood, and kingship would once again exist independently of foreign authority.²⁶³ These concepts had a long history among priestly groups since the exilic period, including in Ezekiel's visionary program of national restoration, the apocalyptic expectations of the Dead Sea Scrolls, and possibly among some circles participating in the First Revolt. It seems that the leadership of the Bar Kokhba revolt viewed their uprising within this larger tradition.²⁶⁴

²⁶² The fullest treatment of the diarchy behind the Bar Kokhba revolt is found in Goodblatt, "Ideological Background." In this article, Goodblatt does not claim that priests necessarily instigated the revolt, but that they were a prominent and corporate advocate of the revolt's goals to rebuild Jerusalem and the temple. Goodblatt's general thesis seems to have gained favorable acceptance among several important scholars. See Cohen, *Three Crowns*, 161-162, and Schäfer, "Bar Kokhba and the Rabbis," 15-20.

²⁶³ A few scholars have drawn attention to the role of these images in both the Bar Kokhba iconography and Zechariah's eschatological kingdom (Zechariah 14:16-20). As other manifestations of this tradition, palm fronds were used in various demonstrations of victory and the ushering in of God's kingdom (Judith 15:12; 1 Maccabees 13:51; John 12:13; Revelation 7:9). A connection with the temple also exists, as Solomon's temple was dedicated during the Feast of Tabernacles (1 Kings 8:2, 12:3), and the Maccabees celebrated their rededication of the Jerusalem temple with an extemporaneous observance of the Feast (2 Maccabees 10:1-8). For these concepts and their association with the Bar Kokhba revolt, see Elisheva Revel-Neher, *Le Signe de la Rencontre: L'Arche d'Alliance dans l'art juif et chrétien du second au dixième siècles* (Paris, 1984), 40-44; Hayim Lapin, "Palm Fronds and Citron: Notes on Two Letters from Bar Kosiba's Administration," *HUCA* 64 (1993): 128-135; Schäfer, "Bar Kokhba and the Rabbis," 10-11; Revel-Neher, "Bar Kochba Tetradrachm," 193.

²⁶⁴ Schäfer, "Bar Kokhba and the Rabbis," 19-20. Schäfer is careful to not claim a direct link between the ideology of the Dead Sea Scrolls and the Bar Kokhba revolt, and such caution is appropriate. However, in Chapter Three I considered evidence that some Essene circles survived into this period. It is interesting to speculate on the possibility of their involvement in the revolt. On a related note, *T Sukkah* 3.3(4)-10 indicates that many Jews in the second and third centuries connected the rivers of water flowing from the temple described in the eschatological visions of Zechariah 14 and Ezekiel 40-48 with the water poured out at the altar during the Feast of Tabernacles; see Lapin, "Palm Fronds and Citron," 131.

The distribution of numismatic images and inscriptions from the first year of the revolt indicates that it began with these diarchic and eschatological ideals. However, it is difficult to know the ways in which Eleazar the Priest actually participated in the revolt's governmental and military affairs.²⁶⁵ Non-Jewish reports of the war (Roman or Christian) do not mention his involvement, and he is not present in any of the documents discovered in the Judean desert from this period. The latter include legal documents that mention "Shimon, son of Kosiba, the Nasi of Israel" and the "redemption of Israel," some of which date to the second and third years of the revolt but do not mention the activities of Eleazar the Priest.²⁶⁶ As I noted earlier, Eleazar is not as prominent on the coins from the second and third years of the revolt, although his name appears on hybrid coins from those years. There is even one later coin on which the reverse containing Eleazar's name had been either defaced or removed from the die before the coin was minted.²⁶⁷

Some scholars see these developments as indications that Eleazar's elevated status during the first year of the revolt diminished as the revolt progressed. For example, Leo Mildenberg suggests that the decrease in "Eleazar" coins during the second and third years of the revolt demonstrates that Eleazar lost his significance after the war began. Mildenberg therefore concludes that, "[Eleazar] was simply another figurehead of the

²⁶⁵ Mildenberg, "Eleazar Coins," 99, suggests that Eleazar was a legitimate authority in this period but not a real leader in revolt. Rather, he was a symbolic figure used to promote the cause of the rebels. Based on the larger context of the revolt and the interest of priestly families to regain national prominence, however, I find Mildenberg to be unnecessarily skeptical on this point.

²⁶⁶ See the collection of documents in Yadin, et al, eds., *Documents from the Bar Kokhba Period*, 277-366, and Benoit, Milik, and de Vaux, *Les Grottes de Murabba'at*, 122-137.

²⁶⁷ For an image of this coin, see Meshorer, *Treasury of Jewish Coins*, 344 (pl.68 n.264). Meshorer believes that the coin was deliberately "defaced" (p. 143), while Mildenberg, *Coinage of the Bar Kokhba War*, 65 suggests that the die was erased because Eleazar had become obsolete, and that the die was simply never re-cut. It must be pointed out, however, that this single coin is an anomaly and the circumstances behind this irregularity are completely unknown. Therefore, it should probably not weigh too heavily in a socio-historical reconstruction of the revolt and its leadership dynamics.

rebel state, but not one of such prominence or endurance as Shim'on.”²⁶⁸ Other scholars have taken this a step further and have postulated a scenario in which Eleazar fell from Bar Kokhba's favor after the war began and was forcibly removed from leadership.²⁶⁹

I believe that these conclusions are unfounded for several reasons: 1) Considering the nature of the documents found in the Judean desert – mostly land deeds and legal contracts personally relating to Bar Kokhba – we should not expect them to tell us much about the ideology and leadership dynamics of the revolt. The documents represent only one narrow aspect of Bar Kokhba's activities. In this case, the absence of evidence (i.e., the mention of Eleazar or his fate) is not evidence of absence. 2) Both Mildenberg and Meshorer acknowledge that all of the Bar Kokhba coinage changed in the second and third years.²⁷⁰ This includes the removal of Shimon's title of “Nasi” (used on coins of the first year) from coins minted in the second and third years. The Judean desert documents indicate that he continued using this title, even if it no longer appeared on the coinage. Therefore, the decrease of “Eleazar the Priest” inscriptions in these two years can not be taken as evidence for his disappearance in the movement. 3) Some “Eleazar” coins were, in fact, minted during the second and third years of the revolt. Even if they were only on “hybrids” in which the reverse dies from the first year were simply reused, this could only have been done with Bar Kokhba's permission.²⁷¹ There were certainly other reverse

²⁶⁸ Mildenberg, *Coinage of the Bar Kookhba War*, 64-65.

²⁶⁹ E.g., Meshorer, *Treasury of Jewish Coins*, 142-143. This interpretation relies at least partially on the story of Eleazar of Modi'in being killed by Bar Kokhba. However, as I mentioned earlier, there is no evidence that Eleazar of Modi'in was the same “Eleazar the Priest” on the Bar Kokhba coins. Therefore, this account should not be taken into consideration in deliberations on Eleazar's fate.

²⁷⁰ Meshorer, *Treasury of Jewish Coins*, 151-161; Mildenberg, *Coinage of the Bar Kokhba War*, 30.

²⁷¹ Meshorer, *Ancient Jewish Coinage*, 2:138 (his earlier work) acknowledges this, but for some reason he did not include these observations in his later work. Also, Mildenberg, *Coinage of the Bar Kokhba War*, 29

dies for denarii and small bronzes from which to choose, so we cannot claim that they were forced to use the “Eleazar” dies out of desperation.

For these reasons, I do not see Eleazar’s fall from leadership or prominence as a necessary conclusion. To be sure, we must be modest in what we can claim regarding the precise nature of his influence, activities, and leadership during the war. Even if Eleazar did fall from favor, however, Bar Kokhba would have still needed priests to administer the temple he planned to restore in Jerusalem, the building of which remained a visible goal of the revolt until its end. Regardless of his ultimate fate, Eleazar the Priest symbolized an important aspect of the revolt’s motivating ideology and likely reflected the hopes of many priests to reclaim their positions as national leaders and stewards over a functioning sacrificial cult.

Unfortunately, little evidence for Bar Kokhba’s priestly ideology exists apart from the coins. Among the documents from the Judean desert, there are two fragments from Nahal Hever which confirm that the rebel government promoted the observance of the Feast of Tabernacles.²⁷² In one Aramaic letter (P. Yad. 57), Bar Kokhba personally sent a request for palm branches and citrons (ללבין ואתרגין) as well as myrtle branches and willows – the four species for the Feast of Tabernacles – in order to celebrate the festival at Herodium.²⁷³ A similar letter in Greek (P. Yad. 52) was sent from an individual named

n.62 points out that hybrid coins inscribed with “Eleazar the Priest” were actually more prominent in the third year (with nineteen known examples) than from the second year (with only four known examples). This is contrary to Schürer, *History of the Jewish People* (rev ed.), 1:544, who claims that “Eleazar” coins only existed in the first and second years of the revolt. It also undermines Mildenberg’s own conclusion that the decrease in “Eleazar” coins during the second and third years corresponds to Eleazar’s diminishing influence in the revolt’s leadership.

²⁷² Lapin, “Palm Fronds and Citron,” 111-135 provides translation and commentary for both letters.

²⁷³ Yadin et al., eds., *Documents from the Bar Kokhba Period*, 322-328.

Soumaios to members of Bar Kokhba's administration requesting "wands and citrons" (θ[υ]ρσου[ς]²⁷⁴ και κιτρία) in preparation for "the feast" ([τ]ην εορτην).²⁷⁵ As I mentioned earlier, these images also appear on the official coinage of the revolt and convey the messianic/eschatological hopes that seem to have motivated its leaders. How they actually celebrated the festival without the temple is a matter of speculation.²⁷⁶ There are also indications in the documents that the payment of priestly tithes was important to Bar Kokhba and his followers, as attested by references to tithing being collected and sent to the camp at Herodium.²⁷⁷ These documents do not provide a systematic description of Bar Kokhba's ideology, but they do confirm that the leadership of the revolt was concerned with priestly matters.

In addition to this evidence, contemporary literary sources can help us to see the revolt in the larger context of Jewish social and religious ideals during this period. For example, we know from rabbinic and apocalyptic texts of the early second century that there were groups of Jews whose public mourning for the loss of the temple became their defining characteristic. The Tosefta indicates that these "mourners for Zion" were excessive in their devotion to the temple cult and that their practices were opposed by the rabbis:

²⁷⁴ For a similar use of this word in the context of the Feast of Tabernacles, see 2 Maccabees 10:6-7 and Josephus, *Antiquities* 13.372; Lapin, "Palm Fronds and Citron," 117-118.

²⁷⁵ Yadin, et al, eds., *Documents from the Bar Kokhba Period*, 351-362. This letter was found in the same bundle of letters as P.Yad. 57.

²⁷⁶ Lapin, "Palm Fronds and Citron," 112.

²⁷⁷ Benoit, Milik, and de Vaux, *Les Grottes De Murabba'at (DJD II)*, 122-133 no.24 (see fragments B, C, and E). As noted above in n. 90, P. Yad. 57 might also contain a request that the palm branches and citrons sent for Tabernacles also be tithed. See Yadin, "Expedition D," 49. Schäfer, "Bar Kokhba and the Rabbis," 12-13, raises the interesting question of how Bar Kokhba might have dispensed these tithes, and suggests that he might have followed the Hasmonean model and taken them for himself. However, there is no reason to think that he did not give them to the priests that worked with him.

After the last temple was destroyed, abstainers became many in Israel, who would not eat meat or drink wine. R Joshua engaged them in discourse, saying to them, “My children, on what account do you not eat meat?” They said to him, “Shall we eat meat, for every day a continual burnt-offering was offered on the altar, and now it is no more?” He said to them, “...And then why are you not drinking wine?” They said to him, “Shall we drink wine, for every day wine was poured out as a drink-offering on the altar, and now it is no more.”...He said to them, “My children, to mourn too much is not possible.”²⁷⁸

Interestingly, the mourning practices opposed by the rabbis are advocated by the contemporary apocalyptic work *2 Baruch*.²⁷⁹ In this text, the individuals who abstained from meat, wine, and fine clothing also anticipated the imminent restoration of the Jerusalem temple and its priesthood: “After a short time, Zion will be rebuilt again, and the offerings will be restored, and the priests will again return to their ministry.”²⁸⁰ Other apocalyptic works from this period, such as *4 Ezra* and the *Apocalypse of Abraham*, also envision a coming messianic era in which the temple will be rebuilt.²⁸¹ In this scenario, the priests would be among the primary beneficiaries of God’s intervention. There is insufficient evidence to associate these apocalyptic texts directly with the Bar Kokhba revolt, but they do indicate that various groups outside of the rabbinic movement were anxiously awaiting the restoration of the temple and the return of the priesthood to its former prominence on the national scene.

These last texts remind us that priestly nationalistic hopes could have been expressed in several ways. As seen in Chapter Two, during the First Revolt different circles of priests took different approaches in their pursuit of national interests, including collaboration with Rome, eschatological visions, and aggressive military action. It seems

²⁷⁸ *T Sotah* 15.11-15.

²⁷⁹ E.g., *2 Baruch* 5:5-6:3; 10:6-12:5. Alexander, “Jewish Priesthood after 70,” 21-22 made the connection between non-rabbinic priests and the “mourners of Zion” in the Tosefta, *2 Baruch*, and even later sources.

²⁸⁰ *2 Baruch* 68:5; cf. 6:8-9.

²⁸¹ E.g., *4 Ezra* 5-7, 12; *Apocalypse of Abraham* 27-29; see also Stone, “Reactions to the Destruction of the Second Temple,” 195-204.

that after 70 a similar variety of responses existed. Whereas Josephus was willing to work within the Roman system to maintain a priest-centered form of government, apocalyptic circles were content to await divine intervention with messianic hopes of a rebuilt temple and restored priesthood. It also seems that some priests favored armed revolution as a way of achieving these goals.

Even though we are extremely limited in our understanding of the Bar Kokhba revolt, the cumulative evidence presented in this sub-section is sufficient to conclude that it was a movement based on a priestly ideology of rebuilding the temple and restoring the priesthood. Drawing upon priestly models of self-government and symbols taken from priestly visions of restoration, the revolt's leadership endorsed a diarchy in which *Nasi* and priest worked together to usher in this new era of national independence. The activities of this revolt attest to the diversity of Jewish nationalist ideals in the post-70 period. Some groups, such as the early rabbinic movement, seemed content to work with a Roman-appointed "patriarch" and took little interest in returning to a form of government based on the temple and priesthood. Others aggressively sought the restoration of the biblical model and the ushering in of a messianic age.

4.3 Conclusion

In this chapter I have explored the many ways in which priestly circles remained active in Jewish society and national politics in the generations following the First Revolt. It is clear from the evidence presented here that priests and other Jews did not succumb immediately to rabbinic leadership with the loss of the temple. Rather, a variety

of ideologies and worldviews continued to exist. The rabbinic movement of the late first and early second centuries reflected one stream of Jewish thought which claimed that the prerogatives of priestly lineage should be supplanted by the merits of Torah scholarship. In this view, the third-party mediation of the divine as once provided by priests was no longer necessary as all Israel could access God through study, prayer, and adherence to the Law. Even though the early rabbis seem to have retained a theoretical respect for the priesthood, many viewed the destruction of the temple as an opportunity to reformulate Judaism in a way that elevated the influence and leadership of rabbinic sages.

It is clear from the literary and archaeological evidence, however, that this view was not shared by all Jews. Some, such as Josephus, continued to promote the biblical model of society and government in which priests had a divine mandate to lead based on their lineage. The fact that this model was prescribed by the Torah and had centuries of precedence to support it suggests that it did not disappear quickly, naturally, or ubiquitously. Instead, there is evidence that priests continued to function in many of their cultural roles – especially those not dependent upon the sacrificial cult – throughout the post-war period. These activities included the maintenance of ritual purity, the reception of tithes, and serving as judges, teachers, and leaders of liturgical worship.

It is also apparent that some priestly circles continued to be involved with national politics. Based on historical precedence, various circles after 70 attempted to establish forms of government after the war that included priestly participation. These attempts took different forms. In one case it consisted of a Roman-appointed Patriarch with a priestly sage in his administration. In another it was a militant *Nasi* working alongside a priest to restore national independence. Both of these episodes demonstrate that the

priesthood was still potent as a national symbol and that many Jews felt the allure of priestly prestige into the early second century.

CHAPTER FIVE

PRIESTS AND NON-PRIESTLY LEADERSHIP IN THE THIRD AND FOURTH CENTURIES

Jewish Palestine experienced important social, religious, and political developments in the centuries following the Bar Kokhba revolt. While we know little about the mid to late second century (the so-called “Ushan” period), it is clear that the third and fourth centuries C.E. saw significant shifts in Jewish leadership, practices, and group dynamics. For example, it was during this period that the Patriarchate came into its own as an authoritative institution, the rabbinic movement became increasingly involved in public life, and Galilee became a center of religious creativity. Because of the ways in which these developments impacted the larger history of Judaism, scholars have focused on understanding the role of Patriarchs and rabbis in this period, while paying little or no attention to the priests. This likely stems from the assumption that whatever priestly activity survived the First Revolt was extinguished by the Second. To quote one scholar, “The revolts against Rome in 66-70 C.E. and 132-135 C.E. decimated the Jewish population and the ranks of the priestly and scribal elite.”¹

In this chapter I will argue that although the authority and influence of the Patriarchs and rabbis increased in the third and fourth centuries, priestly circles remained

¹ Hayes, *Emergence of Judaism*, 57.

actively involved in Jewish society. Priests seem to have lost much of the influence and national standing they had before the mid second century. However, literary, epigraphic, and archaeological evidence indicates that some priests after the Bar Kokhba revolt retained their identities as priests, continued to play a role in Jewish religious activity, and were still a part of the land-owning aristocracy. As a result, priestly, Patriarchal, and rabbinic circles overlapped in dynamic ways.

To establish a larger context for this issue, I will first discuss some of the major socio-political shifts that occurred in the third and fourth centuries – in particular the rise of non-priestly Patriarchs and rabbis – and how these shifts provided Jewish society with alternatives to priestly leadership. The bulk of this chapter will consider evidence for priestly presence and activities in various regions throughout Palestine in the third and fourth centuries. I will conclude with a brief excursus on the “twenty-four priestly courses,” which received a renewed significance around this time.

Unfortunately, the literary sources for the social history of this period are more limited than for the late first and early second centuries. For the generations between the two revolts we had Josephus, early rabbinic literature, and some apocalyptic texts to give us the perspectives, ideals, and visions of different social groups. However, for the third and fourth centuries the main literature that survived is from the rabbinic academies, leaving us without the ideological balance of earlier periods.² The most useful rabbinic

² This is not necessarily because other groups such as priestly, mystical, or apocalyptic circles did not produce literature in this period. Rather, it is a result of the dominant rabbis of later periods selectively preserving their own literature and suppressing texts that promoted worldviews with which they did not agree. In fact, many non-rabbinic Jewish texts which might date to this period were preserved by Christians. Unfortunately, identifying the authorship and social setting of these texts is a daunting task that lies beyond the scope of this dissertation. For some of the texts that might fall into this category, see the following in James H. Charlesworth, ed., *The Old Testament Pseudepigrapha* (2 vols.; New York: Doubleday, 1983): *3 Baruch* (first to fourth century C.E.), *Apocalypse of Adam* (first to fourth century C.E.), *Apocalypse of Elijah* (first to fourth century C.E.), *Testaments of the Three Patriarchs* (first to third

source for understanding this period is the Palestinian Talmud, a compilation of narratives, legends, and legal debates edited in Tiberias during the late fourth or early fifth century. This is supplemented by Amoraic midrashim, some of which are even later in date. Therefore, although most of this material purports to describe the third and fourth centuries, it is possible that some of it reflects the situation and attitudes of a later period. In addition, it is often difficult to disentangle *halakhic* theory, rabbinic ideals, and actual social history within the Amoraic literary corpus. Obviously, these issues render our main textual sources problematic for socio-historical reconstruction.

Nevertheless, we can remain optimistic that these rabbinic sources reflect at least one view of Jewish society from the third and fourth centuries. I will focus on a few narratives from this literature that shed light on priestly presence, activities, or interests.³ I recognize that these accounts only provide narrow windows of insight into our topic, but the hints they provide allow us to make some general observations about priests and their surroundings. These narratives become even more informative when confirmed, supplemented, or balanced by external sources such as inscriptions, artwork, other aspects of material culture, and non-Jewish literature. By considering such a confluence of evidence, I believe that we can recover at least some of the history of priestly circles in this period.

centuries C.E.), *Testament of Solomon* (first to third century C.E.), and *Testament of Adam* (second to fifth century C.E.). According to Kraemer, *When Aseneth Met Joseph*, *Joseph and Aseneth* may also date to the third or fourth centuries. For different perspectives on the social setting behind many of these pseudepigraphical texts, see James R. Davila, *The Provenance of the Pseudepigrapha: Jewish, Christian, or Other?* (Leiden: Brill, 2005).

³ The Palestinian Talmud contains extensive *halakhic* debates relating to priests (e.g., the series of *sugyot* dealing with priestly purity in *Y Berakhot* 3.1, 6a and *Y Nazir* 7.1, 56a; see Hezser, *Rabbinic Movement*, 486). A study of these debates could shed valuable light on social reality in this period. However, owing to the quantity and theoretical nature of these debates, I will not be able to treat them in this study.

5.1 The Rise of Non-Priestly Leadership

The nature of the surviving sources for the third and fourth centuries makes it difficult to understand clearly the status and activities of priests. Rabbinic literature from this period has very little to say about contemporary priests, and most of what it does say has to do with those priests who were active in the rabbinic movement. This does not mean that priests ceased to exist outside the movement or did not continue in some of the social functions described in Chapter Four. Since the Mishnah and Tosefta each reached their final form in the early third century, it is likely that their references to priestly judges, teachers, leaders of liturgical worship, and sectarianism remained relevant at that time.⁴ Priestly involvement in some of these activities is even more likely if, as I will argue in this chapter, priests continued to be a part of the land-owning aristocracy of the third and fourth centuries.

In some ways, the suppression of the Bar Kokhba revolt in 135 may have been more of a watershed for Jewish society than the destruction of Jerusalem in 70. We have already seen that in the late first and early second centuries most Jews fully expected the

⁴ Out of the three social functions, the Palestinian Talmud continues to comment most frequently on the role of priests in synagogue liturgy. For example, *Y Berakhot* 5.4 (5.5), 9d and *Y Gittin* 5.9, 47b indicate that priests were still given priority in reading the Torah during synagogue services, and *Y Megillah* 4 and *Y Berakhot* 5.4-6, 9d indicate that priests still bestowed the priestly blessing. As for priestly sectarianism, Christian writers of the fourth century were the first to claim that the traditional Jewish sects (including the Sadducees) had disappeared by their time (Eusebius, *Ecclesiastical History* 4.22.7; Epiphanius, *Panarion* 19.5.6-7; 20.3.1-2; Goodman, "Sadducees and Essenes after 70," 347). Epiphanius notes that some "Ossaeans" still lived "where their ancestors did above and beyond the Dead Sea." Judith M. Lieu, "Epiphanius on the Scribes and Pharisees," *JTS* 39 (1988): 511 suggests that these could be Essenes, but Goodman, "Sadducees and Essenes after 70," 349 remains skeptical. Regardless of whether or not Sadducees and Essenes as they were previously constituted survived into this period, it is interesting to note that Epiphanius claims other Jewish sects were active at the time of his writing, including some with unique priestly ideologies and practices; e.g., *Panarion* 55.2.3-6.5 describes a group called the "Melchizedekians" who emphasized their relationship to the priesthood of Melchizedek.

temple to be rebuilt soon and the priesthood to be restored to its activities in the sacrificial cult. The main debate (as reflected in Josephus and early rabbinic literature) was over who would have primary control over these institutions – priests or sages? With the defeat of Bar Kokhba, however, many Jews were now seriously considering the continuation of Jewish life without the temple and its cult. This seems to have set the stage for the rise of non-priestly forms of socio-political leadership and influence, in the eyes of both the Romans and a growing segment of the Jewish population.⁵ In particular, the third and fourth centuries saw the (re-)establishment of a Roman-backed Patriarch and the increased public involvement of some rabbinic circles.⁶ This is not the place to discuss these developments in depth, but it is important to recognize the ways in which they impacted priestly circles and provided alternatives to priestly leadership.

⁵ It is interesting to speculate on the motivation behind the increased Roman support for the Gamalielian Patriarchate in the time of Judah I. For example, it is tempting to see this support as a reaction to the priestly bid for national leadership in the Bar Kokhba revolt. With that display of anti-Roman sentiment, it is reasonable to view Rome's backing of a Patriarchate as an attempt to work with non-priestly local leadership (see Cohen, *Three Crowns*, 180-185). This does not necessarily mean that all priests would have been removed from their positions as local judges, teachers, or synagogue leaders, but they would have had a new centralized authority with which to work or compete. As a side note, it is also interesting that the students of R. Akiva – the one sage reported to have supported the Bar Kokhba revolt – continued to oppose attempts to establish a Roman-backed Gamalielian Patriarchate into the late second century. See Albert I. Baumgarten, "The Politics of Reconciliation: The Education of R. Judah the Prince," in *Jewish and Christian Self-Definition. Volume 2: Aspects of Judaism in the Graeco-Roman Period* (ed. E.P. Sanders with A.I. Baumgarten and A. Mendelson; Philadelphia: Fortress Press, 1981), 213-225.

⁶ The precise nature and development of the Patriarchate is unclear. It seems that Patriarchs in the third century (such as Judah I) were wealthy landowners who had some kind of official relationship with Rome. By the mid fourth century, however, the office had received unprecedented recognition and support before it was discontinued in the early fifth century. For detailed discussion and debate on the Patriarchate during this period, see Alon, *Jews in their Land*, 705-737; Goodman, "Jewish Patriarch in the Third Century," 127-139; Cohen, *Three Crowns*, 194-206; Goodblatt, *Monarchic Principle*, 131-231; Jacobs, *Die Institution des jüdischen Patriarchen*; Hezser, *Rabbinic Movement*, 405-449; Schwartz, *Imperialism and Jewish Society*, 103-128; Hayes, *Emergence of Judaism*, 57-59. For a discussion about the expansion of the rabbinic movement in the third century and rabbinic involvement in urban life, see Levine, *Rabbinic Class* (who argues that sages largely moved into cities such as Sepphoris, Tiberias, Caesarea, and Lydda in the third century) and Hezser, *Rabbinic Movement*, 157-184 (who argues that the sages retained a significant rural presence as well). See also Hayim Lapin, "Rabbis and Cities in Later Roman Palestine," 187-207.

The Patriarchate and the rabbinic academies had a capricious relationship in this period which fluctuated between mutual cooperation, tension, and outright opposition.⁷ At times, such as during the administration of Judah I (ca. 175-225), rabbinic circles enjoyed the patronage of the Patriarch, while at other times (especially during the administrations of Judah's successors) there were sharp conflicts between them. One consistent commonality, however, was the attempt by both Patriarchs and rabbis to appropriate priestly prerogatives in an effort to buttress their own leadership in the Jewish community. Brief examples from two such efforts – attempts to control priestly purity and usurp priestly tithes – will illustrate this development.

Rabbinic literature indicates that the Patriarchs and rabbis attempted to assert their own authority over matters of priestly purity, both in terms of ritual purity and genealogical purity.⁸ We saw this to a certain degree among rabbis of the second century (see 4.1.1), but the appropriation of priestly legal expertise seems to have increased in the third and fourth centuries. For example, several passages indicate that the Patriarchate assumed the authority to determine the ritual boundaries of the land of Israel, the purity of priests when crossing these geographical borders, and the qualifications of marriage into priestly families. Narratives relating to these issues describe actual priests being involved or affected by the Patriarch's rulings. In one episode, Judah I rebuked a priest for ritually defiling himself by visiting Acre, a city he deemed to be outside the

⁷ See the examples and discussion in Avi-Yonah, *Jews of Palestine*, 116-121; Levine, *Rabbinic Class*, 186-191; Cohen, *Three Crowns*, 185-189, 200-206; Hezser, *Rabbinic Movement*, 429-435.

⁸ It is difficult to know the extent of actual Patriarchal or rabbinic authority in these matters. They certainly had influence over those Jews who submitted to their rulings, but the Talmudic accounts make it clear that some priests frequently adhered to different standards.

boundaries of purity.⁹ In another account, Judah I dispatched a representative to investigate the legitimacy of a priestly family in the Darom.¹⁰

Similarly, there were a number of instances in which prominent sages asserted their own authority over matters of priestly purity. For example, *Y Berakhot* 3.1, 6a (cf. *Y Nazir* 7.1, 56a) contains debates over the ritual purity of priests in a variety of circumstances, including while attending a teacher's funeral, studying Torah, giving the priestly blessing in a synagogue, seeing the Emperor, and attending the funeral of a Patriarch. In almost all of these scenarios, examples are given of actual priests from the third and fourth centuries (mostly within the rabbinic movement) who responded in various ways.¹¹ In some cases, the sages took it upon themselves to determine when "the priesthood [should be] suspended" (i.e., when priests could become defiled for a higher purpose) and enforced their rulings through flogging priests who disobeyed.¹² Other passages in the Palestinian Talmud relate similar stories of priests submitting to rabbinic

⁹ *Y Gittin* 1.2, 43c. Judah learns, however, that the priest's father was married to a woman disqualified from marrying a priest, thus rendering the man unworthy of the priesthood. See Avi-Yonah, *Jews of Palestine*, 26.

¹⁰ *Y Qiddushin* 4.6, 66b; cf. *Y Bikkurim* 1.5, 64a. The issue seems to have been an illicit marriage to a proselyte woman. Once Judah's representative, R. Romanos, learned that the grandmother in question converted when she was three years old, he ruled that the priestly family was legitimate. While the version in *Y Qiddushin* has the episode taking place somewhere in the Darom, a parallel passage sets the episode in Rhodes (*Y Yevamot* 8.2, 9b). The Babylonian version simply records that it took place in a "city of Eretz-Israel" (*B Yevamot* 60b). See Levine, *Rabbinic Class*, 145 and Hezser, *Rabbinic Movement*, 486.

¹¹ Stories that include priests were set in the following contexts: R. Yose's study hall; sages talking about Torah while walking under arches in Caesarea and Sepphoris; a synagogue of the city gate in Caesarea (during the time of R. Abbahu, ca. 280-320); a visit of the Emperor Diocletian (ca. 284-305); and Patriarchal funerals of Judah I (ca. 225), Judah II Nesiah (ca. 260) and his sister Nehorai (manuscript variants might indicate that Judah III Nesiah [ca. 305] was intended; see Miller, *History and Traditions of Sepphoris*, 116-120).

¹² On the rabbis "suspending" the priesthood in certain circumstances, see Alon, *Jews in their Land*, 717-718 and Levine, *Rabbinic Class*, 129. For another example of a rabbi flogging a priest who did not adhere to rabbinic purity rulings, see *Y Qiddushin* 4.6, 66a in which R. Abbahu flogged a priest for marrying the daughter of a proselyte; Hezser, *Rabbinic Movement*, 486 and Hidary, *Dispute for the Sake of Heaven*, 82 n.5.

purity rulings in this period.¹³ Not only do these episodes indicate that priestly ritual and genealogical purity were still important issues in the third and fourth centuries, but they also demonstrate that circles of non-priests sought to exercise authority over them.¹⁴

Another area in which Patriarchs and rabbis began usurping priestly prerogatives was in their claims of authority over priestly tithes and offerings.¹⁵ It is impossible to know the precise chronology or extent of these developments, but enough clues exist to indicate that such was the case. For example, *Y Demai* 2.1 claims that Judah I assumed the authority to determine the tithing status of various regions throughout Palestine. In particular, he declared the border or gentile regions such as Caesarea, Beth Guvrin, and Beth Shean exempt from paying priestly dues.¹⁶ Beyond merely assuming control over

¹³ For example, see *Y Sanhedrin* 1.1, 18b in which a priest who had become defiled asked R. Isaac whether it was permitted for him to eat *hullin* (non-consecrated food ordinarily not eaten by priests); see Levine, *Rabbinic Class*, 101. In *Y Mo'ed Qatan* 3.1, 81c a priest came to R. Hanina to ask about traveling beyond the land of Israel for the sake of performing religious obligations such as entering into levirate marriage. This story illustrates the saying in *T Avodah Zarah* 1.9 that “a priest should not go abroad, even to marry a woman unless they [i.e., the sages] assured him [that it would be possible to do so].” See Hezser, *Rabbinic Movement*, 485-486.

¹⁴ One account illustrates the attempts of the sages to trump priestly judgment in matters of ritual purity. *T Ahilot* 16.13 (cf. *Y Pesahim* 1.3) relates that a priest during the time of Judah I went to inspect an abortion that had been thrown into a cistern in Damin (Rimmon?). After this, the matter was brought to the sages in order to make sure that they, and not the priest, determined his state of purity after the episode. An example of sages asserting their own authority in matters of priestly lineage is found in *T Yevamot* 12.6 and its related *gemara* (e.g., *Y Yevamot* 11.5, 12a; *Y Ketubot* 2.7, 26d and 2.10, 26d; *B Yevamot* 99b; *B Ketubot* 28b). In these passages, rabbis from the late second century discuss how to judge priestly lineage through the reception of consecrated food (*terumah*). It is unclear from the commentary if priests in the villages of these rabbis adhered to their respective rulings, or if the rabbis ruled based on previously existing local practices. See Hidary, *Dispute for the Sake of Heaven*, 128 n.6.

¹⁵ It is interesting to note that the payment of tithes to non-priests was already being practiced by Christians in the late first or early second centuries. For example, *Didache* 13.3-4 reads: “Take, therefore, all the firstfruits [ἀπαρχήν] of the produce of the wine press and threshing floor, and of the cattle and sheep, and give these firstfruits to the [itinerant] prophets, for they are your high priests [αὐτοὶ γὰρ εἰσὶν οἱ ἀρχιερεῖς ὑμῶν]. But if you have no prophet, give them to the poor.”

¹⁶ For considerations of this passage, see Büchler, “Economic Condition of Judaea,” 83 n.41 and Oppenheimer, ‘*Am Ha-Aretz*, 48. Similarly, *T Ahilot* 18.18 (cf. *Y Sheviit* 6.1, 36c and *Y Yevamot* 7.2, 8a) records an episode in which Judah I and some members of his court went to Lydda to determine the tithing status of Ashkelon (see Levine, *Rabbinic Class*, 147). Shaye J.D. Cohen, “The Place of the Rabbi in Second Century Jewish Society,” in *Galilee in Late Antiquity*, ed. Levine, 172 sees this as “a reform clearly meant to facilitate the entrance of rabbis and rabbinic Jews into the cities.” Oppenheimer, ‘*Am Ha-Aretz*, 65

the payment of tithes, however, there is evidence that subsequent Patriarchs might have claimed priestly dues as their own.¹⁷ This is stated most explicitly in Epiphanius' late fourth century account of Joseph, a delegate (*apostolos*) of the Patriarchal administration in Palestine during the time of Constantine. Along with possessing the authority to depose and appoint "synagogue heads, priests [!], elders, and hazzanim" in Cilicia, Joseph collected the "tithes and the first fruits" (τα επιδεκατα και τας απαρχας) from Jews in that province on behalf of the Patriarchate.¹⁸

Epiphanius is notorious for historical inaccuracies and the precise meaning of his terminology is debated.¹⁹ However, at least one passage from rabbinic literature seems to corroborate the Patriarchal seizure of priestly dues. In an account found in the Palestinian Talmud and *Genesis Rabbah*, R. Yose of Ma'on was preaching on Hosea 5:1 in a

considers Patriarchal decrees such as this to be attempts at "liberalizing and normalizing the life of the nation religiously, socially, and economically." Levine, *Rabbinic Class*, 111 sees the tithing reforms of Judah I as a response to the third century economic crisis.

¹⁷ In addition to claiming priestly tithes, there is a suggestion in the writings of John Chrysostom that Patriarchs of the fourth century were attempting to function as priests. Chrysostom states to the Jews that "those among you who are today called patriarchs are not priests at all. They act the part of priests and are playing a role as if they are on stage, but they cannot carry the role because they are so far removed from both the reality and even the pretense of the priesthood" because they do not possess the priestly garments, anointing, or sacrificial liturgy (John Chrysostom, *Against the Judaizers* 6:5:6; P. Harkins, trans., "Saint John Chrysostom, Discourses Against Judaizing Christians," in *The Fathers of the Church*, Vol. 68 [Washington, D.C.: The Catholic University of America Press, 1979], 164-165). From this criticism it seems that some Jews, possibly the Patriarch himself, claimed that the office of Patriarch was somehow analogous to the High Priesthood.

¹⁸ Epiphanius, *Panarion* 30.11.1-4. Many aspects of the Joseph story appear to be historically unreliable. However, the details of Patriarchs collecting "tithes and firstfruits" and the use of these technical terms are incidental to the account, suggesting that they likely reflect an actual practice.

¹⁹ Goodblatt, *Monarchic Principle*, 136-137 discusses this passage and the debates surrounding its interpretation, including the possibility that "tithes and first fruits" may have been a metaphor for a Patriarchal tax. Even if that is the case, however, it is important that language long associated with priests came to be associated with the taxes collected by non-priestly officials.

synagogue in Tiberias.²⁰ During the sermon, R. Yose criticized those priests who did not devote themselves to study. When he learned that they could not study Torah because the Patriarch (Judah II Nesiah; ca. 235-260) had seized the twenty-four priestly dues,²¹ he criticized the Patriarch for violating biblical law. After hearing of the Patriarch's anger at these accusations, two of R. Yose's rabbinic colleagues intervened between the opposing parties. Earlier scholars understood from this account that Patriarchs were stealing tithes meant for the sages, who by this time had become the new "priests."²² However, more recent studies have seen the passage as evidence for the Patriarchal seizure of tithes meant for actual priests.²³ I agree with the latter reading, but it is worth noting that the passage claims that tithes were meant specifically for those priests who were studying Torah (i.e., priestly sages who depended upon tithes for the free-time to study).

This observation raises a related issue: the shift in rabbinic attitudes towards priestly tithing during this period.²⁴ In Chapter Four (4.1.1.2) we saw that sages of the late first and early second centuries continued to advocate the payment of priestly tithes. In that material there was no clear specification as to which priests were to receive the tithes, leaving the impression that any priest was qualified. In the late second, third and

²⁰ *Y Sanhedrin* 2.6, 20d; *Genesis Rabbah* 80.1. Hosea 5:1 reads, "Hear this, O Priests! Give heed, O House of Israel! Listen, O house of the king! For the judgment pertains to you; for you have been a snare at Mizpah, and a net spread upon Tabor."

²¹ These "twenty-four priestly dues" are listed in *T Hallah* 2.7-10.

²² E.g., Levine, *Rabbinic Class*, 182 n.185. See the discussion in Jacobs, *Die Institution des jüdischen Patriarchen*, 169-170.

²³ E.g., Goodblatt, *Monarchic Principle*, 138-141; Hezser, *Rabbinic Movement*, 487-488. Irshai, "Priesthood in Jewish Society," 77-79 considers this account to be a reflection of the tension between Patriarchs and priests in this period.

²⁴ For detailed discussion of what follows, see Alon, *Jews in their Land*, 254-258 and Oppenheimer, *'Am Ha-Aretz*, 42-51, 78-79.

fourth centuries, however, rabbinic rulings on tithing began to single out which priests should and should not be the recipients of priestly offerings.²⁵ In particular, many sages began to insist that only priests within the rabbinic movement (i.e., those who were *haverim*) should receive tithes. The earliest hint at this development is found in the Mishnah: “R. Judah says, They may give the First-fruits only to [a priest that is] an Associate [לחבר] and as a favor.”²⁶ Similarly, in *Sifre Numbers* we read:

(Scripture says) “Ye shall give of it the heave-offering of the Lord to Aaron the priests” (Num 18:28). Even as Aaron was a *haver*, so too must his sons be *haverim*. From this it was derived that the priestly offerings are given only to a priest who is a *haver*.²⁷

In other passages it is unclear whether the sages are prescribing tithes for priestly rabbis or for any rabbi devoted to Torah study, regardless of whether or not he is a priest. For example, “R. Jonah would hand over his tithes to R. Aha bar Ulla, not because he was a priest, but because he labored in Torah study.”²⁸ Similarly: “‘You shall tithe all...’

²⁵ An example of the latter is the ruling that a sage “does not give the terumah and the tithe to a priest who is an ‘am ha-aretz” (*Avot d’Rabbi Nathan* A 41); cf. *B Sanhedrin* 90b: “R. Aha b. Adda said in the name of R. Judah, Whoever gives terumah to a priest who is an ‘am ha-aretz is as though he has placed it before a lion. Even as a lion may possibly tear his prey and eat it and possibly not, so a priestly ‘am ha-aretz may possibly eat it in purity and possibly in impurity.” Also, *B Nedarim* 20a advises, “Do not habitually associate with a priest who is an ‘am ha-aretz, for he will ultimately give you terumah to eat.” These passages reflect a growing distrust among the sages of those priests who did not follow rabbinic purity standards. For translation and commentary, see Oppenheimer, *‘Am Ha-Aretz*, 78-79.

²⁶ *M Bikkurim* 3.12; cf. *Y Hallah* 4.4, 60b. In *Exodus Rabbah* 38.3, R. Judah is claimed to have said that any priest who received priestly dues without being a Torah scholar will lose his priesthood in the Messianic era. Similarly, an unattributed statement in *Sifre Numbers* 119 claims that priests are like the angels of God, as long as they are Torah scholars. If they are not, they are like cattle who do not know their master. See Büchler, *Political and Social Leaders*, 70.

²⁷ *Sifre Numbers Qorah* 121. *B Sanhedrin* 90b attributes the saying to the school of R. Ishmael, and includes several other examples of rabbis who try to find biblical justification for not paying tithes to ignorant (i.e., non-rabbinic) priests; see the discussion of similar references in Büchler, *Political and Social Leaders*, 70. Alon, *Jews in their Land*, 257 suggests that the move towards paying tithes only to priestly sages was not “directed against the unlearned priests, but rather [was] intended to provide some income for those kohanim who gave service to the community by teaching Torah and providing spiritual leadership and communal guidance.” Alon assumes, of course, that only priests within the rabbinic movement were providing this leadership and guidance.

²⁸ *Y Ma’aser Sheni* 5.5, 56b; Hezser, *Rabbinic Movement*, 488. In this passage it is unclear whether R. Aha b. Ulla (the sage receiving the tithes) was a priest or not.

(Deut 14:22). R. Abba b. Kahana said, this refers to the merchants and seafarers who should give a tithe to those who devote themselves to Torah.”²⁹ If these passages claim that tithes should go to priestly sages, they demonstrate that priests in the Amoraic period retained some unique standing within the rabbinic movement. However, if they claim that tithes should go to sages of any lineage, they would indicate a dramatic rabbinic appropriation of priestly prerogatives.³⁰

Whichever development is reflected in these passages, it is clear that by the third century various rabbinic circles took it upon themselves to rework the logistics of the tithing system. Some seem to have argued that it should end altogether. For example, the circle of R. Yannai declared that they “had the custom of offering produce to each other in the field and eating it and not tithing it.”³¹ This may be related to the statement that “in the days of R. Joshua b. Levi [ca. 220-280] they sought to take a vote [on the proposal] not to give the tithe to the priests.”³² Some rabbinic circles in this period began to argue that the tithing system should have ended with the temple (to be restored when the temple is rebuilt), while others adopted an innovative way to pay tithing *per* biblical injunction without actually giving it to the priests – set it apart and destroy it.³³

²⁹ *Pesiqta de Rav Kahana* 10.10. Cited in Levine, *Rabbinic Class*, 71 and discussed in Oppenheimer, ‘*Am Ha-Aretz*, 46 and Hezser, *Rabbinic Movement*, 481 n.77. Does this passage suggest that tithes should be given to priestly sages, or to any sage?

³⁰ See Oppenheimer, ‘*Am Ha-Aretz*, 45; Alexander, “Jewish Priesthood after 70,” 28-29. Cohen, *Three Crowns*, 164-171, 225-226, also discusses other ways in which sages began placing themselves in the place of priests during this period, including through claims that rabbinic Torah study replaced the temple cult as a means of atonement.

³¹ *Y Ma’aserot* 2.1, 49c. See Oppenheimer, ‘*Am Ha-Aretz*, 48-49.

³² *Y Ma’aser Sheni* 5.5, 56b; cited in Oppenheimer, ‘*Am Ha-Aretz*, 45 and Hezser, *Rabbinic Movement*, 488.

³³ See *Y Sheqalim* 8.4, 51b for both of these positions; Oppenheimer, ‘*Am Ha-Aretz*, 43-44 and Alexander, “Jewish Priesthood after 70,” 6.

The extent to which these positions were actually practiced is difficult to ascertain. At the very least, these passages indicate that rabbis were continuing to claim authority over the distribution of tithes throughout the third and fourth centuries. While rabbinic literature from this period does not emphasize the reception of tithes by priests (it focuses more on the obligation to give tithes), there is evidence that some priests continued to maintain their wealth as a result of the tithing system. According to one story in the Palestinian Talmud, some priests took their tithes by force. The sages responded by altering the laws for declaring tithed goods.³⁴

Several passages from the third and fourth centuries also decry priestly wealth. After preserving a folk song denouncing the High Priestly houses, *T Menahot* 13.22 claims that the temple was destroyed because priests “are meticulous about tithes” (את הממון ושונאין איש את רעהו) and “love money and hate one another” (זהירין במעשרות ואוהבין).³⁵ Similar comments can be found in the late second century *Sifre Deuteronomy* 352 (“most priests are wealthy”)³⁶ and in *B Pesahim* 49a (“one who wishes to become rich should cling to a descendant of Aaron”).³⁷ In one account, an early fourth century

³⁴ “When Eleazar b. Patorah and Judah b. Pakorah came along, [as powerful priests] they took them by force [that is, the first tithe for the priesthood]. [R. Yohanan] had the possibility of stopping them, and he did not stop them. So he did away with the confession concerning tithe” (*Y Sotah* 9.11, 24a; see Hezser, *Rabbinic Movement*, 481 n.77). It is difficult to determine the intended historical setting for this story. If it is supposed to refer to the late Second Temple period, it still had some relevance when the Palestinian Talmud was compiled.

³⁵ Cf. *Y Yoma* 1.1, 38c. The passage attributes this saying to R. Yohanan b. Torta, a third generation Tanna of the mid second century. However, it also clearly reflects the interests of the editors of the third century Tosefta and fourth century Palestinian Talmud. Also, it is interesting to note that the line “[they] love money and hate their neighbor” is in present tense (although Oppenheimer, *‘Am Ha-Aretz*, 72 translates it in past tense).

³⁶ Büchler, *Political and Social Leaders*, 69 sees this as a result of priestly dues being paid into the late second century.

³⁷ Cf. *Midrash Hagadol Leviticus* 22.13; cited in Levine, *Rabbinic Class*, 171 n.152.

priestly sage (R. Nahman b. Cohen) warns against a wealthy judge who drains public resources by comparing him to “a priest who goes around to the threshing floors (to collect his due).”³⁸ Specific examples of priestly families who retained their wealth in this period will be discussed in the next section.

Along with the increased appropriation of priestly prerogatives, there were a few related developments that occurred within the rabbinic movement during the late second and third centuries. For one, the number of priestly sages within the movement (which was relatively high in the late first and early second centuries; see 3.1.2) seems to have declined sharply after the Bar Kokhba revolt. Rabbinic literature indicates that some priests still studied under prominent sages³⁹ and small groupings of priestly sages occasionally appeared throughout the Amoraic period, such as in Lydda during the mid third century and in Tiberias during the late third and early fourth centuries (see 5.2.2 and 5.2.4). Nevertheless, priestly sages are not as prominent in the Palestinian Talmud as they are in the Mishnah. This development likely is related to the decreased rabbinic interest in priestly cultic law during this period.⁴⁰ Of course, this only reflects developments within the rabbinic movement and not necessarily the larger Jewish community.

³⁸ *B Ketubot* 105b (cf. *B Sanhedrin* 7b); cited in Levine, *Rabbinic Class*, 182. For some reason, Levine reads this passage as an example of sages referring to themselves as the priests of their day. However, I see no reason why we should not read this passage as referring to actual priests. Either way, it is interesting that in this episode it is a priestly sage who negatively portrays the collection of tithes at the threshing floors by other priests.

³⁹ For example, in *Y Berakhot* 3.1 (cf. *Y Nazir* 7.1) there were unnamed priests studying with R. Yose and in the Caesarea synagogue where R. Abbahu was teaching.

⁴⁰ The rabbis of the late first and early second centuries maintained a high degree of interest in the temple cult and its administration, as illustrated by the extensive discussions in Mishnah *Qodashim*. However, rabbinic interest in these issues faded by the third and fourth centuries, as reflected by the absence *gemara* on Mishnah *Qodashim* in the Palestinian Talmud. See Alexander, “Jewish Priesthood after 70,” 27-28. Visotzky, *Golden Bells and Pomegranates*, 2-4 suggests that the rabbinic shift away from interest in the temple cult during the Amoraic period was a result of the sages’ promotion of their own academic curriculum (the “Oral Torah”) in its place.

The decrease in priestly sages is also paralleled by an increasingly negative attitude towards priests in rabbinic literature of the third and fourth centuries. Some of the animosity of the Mishnah and Tosefta continued in the Palestinian Talmud,⁴¹ but it often was accompanied by intensified criticisms. As Lee Levine states, “Rabbinic literature [of this period] tends to either ignore the priests and everything related to them, or to refer to them disparagingly.”⁴² Similarly, Stuart Cohen remarks that “the denigration of *kohanim* became something of a favoured motif in early rabbinic literature, leaving an imprint on virtually every one of its various strata.”⁴³ This development is manifested in several ways. In some cases, the Palestinian Talmud downplays the lineage of some of the Mishnah’s priestly sages (such as R. Tarfon⁴⁴) or omits their rulings altogether (such as with R. Hanina the Prefect of the Priests⁴⁵). In other instances, later texts expand upon the Mishnah’s stories about temple priests in ways that show an increased animosity.⁴⁶

⁴¹ For example, the claim that a bastard sage was of a higher status than a High Priest who was an *‘am ha-aretz* (*M Horayot* 3.8; cf. *T Horayot* 2.10) was perpetuated by R. Yohanan (a third century sage) in the Palestinian Talmud (*Y Horayot* 3.5, 48c; cf. *Y Shabbat* 12.3, 13c). R. Yohanan placed the saying in the context of an aristocratic priestly family in Sepphoris (Kimelman, “Priestly Oligarchy”). See 5.2.1 for a consideration of this episode.

⁴² Levine, *Rabbinic Class*, 172. See his n.157 for examples of this.

⁴³ Cohen, *Three Crowns*, 167. The examples he gives from the third and fourth centuries include statements that priests were responsible for the destruction of the temple (*Y Yoma* 1.1; *B Pesahim* 57a; *B Yoma* 9a), the ways in which rabbinic literature from this period reworked the biblical text to emphasize the moral failings of priests, and rabbinic claims that priests either intentionally neglected the commandments (*Y Sheqalim* 4.3; *B Baba Batra* 160b) or were *‘ammei ha-aretz* who were ignorant of them altogether (*B Sanhedrin* 90b).

⁴⁴ Gereboff, *Rabbi Tarfon*, 433-434 and Hezser, *Rabbinic Movement*, 71.

⁴⁵ Neusner, *Rabbinic Traditions*, 400-413 shows that most of Hanina’s sayings which were preserved in the Mishnah were omitted from the Tosefta and Palestinian Talmud.

⁴⁶ For example, *M Yoma* 2.2 records an episode of young temple priests competing with each other for the opportunity to serve at the altar, which results in one breaking his leg. In third-fourth century expansions to the story, however, the young priests’ greed lead to murder, showing that priests will resort to any mean necessary (including murder, bribery, and sorcery) to achieve their goals (*T Kippurim* 1.12; *Y Yoma* 2.2; *B Yoma* 23a); see Licht, *Ten Legends of the Sages*, 87-100. Schwartz, *Josephus and Judaeae Politics*, 97-98 gives similar examples from the rabbinic legends about pre-70 High Priests who become increasingly vilified in the Amoraic literature, a development which he suggests reflects the concerns of third and fourth

One text that exemplifies rabbinic attitudes towards the priesthood during the Amoraic period is *Leviticus Rabbah* (ca. late fourth century⁴⁷). Recently, Burton Visotzky has demonstrated the ways in which it reflects the rabbinic shift away from interest in the temple and priesthood and promotes rabbinic scholarship as the legitimate replacement for the priestly system. For example, Visotzky points out that this rabbinic exposition on the book of Leviticus (the *Torat Kohanim*) virtually ignores the book's details on priestly cultic duties. Instead, the text uses Leviticus to illustrate the "replacability" of priests, the superiority of rabbinic *halakhah* (study and prayer supplant the need for the temple cult), and the tension that exists between the two models.⁴⁸ Earlier rabbinic works tried to co-opt the priesthood in the name of the sages, but the rabbis of *Leviticus Rabbah* "abandon the priests as their vehicle for legitimizing their own teaching role."⁴⁹ The text claims that priestly authority over ritual purity is replaced by God himself,⁵⁰ the day will come when the High Priesthood will be nullified,⁵¹ and priests who try to teach law ahead of sages

century rabbis; cf. Neusner, *Rabbinic Traditions*, 24-59 on the development of rabbinic traditions surrounding Simeon the Just.

⁴⁷ Visotzky, *Golden Bells and Pomegranates*, 6 points out that the text most frequently cites Palestinian rabbis from ca. 300-360, and posits a late fourth or fifth century date for the final redaction of the text.

⁴⁸ Visotzky, *Golden Bells and Pomegranates*, 4-7. Visotzky notes the relatively small portion of Leviticus that is actually treated by *Leviticus Rabbah*, and observes that "it is almost as though LR uses the verses of Leviticus as the pretext for its own agenda, rather than as the central focus of its exegesis. In other words, LR is more concerned with gathering aspects of the rabbinic agenda than it is with exposition of the levitic program." For detailed examples and discussion on these issues, see his Chapter Seven ("On Priests, Sacrifices, and Leviticus"; pp. 59-75) and Chapter Eight ("Leviticus Rabbinicus"; pp. 76-89).

⁴⁹ Visotzky, *Golden Bells and Pomegranates*, 60. Visotzky notes that some rabbis in *Leviticus Rabbah* "continue to try the priesthood on for size."

⁵⁰ E.g., *Leviticus Rabbah* 15.8; Visotzky, *Golden Bells and Pomegranates*, 62.

⁵¹ E.g., *Leviticus Rabbah* 19.5; cf. 30.3 in which rabbinic study and prayer will replace the priesthood as an institution. See Visotzky, *Golden Bells and Pomegranates*, 62-63.

are condemned to death.⁵² It also sharply criticizes the moral failings of priests and describes various ailments that will come upon them as a result.⁵³ Visotzky summarizes its message in the following way:

The priest in the Temple is no longer associated with incense, rather it is the rabbi in the academy or the synagogue. *Leviticus Rabbah* has thoroughly replaced the role of priest and cult with that of rabbi, synagogue, and academy....In the rhetoric of LR, the “nation of priests and holy people” (Ex. 19:16) has become a nation of rabbis and disciples of the sages, who become a holy people through the study of rabbinic Torah. Throughout the rabbinic traditions compiled in LR, the rabbinic gaze has turned from the Temple Mount to the academy.⁵⁴

Without question, this type of literature reflects an important shift away from priestly concerns, leadership, and influence within the rabbinic movement. Unfortunately, Visotzky and other scholars provide little or no consideration of the social realities behind these developments. Some assume that this increased animosity against priests reflects the ultimate triumph of the rabbis and final demise of the priesthood. For example, Stuart Cohen states:

An aura of superfluity pervades rabbinic polemic against the priesthood after the middle of the third century. Subsequent Talmudic sources, whilst still insisting on the incorporation of the *keter kehunah* [crown of the priesthood] within a vastly superior *keter torah* [crown of the Torah], state their case almost nonchalantly, and without anything like the urgency or bitterness of earlier times....Reduced to hovering on the margins of even Jewish ritual life, the *keter kehunah* was thus a party on the run. It possessed no viable defenses against the aggressive ethos of scholarly piety now being promulgated inside and outside the academies in the name of the *keter torah*.⁵⁵

Although Cohen’s assessment reflects the attitude of rabbinic literature from this period, a careful reading of the literary and archaeological evidence suggests that the actual social situation was much more complex. To be sure, Patriarchs and rabbis experienced an increased level of authority, influence, and public involvement in the third

⁵² E.g., *Leviticus Rabbah* 20.6; Visotzky, *Golden Bells and Pomegranates*, 64.

⁵³ E.g., *Leviticus Rabbah* 5.5 and 17.3 in which a High Priest contracts leprosy for abusing the temple system. Other passages describe priests as unable to decide whether to serve the wealthy or the poor and greedy in their demand for tithes (3.5-6; 8.4). See Visotzky, *Golden Bells and Pomegranates*, 65-66.

⁵⁴ Visotzky, *Golden Bells and Pomegranates*, 89.

⁵⁵ Cohen, *Three Crowns*, 179.

and fourth centuries. However, this was not to the complete exclusion of priests. Rather, it is clear that priests continued to wield some influence in this period, both within and outside the rabbinic movement, and contributed to the dynamic interaction of overlapping social circles comprised of Patriarchs, rabbis, and other Jewish aristocrats. Even if priests were no longer universally recognized as political or religious leaders, they were still a potent symbol of Jewish tradition and hopes for the future. Therefore, rabbinic polemics against priests in this period do not reflect an “aura of superfluity,” but the threats posed to the emerging rabbinic leadership. In the following section I will consider evidence that priestly circles were still present and active in Palestine during the third and fourth centuries, and continued to contribute to Judaism’s complex social dynamics.

5.2 Priestly Circles in the Third and Fourth Centuries

We saw in the previous section that the influence of the Patriarchate and the rabbinic movement noticeably increased during the third and fourth centuries. This does not mean, however, that priests disappeared or lost their independence and social standing. Rather, there is solid literary, epigraphic, and archaeological evidence that priests continued to contribute to the dynamic overlap of social circles in this period. Literary sources describe instances in which priests interacted with the Patriarchal courts, participated in rabbinic academies, and pursued their independent interests. Inscriptions and material culture indicate that some priests belonged to the upper class, embraced aspects of Roman culture, and continued to promote the observance of ritual purity. In

this section I will examine this evidence and make some observations about the presence, locations, and activities of priestly circles in the third and fourth centuries.

Generally speaking, it is likely that priests were affected in ways similar to the rest of the Jewish population by the demographic shifts that occurred after the Bar Kokhba revolt.⁵⁶ Based on the available literary and archaeological sources, it seems that central Judea was most impacted by the revolt and its suppression by the Romans. It was in this region that most of the fighting occurred, with Jerusalem (now the Roman colony of Aelia Capitolina) and its immediate environs being emptied of Jews as a consequence of the war.⁵⁷ As a result, Jews from this region who survived were forced to migrate to other parts of the country such as the Darom, the coast, and Galilee. Many priests likely were killed during the revolt which, as we saw in Chapter Four (4.2.2), included a significant priestly contingent. Nevertheless, there are indications that some priestly circles spread out to other regions along with the rest of Judea's population.

For example, the distribution of certain types of artifacts and installations (such as ossuaries, *miqva'ot*, and stone vessels) after the mid second century suggests that priests were among the Jews who moved to the south, west, and north.⁵⁸ This is confirmed by

⁵⁶ See a traditional treatment in Alon, *Jews in their Land*, 643-646 which provides an overview of rabbinic and Christian sources on the effects of the war on the Jewish population, the migrations from Judea, and the decrees banning Jews from the district of Jerusalem; see also Avi-Yonah, *Jews of Palestine*, 15-34. For more recent, detailed, and nuanced consideration of settlement patterns in this period, see Leibner, *Settlement and History*, 345-351 (on eastern Galilee) and Rosenfeld, *Torah Centers*, 57-75 (on Judea), 126-149 (on Galilee).

⁵⁷ Büchler, "Economic Condition of Judaea," 80-81 considers some later rabbinic sources which claim that groups of Jews still visited Jerusalem, perhaps in connection with pilgrimage festivals, throughout Late Antiquity.

⁵⁸ Rahmani, *Jewish Ossuaries*, 22-25 notes the presence of ossuaries in Galilee and the margins of Judea (including possible examples from Eshtemoa) into the late second and early third century, likely reflecting "waves of refugees from Judaea after 135 C.E." Similarly, Amit and Adler, "Ritual Purity after 70," 126-142 demonstrate that *miqva'ot* and stone vessels were in use throughout the Darom, coastal plain, and Galilee for some time after the Bar Kokhba revolt.

the presence of priests in those regions in which rabbis operated during the third and fourth centuries. It is also possible that some of the High Priestly families that remained close to Jerusalem after 70 survived and relocated to other regions as well. As we discussed earlier, at least some of Gophna's priests, which included High Priestly families, moved to Sepphoris after the Bar Kokhba revolt.⁵⁹ We also saw that the analogous site of Shu'afat was peacefully abandoned around the time the war broke out (ca. 130-132).⁶⁰ These developments offer valuable clues as to the fate of Judea's post-70 priestly aristocracy.

Unfortunately, the nature of the sources leaves us with uneven evidence for the post-135 demographics of the various regions of Palestine. This makes it difficult to ascertain the precise settlement patterns of priests after the war. Because most of the literary sources from this period focus on areas in which rabbis were active, we have a better sense of Jewish society along the coast and in Galilee than we do for the Judean hill country and the Darom.⁶¹ There is no good reason to assume that priests ceased to live in the latter regions. From the late fourth, fifth, and sixth centuries we have positive

⁵⁹ See the previous discussion in section 3.3, and following discussion in section 5.2.1.

⁶⁰ See the previous discussion in section 3.3.

⁶¹ It is interesting that rabbinic literature pays very little attention to the Darom, especially in light of the fact that most of the settlements with a Jewish population in Eusebius' *Onomasticon* (fourth century) are in the southern Judean hill country/Darom. See R. Steven Notley and Ze'ev Safrai, *Eusebius, Onomasticon: The Place Names of Divine Scripture* (Leiden: Brill, 2005), xvii. However, we have already seen one passage from the Palestinian Talmud which described Judah I sending a representative to inspect the lineage of a priestly family somewhere in the Darom (*Y Qiddushin* 4.6, 66b [cf. *Y Bikkurim* 1.5, 64a]; see Levine, *Rabbinic Class*, 145 and Hezser, *Rabbinic Movement*, 486.). This suggests that at least some priests were settled there in the early third century. This possibility would be strengthened if Büchler, "Economic Condition of Judaea," 84 is correct that the references to priests in Damin/Rimmon during the time of Judah I in *T Ahilot* 16.13 and *T Miqva'ot* 6.2 refer to the Rimmon in southern Judea. However, the existence of a location with a similar name in Galilee force us to be cautious with this identification (see Tsafir, Di Segni, and Green, eds., *Tabula Imperii Romani*, 107-108, 215). Origen, *Commentary on Matthew* 16:17 (mid third century) states that Bethpage (east of Jerusalem) was inhabited entirely by Jewish priests (Levine, *Jerusalem*, 360), but it is difficult to know whether he is referring to the first century or his own time.

evidence that priests were active east and south of Jerusalem, including as synagogue donors in Na'aran (near Jericho),⁶² Eshtemoa,⁶³ and Susiya.⁶⁴ It is likely that priestly families who lived in these areas in the late first and early second century did not relocate after the Bar Kokhba revolt, but continued to operate there into the Byzantine period.

Nevertheless, our best evidence for priestly presence and activities in the third and fourth centuries relates to the coastal and Galilee regions. In the following sub-sections I will consider the literary, epigraphic, and archaeological evidence for priests in these areas, specifically at Sepphoris, Tiberias, Beth Shearim, and along the coast.⁶⁵ While we will not be able to fully reconstruct the history of priests in these locations, the evidence

⁶² At Na'aran, the sixth century synagogue (which includes a depiction of temple images, Helios, and the zodiac wheel) included "Phineas the Priest" and possibly his wife among its donors; see *CIJ* 2.234-235; Marilyn Joyce Segal Chiat, *Handbook of Synagogue Architecture* (Atlanta: Scholars Press, 1982), 258-259; David Milson, *Art and Architecture of the Synagogue in Late Antique Palestine: In the Shadow of the Church* (Leiden: Brill, 2007), 440-441. In 2.2 and 3.3 we saw that the Jericho region had a significant population of priests in the late Second Temple period, and possibly into the early second century as well.

⁶³ A late fourth or fifth century synagogue at Eshtemoa (with a carved menorah and an eastward entrance in imitation of the temple; cf. *T Megillah* 3.21-23) contains a donative inscription of "Eleazar the Priest and his three sons." See Chiat, *Handbook of Synagogue Architecture*, 224-228 and Milson, *Art and Architecture*, 358-359. Amit, "Priests and the Memory of the Temple," 143-157 views this confluence of evidence as indicating that a significant priestly population lived in the region. It is also interesting to note that Eusebius' *Onomasticon* (fourth century) preserves the biblical memory that Eshtemoa (Εσθεμω/Esthemo) was "a priestly city" (πολις ερατικη/ciuitas sacerdotalis) – a city set aside for the priests in Joshua 21:14 – and that it was still "a very large village of Jews in Daroma" during the time of Eusebius (*Onomasticon* 85/429; see Notley and Safrai, *Eusebius, Onomasticon*, 84). Although we have no positive evidence that such was the case, we can reasonably speculate that the Jewish priests of Eshtemoa remembered and emphasized this biblical connection as well.

⁶⁴ A late fourth or fifth century synagogue at Susiya (with mosaic depictions of temple images, Helios, and the twelve signs of the Zodiac) included donative inscriptions from "the saintly master teacher Isi the Priest, the honored eminent scholar... which he vowed at the feast of Rabbi Yohanan, the eminent priestly scribe, his son," as well as "Yudan the Levite" (see Chiat, *Handbook of Synagogue Architecture*, 233-234 and Milson, *Art and Architecture*, 467-468). Amit and Adler, "Ritual Purity after 70," 137 claim that the unusually large concentration of post-135 *miqva'ot* at Susiya should be interpreted in light of a sizeable priestly population in the region during this period, as evidenced by the presence of this (slightly later) synagogue and its inscriptions (cf. Amit, "Priests and the Memory of the Temple," 143-157). For more on the social context of the Byzantine era synagogues at Eshtemoa and Susiya, see the epilogue in Chapter Six (6.1).

⁶⁵ It is tempting to include the lists of Galilean settlements of the twenty-four priestly courses in this survey. Considering the complicated nature of these lists, however, it is best to first evaluate the independent evidence for priestly settlements, and then treat the lists separately (see 5.3).

provides enough windows of insights to allow for some general observations as to priestly activities and interactions with Patriarchal courts and the rabbinic movement.

5.2.1 Sepphoris

One location that had a significant priestly presence in the third and fourth centuries was Sepphoris in Galilee. Sepphoris is most noted in scholarship for its connections with the Patriarchs and rabbis. Judah I moved his administration here in the late second century and it soon became a center of the rabbinic movement. These developments, combined with the city's municipal status and economic vitality, made Sepphoris an important center of Jewish political life and religious creativity.⁶⁶ Along with the wealth of literary evidence about the city, extensive archaeological excavations in recent decades have allowed scholars an unprecedented look at Jewish life in Sepphoris from the Second Temple period through Late Antiquity.⁶⁷ Although most attention has been given to its Patriarchs and rabbis,⁶⁸ literary, epigraphic, and

⁶⁶ For some of the key studies of the history of Sepphoris, see Büchler, *Political and Social Leaders*; Miller, *History and Traditions of Sepphoris* and "Hellenistic and Roman Sepphoris: The Historical Evidence," in *Sepphoris in Galilee: Crosscurrents of Culture* (ed. Rebecca Martin Nagy, Carol L. Meyers, Eric M. Meyers, and Zeev Weiss; Winona Lake, IN: Eisenbrauns, 1996), 21-27. Rosenfeld, *Torah Centers*, 115-120 also provides an overview of Sepphoris in rabbinic literature. For helpful overview of historical approaches to Sepphoris, see Stuart S. Miller, "New Perspectives on the History of Sepphoris," in *Galilee through the Centuries: Confluence of Cultures* (ed. Eric M. Meyers; Winona Lake, IN: Eisenbrauns, 1999), 145-159.

⁶⁷ For important overviews of the archaeology of Sepphoris, see Eric M. Meyers, Ehud Netzer, and Carol L. Meyers, "Sepphoris: 'Ornament of All Galilee,'" *BA* 49 (1986): 4-19; Meyers, "Roman Sepphoris," 321-338; James F. Strange, "Six Campaigns at Sepphoris: The University of South Florida Excavations, 1983-1989," in *Galilee in Late Antiquity*, ed. Levine, 339-355; Zeev Weiss and Ehud Netzer, "Hellenistic and Roman Sepphoris: The Archaeological Evidence," in *Sepphoris in Galilee*, ed. Nagy et al, 29-37.

⁶⁸ E.g., Stuart S. Miller, "Jewish Sepphoris: A Great City of Scholars and Scribes," in *Sepphoris in Galilee*, ed. Nagy et al, 59-65 provides a helpful overview of rabbis active in the city.

archaeological evidence indicates that Sepphoris also had a sizeable number of priests, many of whom interacted with Patriarchal and rabbinic circles in dynamic ways.

It is difficult to know the period in which priests began to reside at Sepphoris. As we saw in Chapters Two (2.2) and Three (3.3), there are some rabbinic references to priests living in Sepphoris during the late Second Temple period⁶⁹ and into the early second century.⁷⁰ In addition, archaeological excavations have shown that the city during these periods shared a profile similar to the material culture of first century Jerusalem, including a unique combination of Jewish purity concerns and wealthy Roman lifestyles.⁷¹ Based on these sources, some scholars have suggested that Sepphoris had a significant priestly population as early as the first century.⁷² While this is certainly

⁶⁹ For example, *T Yoma* 1.4 (cf. *Y Yoma* 1.38c-d; *Y Horayot* 3.47d; *Y Megillah* 1.72a) describes a priest from Sepphoris – Joseph b. Elim – who served as a substitute for the High Priest on the Day of Atonement during the Herodian period. *T Sotah* 13.7 (cf. *Y Yoma* 6.43c) also claims that the legendary “Ben Hamsan” was a priest who lived in pre-70 Sepphoris and greedily seized additional bread from his fellow priests during Shavu’ot; see Miller, *History and Traditions of Sepphoris*, 63-102. Also, Miller, *History and Traditions of Sepphoris*, 129 suggests that later rabbinic references to “the daughters of Sepphoris” who used to go to Jerusalem on the Sabbath (*Y Maaser Sheni* 5.56a; *Lamentations Rabbah* 3.9) could also be related to traditions of priests living in pre-70 Sepphoris.

⁷⁰ For example, *T Kelim Baba Batra* 2.2-3 describes a gathering of priestly sages from the early second century, including R. Eleazar b. Zadok and R. Yeshebab (any relation to the priestly course of that name?), in the store of R. Eleazar b. Azariah. *T Taanit* 1.13 recounts the story from *M Taanit* 2.5 about priests participating in public fasting rituals, but adds that this was done specifically in Sepphoris and nearby Shikhin. For consideration of the latter episode, see Miller, *History and Traditions of Sepphoris*, 103-115, who remains skeptical about its implications for priests in Sepphoris during this period.

⁷¹ Excavations of the western acropolis of Sepphoris have brought to light upper-class dwellings from the first century that include Roman décor, frescoes, mosaics and fine ceramics, *miqva’ot* and stone vessels. This combination of Roman lifestyle and Jewish purity concerns closely parallels Jerusalem’s priestly mansions from this same period. See Kenneth G. Hoglund and Eric M. Meyers, “The Residential Quarter on the Western Summit,” in *Sepphoris in Galilee*, ed. Nagy et al, 39-43.

⁷² For example, Eric M. Meyers, “Sepphoris: City of Peace,” 115 describes first century Sepphoris as an expanding city with a significant priestly class (see also Meyers, “Roman Sepphoris,” 322, 325-326). Meyers makes this claim based on the city’s first century material culture in conjunction with later sources, such as references in the Palestinian Talmud and the Caesarea synagogue plaque mentioning the presence of the priestly course of Yeda’yah in Sepphoris. Similarly, Marianne Sawicki, *Crossing Galilee: Architectures of Contact in the Occupied Land of Jesus* (Harrisburg, PA: Trinity International, 2000), 124-126 views the domestic *miqva’ot* at Sepphoris as evidence for priestly presence in the city during the first century. However, as will be seen below, other scholars, such as Stuart Miller, discount the material culture as evidence for priestly presence and point out that priests are not explicitly connected with the city in the

possible, it is important to point out that no contemporary literary sources from the first or second centuries explicitly state that priests lived in Sepphoris. It is only in third and fourth century rabbinic sources such as the Tosefta and Palestinian Talmud that we begin to hear of earlier priests having lived in Sepphoris. Therefore, it is also possible that these accounts reflect third and fourth century reality more than first and second century history. If this is the case, it is possible that the city received a wave of priestly immigrants from Judea sometime after the Bar Kokhba revolt.

It is clear, however, that by the late second and early third century, a number of priestly families (both within and outside of rabbinic circles) lived at Sepphoris. This is indicated by a number of stories in rabbinic literature from this period. A few narrative accounts from this literature will serve to demonstrate the presence of priests in the city, and attest to their activities and concerns. For example, we have already seen a passage in the Palestinian Talmud that tells of three third century sages walking in a plaza (or cemetery?) in Sepphoris. When they came to an arch (a possible source of impurity) R. Cohen (a priest) separated himself from the group rather than walk under it. Upon rejoining the group, R. Cohen asked what Torah-centered discussion he may have missed. The other sages refused to tell him to illustrate the principle that priests should risk contracting ritual impurity for the higher purpose of Torah study.⁷³ Later in the third

literary sources until the third century; see Stuart S. Miller, "Stepped Pools and the Non-Existent Monolithic 'Miqveh,'" in *The Archaeology of Difference: Gender, Ethnicity, Class, and the "Other" in Antiquity: Studies in Honor of Eric M. Meyers* (ed. Douglas Edwards and C. Thomas McCullough; Boston, MA: American Schools of Oriental Research, 2007), 221-222, 224 and "New Perspectives," 152.

⁷³ *Y Berakhot* 3.1, 6a (cf. *Y Nazir* 7.1, 56a). The end of the passage vacillates on whether purity really was the reason for the sages' silence, but the story still provides an example of priestly presence in third century Sepphoris. Miller, *History and Traditions of Sepphoris*, 120 n.332 points out that the parallel in *Y Nazir* has the story taking place in Caesarea, but suggests that this could be a scribal error.

century, we also hear stories about R. Hiyya who was a priestly sage from Sepphoris and associated with other priestly sages such as R. Ami.⁷⁴

From these and other stories, it is clear that a number of individual priests were involved with the rabbinic movement by the mid to late third century. Unfortunately, it is difficult to ascertain their numbers relative to the other sages. However, the presence of priestly rabbis in Sepphoris has been confirmed in recent surveys of the cemeteries surrounding the site.⁷⁵ Two funerary inscriptions from the town's southwest necropolis are relevant here.⁷⁶ The first is an Aramaic inscription set within a *tabula ansata* on the door of a loculus tomb which reads: "This is the grave of Rabbi Yehoshua ben Levi ha-Qappar."⁷⁷ Although we do not know the precise identity of this man,⁷⁸ he claimed the title of "rabbi" and seems to have had Levitical ancestry. A second Aramaic inscription was found on a lintel (no longer in situ) and reads: "This is the burial place of Rabbi Tanhuma and Rabbi Shimeon Kahana (the priest) Huna, Shalom."⁷⁹ Owing to the lack of systematic excavation and provenance, we cannot date either inscription with precision;

⁷⁴ *Y Terumot* 11.5, 48b; *Y Orlah* 3.2, 63a. See Rosenfeld, *Torah Centers*, 119.

⁷⁵ The necropolis of Sepphoris has never been excavated systematically due to local religious sensitivities. Surveys of the ancient cemeteries to the north, northeast, southwest, and southeast of the city have been conducted sporadically over the last few decades, but no comprehensive publication of finds exists.

⁷⁶ Both of these finds have been discussed recently by Mordechai Aviam and Aharoni Amitai from the Institute of Galilean Archaeology. Currently, I only have access to this information through personal communication with Aviam (whom I thank for sharing his research) and his paper given at the American Schools for Oriental Research annual meeting (November 2010) entitled "The Cemetery of the 'Rabbis' at Sepphoris." Publication of these finds is forthcoming in *Cathedra*.

⁷⁷ Another inscription on the lintel mentions the name of the city, "Zipporin." Some limited excavations were done inside the tomb (though not in the loculi themselves), but no secure date was established.

⁷⁸ According to media reports, there was an early attempt by Uzi Dahari of the Israel Antiquities Authority to identify the inscription with the famous third century sage, R. Joshua b. Levi. However, this identification was highly speculative (not to mention quite improbable) and has since been abandoned.

⁷⁹ Because this lintel was not found in situ, all we can note about its context is its association with the city's southwest cemetery.

they could date from the third century to the Byzantine period. However, both demonstrate that the population of Sepphoris included individuals who retained their priestly identity and might have associated with the rabbinic movement.

In addition to the presence of priestly sages, there is evidence that non-rabbinic priestly families continued to live among the aristocracy at Sepphoris in the third and fourth centuries. Adolf Büchler hinted at this possibility in the early twentieth century,⁸⁰ but it was a 1983 article by Reuven Kimelman that systematically argued for the existence of a cohesive “priestly oligarchy” at Sepphoris during this period.⁸¹ According to Kimelman, aristocratic priestly families at Sepphoris enjoyed an uninterrupted existence from the first through eleventh centuries and, as reflected in a passage from the Palestinian Talmud, these families often came into conflict with the city’s sages during the Talmudic era. Many scholars do not think that the full weight of Kimelman’s conclusion can be sustained by his evidence, but the Talmudic passage he emphasizes is relevant for the presence of non-rabbinic priests in third century Sepphoris.⁸²

In *Y Shabbat* 12.3, 13c (cf. *Y Horayot* 3.5, 48c) we read of two prominent families from Sepphoris in the early third century – the Bulvati family and the Pagani family.⁸³

⁸⁰ Büchler, *Political and Social Leaders*, 8-13, discusses the *gedolim* (“great ones”) among the civic leadership in Sepphoris who were often in conflict with the sages during the late second and third century. Included among the *gedolim* was a family named “Bar-Levianus” (*Y Shabbat* 12.3, 13c; *B Hullin* 87a), who will be considered below in the context of priestly aristocrats. In addition, Büchler shows instances in rabbinic literature in which the title of *gedolim* was applied to biblical priests (*B Sanhedrin* 3b) and temple administrators (*Y Peah* 8.7).

⁸¹ Kimelman, “Conflict between the Priestly Oligarchy and the Sages,” 135-148.

⁸² For example, Trifon, “Jewish Priests,” 219-222, suggests that Kimelman was too hasty in his conclusions. Similarly, Levine, *Rabbinic Class*, 41 n.56 and 173, thinks that Kimelman overstated his case for a powerful priestly class, but that the evidence indicates a tension between some priests and some sages in this period. For sympathetic (though not uncritical) readings of Kimelman, see Cohen, *Three Crowns*, 159 and Hezser, *Rabbinic Movement*, 487.

Each day, both families visited the Patriarch in order to secure favors. However, the Bulvati family always rushed to his house to be the first to greet the Patriarch, while the Pagani family first attended to their studies and, as a result, were consistently the second to arrive. In light of this situation, R. Yohanan preached a sermon in the *bet midrash* on *M Horayot* 3.5 – the Mishnaic ruling that a bastard sage took precedence over an unlearned High Priest – to vindicate the Pagani family, who focused on their rabbinic studies. The implication is that to R. Yohanan, the Bulvati family represented the inferior non-learned priestly aristocrats who put their own self-interest ahead of their studies.⁸⁴ In short, the story is meant to illustrate that Torah learning is superior to priestly lineage.⁸⁵

Kimelman's suggestion that this story indicates the presence of a powerful "priestly oligarchy" in Sepphoris clearly goes too far. I agree with identifying the Bulvati family as priests based on R. Yohanan's sermon, but their activities in this account are insufficient evidence to postulate a cohesive priestly class among the Sepphoris civic leadership. However, the account indicates that some priestly families existed outside of rabbinic circles, independently petitioned the Patriarch for favors (or even appointments to civic office), and that tensions existed between some of these families and the sages of Sepphoris. This last point is also apparent from other passages in rabbinic literature.

⁸³ Levine, *Rabbinic Class*, 168, suggests that these could also represent two distinct social classes – the *bouleteroi* (city elite) and the *pagani* (rural landowners) – who were each competing for the Patriarch's favors; see also Miller, "Priests, Purities, and Jews of Galilee," 381-382. If so, the larger context of this story would imply that non-rabbinic priests were part of the city elite, while the sages were among the rural landowners. As intriguing as such connections might be, however, they seem more suggestive than conclusive.

⁸⁴ See Kimelman, "Conflict between the Priestly Oligarchy and the Sages," 136-137.

⁸⁵ Hezser, *Rabbinic Movement*, 487.

For example, Stuart Miller has considered evidence that “Sepphoreans” (among other groups) existed outside of the rabbinic movement and often opposed rabbinic rulings, particularly as reflected in their conflicts with R. Hanina b. Hama in the mid to late third century.⁸⁶ Miller does not emphasize a priestly component to this group, but it is interesting that one of their points of departure from the sages was their extension of the mourning rituals for the Ninth of Av lamenting the destruction of the temple.⁸⁷ This presents the interesting, though admittedly speculative, possibility that at least some of the “Sepphoreans” were priests making a public display of their displacement. According to Lee Levine, “It is difficult to know whether these Sepphorians are to be identified with the priests of the city, but there can be little doubt that rabbinic-priestly relations in the third and fourth centuries were not the best.”⁸⁸

One instance in which the sages associated the “Sepphoreans” with priests is found in the later midrash, *Ecclesiastes Rabbah*. According to this account, Judah I was dying and the “Sepphoreans” showed their loyalty to him by claiming that they would kill whoever told them of his death. When he died, Bar Kappara – a sage from Sepphoris – attempted to inform this group in a clever way:

Bar Kappara came and went to the window where he waited impatiently with his head wrapped and his clothes rent. (Unable to wait any longer) he said, “My brothers, sons of Yeda’yah, Listen

⁸⁶ See Stuart S. Miller, “R. Hanina bar Hama at Sepphoris,” in *Galilee in Late Antiquity*, ed. Levine, 175-200 and *Sages and Commoners*, 31-106. Miller notes that sometimes the “Sepphoreans” worked in conjunction with the sages, while at other times the two groups were in conflict over various *halakhic* issues. In regard to R. Hanina b. Hama, Rosenfeld, *Torah Centers*, 117-118 points out that he might have been a priestly sage who was the head of the Sepphoris academy in this period. Rosenfeld bases this priestly identity on *B Berakhot* 51b. Miller does not seem to comment on this possibility. If R. Hanina was a priest, his conflict with the “Sepphoreans,” who themselves seemed concerned with priestly issues, could reflect an interesting dynamic between a priestly sage and other non-rabbinic priests.

⁸⁷ E.g., *Y Taanit* 4.69b; see Miller, “R. Hanina bar Hama,” 179. In this instance, it was R. Hiyya – another priestly sage – who confronted the “Sepphoreans” who excessively mourned the loss of the temple.

⁸⁸ Levine, *Rabbinic Class*, 172.

to me! Listen to me! The angels and the mortals have seized the tablets of the covenant (i.e., Rabbi). The hands of the angels have snatched the tablets.”⁸⁹

The relevant detail in this passage is that Bar Kappara referred to the hostile “Sepphoreans” as the “sons of Yeda’yah.” The use here of “Yeda’yah” is a reference to one of the twenty four priestly courses who, according to lists found on synagogue plaques from the Byzantine era, settled in Sepphoris.

At first glance this reference seems to indicate that the “Sepphoreans” who were often in tension with the sages were priests from the course of Yeda’yah. If such was the case, it would suggest that Sepphoris had enough of a priestly population that its inhabitants could generally be referred to as priests from this course.⁹⁰ It could also suggest that an entire course of priestly families had settled in Sepphoris by the early third century. However, as Stuart Miller has pointed out, we must be cautious in drawing firm historical conclusions from this passage.⁹¹ *Ecclesiastes Rabbah* is a relatively late document which reached its final form in the eighth century. It might be significant that earlier Talmudic versions of this story do not contain the reference to Yeda’yah.⁹² This presents the possibility that the later text added this detail based on lists of the courses’ Galilean settlements that circulated in the Byzantine period.⁹³ As a result, it is tempting to dismiss the reference in *Ecclesiastes Rabbah* as having little or no historical value.

⁸⁹ *Ecclesiastes Rabbah* 7.12; cited in Miller, *History and Traditions of Sepphoris*, 121.

⁹⁰ This was the position of Klein, who based on this passage suggested that priests made up the majority of the Jewish population in Sepphoris. See Miller, *History and Traditions of Sepphoris*, 121.

⁹¹ See his treatment of the passage in Miller, *History and Traditions of Sepphoris*, 120-123, and “R. Hanina bar Hama,” 178 n.24.

⁹² See *Y Kilayim* 9.32b and *B Ketubot* 104a.

⁹³ As will be seen in the Excursus below (5.3), the Galilean settlements of the twenty-four priestly courses were a popular theme in synagogue liturgy during the fourth through sixth centuries. As Miller points out, it

Miller's caution on this point is appropriate, but it is important to note that contemporary evidence exists for the presence of the priestly course in Sepphoris, at least by the late third or early fourth century. A passage in the Palestinian Talmud contains the earliest reference to a list of Galilean settlements of the twenty-four courses. Although it only mentions the settlements of the first two courses, it provides valuable insight into the presence of Yeda'yah at Sepphoris by this time. In this passage a fourth century sage (R. Berakhiah) claims that the course of Yeda'yah (or at least one of its most prominent families, 'Amoq⁹⁴) was exiled by God to Sepphoris on account of the "deep conspiracy that was in their heart."⁹⁵ The issue of the twenty-four priestly courses and their Galilean settlements is very complicated and will be discussed separately in the Excursus (5.3). However, it is valuable to note that by the fourth century, at least some priests who were associated with the course of Yeda'yah had settled in Sepphoris and were criticized by the city's sages.⁹⁶

One final passage from the Palestinian Talmud illustrates the dynamic interaction between priests, Patriarchs, and rabbis of third and fourth century Sepphoris. In the rabbinic debates on priestly purity discussed earlier, the question was posed, "May a

is possible that the reference to Yeda'yah was added to this story based on later imagination and not actual third century history.

⁹⁴ See Nehemiah 12:7, 20. See Klein, *Beiträge zur Geographie und Geschichte Galiläas*, 10.

⁹⁵ *Y Taanit* 4.5, 68d. This critical view of the sages contrasts with the commemoration of the courses in the Byzantine *piyyutim*. For example, the *paytan* Phineas b. Jacob ha-Cohen ("the priest") wrote in the eighth century that God "led away the priests of Yeda'yah 'Amoq" to Sepphoris. Rather than mocking the course as R. Berakhiah had done, Phineas the Priest pleaded for God to reveal his might and splendor by honoring (rebuilding?) his temple. For further discussion of this issue, see Miller, *History and Traditions of Sepphoris*, 123-127.

⁹⁶ It is highly unlikely that all of the priestly families associated with this course lived in Sepphoris. As will be seen below, at least one other family of priests from the course of Yeda'yah might have lived in Dura Europos in the mid third century, as indicated by their construction of a synagogue there.

priest render himself unclean in honor of a patriarch [by attending his funeral]?” In response, we are told of three occasions on which priests responded in different ways to Patriarchal funerals:

When Rabbi Judah Nesiah died, Rabbi Yannai declared, “There is no priesthood today.”

When Rabbi Judah Nesiah the grandson of (the aforementioned) Rabbi Judah Nesiah died, Rabbi Hiyya bar Abba pushed Rabbi Zeira into the Gophna synagogue of Sepphoris, and (consequently) rendered him unclean.

When Nehora’y the sister of Rabbi Judah Nesiah died, Rabbi Haninah informed R. Mana, but he did not come (to the funeral). He (Hanina) said to him, “If we do not defile ourselves (out of respect) for them (the *nesi'im*) in their lifetime, we certainly would not do so when they die. (Since we do in fact defile ourselves when they die, we may certainly honor the Nasi during his lifetime by attending the funeral of his sister, Nehora’y.) Rabbi Nasa said, “(The only reason we defile ourselves for the *nesi'im*) when they die is because they are considered as an abandoned corpse” (the burial of which is the responsibility of everyone, including priests).⁹⁷

Several aspects of this passage deserve consideration. One important implication is that various priests (including prominent priestly sages) were present in Sepphoris during the time of the Patriarchs Judah II Nesiah (d. ca. 260) and Judah III Nesiah (d. ca. 305).⁹⁸ The stories of Patriarchal funerals focus on a few priests who were part of the rabbinic movement. These include R. Yannai,⁹⁹ R. Hiyya b. Abba,¹⁰⁰ R. Zeira,¹⁰¹ R. Hanina,¹⁰² and possibly R. Mana.¹⁰³

⁹⁷ *Y Berakhot* 3.1, 6a (cf. *Y Nazir* 7.1, 56a) as translated in Miller, *History and Traditions of Sepphoris*, 116 (pp. 116-120 contain Miller’s treatment of this passage).

⁹⁸ The translations of Neusner and Zahavy present the Patriarchs as Judah I (d. ca. 225) and Judah II Nesiah (d. ca. 260).

⁹⁹ Along with his involvement in this story, R. Yannai’s priestly identity is also claimed in *Y Taanit* 4.2 (cf. *Genesis Rabbah* 98.13), in which a genealogical chart found in Jerusalem established Yannai as being descended from the biblical priest Eli. See Neusner, ed., *Dictionary of Ancient Rabbis*, 446-448.

¹⁰⁰ For more on his priestly lineage beyond his involvement in this story, see below (5.2.2).

¹⁰¹ For more on his priestly lineage beyond his involvement in this story, see below (5.2.2).

¹⁰² R. Hanina’s identification as a priest largely comes from this placement in this story. As mentioned previously, Rosenfeld, *Torah Centers*, 117-118 also traces his priestly lineage to a statement made in *B Berakhot* 51b.

It is also clear from these stories that priests in Sepphoris were still interested in ritual purity, particularly the law in Leviticus 21:1-6 which states that a priest can defile himself only for the funeral of a close relative. Obviously, at least some priestly sages were more flexible in this regard than others, and declared that the contraction of ritual impurity was acceptable in certain circumstances. In one example, R. Yannai announced to his fellow priests that the priesthood and its purity regulations could be suspended for the sake of a Patriarchal funeral. In the early fourth century, R. Hiyya b. Abba agreed with R. Yannai's ruling and demonstrated the principle by forcing a more reluctant priest (R. Zeira) to become defiled against his will.¹⁰⁴

A significant priestly presence in Sepphoris during this period made discussions about priestly purity a practical concern that went beyond academic theory.¹⁰⁵ We have already seen that Patriarchs and rabbis of the third and fourth century attempted to assert their own authority over matters of priestly purity. However, it seems that interest in the practices of ritual purity generally declined among non-priestly rabbis during this period.¹⁰⁶ This is reflected in the absence of rabbinic commentary on the Mishnaic order of *Tohorot* ("Purities") – including tractates *Kelim* ("Vessels") and *Miqva'ot* – in the Palestinian Talmud.¹⁰⁷ Some scholars have discussed the continuation of purity interests

¹⁰³ For studies that debate whether or not R. Mana was a priest, see Miller, *History and Traditions of Sepphoris*, 119 n.328.

¹⁰⁴ Earlier in the same passage, R. Hiyya b. Abba had demonstrated his more liberal leanings by ritually defiling himself by walking over graves to see the Emperor Diocletian.

¹⁰⁵ Miller, *History and Traditions of Sepphoris*, 120.

¹⁰⁶ See the discussion in Amit and Adler, "Ritual Purity after 70," 123-124.

¹⁰⁷ One exception is the *gemara* on tractate *Niddah*. For consideration of the absence of *Tohorot* in the Palestinian Talmud, see Thomas Kazen, *Jesus and Purity Halakhah: Was Jesus Indifferent to Impurity?* (Winona Lake, IN: Eisenbrauns, 2010), 350, and Christine Hayes, "Palestinian Talmud," in *Dictionary of Early Judaism*, ed. Collins and Harlow, 1019.

among rabbis in the Amoraic period, but have not been able to find much evidence dating to the late third and fourth centuries.¹⁰⁸ Even if purity interests continued among some sages in this period, these interests decreased from the extent we see in the Mishnah.

Despite a diminishing rabbinic interest in purity, it is clear from the material culture that a significant portion of the population in Sepphoris was still committed to maintaining ritual purity in domestic settings. In particular, several dwellings in the residential quarter on the western acropolis of the city continued to exhibit a combination of wealthy Roman lifestyle and Jewish ritual purity into the mid to late fourth century. These dwellings included Roman décor (such as frescoes and mosaics) and fine wares, as well as the presence of stone vessels and domestic *miqva'ot*, at least twenty-two of which have been uncovered to date.¹⁰⁹ In this way, the material culture of the city's elite resembles the archaeological profile of Jerusalem's Upper City during the late Second Temple period (see 2.2) and Shu'afat during the early second century (see 3.3).

These finds prompt us to consider who among the population of Sepphoris would have used them, especially in light of the diminished rabbinic interest in purity during this period. From the stories of the Patriarchal funerals, we know that priests were among

¹⁰⁸ E.g., Stuart S. Miller, "Some Observations on Stone Vessel Finds and Ritual Purity in Light of Talmudic Sources," in *Zeichen aus Text und Stein*, ed. Alkier and Zangenberg, 402-419 and "Stepped Pools," 222-223.

¹⁰⁹ Reed, "Stone Vessels," 386-387, claims that stone vessels dramatically decrease in Sepphoris after 70 (cf. Miller, "Stone Vessel Finds and Ritual Purity," 417). However, more recent studies show an increasing number of stone vessels from the third, fourth, and possibly even fifth centuries on the acropolis, under the synagogue, and in nearby farmsteads. See Zeev Weiss, "Zippori: 2002," *HA* 115 (2003): 25-26 and *Sepphoris Synagogue*, 309-310; Amit and Adler, "Ritual Purity after 70," 141. The forthcoming final excavation reports should further clarify the distribution of stone vessels in this period. For discussions of the domestic *miqva'ot*, see: Hoglund and Meyers, "Residential Quarter," 39-43; Eric M. Meyers, "The Pools of Sepphoris – Ritual Baths or Bathtubs: Yes, They Are," *BAR* 26.4 (2000): 46-49, 60-61 and "Aspects of Everyday Life in Roman Palestine with Special Reference to Private Domiciles and Ritual Baths," in *Jews in the Hellenistic and Roman Cities* (ed. J.R. Bartlett; New York: Routledge, 2002), 193-220; Katharina Galor, "The Stepped Water Installations of the Sepphoris Acropolis," in *Archaeology of Difference*, ed. Edwards and McCollough, 201-213; Amit and Adler, "Ritual Purity after 70," 127-130.

those still actively interested in purity observance into the third and fourth centuries when these stone vessels and *miqva'ot* were in use. We do not have direct evidence that these items were used by priests, but it is extremely likely that priests continued to see a need for domestic purity in ways that other Jews in this period did not. Therefore, it is possible that the priestly elite of Sepphoris continued to maintain a culture similar to priestly aristocrats from earlier periods. Just as in first century Jerusalem, many upper class priests in third and fourth century Sepphoris enjoyed the luxuries of a Hellenistic Roman lifestyle while still adhering to the purity laws required by their priestly status.

This possibility is consistent with literary evidence from this period that continues to associate priests with ritual purity. We have already seen several references in later rabbinic literature to the increased purity interests of some priests after 70 (see 4.1.1.3).¹¹⁰ Unfortunately, it is difficult to know the exact parameters of priestly purity practices in the third and fourth centuries. We can assume that priests still participated in activities such as purifying lepers and eating their consecrated food in a state of purity. We have positive literary evidence from this period that many priests still used *miqva'ot* in their maintenance of ritual purity. For example, a passage in the Tosefta contains an account of priests in Rimmon/Damin – a village to the northeast of Sepphoris – who used to climb a fence in order to immerse in a *miqvah* that was located in an inaccessible garden.¹¹¹ In addition, at least one Christian source from the third or fourth century criticizes Jewish

¹¹⁰ E.g., *B Qiddushin* 78b; *B Bekhorot* 30b; *Avot d'Rabbi Nathan* A 12 (B 27); *Midrash Hagadol Leviticus* 11.35; See Alon, *Jews and their Land*, 100-103, 259-260.

¹¹¹ *T Miqva'ot* 6.2. It is almost certain that this passage refers to Rimmon near Sepphoris (see Tsafrir, Di Segni, and Green, eds., *Tabula Imperii Romani*, 107-108, 215). However, Büchler, "Economic Conditions of Judaea," 84 suggests that this episode takes place in southern Judea during the late second century.

purity rituals by describing priests who meticulously wash themselves in *miqva'ot* and dress in white garments in order to handle sacred items.¹¹²

Stuart Miller and Jonathan Reed have both argued recently that stone vessels and *miqva'ot* do not attest only to priestly purity observance because they were not used exclusively by priests. Rather, they were part of the “common Judaism” of the late Second Temple period and beyond.¹¹³ In general, these observations serve as helpful reminders to be cautious in our approach to this material. To be sure, installations and artifacts associated with ritual purity are not by themselves positive evidence for priests. However, in this instance the confluence of literary and archaeological evidence allows us to be reasonably optimistic that the stone vessels and *miqva'ot* at Sepphoris do reflect a high degree of priestly activity.

As David Amit and Yonatan Adler have demonstrated recently, stone vessels and *miqva'ot* are not ubiquitous in Jewish settlements during the third and fourth centuries. Instead, they tend to appear only in those locations which are known from literary or epigraphic sources to have had a significant population of priests.¹¹⁴ In light of this

¹¹² P. Oxyrhynchus 840 anachronistically describes an encounter between Jesus and a High Priest named Levi at the Jerusalem temple. The priest declares, “I am clean. For I bathed in the pool of David, and went down by one staircase and came up by another, and put on white and clean garments, and then I came and looked upon these holy vessels” (P. Oxy. 840: 24-30). The rest of the text is clearly contemporary Christian polemic against Jewish purity practices, using priests as the negative example. For various treatments of this text, see Daniel R. Schwartz, “Viewing the Holy Utensils (P. Ox. V, 840),” *NTS* 32 (1986): 153-159; David Tripp, “Meanings of the Foot-Washing: John 13 and Papyrus Oxyrhynchus 840,” *ET* 103 (1992): 237-239; François Bovon, “Fragment Oxyrhynchus 840, Fragment of a Lost Gospel, Witness of an Early Christian Controversy over Purity,” *JBL* 119 (2000): 705-728; Michael J. Kruger, *The Gospel of the Savior: An Analysis of P. Oxy 840 and its Place in the Gospel Traditions of Early Christianity* (Leiden: Brill, 2005). To my knowledge, no one has yet considered the implications of this text for the issue of post-70 Jewish priests.

¹¹³ E.g., Miller, “Stone Vessel Finds and Ritual Purity,” 417, “Stepped Pools,” 221-222, 224, 226 and “Priests, Purities, and the Jews of Galilee,” 391-394; Reed, “Stone Vessels and Gospel Texts,” 392.

¹¹⁴ In addition to the stone vessels and *miqva'ot* at Sepphoris, they also point to the large concentration of Byzantine era *miqva'ot* at Susiya in the Darom, where contemporary synagogue architecture, art, and inscriptions indicate a priestly population: “The plethora of ritual baths found at Susiya should be seen light

distribution, Amit and Adler suggest that “the strict observance [of ritual purity] evidenced at Sepphoris should perhaps be viewed as a phenomenon particular to members of the priestly class and consequently not representative of general praxis.”¹¹⁵ In short, it is likely not a coincidence that the location with the highest concentration of installations and artifacts associated with purity observance uncovered from this period has one of the highest concentrations of priests attested in the literary sources. The city’s purity installations and objects decline in number and disappear by the late fourth century. This, incidentally, is also the period in which monumental synagogues begin to appear in the region with strong ties to priesthood and temple themes. Perhaps this indicates that rituals connecting priests to the temple shifted in this period from purity observance to more formal public liturgy.¹¹⁶

In addition to priestly purity, the stories of the Patriarchal funerals contain other interesting insights in regard to priests during the late third and early fourth century. In the second episode (the funeral of Judah II Nesiah; ca. 305), R. Hiyya b. Abba demonstrated his flexible position on purity by pushing a fellow priestly sage, R. Zeira, into the “Gophna synagogue of Sepphoris,” in which the funeral was presumably being held. The purpose of the story is to illustrate the principle that a priest should defile himself for the sake of honoring a Patriarch. However, two seemingly incidental details

of a sizeable priestly presence at the site and should not be regarded as indicative of practices outside of the priestly areas of settlement” (Amit and Adler, “Ritual Purity after 70,” 137).

¹¹⁵ Amit and Adler, “Ritual Purity after 70,” 137.

¹¹⁶ Magness, “Sectarianism Before and After 70,” 17, situates this shift in the time of Julian, when elevated hopes for the rebuilding of the Jerusalem temple were dashed with his death. See also Chapter Six for a brief overview of developments relating to priests, synagogues, and public liturgy in the Byzantine era.

of the story may tell us something about the origins of the city's priests, as well as something about priestly synagogues in this period.

One of these details is that the synagogue in which the story occurs is the “Gophna synagogue of Sepphoris” [כנישתא דגופנה דציפורין]. There has been some debate on how to translate this phrase. Neusner and Zahavy translate גופנה with its technical meaning of “vineyard,” thus placing the episode in the “synagogue of the vineyard of Sepphoris.”¹¹⁷ However, Büchler was probably correct when he translated it as the proper name of “Gophna.”¹¹⁸ Sepphoris had several synagogues that were named after their congregation's place of origin.¹¹⁹ In this case, Gophna is likely the city discussed in Chapter Three (3.3) as the location to which many of the High Priestly families relocated after the First Revolt.¹²⁰ Rabbinic literature remembered Gophna as having had a significant priestly population in the years before the Bar Kokhba revolt,¹²¹ but there are no literary references to priests in the city after that time. Following the references to the early second century, the next mention of priests associated with Gophna is in the story of the Patriarchal funeral in Sepphoris.

The presence of priests in a synagogue named after Gophna is not likely to be a coincidence. Although it is impossible to reconstruct the precise details, it is reasonable

¹¹⁷ See Tzvee Zahavy, *The Talmud of the Land of Israel: A Preliminary Translation and Explanation: Volume I: Berakhot* (Chicago: University of Chicago Press, 1989), 120 and Jacob Neusner, *The Talmud of the Land of Israel: A Preliminary Translation and Explanation: Volume 24: Nazir* (Chicago: University of Chicago Press, 1985), 177.

¹¹⁸ Büchler, *Die Priester und der Cultus*, 44-48. This reading and its implications were followed by Miller, *History and Traditions of Sepphoris*, 116, 118-119.

¹¹⁹ For example, *Y Shabbat* 6.8a (cf. *Y Sanhedrin* 10.28a) mentions a “synagogue of the Babylonians” at Sepphoris; see Miller, “Rabbis and the Non-Existent Monolithic Synagogue,” 60.

¹²⁰ E.g., Josephus, *War* 6.115-116.

¹²¹ *Y Taanit* 4.5, 69a; cf. *Genesis Rabbah* 65.23 and *B Berakhot* 44a.

to conclude that at least some of Gophna's priests relocated to Sepphoris sometime before the late third or early fourth century when this story took place. Because the last reference to priests in Gophna was just before the Bar Kokhba revolt, it is possible that the migration took place as a result of the war. If there was a relocation of Gophna's priests to Sepphoris, it is possible that members of the High Priestly family of Boethus, as well as families from the priestly courses of Yakim and Bilgah – all of which were attested at Gophna before 135 – were among the priestly elite of Sepphoris during the third and fourth centuries (and beyond).¹²²

The reference to priests in the “Gophna synagogue of Sepphoris” also reminds us of the probability that priests still led many synagogue congregations in this period. We have no details regarding the logistics of this particular synagogue, but literary and archaeological sources provide analogies that can help us to guess how it operated. I have already discussed the role of priests in presiding over synagogue liturgy during the first and second centuries (see 2.1 and 4.1.2.3). During that period priests did the Torah reading, provided scriptural education, led prayers and bestowed the priestly blessing. As attested by the Theodotos inscription, it was even possible for a family of priests to build their own synagogue and function as its leaders over the span of several generations. In Chapter Six we will see that all of these priestly activities flourished during the Byzantine era as well. Therefore, there is no reason to think that priests were not actively involved

¹²² Josephus, *War* 6.115-116 indicates that some members of the Boethus family were among the High Priestly families to have moved from Jerusalem to Gophna during the siege. Interestingly enough, an individual named Boethus also appears (in Greek) as a donor in the priestly Sepphoris synagogue from the fifth century (see Weiss, *Sepphoris Synagogue*, 214), suggesting that at least one family in Sepphoris identified themselves with the Boethusians. As for families from the courses of Yakim and Bilgah, section 3.3 showed that funerary inscriptions from Gophna (ca. 70-135) identified individuals who likely were connected with these courses.

in synagogue worship during the third and fourth centuries, including in the “Gophna synagogue of Sepphoris.”¹²³

One synagogue that might provide an analogy to the “Gophna” congregation is at Dura Europos. The Dura Europos synagogue in Syria is slightly outside the geographical scope of this dissertation, and it will not be possible to discuss the many issues relating to it here. However, a few aspects of the Dura synagogue (ca. 244-256) can shed light on the question of priests and synagogue worship in the third century. Scholars have long recognized that the Dura synagogue displays elements that are in tension with rabbinic *halakhah* from this period. Its figurative artwork, including depictions of numerous biblical scenes, was in clear violation of rabbinic prohibitions, and several other features situate it outside the world of the sages.¹²⁴ While any scholars have noted the non-

¹²³ *Y Berakhot* 5.4 and *B Sotah* 38b mention synagogue congregations made up entirely of priests, but it is unclear if these are historical references or merely theoretical possibilities. Stuart Miller points out that in *T Sukkah* 4.6 some synagogue congregations in Late Antiquity consisted of members from the same professions. Based on these references, he tentatively acknowledges the possibility that priests gathered together in some synagogues, including the “Gophna” synagogue under consideration here (see Miller, “Rabbis and the Non-Existent Monolithic Synagogue,” 60 and *History and Traditions of Sepphoris*, 119).

¹²⁴ Along with its biblical art, the Dura Europos synagogue also contains Greco-Roman images on its ceiling tiles, such as snakes, scorpions, evil eyes, astrological symbols, and Dionysiac theater masks; see Kraeling, *Excavations at Dura Europos*, 41-43, 48-49, 242-250 and Jodi Magness, “Third Century Jews and Judaism at Beth Shearim and Dura Europos,” in *Religious Diversity in Late Antiquity* (ed. David M. Gwynn and Susanne Bangert; Leiden: Brill, 2010), 147-148. For the most thorough treatment of the ceiling tiles to date, see Karen B. Stern, “Mapping Devotion in Roman Dura Europos: A Reconsideration of the Synagogue Ceiling,” *AJA* 114.3 (July 2010): 473-504. The Dura synagogue also contains an apotropaic bone deposit (parts of two human fingers) under its entrance way (Kraeling, *Synagogue*, 19 and Magness, “Priests and Purity,” 425-428). Fine, *Art and Judaism*, 174-177 argues that the presence of a fragment of parchment containing a prayer for meals which was found outside of the synagogue attests to rabbinic influence at Dura. However, given the common nature of the prayer, this is not enough evidence to override the conclusion that Dura was outside of the rabbinic sphere of influence. See Magness, “Priests and Purity,” 423 n.13.

rabbinic orientation of the Dura synagogue, few attempts have been made at determining who built and operated it, if not rabbis.¹²⁵

In light of the present discussion it is important to point out that the Dura synagogue was built by priests. This is indicated by inscriptions on some of the ceiling tiles. For example, Tile A reads (in Aramaic): “This house was built...in the eldership [בקשישותה] of the priest Samuel son of Yeda’yah [דשמואל כהנה בר ידעי], the Archon. Now those who stood in charge of this work [עבידה] were: Abram the Treasurer, and Samuel son of Sapharah...”¹²⁶ Another Aramaic tile inscription (Tile C) confirms that all of these individuals were priests: “This building was built...during the eldership of Samuel the priest, son of Yeda’yah the archon...Now those who stood in charge of the business [מלאכתיה] (were) the prie[sts Ab]ram the tr[easurer] and Samuel son of [...]”¹²⁷ A Greek inscription also indicates that “Samuel (son) of Yeda’yah [Σαμουηλ Ειδδευου], elder of the Jews [πρεσβυτερος των Ιουδεων], founded (the building),”¹²⁸ but does not specifically mention his priestly status.

These inscriptions indicate that priests built and presided over the Dura synagogue. It is also interesting to note that its founding priest, Samuel, identified himself as a “son of Yeda’yah” (a relation to the priestly course?) and held the titles of Elder and

¹²⁵ Perhaps the most famous attempt at this was made by Goodenough, who used this synagogue as evidence for the mystical form of Hellenistic Judaism he postulated to have existed in competition with rabbinic Judaism. See Goodenough, *Jewish Symbols*.

¹²⁶ Kraeling, *Synagogue*, 263-265; David Noy and Hanswulf Bloedhorn, eds., *Inscriptiones Judaicae Orientis. Volume III: Syria and Cyprus* (Tübingen: Mohr Siebeck, 2004), 139-146 (Syr84).

¹²⁷ Kraeling, *Synagogue*, 266-268; Noy and Bloedhorn, eds., *Inscriptiones Judaicae Orientis*, 146-148 (Syr85).

¹²⁸ Kraeling, *Synagogue*, 277; Noy and Bloedhorn, eds., *Inscriptiones Judaicae Orientis*, 148-150 (Syr86).

Archon.¹²⁹ Additional inscriptions indicate that the congregation included other members with priestly or Levitical associations, including “Phineas [פינהס],”¹³⁰ “Boethus [Βοηθος],”¹³¹ and “Ahiah...of the sons of Levi [מן בנה לוי].”¹³² Such priestly leadership and congregational involvement establish an important context for understanding the many priesthood and temple themes depicted throughout the synagogue. For example, the liturgical focus of the main hall is a veiled Torah shrine with its images of a seven-branched menorah, a *lulav* and *ethrog* from the Feast of Tabernacles, the temple façade, and the “sacrifice” of Isaac.¹³³ In addition to these images, the shrine contains an inscription referring to it as a *bet arona* [בית ארונא], thus forging an association with the Ark of the Covenant.¹³⁴

The wall paintings that line the interior of the Dura synagogue also contain a wide range of priestly scenes. For example, to the left of the shrine is a panel (WB2) that depicts of the consecration of Aaron (who is dressed in priestly garments and identified

¹²⁹ As for the possibility of this “Yeda’yah” being a reference to the priestly course, see Noy and Bloedhorn, eds., *Inscriptiones Judaicae Orientis*, 145, 149-150. Noy and Bloedhorn are skeptical of this identification, owing to the peculiar spelling of the name in Greek, which is different from the spelling of the course’s name in the LXX. However, I do not find the reason for their hesitance to be convincing. If it is a reference to the course, it would work against Miller, “Priests, Purities, and the Jews of Galilee,” 388, who claims that no inscriptions connect an individual priest with a priestly course after 135.

¹³⁰ Kraeling, *Synagogue*, 274; Noy and Bloedhorn, eds., *Inscriptiones Judaicae Orientis*, 160 (Syr95).

¹³¹ Noy and Bloedhorn, eds., *Inscriptiones Judaicae Orientis*, 174 (Syr107); Kraeling, *Synagogue*, 280 notes that this is the only Greek personal name that appears in the Dura synagogue, and that it “is associated with a Jewish High Priestly family of the period of the Second Temple (see B. Pesachim 57a).”

¹³² This Aramaic inscription (with its accompanying drawing of a human torso) was found on a fragment of wall plaster in an embankment about 100m. north of the synagogue; Noy and Bloedhorn, eds., *Inscriptiones Judaicae Orientis*, 155-157 (Syr91).

¹³³ This is the earliest surviving example of a permanent Torah shrine built in a synagogue.

¹³⁴ Kraeling, *Synagogue*, 269; Noy and Bloedhorn, eds., *Inscriptiones Judaicae Orientis*, 152-154 (Syr89). It is interesting to note that *B Shabbat* 32a declares that ‘ammei ha-aretz who call the Torah ark an *arana* [ארנא] is deserving of divine punishment; see Levine, *Rabbinic Class*, 114 and *Ancient Synagogue*, 195, 198.

by a Greek inscription) and the dedication of the Tabernacle.¹³⁵ To the right of the shrine is a panel (WB3) that depicts the Jerusalem temple.¹³⁶ At its top corners are images of two individuals wearing togas with *gammadia* – one (Ezra the Priest?) reading the Law and the other (Moses?) standing beneath the sun, moon, and stars.¹³⁷ Immediately above the shrine is a throne scene, likely depicting the heavenly throne room.¹³⁸ Other panels depict scenes from the eschatological visions of Ezekiel (the Zadokite priest whose writings were discouraged by sages)¹³⁹ and the miracles of Moses (who is identified as “Moses the son of Levi [משה בר לוי],” emphasizing his Levitical ancestry¹⁴⁰). It is even possible that a deposit of two finger bones under the hall’s entrance were relics of the synagogue’s priestly founder meant to evoke the power of the priestly blessing upon those who enter.¹⁴¹

All of these features – priestly leaders, inscriptions, art, and liturgical items – would have created an environment of priest-centered worship. This setting would have focused the attention of the worshippers on the past glories of the priesthood, its current ability to mediate the divine, and hopes of its future restoration in the Jerusalem (or

¹³⁵ Kraeling, *Synagogue*, 130; Magness, “Priests and Purity,” 428.

¹³⁶ Kraeling, *Synagogue*, 131; Magness, “Priests and Purity,” 429. Eilior, *Three Temples*, 79 n.77, suggests that this represents the heavenly temple, and that its seven walls reflect the seven heavenly sanctuaries of the mystical *hekhalot* literature.

¹³⁷ Kraeling, *Synagogue*, 235-236.

¹³⁸ Kraeling, *Synagogue*, 65; Magness, “Priests and Purity,” 429-430 contains interesting sources and discussion on the messianic and eschatological hopes possibly expressed in this image.

¹³⁹ See the sources and discussion in Magness, “Third Century Jews,” 151-153.

¹⁴⁰ Kraeling, *Synagogue*, 229, 271; Noy and Bloedhorn, eds., *Inscriptiones Judaicae Orientis*, 165-166 (Syr99); Magness, “Third Century Jews,” 162.

¹⁴¹ See the suggestion in Magness, “Priests and Purity,” 428, 433 and “Third Century Jews,” 145-147.

heavenly?) temple.¹⁴² Although it was located in Syria, the Dura synagogue could provide an analogy for the roughly contemporaneous “Gophna” synagogue at Sepphoris with its own congregation of priests. This is not to say that every synagogue in the third and early fourth century had this high degree of priestly involvement. It is likely that other circles in this period had their own synagogues which allowed for greater congregational (or even rabbinic) participation. However, the Dura and “Gophna” synagogues demonstrate that priests were still actively involved in religious worship.

An additional example of these dynamics comes from Sepphoris itself, but during the fifth and sixth centuries. At least one of the city’s synagogues during this period is known to have had some rabbinic involvement, based on an Aramaic inscription that reads” “Rabbi Yudan, son of Tan[hum...who gave...].”¹⁴³ However, another synagogue from the same period, made famous by its remarkable mosaics, provides evidence of a high degree of priestly involvement. In the well-known Sepphoris synagogue of the fifth to sixth century, dedicatory inscriptions include individuals and families with priestly or Levitical titles or associations. For example, an Aramaic mosaic inscription set in a medallion in the north aisle of the main hall reads: “Remembered be for good Yudan son of Isaac the Priest [יודן בר יצחק הכהן] and Parigri his daughter. Amen Amen.”¹⁴⁴ It is

¹⁴² Kára L. Schenk, “Temple, Community, and Sacred Narrative in the Dura-Europos Synagogue,” *AJSR* 34.2 (November 2010): 195-229 explores how the synagogue’s iconography would have informed its liturgy and represented “part of the ongoing sacrificial service that the priests presented to Israel as a whole” (pp. 197-198, 210-212).

¹⁴³ See Milson, *Art and Architecture*, 464. According to Milson’s summary, this inscription was part of a mosaic pavement found in a field survey in association with a crusader-era church that was built on top of the synagogue. This inscription dates to the fourth or fifth centuries based on epigraphic and stylistic analysis.

¹⁴⁴ Weiss, *Sepphoris Synagogue*, 203-204.

possible that other members of Yudan's family – including a son and two grandsons – were commemorated in a nearby medallion.¹⁴⁵

In addition to this family of priests, a family of Levites was involved in the congregation. An Aramaic inscription near the western column of the north aisle reads: "...Reuven the Levite [ראובן הליוי] and the members of his family [ובני ביתה]. Amen."¹⁴⁶ Unfortunately, most of the synagogue inscriptions are too badly damaged to know if other priests or Levites were involved with this congregation. Some of the remaining inscriptions, such as a Greek reference to an individual named "Boethus" (Βοηθος)¹⁴⁷ and a possible reference to the priestly course of Yeshavav,¹⁴⁸ suggest that other priests may have been involved with the synagogue. In any case, the surviving inscriptions are enough to provide a sense of the synagogue's congregational profile. In this case it is one that, like the Dura synagogue, had a significant level of priestly and Levitical participation.

¹⁴⁵ This medallion, also in Aramaic, reads: "Remembered be for good Tanhum son of Yudan, and Samqah and Nehorai sons of Tanhum. Amen." See Weiss, *Sepphoris Synagogue*, 205. Weiss simply notes that the names Yudan and Tanhum are common names in inscriptions from this period, but does not consider or discount the possibility that this family was related to "Yudan son of Isaac the Priest" from the previous medallion. If they are related, this might be an interesting parallel to the Theodotos inscription, in which a family of priests was involved in the same synagogue for at least three generations.

¹⁴⁶ Weiss, *Sepphoris Synagogue*, 205-206.

¹⁴⁷ Weiss, *Sepphoris Synagogue*, 214. This individual and his family were commemorated in association with the mosaic panel depicting Abraham and the "sacrifice" of Isaac. Weiss does not raise this possibility, but it is interesting to speculate on whether this individual could be related to the High Priestly Boethusians who were derided by the rabbis.

¹⁴⁸ A damaged inscription in the north aisle includes the name שׂאבִיָּה [...]. Although Weiss ultimately translated the name as a title, "the captor," he acknowledges the possibility that it could also be a variation on Yeshavav (ישׂבִיָּה), the name of the priestly course associated with nearby Shikhin in the Byzantine lists of the courses' Galilean settlements. See Weiss, *Sepphoris Synagogue*, 204-205 (including n.25). The larger priestly context makes this reading an intriguing possibility, but we must admit that it is quite conjectural on its own terms.

Another way in which the fifth century Sepphoris synagogue relates to the third century synagogue at Dura is in its iconography. Just as the Dura synagogue depicted several scenes drawing attention to the temple and priesthood, the Sepphoris synagogue contains similar images on its mosaic floor, which lead progressively from its south-eastern entrance to the platform shrine at its northwest end. Upon entering, the congregation would have encountered the following progression of images: Abraham and the “sacrifice” of Isaac, followed by a depiction of Helios in the heavenly dome (with the twelve signs of the zodiac);¹⁴⁹ items associated with the consecration of Aaron and the tabernacle; and finally (directly in front of the platform), images of the temple, such as two *menorot*, ritual objects associated with the Feast of Tabernacles, an incense shovel, and the Ark/temple façade.¹⁵⁰ In other words, to reach the liturgical focus of the synagogue, one had to go through the priesthood. As with the Dura synagogue, these images would have facilitated the type of priest-centered worship discussed earlier.¹⁵¹ In both cases, dedicatory inscriptions indicate that actual priests were involved in promoting this form of worship.¹⁵²

¹⁴⁹ Although certainly not a rabbinic image, the heavenly dome with its zodiac was associated with the temple by various priestly circles during the late Second Temple period. For example, Josephus, *War* 5.212-218 describes the inner court of the temple as a representation of the cosmos, with the menorah symbolizing the seven planets and the twelve loaves of showbread symbolizing the twelve signs of the zodiac (cf. *Antiquities* 3.180-182). He also describes the stones on the High Priest’s breastplate as a representation of the signs of the zodiac (*Antiquities* 3.184-187; cf. Philo, *Life of Moses* 2.122-123). For Josephus, these images facilitated the cosmic worship of the Jerusalem temple (*War* 5.324). See Hayward, *Jewish Temple*, 108-153.

¹⁵⁰ For further description of these images, see Weiss, *Sepphoris Synagogue*, 225-262. In my opinion, Weiss provides an unconvincing interpretation of the images, which he attempts to force into a rabbinic framework.

¹⁵¹ Schenk, “Temple, Community, and Sacred Narrative,” 208-210, 226, discusses the strong iconographic links between the Dura and Sepphoris synagogues, both of which highlight the temple and priesthood in similar ways. However, she does not emphasize that both congregations included actual priestly involvement.

To summarize this sub-section, it is clear from the available literary and archaeological evidence that Sepphoris had a significant priestly population in the third and fourth centuries and beyond. It is unclear if this population had existed since the late Second Temple period or migrated to Sepphoris around the early third century (perhaps as a result of the Bar Kokhba revolt). Nevertheless, the literary sources indicate that some priests of Sepphoris belonged to its aristocratic class, some associated with Patriarchal and rabbinic circles, and some apparently pursued their own independent interests. In some instances the priests worked closely with other civic and religious leaders, while other priests were in tension with these groups. Therefore, this overview of evidence provides an important reminder that even if priests were no longer as prominent or influential in this period, they remained actively involved in the religious, social, and political dynamics of the third and fourth centuries.

5.2.2 Tiberias

Sepphoris is the location for which we have the most literary information regarding priestly presence and activities, but there is evidence that priests lived and functioned in other parts of Galilee as well. For example, literary sources indicate that the city of Tiberias also had a significant priestly population from the mid second century through the early medieval period.¹⁵³ As with Sepphoris, it is difficult to know when

¹⁵² This view as it relates to the Sepphoris synagogue is not shared by Weiss, *Sepphoris Synagogue*, 247-249. Rather, Weiss downplays the involvement of actual priests in the creation of and interaction with these images.

¹⁵³ For an overview of the early history of Tiberias, see Freyne, *Galilee*, 129-134 and Rosenfeld, *Torah Centers*, 120-126. For an archaeological survey of Tiberias from the Roman to early Islamic period, see

priests began to settle in Tiberias. There is evidence that Josephus interacted with the Jews of Tiberias during the First Revolt,¹⁵⁴ but there is no indication that other priests lived there or regularly visited the city in the first century. If the silence of first century sources indicates an absence of priests in the city, this situation may have resulted from the founding of Tiberias on land which previously contained a cemetery, thus rendering the area impure and unacceptable for priestly activity.¹⁵⁵

In fact, the earliest reference to priests in Tiberias comes from an account in later rabbinic literature about the “purification” of the city by R. Simeon b. Yohai in the second century (ca. 140-170).¹⁵⁶ According to this tradition, the sage miraculously removed all of the corpses from Tiberias, making it ritually pure.¹⁵⁷ The presentation of the story is clearly legendary. However, it is interesting to note that the version in the Babylonian Talmud claims that such purification was necessary so priests could operate in the city without becoming unclean.¹⁵⁸ In his treatment of this tradition, Lee Levine notes that the problem of purity and the presence of priests in Tiberias reflect a plausible historical setting for an otherwise supernatural narrative. In addition, contemporary sources indicate that R. Simeon b. Yohai took a special interest in the ritual purity of

Yizhar Hirschfeld and Katharina Galor, “New Excavations in Roman, Byzantine, and Early Islamic Tiberias,” in *Religion, Ethnicity, and Identity*, ed. Zangenberg, Attridge, and Martin, 207-229.

¹⁵⁴ For several accounts of Josephus visiting Tiberias and interacting with its leadership during the early stages of the war, see the analysis of Josephus’ autobiography in Cohen, *Josephus in Galilee*, 114-170.

¹⁵⁵ Josephus, *Antiquities* 18.36-38 describes how Herod Antipas had to clear away a large number of burials in order to lay the foundations for the city.

¹⁵⁶ For a full treatment of this tradition in all of its variations, see Lee I. Levine, “R. Simeon b. Yohai and the Purification of Tiberias: History and Tradition,” *HUCA* 49 (1978): 143-185.

¹⁵⁷ See different versions of this story in *Y Sheviit* 9.1, 38d; *Genesis Rabbah* 79; *Ecclesiastes Rabbah* 10.8.

¹⁵⁸ *B Shabbat* 33b-34a; see Levine, “Purification of Tiberias,” 164-170.

priests.¹⁵⁹ Therefore, while we cannot be certain, it is possible that a priestly presence in Tiberias during the second century led to an increased concern for the city's ritual purity.¹⁶⁰

The next reference to priests in Tiberias is from a story about R. Yose discussed earlier. To summarize, R. Yose – from nearby Ma'on during the third century – preached a sermon in a Tiberias synagogue in which he denounced local priests for not attending to their studies. The priests responded that they did not have the necessary leisure time because they were no longer receiving their tithes. When R. Yose learned that the Patriarch (Judah II Nesiah; ca. 235-260) had appropriated the priestly dues, he criticized the Patriarch for violating biblical law.¹⁶¹ Based on this story it seems that the dynamic overlap between priestly, Patriarchal, and rabbinic circles we saw in Sepphoris also occurred in Tiberias during this same period. In this instance, a sage preached to a synagogue congregation that included priests, and both the rabbis and priests of the story were still trying to negotiate their precise relationship to the Patriarchate. This dynamic likely reflects some of the relationships and power struggles among these groups as the Patriarchate moved from Sepphoris to Tiberias in the mid third century.¹⁶²

¹⁵⁹ E.g., *T Ahilot* 18.2: "Said R. Simeon, 'I can make it possible for priests to eat clean food in the tannery which is in Sidon and which is in the villages of Lebanon, because they are near the sea or the river.'"

¹⁶⁰ Levine maintains that the historical core of the story – the need to purify the city on account of priestly activity there – is "probably very close to the historical reality of the second century....[with] priestly access to the city at the core of the problem." The tradition that developed around the story, however, is likely a polemical response to charges of the city's impurity from the third or fourth century. See Levine, "Purification of Tiberias," 183-184.

¹⁶¹ *Y Sanhedrin* 2.6, 20d. The parallel account in *Genesis Rabbah* 80.1 has the sermon being given in a synagogue in Ma'on (see Leibner, *Settlement and History*, 291-292). However, because of Ma'on's close proximity to Tiberias, the account still demonstrates the presence of priests in this general region.

¹⁶² The relationship between priests and Patriarchs in Tiberias seems to have been a particularly interesting one. For example, we have just seen evidence that the Patriarchs were appropriating priestly tithes in the city by the mid third century. However, by the late fourth or early fifth century, a synagogue was built near

Because of the city's economic stability and its recent claim to the Patriarchal seat, Tiberias became an important center for the rabbinic movement during this period. In particular, the Tiberian academy was an anchor for rabbinic Judaism for several centuries. The compilation of the Palestinian Talmud was a product of this academy during the late fourth or early fifth century. For our purposes, it is important to note that the Tiberian academy experienced several waves of heightened priestly activity and leadership during its long history. The first wave was during the late third and early fourth centuries when a number of priestly sages migrated from Babylonia to Palestine and became the most prominent members of the Tiberian academy for three generations.¹⁶³

The earliest priestly sage from Babylon associated with the Tiberian academy was R. Eleazar b. Pedat (ca. mid third century). The Palestinian Talmud reports that he was among the first students of the academy, as well as a priest who was able to give the priestly blessing during synagogue services.¹⁶⁴ In the following generation (ca. 280-320), a number of other priestly sages from Babylon became involved with the Tiberian

Tiberias which contained many of the temple and priesthood themes – Helios, the twelve signs of the zodiac, and temple items – found in the priestly synagogues at Susiya, Naaran, and Sepphoris (all three of which contain dedicatory inscriptions referring to priests). While there is no inscription that explicitly refers to priests in the Hammat Tiberias synagogue, one of its donors identified himself in a Greek inscription as “Severos, pupil of the illustrious Patriarchs” (see inscription and bibliography in Milson, *Art and Architecture*, 374-375). If the Hammat Tiberias synagogue has any connection to priestly circles (as suggested by its iconography), this could indicate that at least some priests in Tiberias desired to have a close relationship with the Patriarchate in this period.

¹⁶³ Levine, *Rabbinic Class*, 172 states: “Other than at Sepphoris, there was very little overlap between the rabbinic centers and the communities of priestly families.” I am not sure what Levine means by this statement since, as he points out, the Tiberian academy had a significant overlap with priestly families during the late third and early fourth century; see Levine, *Rabbinic Class*, 125-126 and “Purification of Tiberias,” 173-174. For other references to these priestly sages and their involvement with the Tiberian academy, see the sources and discussions in Miller, *History and Traditions of Sepphoris*, 118 n.317; Rosenfeld, *Torah Centers*, 124.

¹⁶⁴ *Y Berakhot* 2.1, 4b; 5.4. For additional biographical information about R. Eleazar b. Pedat, see Neusner, ed. *Dictionary of Ancient Rabbis*, 120-123.

academy, including R. Hiyya b. Abba and R. Zeira. We have already seen accounts in which both were used as examples of priests in various circumstances related to ritual purity; R. Hiyya was a priest who defiled himself in order to see the Emperor Diocletian, and both priests attended the Patriarchal funeral in the “Gophna synagogue in Sepphoris.”¹⁶⁵ Both are identified as priests elsewhere in rabbinic literature.¹⁶⁶ Two other priestly sages of that generation – R. Assi and R. Ammi – are often paired together.¹⁶⁷ According to a statement in the Babylonian Talmud, “R. Assi and R. Ammi...were the most distinguished priests of the Land of Israel.”¹⁶⁸

Throughout the Palestinian Talmud, these priestly sages are found living in Tiberias, teaching in its academy, and ruling on a wide variety of issues. Along with leading the Tiberian academy in this period, some of these priestly rabbis were also involved with the Patriarchal administration. On at least one occasion, the Patriarch Judah III Nesiah (ca. 275-305) sent R. Hiyya, R. Assi, and R. Ammi throughout the towns and villages under his jurisdiction to inspect their educational systems (specifically, their scribes and teachers).¹⁶⁹ The passage containing this story does not discuss their priestly status or their association with the Tiberian academy. However, it seems likely that both qualifications would have provided these sages with impressive credentials to carry out their assignment.

¹⁶⁵ *Y Berakhot* 3.1, 6a; cf. *Y Nazir* 7.1, 76a.

¹⁶⁶ In *Genesis Rabbah* 6.5 R. Hiyya’s brother is called R. Cohen, and R. Zeira is called a priest by Bar Hannah as he served R. Abbah b. Bar Hannah and R. Huna (*Y Berakhot* 8.5, 12b).

¹⁶⁷ For sources on their association with each other and their leadership roles in the Tiberian academy, see Rosenfeld, *Torah Centers*, 124 n. 35.

¹⁶⁸ *B Megillah* 22a; *B Gittin* 59b.

¹⁶⁹ *Y Hagigah* 1.7, 76c.

In addition to these more famous sages, there were others from this period who migrated from Babylon to Tiberias and have names which suggest a priestly background, such as Kahana (“the priest”)¹⁷⁰ and Kahana b. Tahlifa.¹⁷¹ There was also a R. Levi in the mid to late third century who, although not from Babylon, seems to have had Levitical lineage and expounded the Law in the Tiberian academy.¹⁷² On at least one occasion a R. Abba b. Kahana (son of the Kahana mentioned previously?) came to the academy to hear one of R. Levi’s sermons.¹⁷³ This clustering of individuals in the late third and early fourth century suggests that the rabbinic movement in Tiberias experienced a surge of priestly leadership during this period. It also seems that this influx of priestly sages was originally related to waves of immigrants from Babylon, but that the trend continued for several generations. In light of this development, it would be valuable for a future study to consider in detail the impact these priestly sages might have had on the larger rabbinic debates and literary productions of this period.

Other sources suggest that some priestly circles in Tiberias operated independently of the rabbis and pursued their own interests. For example, if the lists of the priestly courses and their Galilean settlements have any historical value for this

¹⁷⁰ *Y Berakhot* 2.8, 5c records that Kahana was mocked by local Tiberians upon his arrival for his hearing of heavenly voices. See Levine, *Rabbinic Class*, 125.

¹⁷¹ *Y Avodah Zarah* 2.9 claims that he was an associate of R. Zeira, another priestly sage from Babylon who immigrated to Tiberias. See Neusner, ed., *Dictionary of Ancient Rabbis*, 288-289. It is possible that this individual is the same as the previous Kahana, but it is difficult to be certain. Another priestly sage who might have migrated from Babylon is R. Phineas b. Hama. According to Babylonian legend, R. Phineas (sometimes referred to as “Phineas the Priest”) was born in Babylon and migrated to Palestine during the fourth century where he actively participated in the academies. R. Phineas eventually lived in the village of Shikhin to the north-west of Sepphoris. See Neusner, ed., *Dictionary of Ancient Rabbis*, 340-341

¹⁷² *Y Sukkah* 5.1, 45a. *Y Rosh Hashanah* 4.1, 59b (cf. *Y Sanhedrin* 2.3, 20b) recounts that R. Zeira used to instruct other sages specifically to listen to R. Levi’s sermons.

¹⁷³ See the sources in Rosenfeld, *Torah Centers*, 124 n.36.

period, it is interesting to note that Tiberias was surrounded by villages in which some members of the courses lived. According to the lists, the course of Ezekiel settled to the north of the city (in Migdal), the course of Yeshua settled to the north-west (in Arbel), the course of Huppah settled to the west (in Bet Ma'on), and the course of Maaziah settled to the south (Ariah).¹⁷⁴ The historical difficulties of this list will be considered below (see 5.3). As with the discussion on the course of Yada'yah in Sepphoris, it is difficult to know the extent to which members of these priestly families actually lived in the Tiberias region during the third and fourth centuries. However, it may be significant that by the early medieval period Tiberias was sometimes called Maaziah, a reference to the priestly course listed as settling in Ariah (a few kilometers south of Tiberias).¹⁷⁵ In the same way the Sepphoreans came to be called the “sons of Yeda'yah,” it seems that the course of Maaziah became so closely associated with Tiberias that the name of the course became a nickname for the city in subsequent centuries.¹⁷⁶

The presence of priestly circles in Tiberias is also attested by non-Jewish literature relating to the Byzantine period. In particular, a number of Christian texts refer to the “priests of Tiberias” who were actively involved in Jewish politics and in apocalyptic movements beginning in the fourth century and continuing into the

¹⁷⁴ See Klein, *Beiträge zur Geographie und Geschichte Galiläas*, 95; Levine, “Purification of Tiberias,” 169 and *Rabbinic Class*, 174. Also not far from Tiberias was Mimlah (just to the north of Mount Arbel), which was listed as the settlement for the course of Hezir. In *Genesis Rabbah* 59.1, R. Meir (the famous sage from Tiberias in the mid second century) visited Mimlah and encountered Jews from the family of Eli, the biblical priest from 1 Samuel 2. Klein, *Galilee*, 65 viewed this as evidence of a significant priestly population at the site in the post-70 era. See also Leibner, *Settlement and History*, 172-173.

¹⁷⁵ See, for example, Moshe Gil, *A History of Palestine, 634-1099* (Cambridge: Cambridge University Press, 1992), 69-70.

¹⁷⁶ If this is the case, it is difficult to know whether the association was based on members of this course actually living in the region or was based on the list itself, which circulated during the Byzantine period.

seventh.¹⁷⁷ The historical accuracy of these texts is a complicated issue and I will not be able to consider it in-depth here. However, the references to the “priests of Tiberias” could have important implications for the mid fourth century. For example, a Syriac text from the early sixth century describes the journey of Julian the Apostate (ca. 363) through Cilicia and Syria on his way to Persia.¹⁷⁸ According to this text, Julian was met by a procession of Jews from Tiberias which was led by the “chief priests” [רבי כהנה] of the city.

When the chief priests living at Tiberias learnt that Julian was moving to come to Syria, they rejoiced greatly, and were in high spirits....They smelted for the tyrant a crown which was suitable for his pagan worship...They took the writ of confession from the members of their people, and offerings from the best of the land. They came up, and received the fool as they did in Tarsus of Cilicia, clad in white garments, and playing music (the pipe). They rendered him the due services of confession as to God.¹⁷⁹

When Julian learned that these priests were Jews, he was hesitant to grant them an audience. The Tiberian priests were also rebuked by local Jews for being too eager to appease a pagan emperor.

The chief priests answered them: ‘We possess zeal for the Temple which lies in ruins, for our city is laid waste, and for our people which is dispersed and scattered. Necessity compelled us to do this thing to help the whole body.’¹⁸⁰

¹⁷⁷ Some have questioned whether the term “priest” in these texts refers to actual Jewish priests or is a general term for any religious specialist, such as a rabbi. Once we dispense with rabbinocentric assumptions, however, the cumulative evidence considered below suggests that “priests” were actually priests, not rabbis. As will be seen, most of these references make the most sense in the context of priestly, not rabbinic, goals and visions for society. Furthermore, the external evidence for priestly presence and activities presented throughout this dissertation confirms the possibility that actual priests could have been involved in these events. Therefore, without compelling evidence to the contrary, I read the term “priest” in these texts as a reference to priests. For additional consideration of this issue and the role of Tiberian priests in Byzantine literature, see Trifon, “Jewish Priests,” 258-265; Irshai, “Confronting a Christian Empire,” 193, 207-209 and “Role of the Priesthood,” 77-79; Alexander, “Jewish Priesthood after 70,” 70.

¹⁷⁸ The earliest Syriac edition of this text is in Johann Georg Ernst Hoffman, ed., *Julianos der Abtruennige: Syrische Erzählungen* (Leiden: Brill, 1880). It was first translated into English in Hermann Gollancz, *Julian the Apostate* (Oxford: Oxford University Press, 1928). For an attempt to use this text to reconstruct the activities of Jewish priests, see Trifon, “Jewish Priests,” 259-260.

¹⁷⁹ Gollancz, *Julian the Apostate*, 117.

¹⁸⁰ Gollancz, *Julian the Apostate*, 118.

The priests then recounted the many instances from the Hebrew Bible in which Israel's leaders engaged in pagan sacrifice for a higher purpose.

"It is because of zeal for the Temple in ruins that this has come about....let us do the will of the king, and let us listen to his commands; for perhaps at our prayer he may build and renew our Temple which is in ruins, and he will repeople the wastes and ruins of our city." With these vague and empty words, the wretched priests stilled off from them the cry of the children of their people.¹⁸¹

Julian then tested the "chief priests" to see how far they would go in participating in his paganism by offering them non-kosher foods. According to the text, "These vile priests treated lightly the commandments of the Law and its ceremonies; they ate and drank." Julian then set up an altar next to his throne to see if the "chief priests" would offer sacrifices to him in public.

The tyrant commanded to come before him the priests of the Jews in the vestments of their priesthood, with their censers carried in their hands, the same with regard to the rest of the Levites of their people. The tyrant ordered that each one should appear before him in the regulation form of his service, so that all the world might see then that it is the priesthood of the Hebrews that thought it right to offer sacrifices and offerings to the priesthood of idol worship. The ministers of wickedness did what was commanded them; in the garb of their priesthood...[they] fell on their faces, and prostrated themselves before him.¹⁸²

After "the feeble priests of the Jews" made their incense offerings and sacrifices, they gained Julian's favor and petitioned him to rebuild the Jerusalem temple.

"Our city is waste, our Temple fallen, our people dispersed and scattered with the priests of our people....You shine like the sun in the universe... You are the king of Jacob, and the leader of Israel. Our people...has been looking for your salvation."¹⁸³

Following this display of loyalty and petition, Julian granted permission for the rebuilding of the temple.¹⁸⁴ In short, this text claims that Jewish priests from Tiberias were behind Julian's decision to rebuild the Jerusalem temple in the early 360s.

¹⁸¹ Gollancz, *Julian the Apostate*, 119.

¹⁸² Gollancz, *Julian the Apostate*, 119-121.

¹⁸³ Gollancz, *Julian the Apostate*, 123-125.

The late date of this text (composed over a century after the event it describes) and its polemical nature could prompt a quick dismissal of its historical validity. In regard to this particular episode, early scholars dismissed this account for several reasons. According to one argument, these “priests” must really have been rabbis and, since rabbinic literature showed no interest in Julian’s offer to rebuild the temple, the scene must reflect the author’s imagination.¹⁸⁵ However, it is clear from the text itself that the author intended to describe actual Jewish priests and Levites, as indicated by their clothing, actions, interests, and titles. Furthermore, the lack of rabbinic interest in Julian’s offer does not mean that other Jews – such as priestly circles – could not have supported the attempt to rebuild the temple or have been partially responsible for its conception. Indeed, Julian’s own writings indicate that he intended to re-enthroned the Jewish priesthood as part of his initiative to restore non-Christian priests and temples throughout the empire.¹⁸⁶ The fact that Jewish priests would have had the most to gain by a new temple lends plausibility to the story.

Additional support for the story’s plausibility comes from references to Jewish “priests” from Tiberias in other Christian texts of the Byzantine period. One sixth century Syriac text – *The Life of Bar-Sauma the Monk* – records an episode from the mid fifth century (ca. 443) in which the Empress Eudocia sent a letter to “the priests and heads of

¹⁸⁴ Gollancz, *Julian the Apostate*, 125-126.

¹⁸⁵ E.g., Michael Adler, “The Emperor Julian and the Jews,” *JQR* 5.4 (July 1893): 620 and W. Bacher, “Statements of a Contemporary of the Emperor Julian on the Rebuilding of the Temple,” *JQR* 10.1 (October 1897): 169.

¹⁸⁶ E.g., Julian, *Fragment of a Letter to a Priest* discusses his reinstatement of the pagan priesthoods, and *Contra Galileos* 306A mentions his interest in Jewish priests retaining the gifts that were due to them as priests. I thank Ari Finkelstein for sharing some of his preliminary research on the relationship between Julian and Jewish priests (forthcoming in his Ph.D. Dissertation from Harvard University). For the larger context of Julian’s priestly reforms, see Chapter Six.

the Galilee” allowing them to celebrate the Feast of Tabernacles on the temple mount in Jerusalem. As a result, the priests wrote to other Jews throughout the region that “our kingdom will be restored at Jerusalem.” Ultimately, the gathering was dispersed by a mob led by the monk Bar-Sauma.¹⁸⁷ This text states that “priests of Galilee” were trying to visit the temple and restore a Jewish kingdom without specifying Tiberias as the city of their residence. However, a Tiberian origin for these priests would be consistent with other accounts of Tiberian priests with similar goals from the fourth century onwards.

Attempts of Tiberian priests to usher in a messianic kingdom are attested in at least two additional texts. In the sixth century *Book of the Himyarites* (and related fragments) we hear of a princedom in Himyar (modern Yemen) that had converted to Judaism in the 520s. Led by “Jewish priests from Tiberias,” this small kingdom persecuted local Christians, an act which provoked military action by Justinian I.¹⁸⁸ A synagogue plaque containing a list of the twenty-four priestly courses was also found in this region,¹⁸⁹ possibly allowing us to connect the list with a nationalistic movement led by priests from Tiberias. In addition, a seventh century text (*Doctrina Jacobi nuper Baptizati*) written in Carthage by two Jewish merchants (Jacob and Justin) who converted to Christianity describes their youth in Palestine during the late 500s. In their account they mention Jewish priests from Tiberias who were community leaders and apocalyptic

¹⁸⁷ See the Syriac fragments in F. Nau, “Résumé de Monographies Syriaques,” *ROC* 19 (1914): 118-125. For an historical commentary on this episode, see Kenneth G. Holum, *Theodosian Emperors: Women and Imperial Dominion in Late Antiquity* (Berkeley: University of California Press, 1982), 217-218 and Irshai, “Role of the Priesthood,” 78.

¹⁸⁸ Axel Moberg, *The Book of the Himyarites: Fragments of a Hitherto Unknown Syriac Work* (London: Oxford University Press, 1924), cv (Ch. 7a); Irfan Shahid, *The Martyrs of Najran: New Documents* (Bruxelles: Société des Bollandistes, 1971), 45 and pl.2; Irshai, “Confronting a Christian Empire,” 193, 207 and “Role of the Priesthood,” 78.

¹⁸⁹ Rainer Degen, “An Inscription of the Twenty-Four Priestly Courses from Yemen,” *Tarbiz* 42 (1973): 302-303 [Hebrew]; Levine, *Ancient Synagogue*, 239, 524, 587.

visionaries. One such Tiberian priest publicly shared his vision based on the symbolism of Daniel that the messiah would come in eight years.¹⁹⁰

More work needs to be done on these texts to further articulate their historical implications for Jewish priests in Late Antiquity. However, even a brief overview demonstrates that a variety of texts from different settings attest to a significant and vibrant priestly population in Tiberias during the Byzantine period, perhaps as early as the mid fourth century.¹⁹¹ These Tiberian priestly circles seem to have had strong nationalist politics as is evident from their attempts to rebuild the Jerusalem temple, restore a Jewish kingdom in Palestine, and create a priestly kingdom in Yemen. It also seems that at times, some Tiberian priests cultivated apocalyptic and messianic expectations.¹⁹² We know from other sources that apocalyptic movements flourished in the Tiberias region beginning no later than the fourth century.¹⁹³ Considering the larger

¹⁹⁰ *Doctrina Jacobi* 3.12 and 5.6. See Gilbert Dagron and Vincent Déroche, “Doctrina Jacobi Nuper Baptizati,” *TM* 11 (1991): 170-173, 192-193; Irshai, “Confronting a Christian Empire,” 193, 208-209 and “Role of the Priesthood,” 78-79.

¹⁹¹ An additional reference to a Jewish priest from Tiberias might be found in a text that mentions a man named Phineas from Tiberias who participated in a Christian assembly in Alexandria in 552 as an expert in the calendar. See S. Lieberman, “Neglected Sources,” *Tarbiz* 42 (1973): 54 [Hebrew]. Irshai, “Confronting a Christian Empire,” 193 suggests that his name indicates a priestly identity.

¹⁹² For additional indications of apocalypticism in the Byzantine period, see Michael and Mary Whitby, eds., *The History of Theophylact Simocatta* (New York: Oxford University Press, 1986), 222-235; Irshai, “Confronting a Christian Empire,” 187 and “Role of the Priesthood,” 79.

¹⁹³ There is evidence of apocalyptic and messianic fervor in the region around Tiberias among both Jews and Christians from the fourth century into the Byzantine period, often with priestly associations. Perhaps the earliest reference is in *Y Berakhot* 1.1, 2c (cf. *Y Yoma* 3.2, 40b) in which R. Hiyya (the priestly sage or an earlier Hiyya?) viewed the sun rising at Arbel as a sign of the ultimate redemption of Israel. The fourth century Christian text *Acts of Pilate* (14-16) reflects a local tradition that “Phineas the priest, Adas the teacher, and Angaeus the Levite” came from Galilee to tell the Jewish leadership at Jerusalem that Jesus was resurrected at Mount Mimlah, just to the northwest of Arbel. We saw earlier that Mimlah’s population included priests who claimed descent from Eli (*Genesis Rabbah* 59.1; Klein, *Galilee*, 65). Finally, the *Book of Zerubbabel*, a seventh century apocalypse, claimed that the eschatological battle would be fought in the Arbel Valley. With its references to the Michael, the messiah, Metatron, and the heavenly temple, this apocalypse also has a strong priestly flavor. See an introduction and translation of the text in John C. Reeves, ed., *Trajectories in Near Eastern Apocalyptic: A Postrabbinic Jewish Apocalypse Reader* (Atlanta: Society of Biblical Literature, 2005), 40-66. For further considerations of these texts and the apocalyptic

socio-political context, it is not unreasonable to suggest that priestly circles were behind these visions of the messianic kingdom and restoration of the temple.

Unfortunately, it is impossible to know the precise relationship between these priestly circles and the rabbinic movement. We have already seen that some priests were involved with the rabbinic academy in the late third and early fourth century. However, the fact that the rabbis were ambivalent at best about Julian's efforts to rebuild the temple in the mid fourth century (ca. 363) suggests that the nationalist priestly circles that supported the attempt were motivated by their own interests.¹⁹⁴ This recalls the situation during the early second century in which priestly, not rabbinic, circles supported the Bar Kokhba revolt and its attempts to restore the priesthood to its place at the head a national sacrificial cult. On the other hand, it is clear that some priestly families in Tiberias continued to associate with the rabbinic movement into the early medieval period. This is demonstrated by waves of renewed priestly leadership in the Tiberian academy during the ninth, tenth, and eleventh centuries. During that time a number of priestly dynasties administered the institution and served as national leaders.¹⁹⁵

atmosphere in the Tiberias region, see E. Reiner, "From Joshua to Jesus: The Transformation of a Biblical Story to a Local Myth (A Chapter in the Religious Life of a Galilean Jew)," *Zion* 61 (1996): 281-317 [Hebrew]; Irshai, "Confronting a Christian Empire," 187; Leibner, *Settlement and History*, 172-175, 257-258, 260-261.

¹⁹⁴ Trifon, "Jewish Priests," 258-265, suggests that these priests were all part of the rabbinic movement. However, I am not convinced that the goals of some of these priestly movements – especially the nationalistic and apocalyptic circles – reflect the worldview of the sages as found in the Palestinian Talmud and later midrashic texts.

¹⁹⁵ Gil, *History of Palestine*, 65-74, 495-516, 653-750, provides an important history of Tiberian Jews in the early Islamic period. It includes 'Umar's relocation of seventy Jewish families from Tiberias to Jerusalem in the seventh century, some of which included priests who later became national leaders. Gil also documents the genealogies of the priestly dynasties that led the Tiberian academy in the ninth, tenth, and eleventh centuries. He summarizes these developments by stating, "We get the impression that the principle qualities which were thought to merit a [leadership] appointment were indeed knowledge of the Torah, wisdom, erudition, and being well versed in the law, but it seems that one's distinguished relatives and ancestry were also significant in this matter" (p. 506).

This overview of evidence shows that Tiberias had a long history of priestly presence and activities. Possibly beginning as early as the second century, priests in the city were concerned with purity, the reception of tithes, and their relationship with Patriarchs and rabbis. For three generations during the late third and early fourth centuries several prominent priests administered the rabbinic academy in the city. Later in the fourth century and into the Byzantine period other priests cultivated nationalistic hopes, apocalyptic visions, and attempts to restore the biblical glories of the temple and priesthood. The continuation of priestly dynasties in Tiberias into the early medieval period further highlights the rich tradition of priestly dynamics in the city after 70.

5.2.3 Beth Shearim

In the previous sub-sections we have examined evidence for the presence of priests in two major urban centers in Galilee: Sepphoris and Tiberias. This evidence indicates that priestly circles were an active part of social dynamics during the third and fourth centuries, often overlapping with other prominent social circles. Priests associated with Patriarchs, were involved with the rabbinic movement, and pursued their own independent interests. So far, most of the evidence for these dynamics has come from literary sources such as Amoraic rabbinic or contemporaneous Christian texts, which only occasionally have been supplemented by material culture. However, at this point it would be helpful to allow archaeological discoveries to check the emerging literary picture and to fill out our understanding of social dynamics.

One of the most valuable archaeological sources for understanding Galilean society of the third and fourth century is the necropolis at Beth Shearim.¹⁹⁶ Excavated in the 1930s and 1950s, this necropolis contains over thirty catacombs with many examples of Hellenistic Jewish art and almost three hundred funerary inscriptions. These catacombs not only offer insight into Jewish funerary customs in this period, but they provide a valuable window of insight into the social, religious, and economic dynamics of Galilean culture.¹⁹⁷ Because of the wealth required to own burial chambers in the rock-cut catacombs,¹⁹⁸ the epigraphic finds at Beth Shearim reflect upper class urban society in Galilee for the centuries the site was in use.

There are a number of limitations in dealing with the epigraphic evidence from Beth Shearim. In general, funerary inscriptions provide little information about the interred individual.¹⁹⁹ Such information might include a name, patronymics, profession,

¹⁹⁶ The original excavation reports of Beth Shearim are Benjamin Mazar, *Beth She'arim: Report on the Excavations during 1936-1940: Volume I: Catacombs 1-4* (New Brunswick, N.J.: Rutgers University Press, 1973); Moshe Schwabe and Baruch Lifshitz, *Beth She'arim: Volume II: The Greek Inscriptions* (New Brunswick, N.J.: Rutgers University Press, 1974); Nahman Avigad, *Beth She'arim: Report on the Excavations during 1953-1958: Volume III: Catacombs 12-23* (New Brunswick, N.J.: Rutgers University Press, 1976). For important studies that have been done on the various issues related to the site, see Zeev Weiss, "Social Aspects of Burial in Beth She'arim: Archaeological Finds and Talmudic Sources," in *Galilee in Late Antiquity*, ed. Levine, 357-371; Tessa Rajak, "The Rabbinic Dead and the Diaspora Dead at Beth She'arim," in *The Talmud Yerushalmi and Graeco-Roman Culture: Volume I* (ed. Peter Schäfer; Tübingen: Mohr Siebeck, 1998), 349-366; Lee I. Levine, "Beth Se'arim in Its Patriarchal Context," in *"The Words of a Wise Man's Mouth are Gracious" (Qoh 10,12): Gestschrift for Günter Stemberger on the Occasion of his 65th Birthday* (ed. Mauro Perani; Berlin: Walter de Gruyter, 2005), 197-225; Zeev Weiss, "Burial Practices at Beth She'arim and the Question of Dating the Patriarchal Necropolis," in *Follow the Wise*, ed. Weiss, Irshai, Magness, and Schwartz, 207-231.

¹⁹⁷ For consideration of the close ties between Beth Shearim and nearby city-centers such as Sepphoris, see Yehudah Neeman, "Sepphoris and Beth She'arim: The Extent of the Relationship between Them," *Sinai* 103 (1989): 100-107 [Hebrew] and Weiss, "Burial Practices," 229.

¹⁹⁸ Weiss, "Burial Practices," 213, 223-225 considers the socio-economic implications of the various tomb styles at Beth Shearim. See also Levine, *Rabbinic Class*, 177-178, who cites *Y Mo'ed Qatan* 3.5, 82 regarding the wealthy families buried at Beth Shearim.

¹⁹⁹ On the limitations of epigraphic evidence in general, see Paul R. Trebilco, *Jewish Communities in Asia Minor* (Cambridge: Cambridge University Press, 1991), 1-4 and Fergus Millar, "Epigraphy," in *Sources for Ancient History* (ed. M. Crawford; Cambridge: Cambridge University Press, 1983), 80-136.

and place of origin, but typically not much else. This allows for only a narrow look at the social world that produced the inscriptions. In the case of Beth Shearim, an additional limitation is the imprecise dating of the catacombs, burials, and inscriptions. It is generally thought that the necropolis dates to the third and fourth centuries. This chronology, however, was based on an overestimation of the impact of the Gallus revolt in 351 (which the excavators assumed brought an end to burials at the site²⁰⁰) and a relative chronology based on the tomb types.²⁰¹ Both of these issues have recently been reassessed, raising the possibility that some of the material in the catacombs could date as late as the Byzantine period.²⁰² Despite these difficulties, the necropolis at Beth Shearim still provides important evidence that will allow us to approximate some of the region's social dynamics.

Traditionally, research on Beth Shearim has focused on the presence of inscriptions relating to Patriarchal and rabbinic circles. In particular, scholars after the initial excavations were most excited about the possible presence of individuals associated with the Patriarchal house of Judah I, who was interred at the site ca. 220. In Catacomb 14, three inscriptions were found that supported this association: "Rabbi

²⁰⁰ Mazar, *Beth She'arim I*, 19; Avigad, *Beth She'arim III*, 3.

²⁰¹ These attempts are summarized in Avigad, *Beth She'arim III*, 259-267. The typology was as follows: the *kokhim* burials were the earliest (dating to the first and early second centuries), followed by the *arcosolia* burials (dating to the third and fourth centuries), with a unique type of hall being in use for a brief time in the early third century (shortly after the death of Judah I). Avigad openly acknowledged, however, that this chronology was not based on datable finds, but rather on stylistic typology.

²⁰² F. Vitto, "Byzantine Mosaics at Beth She'arim: New Evidence for the History of the Site," *'Atiqot* 28 (1996): 115-146 demonstrates that the impact of the Gallus revolt on the site of Beth Shearim was negligible, and that the city remained active into the Byzantine period (raising the possibility that the necropolis did as well). Weiss, "Burial Practices," 210-218 has since offered a reassessment of the excavators' relative chronology and demonstrates that the various tomb types were in use simultaneously into the fifth century.

Gamaliel,” “Rabbi Shimon,” and “Rabbi Anianos.”²⁰³ Because the first two were also names of sons of Judah I and the third was the name of his leading student, it was assumed that this catacomb belonged to Patriarchal circles.²⁰⁴ Scholars even guessed that two prominent but unmarked sarcophagi in the catacomb belonged to Judah I and his wife. Ultimately, these are not unreasonable possibilities.²⁰⁵ Additional Patriarchal connections might also exist in Catacomb 20.²⁰⁶

In addition to possible Patriarchal connections, scholars have emphasized the presence of “rabbinic” inscriptions at Beth Shearim. According to the excavation reports, four catacombs contain the names of thirteen individuals who employed variations on the title “rabbi,” such as “rabbi,” “ribbi,” “rib,” and the abbreviated Greek “rho” (all appearing in Hebrew, Aramaic, and Greek). In addition, eight individuals are identified as the children of a “rabbi” and one as the wife of a “rabbi,” presenting a total of four or five families with “rabbinic” titles.²⁰⁷ It is difficult to know if these titles reflect an association with the Talmudic rabbis or were a broader honorary designation.²⁰⁸ Nevertheless, these

²⁰³ The inscriptions of “Rabbi Gamaliel” and “Rabbi Anianos” are in both Hebrew and Greek, whereas the inscription of “Rabbi Shimon” only appears in Hebrew. See Schwabe and Lifshitz, *Beth She’arim II*, 147-148 (nos. 174-175) and Avigad, *Beth She’arim III*, 52-55.

²⁰⁴ *B Ketubot* 103b also claims that all three were appointed to administrative positions by Judah I before his death.

²⁰⁵ See the treatments in Rajak, “Rabbinic Dead,” 351-353, and Levine, “Bet Se’arim,” 197-225. Levine emphasizes the connection between Beth Shearim and the Patriarchate, while at the same time downplaying the association between the Patriarchate and the rabbis of the Talmud. Rather, he suggests that the “rabbis” at Beth Shearim were part of the larger circle of Hellenized Jews that surrounded the Patriarch in this period.

²⁰⁶ Levine, “Bet Se’arim,” 209-210.

²⁰⁷ These figures come from my reading of the initial excavation reports (under the descriptions of Catacombs 1, 14, 20, and 25), which do not group the epigraphic data in this way. For other compilations of the “rabbinic” inscriptions, see Cohen, “Epigraphical Rabbis,” 3-5; Levine, *Rabbinic Class*, 49-50; Rajak, “Rabbinic Dead,” 350-355; Magness, “Third Century Jews,” 139.

inscriptions have left the impression that rabbis were the largest social group represented at Beth Shearim.²⁰⁹ This impression is bolstered by the fact that Catacombs 14 and 20 – the two catacombs in which most of the “rabbinic” inscription are clustered – are the main parts of the site open to the public. As a result, these catacombs and inscriptions have received the most attention in scholarly treatments of the site.²¹⁰

A careful analysis of the content and spatial distribution of Beth Shearim’s inscriptions, however, suggests that rabbis were only a part of the site’s social dynamics. “Rabbis” are found in four of the thirty-two catacombs, and are clustered mostly in Catacombs 14 and 20. The remaining catacombs and inscriptions contain the names of individuals and families who do not claim “rabbinic” titles but who focus on other defining characteristics of identity, such as place of origin, vocation, and priestly lineage.²¹¹ In numbers that roughly correspond to “rabbinic” inscriptions, priests and

²⁰⁸ See the debate between Cohen, “Epigraphical Rabbis,” 1-17, Levine, *Rabbinic Class*, 15, Miller, “‘Epigraphical’ Rabbis,” 27-76, and Alexander, “Jewish Priesthood after 70,” 26 on whether the title “rabbi” and its variants reflects a specific socio-religious identity (i.e., a rabbi of the Talmudic tradition) or if it is merely an honorary title used in various social circles. Rajak, “Rabbinic Dead,” 351 suggests that in those instances in which the individuals with “rabbinic” titles are clustered together it is reasonable to assume that the titles carried some socio-religious significance. Nevertheless, she points out that the “rabbis” of Beth Shearim were not an exclusive social group. For example, in Catacomb 20 (the catacomb with the highest concentration of “rabbis”) they were not set apart from other groups, but were surrounded by sarcophagi containing artwork and statements of belief contrary to rabbinic views (p. 355).

²⁰⁹ Rajak, “Rabbinic Dead,” 349 suggests that these inscriptions, along with the surviving preponderance of rabbinic literature from this period, create an inaccurate impression that Beth Shearim was “a zone dominated by the rabbis’ involvement...with the supposition that the whole operation was in some sense under rabbinic control.” For examples of such rabbinocentric treatments of the site, see the discussion in Levine, “Bet Se’arim,” 205-206.

²¹⁰ See, for example, Weiss, “Social Aspects.”

²¹¹ The most certain indication of priestly descent, of course, is the use of priestly titles. In some ways, priestly inscriptions provide an advantage over “rabbinic inscription” for purposes of socio-historical reconstruction. Unlike with the title “rabbi” (which may or may not indicate affiliation with the rabbinic movement), the title of “priest” allows us to be confident of the individual’s socio-religious identity. In addition, because of the genealogical nature of the Jewish priesthood, the presence of one individual with the title of “priest” strongly suggests that other family members in the tomb were also priests or part of a priestly family. Specifically in regard to Beth Shearim, Weiss, “Social Aspects,” 358 affirms that most burial chambers were owned by families, although a few individual burial plots might also exist.

priestly families are also attested in four or five catacombs containing about five to nine individuals who claim to be priests and over five families that claim priestly or Levitical connections.²¹² These priestly inscriptions confirm the picture that emerges from literary sources that priests were part of the upper class in this period, sometimes associating with Patriarchal and rabbinic circles, and sometimes maintaining independent lifestyles and worldviews. A survey of the priestly inscriptions will demonstrate these dynamics and show that priests were just as much a part of Beth Shearim's story as the "rabbis."

One of the most distinct examples of priestly inscriptions comes from Catacomb 1 Hall I.²¹³ This hall contained at least thirty burial places and eighteen inscriptions, most in Greek and a few in Hebrew. Of the hall's four rooms, Room 4 is notable for its inscriptions indicating that it was set apart for a priestly family. At the top-right corner of Arcosolium 1 is a Hebrew inscription in red paint that reads: "This place belongs to the priests. Woe!" (המקום הזה של כוהנים חבל).²¹⁴ On the ceiling immediately above this arcosolium are two incised inscriptions, one in Hebrew and one in Greek, which

²¹² These numbers are based on individuals whose names had accompanying priestly titles. It is possible that other priests were buried at Beth Shearim as well, but did not use a priestly title in their funerary inscription. This possibility is made clear by Jerusalem's pre-70 funerary inscriptions. Out of over a thousand ossuaries from late Second Temple period Jerusalem – a large number of which undoubtedly belonged to members of the priestly aristocracy – fewer than ten actually bear the title of "priest" (see the published list in Rahmani, *Jewish Ossuaries*). Therefore, it is likely that more priests were present in the Beth Shearim necropolis than is evident from priestly titles. In several instances, funerary inscriptions at Beth Shearim contain names that were typically used in priestly families, such as Ananias or Levi (see Schwabe and Lifshitz, *Beth She'arim II*, 44-45 [nos. 69-70], 93 [no. 119]). However, I will mostly restrict my analysis to those names with a certain priestly identification. I do not know of any study to date that has collected and analyzed the priestly inscriptions from Beth Shearim, although Magness, "Third Century Jews," 139-140, provides a short list of most of them. On a related note, it is interesting that in 1989 Lee Levine stated, "Not a single inscription mentioning *cohen* has yet been found in the Galilee" (Levine, *Rabbinic Class*, 173 n.160). The Sepphoris inscriptions using the title had not yet been discovered at that time, but the Beth Shearim inscriptions had been published for over a decade. Either Levine did not include the Beth Shearim inscriptions in his comments, or his statement reflects the general lack of attention given to this material.

²¹³ For a full treatment of Catacomb 1 Hall I, see Mazar, *Beth She'arim I*, 89-94.

²¹⁴ Mazar, *Beth She'arim I*, 201-202 (no.67); *CIJ* 2.181 (no.1002).

emphasize the nature of the space by simply saying, “Priests” (כֹּהֲנִים.../ΙΕΡΕΩΝ).²¹⁵ It is uncertain if these words originally stood alone or if they were part of a larger inscription. What is clear is that these inscriptions set the space apart for a priestly family.

No other priestly titles are found with the individual inscriptions in this room. Assuming that the interred individuals were among the “priests,” it is interesting that the majority of inscriptions associated with this priestly family are in Greek (with only a few in Hebrew), including one woman who bore the theophoric name of “Dionysia.”²¹⁶ It is also interesting that one of the individuals interred in Arcosolium 1 was “Jesus from ‘Araba” (Ιησου Αραβηνω),²¹⁷ whose name is accompanied by a depiction of a seven-branched menorah.²¹⁸ According to the list of Galilean settlements of the twenty-four priestly courses, families from the course of Petahya lived in ‘Arab north of Sepphoris.²¹⁹ Therefore, it is possible that the entire space was used to inter priests from that village.

It is difficult to know the extent to which Catacomb 1 Hall I was set apart for the “priests.” The clustering of priestly inscriptions mostly appears around Arcosolium 1 of Room 4. Does this suggest that only the arcossolium was used by this priestly family, or does it imply that the entire room was set apart for priests? What about other rooms in the hall? At least one individual in Room 3 was also from ‘Arab,²²⁰ but there is no positive

²¹⁵ Mazar, *Beth She’arim I*, 201 (no. 62); Schwabe and Lifshitz, *Beth She’arim II*, 31 (no.49); *CIJ* 2.181 (no.1001).

²¹⁶ Schwabe and Lifshitz, *Beth She’arim II*, 32 (no.52).

²¹⁷ Schwabe and Lifshitz, *Beth She’arim II*, 31-32 (no.51); *CIJ* 2.181 (no.1003).

²¹⁸ Mazar, *Beth She’arim I*, 93.

²¹⁹ See Levine, *Rabbinic Class*, 174.

²²⁰ See Schwabe and Lifshitz, *Beth She’arim II*, 26 (no.46). Another individual from ‘Arab was also found in Catacomb 1, but in Hall P. See Schwabe and Lifshitz, *Beth She’arim II*, 50-51 (no.79).

evidence that he was also a priest. Therefore, we cannot be certain if other priests or priestly families were interred in Hall I.²²¹ Nevertheless, it is significant that at least a portion of the hall was specifically designated for priests. Unlike Catacombs 14 and 20 whose “rabbis” were interred alongside other groups,²²² Catacomb 1 Hall I provides an example of priests being set apart from other Jewish social circles in a way that preserved the exclusivity of priestly identity. These particular inscriptions also indicate that some priestly families continued to embrace a Hellenized lifestyle, as is shown by their use of Greek language and names.

Unfortunately, it is impossible to date these inscriptions with precision. Zeev Weiss has argued that Hall I was originally dug in the late fourth century and was in use into the fifth century. Since Room 4 was the latest of the hall’s rooms, Weiss’ dating would place its priests toward the latter part of that period. However, Weiss based his dating of Hall I on the questionable assumption that the earlier halls in the catacomb, in particular Hall G, were built by families fleeing the fall of Palmyra in 272.²²³ As Tessa Rajak has shown, it is likely that these families lived in Palestine before then.²²⁴ Therefore, it is likely that Hall G was built earlier than Weiss claims, thus allowing Hall I

²²¹ For an inconclusive weighing of these various possibilities, see Schwabe and Lifshitz, *Beth She’arim II*, 28.

²²² Rajak, “Rabbinic Dead,” 355.

²²³ Weiss, “Social Aspects,” 371 n.70 and “Burial Practices,” 226-227 points out that a Palmyrene family (the “Mokimos” family) built Hall G and used it for two generations before Hall I was made. Since Weiss believes that the Mokimos family would not have come to Beth Shearim much before the fall of Palmyra in 272, he dates the creation of Hall G to that time. Based on a relative dating, he then claims that Hall I must have been made a few generations after that (i.e., in the late fourth century).

²²⁴ Rajak, “Rabbinic Dead,” 358.

to be earlier as well. In that case, the priests from 'Arab could have been interred in Hall I earlier in the fourth century than Weiss' dating would suggest.²²⁵

At least three other catacombs at Beth Shearim contain halls of interred priests and their families. Catacomb 13 Hall B might be another example of an area set apart for priests and Levites. On the lintel above the entrance to this hall is an incised Greek inscription reading "(?) Priest from Beirut" (Χωρον Βυριτιος).²²⁶ It is uncertain if this represents an individual's personal name (perhaps the first person to be buried in the hall?) or if this indicates that the entire hall was set apart for a priestly family from the northern coast. The hall contains two rooms and thirteen burial places. The excavation report records only two other inscriptions in this hall, both of which appear in Room 1 and have priestly associations. On the western side of Arcosolium 3 there is a Hebrew dipinto inscription which reads: "This is the resting place of Yudan, son of Levi [בן לוי], forever in peace. May his resting place be set [?] in peace. Of Yudan, son of Levi."²²⁷ Similarly, a painted inscription appears on the wall below the arcosolium: "This is the resting place of Yudan, son of Levi, forever."²²⁸ Taken together, the inscriptions of Catacomb 13 Hall B suggest that the hall was either the tomb of a priestly family or one set apart for several priests and Levites from Beirut.

²²⁵ This would also align with the dating in Mazar, *Beth She'arim I*, 94, who points out that most of the pottery and glass forms in Hall I were from the first half of the fourth century, with a few forms indicating use into the Byzantine period.

²²⁶ Schwabe and Lifshitz, *Beth She'arim II*, 133 (no.148); Avigad, *Beth She'arim III*, 29-30.

²²⁷ Avigad, *Beth She'arim III*, 30, 236-237 (no.5), Pl. X.2.

²²⁸ Avigad, *Beth She'arim III*, 30, 237-238 (no.6).

Another hall that might have belonged to a priestly family is Catacomb 18 Hall A.²²⁹ This hall contains three rooms, nineteen burial places, and a Greek inscription engraved on the lintel above its entryway: “Lord remember your servant Sacerdos” (Κυριε μνησθηθι του δουλου σου Σακερδωτος).²³⁰ The name “Sacerdos” comes from the Latin word for “priest,” suggesting that this individual either bore a priestly title or was given the title “priest” as a personal name. If “Sacerdos” was a priest, it would follow that the entire family buried in this hall were priests as well. Unfortunately, there are no other inscriptions to shed light on this possibility, although there are two *lulavim* (cultic items) carved in relief on the archway between Rooms 2 and 3. In the courtyard in front of the hall, a white marble slab with a lengthy Greek Homeric-style inscription was found that also had depictions of ritual objects associated with the Jerusalem temple, such as a seven-branched menorah, *ethrog*, *lulav*, shofar, and incense shovel.²³¹ One scholar has argued that the blessing formula at the top of the inscription (ευλογία τη οσια) points to an Essene identity for the family, but this hypothesis has not been widely accepted.²³² In any case, this hall and its inscriptions highlight the Greek cultural proclivities of the Jewish “Sacerdos” family.

²²⁹ For an overview of this hall, see Schwabe and Lifshitz, *Beth She’arim II*, 157-169 and Avigad, *Beth She’arim III*, 76-77.

²³⁰ Schwabe and Lifshitz, *Beth She’arim II*, 167-168 (no. 184); Avigad, *Beth She’arim III*, 76.

²³¹ Schwabe and Lifshitz, *Beth She’arim II*, 157-167 (no. 183).

²³² H. Kosmala, *Hebräer-Essener-Christen: Studien zur Vorgeschichte Der Frühchristlichen Verkündigung* (Leiden: Brill, 1959), 422-428. Kosmala also pointed out that the formula in the “Sacerdos” inscription was previously unknown in Jewish epitaphs but was common in Christian inscriptions. Because he viewed the Essenes as a link between other Jews and Christians, he saw both of these inscriptions as evidence that Catacomb 18 Hall A belonged to a family of Essenes. However, see the arguments against this identification in Schwabe and Lifshitz, *Beth She’arim II*, 159-160, 167-168.

Catacomb 16 Hall A also might have belonged to a family of priests. Out of its four Greek inscriptions, at least two individuals claimed the title of “priest” along with their names.²³³ Above Loculus 4 is the Greek inscription, “Judah the Priest” (Ἰουδαῦς ἱερεὺς).²³⁴ On the other side of the one-room hall, below Arcosolium 2, is a long Greek inscription painted in red which reads in part: “(The) Prie[st] [R]abbi Hieron[ymos]” (Ἰερει[ς] [Ρ]αββὶ Ἱερων[υμος]).²³⁵ If the reconstruction of the second inscription is correct, it is an example of a priest who also claimed the title of “rabbi,” suggesting a possible overlap in priestly and rabbinic social circles. This dynamic was seen from the literary and epigraphic evidence discussed in earlier subsections, and is also found in a few additional inscriptions from Beth Shearim. For example, in Catacomb 20 – the catacomb with the largest concentration of “rabbinic” inscriptions – at least two inscriptions contain both “rabbinic” and Levitical titles. One sarcophagus in Room 16 contained a Hebrew inscription: “This is the coffin of Rabbi Hillel, the son of Rabbi Levi [רבי לוי] who made this cave.”²³⁶ Similarly, in Room 21 was a sarcophagus with the inscription: “This is the coffin of the lady Mega, the wife of Rabbi Joshua, son of Levi [בן לוי]. Peace.”²³⁷

²³³ For an overview of the entire hall, see Avigad, *Beth She’arim III*, 69-71. Avigad dated the hall to the third century and noted that some of the individuals interred in it were from Syria, suggesting that “a family of priests from the Syrian Diaspora was buried here.”

²³⁴ Schwabe and Lifshitz, *Beth She’arim II*, 153 (no.181); Avigad, *Beth She’arim III*, 71.

²³⁵ Schwabe and Lifshitz, *Beth She’arim II*, 152-153 (no.180); Avigad, *Beth She’arim III*, 71, Pl. LXXIV.1.

²³⁶ Avigad, *Beth She’arim III*, 107-108. 251-254 (no. 28).

²³⁷ Avigad, *Beth She’arim III*, 109, 248-249 (no. 24). Speculation exists as to whether this is the wife of the famous R. Joshua b. Levi from Lydda who had connections to the Patriarchal house. If so, it is possible that Rabbi Joshua himself was buried in the adjacent sarcophagus marked, “This is the sarcophagus of Rabbi Joshua the...” Unfortunately, his title did not survive, leaving us uncertain as to this historical identification. For further consideration of this issue, see B.Z. Rosenfeld, “Rabbi Joshua ben Levi and His Wife Kyra Mega: Interpretation of Inscriptions from Beth She’arim,” *Cathedra* 114 (2004): 11-36 [Hebrew].

Perhaps the hall reflecting the most dynamic overlap of social circles is Catacomb 1 Hall K.²³⁸ This hall had a plaque to the top-right of its entrance stating that this was the family tomb of “Leontius, father of Rabbi Paregorius and Julianos the Palatinos.”²³⁹ According to the inscription, this Jewish family included one son who identified himself as a rabbi and another son who held a Roman administrative position.²⁴⁰ Most interesting for our purposes, however, is a Greek inscription painted in red on the wall above Arcosolium 2 in Room 2 that reads: “Sarah daughter of Nehemiah, mother of the priestess, the lady Maria [μητηρ ιερειας κυρα Μαρ(ει)νης], lies here.”²⁴¹ A similar but uncertain inscription is found above an arcosolium in Room 3: “And Sarah, daughter of Nehemiah and mother of the priestess Maria” (Και Σαρα [θυγα-] [τηρ Ν]αιμιας και[μητηρ?] Μαρη[ας ιερ]ει[ας?]).²⁴²

With the two “Sarah” inscriptions it is significant to note that Sarah herself, and by implication her family, was not identified as priestly. Rather, Sarah is the mother of a woman (Maria) who married a priest (a *cohenet*). These inscriptions reveal important insights into the social status and activities of priests in this period. In this case, an unnamed priest was prestigious enough for a member of a prominent family to claim a

²³⁸ For an overview of the entire hall, see Mazar, *Beth She’arim I*, 97-107; Schwabe and Lifshitz, *Beth She’arim II*, 37-40.

²³⁹ Schwabe and Lifshitz, *Beth She’arim II*, 40-41 (no. 61).

²⁴⁰ According to Schwabe and Lifshitz, *Beth She’arim II*, 39, 41 the office of “palatinus” (an official of the imperial or state treasury) did not exist before the reforms of Diocletian, suggesting that this individual lived during the early fourth century.

²⁴¹ Schwabe and Lifshitz, *Beth She’arim II*, 42-43 (no. 66); *CIJ* 2.183 (no. 1007).

²⁴² Schwabe and Lifshitz, *Beth She’arim II*, 43-44 (no. 68). According to *CIJ* 2.198 (no. 1085) it reads: “[tombe de...], pretre (?), et de Sara, [fille de?] Nehemiah et de Marie...” (...τηρη[ως?] Και Σαρας [θυγατρος?] [Ν]αιμιας και... Μαρη[ας...]), suggesting that a priest was buried along with Sarah, the mother of Lady Maria. Until there is a way to confirm the original wording of the inscription, however, I will give preference to the reading in the official report of Schwabe and Lifshitz.

relationship to him through marriage. Even though her wealthy family already included a rabbi and a Roman official, Sarah's prestige came from having a priest marry her daughter. The report of Schwabe and Lifshitz summarizes the inscriptions and their social implication as follows: "The relatives of the deceased wanted to indicate in the epitaph that Sarah was the mother of a *cohen*'s wife. We cannot find a better proof of the high social status of the priests in the Jewish community."²⁴³

These inscriptions also indicate that some priests were marrying women from outside priestly families. It is often unclear in rabbinic literature which *halakhic* debates are theoretical and which address real-life issues in the world of the sages. For example, we have already seen passages from the Palestinian Talmud in which sages of the late third and early fourth centuries debated the legitimacy of priestly marriages to non-priests and the legal status of their offspring.²⁴⁴ Generally speaking, the rabbis who discussed this matter considered the marriages of priests and non-priests to be improper and treated their children harshly.²⁴⁵ The "Sarah" inscriptions confirm the contemporary social relevance of this debate by providing evidence of a priest who did not follow rabbinic injunction in this matter.

There might have been more priests in the Beth Shearim catacombs than those whose families identified them as such. However, this survey of the known priestly inscriptions at Beth Shearim provides a number of insights regarding the presence and activities of priests in northern Palestine during the third and fourth centuries. 1) The

²⁴³ Schwabe and Lifshitz, *Beth She'arim II*, 43.

²⁴⁴ See, for example, the extensive debates on this issue in *Y Qiddushin* 4.

²⁴⁵ See the analysis of rabbinic rulings in Trifon, "Jewish Priests," 322-332.

presence of several priests at Beth Shearim indicates that some priestly families in this period were wealthy enough to own arcosolia, rooms, and possibly entire halls in a relatively affluent necropolis. This corresponds to the existence of wealthy priests in cities such as Sepphoris and to the accusations of priestly opulence in contemporary rabbinic literature. 2) It is clear from the Beth Shearim inscriptions that priestly identity still bestowed an elevated social status in this period. This is demonstrated by individuals and families who claimed priestly titles and by those who enhanced their own prestige through priestly marriage.

3) It is significant that priests and their families in Beth Shearim chose to memorialize themselves in both Hebrew and Greek and provided hints as to the extent of their Greek education, literacy, and cultural affinity. 4) Finally, the priestly funerary inscriptions provide an important window of insight into the social dynamics between priests, Patriarchs, and rabbis during this period. We have seen in the previous subsections that priests in the third and fourth centuries sometimes associated with Patriarchs, joined with the rabbinic movement, and pursued their own interests. These dynamics are confirmed by the inscriptions at Beth Shearim. In some instances we see priestly families set apart from other groups in their burial arrangements, such as in Catacomb 1 Hall I, Catacomb 13 Hall B, and Catacomb 18 Hall A. However, there are other instances in which priestly and “rabbinic” families overlap, such as in Catacomb 1 Hall K, Catacomb 16 Hall A, and Catacomb 20 Rooms 16 and 20. In these ways, the priestly inscriptions at Beth Shearim confirm many of the social dynamics we have seen from the literary sources.

5.2.4 Coastal Plain

Another region in which priests were present during the third and fourth centuries is the coastal plain. We saw in Chapters Two (2.2) and Three (3.3) that some priests lived along the coast of Palestine during the late Second Temple period and into the second century. For example, the family of Phannias – the lower-class priest who was appointed High Priest by the zealots during First Revolt – lived in the village of Aphtha near Gaza²⁴⁶ and Josephus was given an estate on the coastal plain after the war.²⁴⁷ We also saw that priestly sages were present along the coast during the late first and early second century.²⁴⁸ The most prominent example is the circle of priestly sages around R. Tarfon at Lydda, which possibly served as an alternative to the leadership of R. Yohanan b. Zakkai at Yavneh (see 3.1.2). Because the revolts of 66-70 and 132-135 did not devastate the region, there is no reason to think that many of these priestly families and social dynamics did not continue into the subsequent generations.

Despite the limited evidence we possess for the coastal plain during this period, the extant literary and epigraphic sources support this conclusion. In regard to the northern coast, rabbinic literature provides a few hints of priestly presence in Caesarea during the late third and early fourth century. For example, the Palestinian Talmud records that the priestly sage R. Hiyya b. Abba visited the city on occasion and that R. Abbahu taught a synagogue congregation which contained a number of priests in the

²⁴⁶ Josephus, *War* 4.155.

²⁴⁷ Josephus, *Life* 422.

²⁴⁸ For example, *T Sheviit* 5.2 records that Simeon b. Kahana drank consecrated wine in Acre during the mid second century.

city's gate area.²⁴⁹ Aside from these oblique references, however, the sources indicate that the largest concentration of priests and Levites, both within and outside of the rabbinic movement, was farther south near Jaffa and Lydda.

Lydda in particular received a large amount of attention in the Palestinian Talmud, presumably because of the increasing prominence of the rabbinic academy there during the third century.²⁵⁰ There are a few references in rabbinic literature to individual priests in the city,²⁵¹ but the most notable development is the clustering of Levitical sages around R. Joshua b. Levi ca. 230-270.²⁵² R. Joshua's Levitical ancestry is suggested by his patronymic and confirmed by a number of passages in the Palestinian Talmud. According to one account he upheld traditional hierarchy by never saying a blessing when a priest was present and never allowing an Israelite to say a blessing if he (as a Levite) was present.²⁵³ In addition, *Y Demai* 5.8 contains several references to him receiving tithes as a Levite and frequently discussing the tithing system. This Levitical rabbi was the most prominent southern sage and his many *halakhic* rulings had a noticeable impact on the Palestinian Talmud.

Along with leading the rabbinic academy in Lydda, R. Joshua b. Levi maintained close ties with the Patriarch and sages in Galilee, including R. Hanina the priestly sage

²⁴⁹ *Y Berakhot* 3.1, 6a (cf. *Y Nazir* 7.1, 56a).

²⁵⁰ For an overview of the history and rabbinic activity of Lydda, see Rosenfeld, *Torah Centers*, 41-57.

²⁵¹ For example, *T Yebamot* 4.5 recounts that a priest in the time of Judah I was murdered just outside of Lydda and that the sages permitted his widow to remarry. See Büchler, "Economic Condition of Judaea," 100.

²⁵² For an overview of the life of R. Joshua b. Levi, see Rosenfeld, *Torah Centers*, 48-49.

²⁵³ *Y Berakhot* 5.4.

who was the head of the academy in Sepphoris.²⁵⁴ He also had some mystical leanings as demonstrated by his visions and encounters with Elijah.²⁵⁵ There were also a number of other Levitical sages who clustered around R. Joshua b. Levi in Lydda during the mid third century. These included his brother R. Judah b. Levi, a sage by the name of Zavdi b. Levi, and Zavdi's brother, Shalman b. Levi.²⁵⁶ It seems that the influence of this group was felt in the next generation as well, as suggested by the activities of R. Joseph – the son of R. Joshua b. Levi, who also saw visions – and R. Simeon b. Pazi, a wealthy priest who lived in Lydda ca. 270-300.²⁵⁷

Another group from this area during the third and fourth century that might have had priestly associations was the *Deroma'ei*. This is the term the Palestinian Talmud uses for the “people of the south,” referring to circles near Lydda that came in contact with prominent sages there.²⁵⁸ For our purposes it is interesting that this group is often noted for their emphasis on the Ninth of Av (i.e., mourning the loss of the temple), the sacrificial cult, ritual purity, and tithing. In some instances they are presented in a positive light by the sages, while in other instances they are criticized for being haughty

²⁵⁴ For his connections with Judah II Nesiah, including the marriage of his son into the Patriarchal house, see *Y Yebamot* 8.1, 8d; *Y Shabbat* 1.7, 3d; *B Bekhorot* 36b; *B Qiddushin* 33a. For his close association with R. Hanina of Sepphoris, see *Y Taanit* 3.4, 66c; *Y Berakhot* 5.1, 9a; *Y Maaser Sheni* 3.6, 54b; *Genesis Rabbah* 33.1. See Rosenfeld, *Torah Centers*, 48-49 n.21.

²⁵⁵ B.Z. Bacher, *Agadat Amora'i Eretz Israel* (3 Vols.; Tel Aviv: Dvir, 1925-1939), 1:1, 123-130, 185-192 [Hebrew] and Rosenfeld, *Torah Centers*, 48-49 n. 21.

²⁵⁶ For sources relating to these individuals and their association with R. Joshua b. Levi, see Rosenfeld, *Torah Centers*, 49.

²⁵⁷ Rosenfeld, *Torah Centers*, 51.

²⁵⁸ For an extensive discussion of this group and their positions in the Palestinian Talmud, see Miller, *Sages and Commoners*, 118-149.

and lacking in Torah knowledge.²⁵⁹ They are often depicted as associating with R. Joshua b. Levi in particular, yet they are not active participants in the debates found in either Talmud.²⁶⁰ Although they are never explicitly identified as priests, it is reasonable to suggest that at least part of this group consisted of local priests and Levites who may have inherited a distinct interest in these matters from local priests of previous generations.²⁶¹ It seems from Talmudic references that the *Deroma 'ei* often had independent views of issues relating to the temple and priesthood, but were frequently in contact with interested local sages.

Based on these literary references it seems that social dynamics in the coastal plain were similar to those in Galilee; priestly circles were active in the region, sometimes overlapping with Patriarchal and rabbinic circles, and other times maintaining independent interests. This conclusion is supported by some of the region's material culture. In particular, the cemetery at Jaffa contains almost seventy funerary inscriptions which indicate that rabbis, priests, and Levites were all an important part of the Jewish community along the coast. As at Beth Shearim, the funerary inscriptions at Jaffa present a narrow view of society and are difficult to date with precision. Early attempts dated

²⁵⁹ For example, in *Y Terumot* 2, 41d their position on the tithing of figs is taken seriously, but they are criticized by prominent sages from Tiberias in the late third century. In *Y Maaser Sheni* 4, 54d they are treated as inferior to the sages for their position on the tithing of cucumbers. In *Y Pesahim* 5, 32a and 7, 34d they are noted for their position on sacrificial offerings for priests, but criticized by prominent sages for their opinions. See Miller, *Sages and Commoners*, 118-140.

²⁶⁰ E.g., *B Zebahim* 22b-23a; *B Yevamot* 45a; *B Hullin* 132b. See Miller, *Sages and Commoners*, 140-143.

²⁶¹ Miller, *Sages and Commoners*, 144-145 acknowledges the historical connection between the "southerners" and Jerusalem, as well as the possibility that earlier generations of "southerners" may have bequeathed an interest in temple and priesthood issues to their descendants of the third and fourth centuries. However, Miller distances himself from the conclusion that priests were involved with this group. Considering the confluence of evidence – the long tradition of priests in this region, the group's distinct interest in temple and priesthood matters, and their association with Levitical sages such as R. Joshua b. Levi – the group's connection with priests may have been stronger than Miller acknowledges.

them to the second and third century, while more recent studies have suggested that they belong to a slightly later period (ca. third through fifth centuries).²⁶² Either way, the sample of names and titles in the Jaffa cemetery provides social insights for the period under consideration here.

The presence of “rabbinic” inscriptions at Jaffa has already been noted by Shaye Cohen.²⁶³ According to his count, five individuals at Jaffa bore the title of “rabbi” or one of its variants. One was written in Aramaic, two in Hebrew, one in Greek, and one appeared as a bilingual inscription with both Hebrew and Greek. To my knowledge, no one has yet analyzed the presence of a comparable number of priests and Levites in the cemetery. We do not have much information on these individuals, but their funerary inscriptions (mostly in Greek) read as follows: “Isaac son of Lazarus, (a) priest from Egypt [ἱερεὸς Εἰλαρίου]. Peace. Lazar”;²⁶⁴ “Abbomari, the son of Aha the Levite [Ἀα Λευεῖτης], from Babylon [?], the baker”;²⁶⁵ “Hezekiah son of Levi [Λευεῖ]”;²⁶⁶ “Zoilos son of Levi [Λευῖ]...”²⁶⁷ One noteworthy inscription appears in both Hebrew and Greek and contains both “rabbinic” and priestly titles: “Rab Judah son of Jonatha/Rab Yudan the Priest Berab [רב יודן הכהן ברב].”²⁶⁸

²⁶² See Rosenfeld, *Torah Centers*, 77.

²⁶³ Cohen, “Epigraphical Rabbis,” 5-6 (nos. 43-47).

²⁶⁴ *CIJ* 2.136 (no. 930).

²⁶⁵ *CIJ* 2.125 (no. 902).

²⁶⁶ *CIJ* 2.128 (no. 911).

²⁶⁷ *CIJ* 2.131 (no. 917).

²⁶⁸ *CIJ* 2.123-124 (no. 900); Cohen, “Epigraphical Rabbis,” 6 (no. 46). In this instance, the word for “priest” might have been incorrectly inscribed as הכהן.

It appears from this list that two individuals – a priest and a Levite – were originally from outside of Palestine, but moved to the coastal region some time before their deaths. The others seem to have been locals. Similar to the larger sampling of inscriptions at Beth Shearim, the Jaffa inscriptions indicate that priests and Levites were a noticeable part of society in this region. The inscriptions also suggest that these priests and Levites preferred to identify themselves in Greek. In at least one instance there might have been an overlap with rabbinic circles in the form of a priest who gave himself the title of “Rab.”²⁶⁹ The funerary inscriptions at Jaffa support the conclusion from contemporary literature that priests and Levites remained an active part of Jewish society along the coast into the third and fourth centuries.

5.3 Excursus on the Twenty-Four Priestly Courses

One of the most important issues relating to priests in the third and fourth centuries is the possibility that the twenty-four priestly courses from the Second Temple period survived the two revolts, migrated north from Judea, and settled in villages throughout lower Galilee sometime after the wars. This development has been the aspect of post-70 priestly history that has received the most attention in scholarship over the last century. It has also become a very complicated issue with recent studies and discoveries. Owing to the nature of these historical complications, I have chosen to consider the fate of the “twenty-four priestly courses” separately from the other evidence of priestly activity. Because the theme of the courses and their Galilean settlements seems to

²⁶⁹ It is interesting to note, however, that most of the “rabbinic” inscriptions use Aramaic and Hebrew, whereas most of the priestly inscriptions use Greek.

(re)surface in the third and fourth centuries, I conclude this chapter with a brief excursus on the topic.

Uzi Leibner has recently produced a thorough overview of scholarship relating to the twenty-four priestly courses.²⁷⁰ With Leibner's survey it is unnecessary to review the history of research in great detail. However, it may be helpful to briefly consider previous studies within the larger context of this dissertation. The question of the courses' post-70 fate was raised by Samuel Klein in the early twentieth century. Klein was intrigued by liturgical texts (Byzantine-era *piyyutim*) from the Cairo Genizah which referred to the settlement of the twenty-four priestly courses in specific locations throughout Galilee. He also pointed out that a passage in the Palestinian Talmud hints at the existence of a similar list by the third century.²⁷¹ By combining these sources, Klein attempted to reconstruct the list in its entirety and suggested that it originally dated to the Mishnaic period. The following is a paraphrase of Klein's proposed reconstruction:²⁷²

- | | |
|--------------------------------------|---|
| 1. The Course of Jehoiarib: Meiron | 13. The Course of Huppah: Beth Ma'on |
| 2. The Course of Yeda'yah: Sepphoris | 14. The Course of Yeshavav: Shikhin |
| 3. The Course of Harim: Mafsheta | 15. The Course of Bilgah: Ma'ariya |
| 4. The Course of Se'orim: Aithalo | 16. The Course of Imer: Yavnit |
| 5. The Course of Malkiya: Bethlehem | 17. The Course of Hezir: Mamla |
| 6. The Course of Miyamin: Yodfat | 18. The Course of Hapitzetz: Nazareth |
| 7. The Course of Haqotz: Ailbo | 19. The Course of Petahya: 'Arab |
| 8. The Course of Abia: Kefar Uziel | 20. The Course of Yehezqel: Migdal Nunaya |
| 9. The Course of Yeshu'a: Arbel | 21. The Course of Yakhin: Kefar Yohanna |
| 10. The Course of Shekheniya: Kabul | 22. The Course of Gemul: Beth Hovaya |
| 11. The Course of Elyashiv: Cana | 23. The Course of Delaya: Tzalmon |

²⁷⁰ Leibner, *Settlement and History*, 404-419.

²⁷¹ As noted previously, *Y Taanit* 4.5, 68d contains the sayings of two sages in the late third and early fourth century that refer to the first two courses on the list and their Galilean settlements (the course of Jehoiarib at Meiron and the course of Yeda'yah at Sepphoris).

²⁷² To my knowledge, Klein's list has never been translated into English. Therefore, the following is a summary of the courses and their locations as proposed by Klein. Klein's Hebrew list can be found in Klein, *Galilee*, 66-67 (see also Klein, *Selected Articles*, 1-29). Additional versions informed by fragments of synagogue plaques can be found in Avi-Yonah, "Caesarea Inscription," 49; Trifon, "Jewish Priests," 102-104; Levine, *Rabbinic Class*, 174.

Because these twenty-four courses originally resided in Judea in order to service the Jerusalem temple, Klein suggested that the list of Galilean settlements reflected a move of the courses from Judea to Galilee sometime after 70. After Klein began making these suggestions, small fragments of Byzantine-era synagogue plaques containing portions of the list were discovered in Ashkelon²⁷³ and Caesarea.²⁷⁴ Although incomplete, these plaques seemed to verify the general reconstruction proposed by Klein. In subsequent decades, additional *piyyutim* and synagogue plaque fragments were discovered which allowed scholars to refine Klein's list.²⁷⁵ These developments prompted a debate as to when this move occurred. Suggestions were made that the courses transferred to Galilee after the First Revolt in 70,²⁷⁶ after the Diaspora revolt in

²⁷³ In the 1920s, a fragment of a marble synagogue plaque was found in Ashkelon which contained the word "course" for three of the courses on the list. Klein immediately situated the find in the context of his reconstruction. See Sukenik, "Three Ancient Jewish Inscriptions," 16-17 [Hebrew] and Klein, "Notes," 20; *CIJ* 2.150 (no. 962).

²⁷⁴ Two plaque fragments were discovered in Caesarea near the synagogue area in 1962. The first fragment contained partial names of four locations on the list (the seventeenth through twentieth courses) and the second fragment contained portions of the word "course" for three lines. A third fragment reportedly found on the surface (and since lost) contained portions of the course numbers for courses fifteen, sixteen, and seventeen. Nahman Avigad dated the fragments to the third or fourth century based on paleographic style since they were not found in situ. See Avi-Yonah, "Caesarea Inscription," 50-57 and Marylinda Govaars, Marie Spiro, and L. Michael White, *The Joint Expedition to Caesarea Maritima Excavation Reports: Field O: The "Synagogue" Site* (Boston, MA: American Schools of Oriental Research, 2009), 55-56, 174.

²⁷⁵ Additional synagogue plaque fragments – none of which had a secure stratigraphic context – have since been found in Rehov, Nazareth, possibly Kissufim, and Yemen. See Degen, "Inscription of the Twenty-Four Priestly Courses," 302-303 (Yemen); Hanan Eshel, "A Fragmentary Hebrew Inscription of the Priestly Courses?" *Tarbiz* 61 (1991): 159-161 [Hebrew] (Nazareth); Milson, *Art and Architecture*, 460-461 (Rehov); Z. Ilan, "A Broken Slab Containing the Names of the Twenty-Four Priestly Courses Discovered in the Vicinity of Kissufim," *Tarbiz* 43 (1974): 225-226 [Hebrew] (Kissufim); Levine, *Ancient Synagogue*, 524; Leibner, *Settlement and History*, 405 n.15. For additional references to the courses in *piyyutim*, see Fleisher, "New Shiv'atot," 30-56, "Regarding the [Priestly] Courses," 13-40, 142-162, and "Piyyutim of Yannai," 176-184.

²⁷⁶ Klein, *Galilee*, 66-67.

117,²⁷⁷ and after the Bar Kokhba revolt in 135.²⁷⁸ The transfer of the courses was viewed consistently within a rabbinic framework and never had a dramatic impact on the historiography of Late Antique Judaism.²⁷⁹ Still, an organized transfer of priestly courses to Galilee sometime after 70 has generally been taken for granted since Klein made his suggestion.

However, a few studies in recent decades have called the historicity of this event into question. For example, Dalia Trifon noted that outside of the list, there is no independent evidence for an organized settlement of priestly courses in Galilee. Trifon also found it highly unlikely that the courses maintained such well-defined social cohesion and geographical boundaries in the post-war era. In other words, it is difficult to imagine the courses surviving a century of revolts and demographic upheavals in a way that allowed them to reemerge in neatly divided settlements, each with its own distinct identity. Trifon acknowledged that there might be some historical reality to the list of settlements, but she ultimately concluded that the list was a stylized tradition that reflects an increasing number of priests in Galilee during the late third and early fourth centuries (which she attributed to an influx of immigrants from Babylon).²⁸⁰

²⁷⁷ This was the implication of Urbach's dating of the general demographic shift from Judea to Galilee to after the Diaspora revolt in 115-117. See Levine, *Ancient Synagogue*, 521 n.13.

²⁷⁸ This date was supposed by Avi-Yonah, "Caesarea Inscription," 51-52; Zeev Safrai, "The Bar-Kokhva Revolt and its Effect on Settlement," in *Bar Kokhva Revolt*, eds. Oppenheimer and Rappaport, 183 [Hebrew] and "Priestly Courses," 287-292; Kahane, "Priestly Courses," 14.

²⁷⁹ For example, the presence of a priestly course in a specific Galilean village occasionally will be noted in studies relating to other issues. However, the presence and activities of these courses are rarely considered in the interpretation of literary or archaeological material and are rarely integrated into the larger narrative of post-70 Judaism.

²⁸⁰ Trifon, "Jewish Priests," 100-129 represents her earliest attempt to work through this issue. Her conclusions were more fully articulated in Trifon, "Priestly Courses," 77-93. Shortly after her article appeared, Zeev Safrai wrote a rebuttal in which he defended the general historicity of the courses' transfer to Galilee after 135, although he allowed for the possibility that only portions of the courses were involved

Support for Trifon's position has come from Leibner's survey of Galilean settlements during the Roman and Byzantine eras. Leibner also notes that an organized transfer of the courses seems unlikely, that there is no independent evidence that priests identified themselves with a particular course after the Bar Kokhba revolt,²⁸¹ and that the Galilean settlements of the courses are not mentioned in any source before the third century.²⁸² Leibner reviews his archaeological survey of Galilean settlements and points out that of the six or seven sites on the list he surveyed, none reflects a shift in material culture that would indicate an immigration of courses during the Middle or Late Roman periods. Some of the excavated sites on the list had been abandoned by the late third or fourth century, while others had declined in Jewish population or were replaced by Christians in the Byzantine period.²⁸³ Therefore, according to Leibner, the material

(see Safrai, "Priestly Courses," 287-292). About this same time, Stuart Miller was researching rabbinic traditions of priests in Sepphoris and his conclusions generally aligned with Trifon's, suggesting that we do not see sustained priestly activity in Galilee until the third century (see Miller, *History and Traditions of Sepphoris*, 117-127, 131-132 and *Sages and Commoners*, 1-2).

²⁸¹ There are a few possible exceptions to this claim. We saw in 5.2.1 that an inscription from the Dura Europos synagogue (mid third century) might identify its founding priest, Samuel, with the course of Yeda'yah, and an inscription from the Sepphoris synagogue (fifth century) might identify a donor with the course of Yeshavav. However, these are uncertain readings and should not dramatically impact the discussion.

²⁸² Leibner, *Settlement and History*, 406-409.

²⁸³ For this discussion I find Leibner's archaeological methodology to be of limited value. For example, Leibner largely relies on field surveys rather than systematic excavations in his evaluation of the history of the sites he discusses. While field surveys can give an initial impression of a site's occupational history, they are too imprecise to serve as the basis for socio-historical claims. In addition, Leibner occasionally assumes that the presence of Christians at a site would negate the possibility of Jewish priests living there as well. This, of course, is not a valid assumption. For a general critique of Leibner's archaeological methodology, see Jodi Magness, "Did Galilee Experience a Settlement Crisis in the Mid-Fourth Century?" in *Jewish Identities in Antiquity*, eds. Levine and Schwartz, 296-313. Leibner's response, "The Settlement Crisis in the Eastern Galilee during the Late Roman and Early Byzantine Periods: Response to Jodi Magness," appears in the same volume (pp. 314-319).

culture does not support an organized transfer of the courses to Galilee during these centuries.²⁸⁴

In light of this conclusion, Leibner asks why the list was created at all and why its particular locations were chosen as “priestly settlements.” He observes that the one thing each settlement on the list has in common is that they were all Jewish villages founded in the Hasmonean period. Locations founded after that period – including Roman Tiberias – are conspicuously absent from the list of course settlements. According to Leibner, this suggests that the list reflects a historical memory of Hasmonean Galilee and was a “nostalgic look backward” by some Galilean Jews in the third or fourth century when it was composed. During the Byzantine period, the list simply became another “priestly motif” used in synagogue liturgy despite its lack of socio-historical reality.²⁸⁵ In other words, the list of Galilean settlements does not indicate the historical presence of priestly courses in those locations. Rather, it reflects a nationalistic ideology that blended memories of the past with hopes for the future.

Despite the arguments made by Trifon and Leibner, some scholars continue to assume that an organized transfer of priestly courses to the Galilee did occur and, as a result, the priesthood was able to retain some of its organizational structure into Late

²⁸⁴ Leibner, *Settlement and History*, 410-412.

²⁸⁵ Leibner, *Settlement and History*, 414-418. Additional evidence for the connection between the settlement list of priestly courses and the Hasmonean kingdom comes from the priority given to the course of Jehoiarib. This course was the first on the list as well as the course to which the Hasmonean High Priests belonged (1 Maccabees 2:1). In addition, *piyyutim* from the Byzantine era often recall the glories of the Hasmonean kingdom in terms of national redemption and emphasize Hanukkah (a celebration of the Hasmonean reclamation of the temple). It is also interesting that the priestly courses, the Hasmoneans, and Hanukkah are all themes that appear in *piyyutim* but are not emphasized or treated positively in rabbinic literature. See Yahalom, *Poetry and Society*, 113 and Irshai, “Priesthood and Authority,” 89.

Antiquity.²⁸⁶ I have found the evidence to be too mixed and too complicated to reach a definitive conclusion on this matter. On the one hand, Trifon and Leibner are correct that a well-organized transfer of courses to well-defined geographical settlements seems highly unlikely and is not supported by the available evidence. There is evidence for priests living in some of the listed settlements during the third and fourth century, such as at Sepphoris, ‘Arab,²⁸⁷ Ma’on,²⁸⁸ and Mimlah.²⁸⁹ However, with the exception of some circles at Sepphoris,²⁹⁰ there is no indication that these priests identified themselves with any particular course. Similarly, there is evidence for priests at some cities not on the list, such as Tiberias and Caesarea.²⁹¹ These complications make it difficult to take the list and its claims of priestly settlement at face value.

On the other hand, we should be realistic in what we expect from the evidence.

For the period before 70, when the priestly courses were organized and operational in

²⁸⁶ For example, see Levine, *Ancient Synagogue*, 521; Mordechai Aviam, *Jews, Pagans and Christians in the Galilee: 25 Years of Archaeological Excavations and Surveys: Hellenistic to Byzantine Periods* (Rochester, NY: University of Rochester Press, 2004), 18-19; Alexander, “Jewish Priesthood after 70,” 7-8.

²⁸⁷ Inscriptions indicate that a priestly family from ‘Arab was buried in Catacomb 1 Hall I Room 4 (and possibly Room 3) at Beth Shearim. See 5.2.3.

²⁸⁸ In *Y Sanhedrin* 2.6, 20d and *Genesis Rabbah* 80.1 R. Yose from Ma’on preaches a sermon to a synagogue congregation that includes priests. Textual variants, however, make it uncertain if the synagogue was in Ma’on or nearby Tiberias.

²⁸⁹ *Genesis Rabbah* 59.1 refers to the inhabitants of Mimlah as the sons of the biblical priest Eli. This led Klein to conclude that the village had a significant priestly population (see Klein, *Galilee*, 65; Leibner, *Settlement and History*, 172-177). The presence of priests at these sites undermines the point made in Fine, “Liturgy and Social History,” 5, and Leibner, *Settlement and History*, 407 n.17, that, except for Sepphoris, none of the settlements on the list has attested priestly inscriptions. Nevertheless, the evidence of priestly presence at four of the twenty-four settlements does not provide sufficient support for the list’s historicity.

²⁹⁰ As we saw in 5.2.1, *Y Taanit* 4.5, 68d states that, before the early fourth century, God exiled the “sons of Yeda’yah” to Sepphoris because of the “deep conspiracy that was in their heart.”

²⁹¹ See Trifon, “Priestly Courses,” 83, as well as sections 5.2.2 and 5.2.4. Also, the possibility that members of more than one course lived in the same city at a given time further complicates this issue. For example, at Sepphoris we have seen the possibility that families from the courses of Yeda’yah, Yakim, and Bilgah all lived in the city during the third and fourth centuries. See Miller, *History and Traditions of Sepphoris*, 119 and section 5.2.1.

Judea, we have little independent evidence of their existence and activities.²⁹² Therefore, we cannot simply assume that sparse evidence for the post-70 period indicates that members of the courses did not continue to function in some ways.²⁹³ It is possible that some priestly families retained their identification with a particular course for generations after the destruction of the temple. Josephus still identified himself as a member of a course and spoke of the courses as being a current reality in his later writings (ca. late 90s).²⁹⁴ We also saw funerary inscriptions at Gophna and a marriage contract from the Judean desert that referred to three of the courses from the years leading up to the Bar Kokhba revolt.²⁹⁵ However, these references do not demonstrate that the courses retained a high level of organization or relocated to Galilee en masse.

Whatever happened to the courses during the late first and second century, rabbinic literature shows an increasing interest in the courses during the third century. For example, we have already seen a passage in the Mishnah that describes local fast-day

²⁹² In section 2.1 we saw that only a handful of funerary inscriptions have been found in Jerusalem that associate priestly individuals or families with specific courses (only Shekhanya, Hezir, Yeshavav, and Yakim are attested). Also, while literature from the Second Temple period assumes the existence of the courses, the identification of an individual priest or priestly family was relatively rare; e.g., Luke 1:5, 8-9 claims that Zecharias, the father of John the Baptist, belonged to the course of Abia, while 1 Maccabees 2:1 claims that the Hasmoneans were from the course of Jehoiairib.

²⁹³ The nature of the available evidence might also be a factor here. For example, rabbinic literature that survived from this period may not have been interested in such priestly matters (especially if, as I will argue, these priestly circles existed outside of the rabbinic movement) and epigraphic evidence is notorious for providing an incomplete picture.

²⁹⁴ In *Life* 2, Josephus claims that he is from the most prominent family of the first priestly course, demonstrating that course identification still carried some prestige in the 90s. In *Apion* 2.108, Josephus talks about four of the courses as still being active and each containing over five thousand members. Barclay, *Against Apion*, 225-226 n.385 discusses some of the implications of this passage.

²⁹⁵ One funerary inscription at Gophna contained a possible reference to the course of Yakim and another contained a possible reference to the course of Bilgah. The marriage contract from ca. 117 referred to the course of Eliashib. See section 3.3.

rituals involving priests.²⁹⁶ The Tosefta expands that passage to include the specific locations where these rituals were conducted – Sepphoris and Sikhni²⁹⁷ – and the logistics of fasting for members of the priestly courses.²⁹⁸ This expansion prohibits members of the courses to bathe or cut their hair on the day of their “service.” The Tosefta then adds:

Whether this is after the destruction of the Temple or before the destruction of the Temple. R. Yose says, “After the destruction of the Temple, they are permitted to do so, because this is a cause of mourning to them.”²⁹⁹

This mid third century text suggests that there were still priests who identified themselves with the courses and that the rabbis tried to regulate their activities.

It is also clear that some rabbis viewed the courses in a negative light and vilified the priests who identified with them. For instance, it can not be a coincidence that R. Yohanan (a mid third century sage) attributed Israel’s exile to the “twenty-four parties of heretics.”³⁰⁰ The association between the priesthood and the number twenty-four likely makes this claim a thinly veiled criticism of priests.³⁰¹ It is also significant that in the earliest reference to a list of the courses’ settlements sages from the late third and early fourth century mock the list rather than respect it. In particular, R. Levi and R. Berekhiah apply creative exegesis to the names of the first two courses and their settlements to show

²⁹⁶ *M Taanit* 2.5-7. See section 4.1.2.3.

²⁹⁷ If “Sikhni” is the village of Shikhin, then both of these locations were settlements on the list of priestly courses (Sepphoris was the settlement of Yeda’yah and Shikhin was the settlement of Yeshavav).

²⁹⁸ *T Taanit* 1.13-2.3.

²⁹⁹ *T Taanit* 2.3.

³⁰⁰ *Y Sanhedrin* 10.5, 29d.

³⁰¹ This association was also deeply ingrained in rabbinic thought, as demonstrated by the Mishnah’s claim that the twenty-four virtues of the priesthood are trumped by the forty-eight virtues of rabbinic Torah scholarship (*M Avot* 6.5-6). Also, by the mid third century the Tosefta categorized the tithing system into twenty-four priestly gifts (*T Hallah* 2.7-10).

why God removed the priests from their position at the temple.³⁰² In other words, some priests were identified with the courses in the third and fourth centuries, but these priests and their list of “settlements” existed outside of rabbinic circles.

So who were these priests and why did they compose a list of Galilean settlements that reflected little, if any, demographic reality? To answer these questions and make sense of the mixed evidence, I propose that some priestly circles in the third and fourth centuries, regardless of the course from which they genealogically descended, began to view themselves in the earlier tradition of the twenty-four priestly courses. In this way they would have been like other groups in ancient Judaism who claimed to be the modern manifestation of a traditional institution. The Dead Sea sect viewed itself as the “wilderness camp of Israel” from the Exodus,³⁰³ the earliest Jesus movement viewed itself as the reconstituted twelve tribes of Israel,³⁰⁴ and the rabbinic movement viewed itself as the reconstituted Sanhedrin.³⁰⁵ Therefore, it is not unlikely that some priestly circles in Late Antiquity viewed themselves as the reconstituted “twenty-four courses.”

³⁰² *Y Taanit* 4.5, 68d. A number of other scholars have also noted the tension between the sages and the circles that produced the list of course settlements. Yahalom, *Poetry and Society*, 116 suggests that this passage reflects a leadership struggle between sages and priests. Leibner, *Settlement and History*, 409-410 also notes that the sages attached a negative significance to the list by their criticism of it although he does not consider what group actually produced it. Fine, “Liturgy and Social History,” 1-9 attempts to disassociate the list from actual priestly circles and views it within a rabbinic framework. However, Fine does not take into consideration the rabbinic criticism of the list.

³⁰³ For example, see CD 12.22-23 and 4Q397.58-59 which refer to the sectarian community as the “camp” of Israel. According to Chilton, *Temple of Jesus*, 83, “The scrolls of Qumran make it abundantly clear that the Essenes saw themselves as the new camp in the wilderness, awaiting their rise to power and control of the Temple.” See also Magness, *Archaeology of Qumran*, 116-126 for a discussion of the animal bone deposits at Qumran in light of the sect’s self-identification with the wilderness camp of the exodus.

³⁰⁴ E.P. Sanders, *Jesus and Judaism* (Philadelphia: Fortress Press, 1985), 95-106, discusses the “twelve disciples” of the early Jesus movement as an indication that the movement viewed itself as the reconstituted twelve tribes of Israel in anticipation of Israel’s eschatological restoration.

³⁰⁵ Cohen, *Three Crowns*, 215-220, considers attempts of the rabbis to establish prestigious pedigrees for their academies. In particular, the sages viewed themselves as the continuation of the Sanhedrin from earlier periods. Levine, *Rabbinic Class*, 76-83, discusses how the sages even created an account of the

Along with viewing themselves in this way, it possible that these priestly circles promoted a nationalist ideology that memorialized previous priestly kingdoms and looked forward to a restoration of a similar kingdom in the future. In this regard I am influenced by Leibner's suggestion that the list of the courses' settlements recalled the Hasmonean conquest of Galilee.³⁰⁶ We have already seen several examples of priests after 70 actively working to restore the Jerusalem temple and re-enthroned the national leadership of the priesthood. This was the case during the Bar Kokhba revolt in the early second century, the episode with Julian in the mid fourth century, and the attempt to establish a priestly kingdom in Yemen in the early sixth century.³⁰⁷ It is not unreasonable to view the "twenty-four priestly courses" and their list of "Galilean settlements" in light of this tradition.³⁰⁸ While the courses, the Hasmoneans, and notions of a priestly kingdom did not appeal to the rabbis, these images may have stoked the ideology of various priestly circles from the second century through the Byzantine era.³⁰⁹

migrations of the "Sanhedrin" to show how the rabbinic academies came to inherit the institution's authority. See also Miller, *Sages and Commoners*, 2.

³⁰⁶ I find Leibner's suggestion in this regard to be insightful and persuasive. I also think that we can take it a step further than Leibner does and consider the socio-historical implications of the list's Hasmonean associations.

³⁰⁷ In the case of Yemen, it may be significant that a plaque listing the Galilean settlements of the priestly courses was found in the same region as the Jewish kingdom led by "priests from Tiberias." This seems to support the suggestion that the list was produced by priestly circles with a nationalist ideology. See section 5.2.2.

³⁰⁸ Because the list does not appear until sometime in the third century, it is possible that priestly circles that migrated to Galilee after 135 simply found a Galilean context (the Hasmonean settlements of the region) for expressing their nationalist ideology.

³⁰⁹ I have already mentioned that rabbinic literature tended to downplay or criticize the Hasmonaean dynasty while the Hasmoneans play a prominent and favorable role in the *piyyutim*. Cohen, *Three Crowns*, 11, suggests that R. Hiyya b. Abba would have viewed the Hasmoneans as "monarchical interlopers" based on his reading of Deuteronomy 17:20 and 18:1, according to which no priest should be anointed as king (*Y Sotah* 8.3).

I am aware that this proposal is speculative. Given the current state of the evidence we can only guess as to the extent of historical reality behind the list of course settlements. Indeed, we can not be certain as to how well members of the priestly courses maintained their identity, social cohesion, or geographical boundaries. However, the existence of the list of “settlements” and rabbinic antagonism towards those who affiliated with it suggests that the list reflects some kind of socio-historical dynamic in the third and fourth centuries. Therefore, the suggestion that some priestly circles began to view themselves as a reconstituted “twenty-four courses” in the context of Hasmonean Galilee seems to be a reasonable way to make sense of the mixed evidence. The circulation of the list into the Byzantine period indicates that its ideology continued to resonate with some Jewish circles for several centuries. If this scenario is correct, the list is not necessarily evidence for real priestly settlement patterns, but is an indication that priestly circles were still active during this period and still cultivated hopes for their role in the future of the Jewish nation.

5.4 Conclusion

In this chapter I have examined evidence for the presence and activities of priestly circles throughout Palestine during the third and fourth centuries. Although the available sources do not allow for a complete reconstruction of events and developments, they provide enough clues to allow for some general observations. It is clear that this period saw an increase in non-priestly leadership within the Jewish community. The Patriarchate and the rabbinic movement both experienced a higher public profile and wielded more

influence within Jewish society than they had in previous generations. Both also sought to appropriate priestly prerogatives, including by laying claim to priestly tithes and assuming to legislate for the priesthood. Yet despite these developments, priestly circles did not disappear or cease to be actively involved in the community. Rather, priests continued to be a part of the dynamic overlap of social circles as some associated with Patriarchs, joined with the rabbinic movement, or pursued their independent interests. These dynamics intensified in Galilee as some priestly families migrated into the region along with other Jews by the third century.

By examining the literary, epigraphic, and archaeological evidence for priests in the major regions of Palestine, we are able to catch glimpses of some of the priestly activities and interests in this period. For example, although priestly participation in the rabbinic movement seems to have declined immediately after the Bar Kokhba revolt, the third and fourth centuries saw another increase in the number of priestly sages involved with the movement. At Lydda a group of Levitical sages gathered around R. Joshua b. Levi during the mid third century, and the rabbinic academy at Tiberias was led by a number of priestly sages from Babylon during the late third and early fourth century. There is also evidence that individual priests associated with the rabbinic movement in areas where other sages were active, such as at Sepphoris and Caesarea.

In addition to priests who were active in the rabbinic movement, evidence indicates that other priests promoted their own unique interests. We saw that in Sepphoris families of aristocratic priests petitioned the Patriarch to gain positions of civic leadership, adhered to high standards of ritual purity, and were involved in synagogue congregations that endorsed forms of priest-centered liturgical worship. We also saw that

in Tiberias some priestly circles had a strong nationalist ideology that may have led to the attempts to rebuild the Jerusalem temple in the fourth century and establish a priestly kingdom in subsequent centuries. This ideology likely contributed to the visionary, apocalyptic, and messianic movements that began to flourish in the Tiberias region by the fourth century.

Priestly nationalism might also have been behind the composition of a list of the “twenty-four priestly courses” and their “Galilean settlements” during this period. Although this list does not seem to reflect demographic reality, it was likely the product of non-rabbinic priests who viewed themselves as the reconstituted “twenty-four courses” and looked forward to the future establishment of a priestly kingdom similar to the Hasmonean dynasty. In these ways, individual priests, priestly families, and larger priestly circles remained an active part of Jewish society during the third and fourth centuries, even if they sometimes found themselves disadvantaged and their leadership challenged by the gains made by Patriarchs and rabbis.

CHAPTER SIX

CONCLUSION

6.1 Summary and Epilogue

In this dissertation I have challenged the traditional notion that the presence, activities, and influence of Jewish priests in Palestine declined sharply after the destruction of the Jerusalem temple in 70 C.E. For over a century, most scholars have assumed that the priesthood was so inextricably connected to the temple that its loss brought an end to priestly sectarianism, the functional role of priests in Jewish society, and priestly involvement in national affairs. Although the priesthood had been Judaism's most powerful religious and civic institution, the leadership mantle of hereditary priests passed to rabbinic sages and, shortly after 70, the Judaism of the Mishnah and Talmuds became "normative." As a result of this narrative, traditional historiography of post-70 Judaism has focused largely on the world of the rabbis. Recent decades have seen important advances in tempering this rabbinocentric model, but most of the literature and material culture of Palestine after 70 is still viewed through a rabbinic lens with little or no attention being given to the fate of the priesthood.

However, a close examination of the literary, epigraphic, and archaeological evidence indicates that priestly circles did not disappear after 70. Rather, priests survived

the First Revolt, continued to play an active role in Jewish society, and contributed in important ways to religious and political developments in Palestine during subsequent centuries. To support this claim I have presented various arguments and pieces of evidence. I began in Chapter Two by challenging the assumption that priestly circles were dependent upon the existence of the Jerusalem temple and thus lost their *raison d'être* with its destruction. This assumption is undermined by several factors. For example, the historical precedent found in the destruction of the First Temple (586 B.C.E.) shows that priestly activity and leadership did not disappear with the loss of the temple. After that event, the Jewish priesthood remained intact and even increased in social, religious, and political influence. This development, along with analogous developments among the Samaritans, demonstrates that the decline of the priesthood with the destruction of the temple is not a foregone conclusion.

Another factor that undermines this assumption is the large portion of priestly activity and responsibility that was not connected to the sacrificial temple cult. Most priests worked in the temple during their course rotation and pilgrimage festivals, totaling about two to five weeks of annual temple service. For the remainder of the year, however, priests performed several other functions in their home towns and villages. The non-sacrificial responsibilities of priests included serving as legal experts, religious and civic judges, teachers and guardians of Israel's scriptural tradition, diviners, and recipients of tithes. On the local level, these activities were as important to priestly mediation of the divine presence as the sacrificial cult, if not more so. This system was prescribed by the Torah and was central to Jewish society for centuries. It is difficult to imagine that

biblical law and ancient tradition were so easily overturned when the temple was destroyed, especially since many priestly functions were independent of the temple cult.

I also noted in Chapter Two that during the late Second Temple period priests were present in different geographical locations, socio-economic strata, and sectarian movements. While many priestly families lived in or near Jerusalem, there is evidence that others lived in the Judean hill country, along the coast, and possibly in Galilee. Priests were among Jerusalem's ruling aristocracy, the upper class who owned landed estates, and the lower class. Furthermore, priests were active participants in the sectarian dynamics of the first century. Some were affiliated with the Sadducees, Pharisees, Essenes, Christians, and ascetic movements. The claim that the destruction of the temple in 70 brought an end to all of these dynamics is simplistic and demonstrably inaccurate.

In Chapter Three I examined evidence that priestly circles survived the First Revolt and continued to play an active role in Jewish society in the second century. The writings of Josephus indicate that several aristocratic priestly families survived the events of 70 and resettled on estates away from Jerusalem. These survivors included Josephus himself (who owned land in Judea and along the coastal plain), many of Josephus' priestly associates, and several High Priestly families who relocated to Gophna. Although most of their activities after the war are unknown, these priestly aristocrats seem to have retained their Hellenistic cultural affinities and their interest in national leadership. Early rabbinic literature indicates that other priests interacted with rabbinic circles after the war. These included the priestly sages gathered around R. Tarfon at Lydda and those who opposed R. Yohanan b. Zakkai at Yavneh, suggesting that priests may have contributed in a significant way to the dynamics of the early rabbinic movement.

A careful reading of Josephus and early rabbinic literature also suggests that priestly sectarianism did not disappear in 70, but continued to exist for decades or even centuries afterwards. This claim is supported in several ways. For example, Josephus – writing from the 70s into the late 90s – never gives an indication that priestly sects such as the Sadducees and Essenes disappeared with the temple. Instead, his latest writings continue to discuss these groups as a current part of Jewish society. Furthermore, the distinct beliefs and practices of these groups as Josephus describes them were not dependent upon the sacrificial cult, but easily could have continued after its cessation. That they did continue is evident from early rabbinic literature which denounces Sadducean and Essene-like “heresies” into the second century and beyond. Based on this evidence and the lack of evidence to the contrary, it seems that priestly sectarianism contributed to post-70 Jewish diversity.

Chapter Three concludes with a consideration of the geographical distribution of priestly circles after the First Revolt. Jerusalem and its immediate environs suffered the most from the war, leaving its priestly inhabitants annihilated or forced to resettle in different parts of the country. Other regions, however, did not experience the same fate. Literary and epigraphic evidence indicates that priests continued to live in other parts of Judea, along the coast, in the Dead Sea region and Darom, and possibly in Galilee. These settlement patterns are supported by the post-70 distribution of Jerusalem’s upper class material culture, including Roman-style luxuries, funerary customs, and installations and items for the observance of priestly ritual purity such as *miqva’ot* and stone vessels. These features spread from Jerusalem to other parts of the country after the war, suggesting that some priestly aristocrats retained their material culture as they relocated.

Once we acknowledge the continuation of priestly circles after 70, it is necessary to consider the role that these priests played in Jewish society. Traditionally it is claimed that priestly responsibilities and national leadership passed to the rabbinic sages shortly after the loss of the temple. Priests might have retained an honorary status in the community, but real authority belonged to rabbinic teachers, courts, and patriarchs. In Chapter Four I argued against this position and suggested that the shift from priestly to non-priestly authority was not as natural, quick, or ubiquitous as previously thought. Instead, there is evidence that different social circles continued to promote competing visions for Jewish society and leadership for some time after the loss of the temple. These competing visions can be seen in the writings of the priestly aristocrat Josephus (late first century) and in early rabbinic literature (from the late first to early third centuries).

Rabbinic circles after 70 attempted to reformulate Judaism in a way that shifted emphasis away from third-party mediation of the divine (as provided by the temple and hereditary priests) to the role of sages as Israel's spiritual guides. This is seen in the democratization of many temple rituals and claims that Torah scholarship, not priestly lineage, qualified sages to serve as legal experts, judges, and teachers. However, this was not the only, or even the most prominent, vision for Jewish society after the war. As demonstrated by Josephus and rabbinic opponents, some Jews continued to promote the biblical model in which priests provided divine mediation by serving as judges, teachers, and leaders of liturgical worship. Sources from this period agree that preserving priestly lineage and paying tithes to priests were still important aspects of Jewish law, but there were disagreements between different social circles over the logistics of these matters.

In addition, it seems that the allure of priestly leadership continued to play an important part in national politics in the generations between the two revolts. As early as the exilic period (ca. sixth century B.C.E.) priestly circles promoted a diarchic form of government in which a prince (*Nasi*) and a priest shared power over Jewish affairs. This arrangement was seen in the restoration of Judea under the Persians (with Zerubbabel the governor and Joshua the High Priest), the hopes for the eschatological government in the sectarian Dead Sea Scrolls (with a Davidic king and a Zadokite High Priest guiding the community), and possibly in Jerusalem's provisional government during the opening stages of the First Revolt. Sources after 70 suggest that a similar arrangement was still being promoted among various Jewish groups in the late first and early second centuries.

One example comes from the national leadership of Gamaliel II and R. Eleazar b. Azariah (ca. 80-120). Although the precise nature of Gamaliel's "patriarchal" rule is not clear, it is interesting that rabbinic tradition remembers Gamaliel as including the priestly sage Eleazar in his administration as the *Av Bet Din* of the rabbinic academy. If there is a historical core to this story, it seems that even rabbinic circles acknowledged the role of priestly national leadership to some degree. Another example of diarchic leadership after 70 was the attempt of Bar Kokhba the *Nasi* and Eleazar the Priest (132-135) – both operating outside of the rabbinic movement – to reclaim Jerusalem, rebuild the temple, and re-enthroned the priesthood. As these examples demonstrate, priests continued to play an important part in national politics into the early second century.

In Chapter Five I considered evidence for the role of priests in Jewish society during the third and fourth centuries. During this period, non-priestly forms of leadership – including Patriarchs and rabbis – became increasingly prominent and influential in the

eyes of the Romans and the Jewish community. As both groups expanded their claims to civic and religious authority, they also attempted to appropriate priestly prerogatives. This included assuming jurisdiction over priestly lineage, ritual purity, and tithes. In the case of tithes, there is evidence that Patriarchs began to claim priestly gifts and that rabbis either restricted tithes to priestly sages or lost interest in the practice altogether. Despite these developments, however, priests did not disappear from Jewish society but continued to contribute to the religious and social dynamics of this period.

Priestly activity in this period is attested in different parts of the country and took various forms. We saw that in Sepphoris some priestly families remained involved with local politics (as shown by their attempts to gain the favor of the Patriarch), some associated with rabbinic circles (as shown by priestly sages engaging in *halakhic* debates), and some pursued their own interests (as shown by their synagogue activities and their association with the “course of Yeda’yah”). We saw similar priestly diversity in Tiberias. In the late third and early fourth centuries, a number of priestly sages from Babylon led the local rabbinic academy. Beginning no later than the fourth century other priestly circles promoted a nationalist ideology which included rebuilding the Jerusalem temple and establishing a priestly kingdom. These “priests of Tiberias” continued to influence local politics into the early medieval period. Epigraphic remains at Beth Shearim and along the coast also indicate that priests were active in rabbinic and non-rabbinic circles during the third and fourth centuries.

All of the above evidence demonstrates the inadequacy of the traditional model which claims that priests ceased to be a significant part of Jewish society after the destruction of the temple. Rather than 70 marking a dramatic shift from priestly to

rabbinic prominence, it seems that many of the religious and political dynamics of the late Second Temple period continued into Late Antiquity. Ignoring the role of priests in these dynamics as most scholars have done creates an incomplete and inaccurate understanding of post-70 Judaism. For centuries, priestly circles contributed to rabbinic development, pursued their own interests, were part of the landowning aristocracy, promoted nationalist agendas, and sometimes were the catalysts for armed rebellion. In addition, it seems that some Jewish communities continued to endorse priestly mediation, and not rabbinic scholarship, as the key to attaining divine favor and communion. These aspects of priestly activity were an important part of Jewish society and should be integrated into our historiography of Judaism after 70.

By assembling this evidence into a single study, I have attempted to establish a modest historical framework of priestly activity from 70 until the beginning of the Byzantine period. As I mentioned in the Introduction (1.1), most of the recent scholarship on post-70 priests relates to the rise of priestly themes in art, liturgy, and literature during the fifth and sixth centuries. Some scholars have argued that these themes reflect the resurgence of the “priestly class” who attempted to reassert their influence in Jewish society. However, these scholars have focused mostly on the presence of priestly themes in isolated genres – such as targums, *piyyutim*, mysticism, or synagogue art – without viewing them as pieces of a larger picture. In addition, most of these scholars have not considered the historical foundation of priestly activity in the centuries preceding the Byzantine era.

These factors have combined to leave studies of priestly activity in the Byzantine period vulnerable to criticism. Other scholars have argued that priestly presence was not

significant enough after 70 to create any cultural shifts in the fifth or sixth centuries. As a result of this assumption, these scholars have viewed priestly themes in art and literature as a reflection of increased priestly *interests* among the Jewish population, but not as an indication of the activities of priests themselves. Based on the evidence I assembled in this dissertation, I believe that this position underestimates the extent to which priests remained involved in Jewish society during the late first through fourth centuries. Once we recognize the continuity of priestly activity after 70 we can better appreciate the contribution of priests to the dynamics of the Byzantine period.

Although priestly presence and activities never fully disappeared from post-70 society, it seems that priestly influence experienced fluctuating periods of rise and decline. For example, priestly interests suffered a setback with the destruction of the temple in 70 and the rise of Patriarchal and rabbinic influence in the third century. Nevertheless, they resurfaced at other times and settings – during the Bar Kokhba revolt in the second century, in the leadership of the rabbinic academy in Tiberias during the late third and early fourth centuries, and in some of the nationalist movements at the beginning of the Byzantine period. This last wave may have been part of a larger development in which the pendulum swung back in favor of priestly influence in the late fourth, fifth, and sixth centuries.

It is clear that in the fourth century different groups of non-Jews in Palestine initiated a series of priestly reforms that lasted throughout the Byzantine period. These reforms invested priests with increased civic authority and emphasized the role of priests in mediating divine communion. The most prominent example of this trend is the reorganization of the Christian church and Roman state that began under Constantine and

continued under his successors. An important part of this reorganization was the increased powers given to the Christian priesthood. During the Byzantine period, Christian priests (particularly bishops) became increasingly involved in public life, were granted a growing aura of sacrality, and had a higher profile in public liturgy than in previous centuries.¹ The elevation of the Christian priesthood was publicly manifested throughout Palestine, and other parts of the empire, in the construction of monumental church buildings.

These structures were seen by Christians as the new “temples” and the priests who functioned within were seen as providing ritual access to divine communion.² This priest-centered form of worship was facilitated by church architecture.³ Following a basilical model, Christian churches created a liturgical focus by placing the Eucharistic altar at the end of the building opposite the entrance. This altar represented the divine presence and was set apart from the rest of the building through its placement in an apse

¹ A recent treatment of these developments can be found in Claudia Rapp, *Holy Bishops in Late Antiquity: The Nature of Christian Leadership in an Age of Transition* (Berkeley: University of California Press, 2005). For a consideration of the ways in which the rise of the Christian bishop impacted the resurgence of Jewish priestly interests, see Irshai, “Role of the Priesthood,” 77, 84-85.

² For example, Eusebius, *Ecclesiastical History* 10.4 describes the dedication of a church in Tyre during the fourth century. The dedicatory sermon declared its bishop-builder to be the new Bezalel, Solomon, and Zerubbabel (all Israelite temple builders) and the church to be one of the new holy temples. Other Christian writers of this period also describe church liturgy as the new temple service that allows communion with the divine presence to occur at the Eucharistic altar (e.g., John Chrysostom, *Homily on Ephesians* 3; *Homily on 1 Corinthians* 36.8). For fuller treatments of the ways in which Byzantine Christians claimed their church buildings and liturgies to be the heir of the Jerusalem temple, see Branham, “Sacred Space under Erasure,” 380-83; John Wilkinson, “Christian Worship in the Byzantine Period,” in *Ancient Churches Revealed* (ed. Yoram Tsafrir; Jerusalem: Israel Exploration Society, 1993), 17-22 and *From Synagogue to Church: The Traditional Design* (London: RoutledgeCurzon, 2002), 114-161, 189-212.

³ For introductory treatments to these buildings and the ideologies behind their architectural development, see Jeanne Halgren Kilde, *Sacred Power Sacred Space: An Introduction to Christian Architecture and Worship* (Oxford: Oxford University Press, 2008), 39-60 and Richard Kieckhefer, *Theology in Stone: Church Architecture from Byzantium to Berkeley* (Oxford: Oxford University Press, 2004). See also the classic treatment of church architecture in Richard Krautheimer, *Early Christian and Byzantine Architecture* (Fourth Edition; London: Penguin Books, 1986).

and the veiled chancel screens that hid it from the view of the congregation. The longitudinal axis of the church naturally created a visual focus on the altar area and required the physical movement of the congregation to access the divine presence within it. The key to this experience was the priests who provided communion between the earthly congregation and the heavenly powers of the Eucharistic altar. These architectural and liturgical developments during the Byzantine era publicly displayed the elevation of Christian priesthood throughout the empire.⁴

Around this same time, the Samaritan community experienced its own priestly reforms.⁵ The available sources do not allow for chronological precision, but it seems that some time in the fourth century the Samaritan leader Baba Rabbah restructured the Samaritan community into a priestly form of government.⁶ Baba Rabbah reorganized the Samaritan civic structure around a supreme council of seven leaders, eleven pairs of priestly administrators, and fifty synagogue administrators. Just as the Christian reforms were reflected in churches, so the Samaritan reforms focused on synagogues which became central to local administration and were extensions of the divine presence on Mount Gerizim. Excavations demonstrate that the Samaritan reforms emphasized a

⁴ For examples of Christian churches in Byzantine Palestine, see Asher Ovadiah, *Corpus of Byzantine Churches in the Holy Land* (Bonn: Peter Hanstein, 1970). For contemporary churches in Jordan, see Piccirillo, *Mosaics of Jordan*.

⁵ For an overview of these Samaritan reforms, see Levine, *Ancient Synagogue*, 188-191.

⁶ For Samaritan accounts of these reforms, see Jeffrey M. Cohen, *A Samaritan Chronicle: A Source-Critical Analysis of the Life and Times of the Great Samaritan Reformer, Baba Rabbah* (Leiden: Brill, 1981); the *Chronicle of Abu'l Fath* in *Samaritan Documents Relating to their History, Religion and Life* (ed. John Bowman; Pittsburgh, PA: Pickwick Press, 1977), 114-213; Milka Levy-Rubin, ed., *The Continuatio of the Samaritan Chronicle of Abu l'Fath Al-Simiri Al-Danafi* (Princeton, NJ: Darwin Press, 2002).

connection between the synagogue and the temple.⁷ Samaritan synagogue iconography includes depictions of a veiled Torah shrine and ritual items associated with the temple, such as menorahs, shofars, and incense shovels. These features facilitated a form of worship in which the Samaritan priesthood – which claimed descent from the High Priest Aaron – mediated the divine presence similar to the Christian hierarchy.⁸

These priestly reforms among Christians and Samaritans provide an important context for the revival of priestly themes among Jews during the Byzantine period. It seems that Jewish communities were influenced by the developments around them and began to construct monumental synagogues in the late fourth, fifth, and sixth centuries. Some of these synagogues mirrored Christian churches in their basilical layout and their longitudinal axis with a veiled Torah shrine opposite the entrance.⁹ The iconography of these synagogues highlighted the ascent of the congregation from this earth, through the heavenly dome (represented by the zodiac wheel), and to the “Holy of Holies” where divine secrets, law, and presence were revealed at the Torah shrine.¹⁰ In the synagogue at

⁷ Important examples of Samaritan synagogues have been excavated at Beth She’an North, Kirbet Samara, and el-Khirbe. See Y. Magen, “Samaritan Synagogues,” in *Early Christianity in Context: Monuments and Documents* (ed. F. Manns and E. Alliata; Jerusalem: Franciscan Printing Press, 1993), 193-230.

⁸ Magen, “Samaritan Synagogues,” 220, 226 records a number of instances in Samaritan synagogue inscriptions and literature (such as the fourth century *Samaritan Chronicle*) that describe Samaritan synagogues being built by priests, including the synagogue at Kiriath Amrata under which, according to Samaritan tradition, many of the Aaronic High Priests (including Aaron himself) are buried.

⁹ See the overview of Byzantine era synagogues in Levine, *Ancient Synagogue*, 210-249.

¹⁰ Examples of synagogues with this layout and iconography include Beth Alpha, Hammat Tiberias, Naaran, and Sepphoris. The synagogue at Susiya is not basilical, but it does contain similar cosmic and temple iconography. See S. Gutman, Z. Yeivin and E. Netzer, “Excavations in the Synagogue at Horvat Susiya,” in *Ancient Synagogues Revealed* (ed. Lee I. Levine; Jerusalem: Israel Exploration Society, 1981), 123-128.

Sepphoris, iconography further highlighted the role of the priesthood in mediating the journey and the divine communion.¹¹

These developments in synagogue art and architecture were paralleled in liturgical innovations. During this period some targums that were used in synagogue services expanded the biblical text to emphasize priestly interests, mythology, and community leadership.¹² Liturgical synagogue poetry (*piyyut*) also flourished in the Byzantine period and highlighted themes of cosmic ascent, divine mysteries, the temple service of the twenty-four priestly courses, and the angelic ministry of the High Priest.¹³ This form of antiphonal chanting was inspired by contemporary developments in Christian liturgy and facilitated communion between the earthly congregation and the heavenly temple.¹⁴ The fact that earlier generations of rabbis condemned, discouraged, or tried to regulate all of these features – cosmic art,¹⁵ temple replication,¹⁶ targums,¹⁷ and *piyyutim*¹⁸ – raises the question of who initiated these developments in the Jewish community.

¹¹ As I discussed in section 5.2.1, the mosaic floor of the Sepphoris synagogue depicts the consecration and rituals of Aaronic priests between the zodiac (heavenly dome) and the Torah shrine.

¹² This is especially the case with *Targum Pseudo-Jonathan* in which over seventy percent of the expansions to the biblical text reflects priestly interests and promotes priestly leadership. See Fleisher, “Literary Legacy of the Priests,” and Mortensen, *Priesthood in Targum Pseudo-Jonathan*.

¹³ See the treatments of this material in Michael D. Swartz, “Sage, Priest, and Poet: Typologies of Religious Leadership in the Ancient Synagogue,” in *Jews, Christians, and Polytheists*, ed. Fine, 101-117; Yahalom, *Poetry and Society*; Swartz and Yahalom, eds. *Avodah*, 14, 18, 23-24, 30-38; Avigdor Shinan, “The Literature of the Ancient Synagogue and Synagogue Archaeology,” in *Sacred Realm: The Emergence of the Synagogue in the Ancient World* (ed. Steven Fine; New York: Yeshiva University Museum, 1996), 148-151.

¹⁴ Eric Werner, *The Sacred Bridge: Liturgical Parallels in Synagogue and Early Church* (New York: Schocken Books, 1970), 207-262, considers the development of *piyyutim* in the context of Christian liturgy.

¹⁵ For rabbinic prohibitions against cosmic and mystical images (including the globe, sun, moon, planets, angels, cherubim, and the creatures from Ezekiel’s vision) see *M Avodah Zarah* 3.1; *T Avodah Zarah* 5.1; *Y Avodah Zarah* 3.1, 42c; *B Avodah Zarah* 42b-43b; *Mekhilta of R. Ishmael* 6.

¹⁶ *B Avodah Zarah* 42b-43b, *B Rosh Hashanah* 24a-b, and *B Menahot* 28b discourage any replication of temple architecture, furniture, or artwork in private or public settings. The sages cited in these passage

Despite arguments to the contrary by some scholars, there is no reason why these developments could not have been initiated, at least in part, by actual priests. As we have seen in this dissertation, priests had been present and active in the Jewish community for centuries and had the most to gain by a revival in priestly interests. Epigraphic evidence supports this conclusion. Of the synagogues that display cosmic images and replicate temple features, at least half include inscriptions indicating that priests were actively involved in the congregation.¹⁹ In addition, a significant number of the early *paytanim* were priests, suggesting that some priests had more than a passive interest in these liturgical developments.²⁰ It is also interesting to note that imperial legislation from the fourth century includes “priests” among its list of synagogue officials.²¹

specifically forbid the replication of seven branched menorahs as found in the temple, although candlesticks with five, six, or eight branches are acceptable.

¹⁷ Rabbinic attempts to discourage or regulate targums are found in *M Megillah* 4.9-38; *T Megillah* 4.20, 34-35; *T Shabbat* 13.2-3; *Y Megillah* 74d; *Y Berakhot* 9c; *Y Shabbat* 15c; *B Temurah* 14b; *B Shabbat* 115a; *B Megillah* 21b and 25a-b. Some of these texts prohibit certain biblical passages from being translated (including some that have special importance for priests) and discourage the use of targums in private or public study. Of the surviving targums, *Targum Onqelos* most closely adheres to these rabbinic standards, while Targums *Neofiti* and *Pseudo-Jonathan* violate many rabbinic regulations. See Flesher, “Literary Legacy of the Priests,” 476, 498. For discussions of rabbinic attempts to regulate targums in order to ensure “orthodoxy” (efforts that were not always successful), see P.S. Alexander, “The Targumim and the Rabbinic Rules for the Delivery of the Targum,” *VTS* 36 (1985): 23-27; Michael L. Klein, “Palestinian Targum and Synagogue Mosaics,” *Immanuel* 11 (Fall 1980): 37; Levine, *Ancient Synagogue*, 578-80.

¹⁸ For rabbinic attempts to eradicate the use of *piyyutim* in synagogues, see Lawrence A. Hoffman, *The Canonization of the Synagogue Service* (Notre Dame: University of Notre Dame Press, 1979), 66-71 and Swartz and Yahalom, *Avodah*, 2. Ultimately the popular support of *piyyutim* outlasted these attempts and the rabbis of the early medieval period compromised on the use of this genre in synagogue liturgy.

¹⁹ In Chapter Five I discussed the priestly inscriptions in the “Helios-Zodiac” synagogues at Sepphoris, Susiya, and Naaran. Priestly or Levitical inscriptions are also found in other synagogues in Palestine at Estemoa, Kefar Bar’am, ‘Alma, and Hammat Gadara, as well as in the Diaspora synagogue at Sardis.

²⁰ For example, the earliest known *paytan* was Yose b. Yose, who identified himself as a High Priest. Other Byzantine *paytanim* who are identified as priests include: Shimon Megas, Yohanan the Priest son of Joshua the Priest, Pinhas the Priest of Kafra, and Haduta. See Yahalom, *Poetry and Society*, 108; Levine, *Ancient Synagogue*, 528; Magness, “Heaven on Earth,” 23-24. Fine, “Liturgy and Social History,” 5, argues that the priestly heritage of most Byzantine era *paytanim* are later medieval traditions.

²¹ See Amnon Linder, *The Jews in Roman Imperial Legislation* (Detroit: Wayne State University Press, 1987), no. 9 (*CTh* 16.8.2 and 16.8.4). Linder and Levine, *Ancient Synagogue*, 524 suggest that this term

The religious, social, and political dynamics of the Byzantine period also create a scenario in which priestly circles could have grown in influence among some Jewish communities. I have already mentioned the priestly reforms among Christians and Samaritans in this period. It is clear that many synagogue congregations were influenced by monumental church building. It also seems that priestly circles had the most at stake in light of Christian developments. The building of monumental synagogues which highlight a connection with the temple and priesthood could easily have been a reaction against Christian claims that churches were the new “temples” and the Christian clergy superseded the Jewish priesthood. In other words, some Jewish priestly circles attempted to reclaim their heritage as the true priesthood and reassert their power to mediate divine communion.²²

In addition to these external factors, developments within the Jewish community may have created an environment which facilitated a resurgence of priestly influence. By the late fourth century the rabbinic academies in Palestine were in a state of decline. This is reflected in the sudden lack of literary creativity among the sages – the Palestinian Talmud was never completed and no more legal rulings would be forthcoming from the academies. In addition, Roman support for the Patriarchate ended in the early fifth century. This convergence of events easily could have created a power vacuum in Jewish

does not refer to actual priests, but the larger evidence for priestly activity in this period might allow us to be more optimistic. See Alexander, “Jewish Priesthood after 70,” 9-10.

²² For variations on this argument, see Branham, “Sacred Space Under Erasure” and Magness, “Heaven on Earth.” Herbert L. Kessler, “Through the Temple Veil: The Holy Image in Judaism and Christianity,” in *Kairos* 32-33 (1990-1991): 53-77, suggests that a common artistic source for the use of temple imagery existed among Jews and Christians of this period. The difference, of course, was in the meaning each group attributed to the images. For Jews, this temple iconography could serve as an expression of hope for its future rebuilding, while for Christians it could serve as a symbol of its being superseded by the new covenant of Jesus.

leadership which allowed priestly circles to regain public prestige.²³ Julian's attempt in the mid fourth century to rebuild the Jerusalem temple and reinstate the Jewish priesthood also might have fueled the desire for a priestly revival among some Jews in subsequent generations.

I must restate here that I am not trying to give an unbalanced picture. In attempting to articulate the history of priests after 70, I am not arguing that priests remained the ultimate authority in Jewish society in the post-70 period, including in the Byzantine era. Rather I have argued that priestly presence and activities continued to contribute to Jewish social dynamics for centuries following the destruction of the Jerusalem temple, and that priestly influence fluctuated among various circles during that time. In the Byzantine period, the persistence of diverse literature, attitudes towards art, and architectural forms suggests that the Jewish community still included different groups with different values.²⁴ It is likely that in some circles, rabbinic sages continued to hold sway. However, it seems that other groups promoted biblical notions of priestly mediation which continued throughout the Byzantine period.

This diversity and its priestly strands continued to exist into the early medieval period. For example, in the Sassanian Persian period there are indications that some Jewish circles cultivated apocalyptic expectations and that some priests made themselves available for the restoration of the Jerusalem temple.²⁵ Priestly circles also participated in

²³ This is the argument in Irshai, "Confronting a Christian Empire," "Role of the Priesthood," and "Priesthood and Authority."

²⁴ See below (section 6.2) for examples of diverse Jewish attitudes toward mysticism and synagogue liturgy in the Byzantine period.

²⁵ The *Apocalypse of Zerubbabel* demonstrates the messianic fervor that existed among some Jews when the Persians captured Jerusalem in 614 and appointed a Jewish governor. Included in this fervor was the expectation that God would "bring down to earth the Temple that was built above [in heaven], and the

the Muslim reorganization of Palestine, with some priestly families from Tiberias being resettled in Jerusalem by ‘Umar in the seventh century and possibly serving as caretakers of the Dome of the Rock.²⁶ Priestly dynasties reclaimed leadership of the Palestinian rabbinic academy in the ninth through eleventh centuries,²⁷ priestly themes flourished in *hekhalot* mysticism in this period,²⁸ and some Jewish groups, such as the Karaites, attempted to restore a biblical system of priest-led worship.²⁹

pillar of fire and the cloud of incense will [again] ascend to heaven. Then the Messiah will set out on foot to the gates of Jerusalem, and all Israel will come [to Jerusalem] after him.” There is even some evidence that sacrifices resumed on the temple mount in anticipation of the temple’s restoration. However, the Persians soon reversed their pro-Jewish policy, lost the city to Heraclius in 629, and these messianic hopes were dashed. See William J. Hamblin and David Rolph Seely, *Solomon’s Temple: Myth and History* (London: Thames and Hudson, 2007), 77-78; Reeves, ed., *Trajectories in Near Eastern Apocalyptic*, 40-66; Avi-Yonah, *Jews of Palestine*, 257-272; Gil, *History of Palestine*, 5-10.

²⁶ Gil, *History of Palestine*, 65-74 discusses ‘Umar’s resettlement of Tiberian Jewish families in Jerusalem. Some of these families included priests who remained involved in national politics. There are also indications that some of these Jewish families viewed the Muslim conquest of the city and the building of the Dome of the Rock on the temple mount in apocalyptic terms. Islamic tradition claims that until ca. 720, ten to twenty Jews from Jerusalem served as the cleaners, caretakers, and lamplighters for the Mosque of ‘Umar. Once the Dome of the Rock was built, various rituals were conducted at the site which recalled Jewish temple liturgies. One Muslim text citing eighth or ninth century traditions describes these rituals: “Behind the balustrade there were curtains made of variegated and decorated silk, hanging down among the pillars. Every Monday and Thursday the gatekeepers used to melt musk, ambergris, rose water and saffron and prepare from it a kind of perfume....Each morning [on Monday and Thursday] the attendants enter the bathhouse and wash and purify themselves....They take off their [ordinary] clothes and put on a garment made of silk brocade and tightly fasten the girdle embellished with gold around their waists, and they rub the rock with perfume. The incense is put in censers of gold and silver....The gatekeepers lower the curtains so that the incense encircles the rock entirely....Then the curtains were raised so that this odour went out until it fills the entire city....So the people come in haste to the Dome of the Rock [and] prayed there....There were three hundred attendants....Every time one of them died, his son and offspring fulfilled his duties.” See Amikam Elad, *Medieval Jerusalem and Islamic Worship: Holy Places, Ceremonies, Pilgrimage* (Leiden: Brill, 1995), 55-56 and Hamblin and Seely, *Solomon’s Temple*, 143-144. It is interesting to speculate on whether the Jewish priestly families in Jerusalem served as the site’s caretakers and if they contributed to the rituals conducted at the Dome of the Rock.

²⁷ Gil, *History of Palestine*, 495-516, 653-750, discusses the priestly dynasties that led the Tiberian academy in this period.

²⁸ See below (section 6.2).

²⁹ See the following articles in *Karaite Judaism*, ed. Polliack: Moshe Gil, “The Origins of the Karaites” (pp. 73-118); Yoram Erder, “The Karaites and the Second Temple Sects” (pp. 119-143); Daniel Frank, “Karaite Prayer and Liturgy” (pp. 559-589).

Bringing all of these developments together in a single study – even in a short summary and epilogue – highlights the profound significance priestly circles continued to have in post-70 Judaism. This dissertation is only a first step in articulating the historical development of Jewish priesthood after 70 and the impact priestly circles had on Jewish texts, worship, and institutions. Because this aspect of Jewish history has been ignored for so long there is still much work that needs to be done to enhance, refine, and correct the picture I have presented. I hope that this broad overview allows the issue of post-70 priestly activity to be better understood, integrated into our historiography, and taken seriously as an aspect of Jewish history that requires extensive subsequent research.

6.2 Implications and Future Research

I conclude this dissertation with a few comments about its implications and the possibilities for future research. The evidence I presented supports recent trends to see post-70 Judaism as being much more complex than previously thought. For over a century most scholars have maintained a rabbinocentric view of this period which has colored their interpretation of Jewish literature, material culture, and interactions. However, a growing number of scholars realize that socio-religious dynamics after 70 extended well beyond the world of the rabbis. This is an important step in attaining a more complete picture of the transition between ancient and modern Judaism. Nevertheless, there is still much work that needs to be done in understanding the precise nature of Jewish diversity in the post-70 period. By focusing on priestly presence and activities I have attempted to articulate one important part of this diversity.

The recognition that priestly circles continued to be active in Jewish society after 70 also creates an alternative lens for interpreting literary material and archaeological discoveries from this period. This includes the ability to reevaluate the social dynamics behind streams of priestly ideology in post-70 Jewish literature. For example, we can now reconsider the impact priestly circles might have had on formative rabbinic thought in the Mishnah, Tosefta, and Palestinian Talmud. How might the priestly circles within the rabbinic movement have influenced early rabbinic views on the temple cult, ritual purity, tithing, and liturgy? My impression is that we are only beginning to scratch the surface of this highly complex issue, the exploration of which will require the careful research of specialists in rabbinic literature and *halakhah*.³⁰

Post-70 priestly activity also provides an alternative lens for viewing Jewish literature that does not fit comfortably within the rabbinic world. For some time scholars have had difficulty reconciling some of the Jewish magical and mystical texts from Late Antiquity with the worldview of the rabbis.³¹ In particular, *hekhalot/merkavah* mysticism flourished in some circles during this period. These traditions promoted communion with the heavenly temple, the invocation of angelic messengers, the learning of secret

³⁰ Neusner (*Evidence of the Mishnah and Mishnaic Law of Purities*) has attempted to identify strands of priestly thought in rabbinic literature, but it would also be interesting to investigate the social dynamics that produced those streams of thought.

³¹ For examples of such texts, see *Sefer Ha-Razim*, *Merkavah Rabbah*, *Hekhalot Rabbati*, and *Maaseh Merkavah*. One of the first scholars to try making sense of this material was Gershom Scholem, *Major Trends in Jewish Mysticism* (New York: Schocken, 1954) and *Jewish Gnosticism, Merkavah Mysticism, and Talmudic Tradition* (New York: Jewish Theological Seminary of America, 1965). Scholem believed that these mystical trends represented esoteric rabbinic practices. However, subsequent studies demonstrated that this type of mysticism was discouraged by earlier generations of rabbis, leading to the conclusion that Jews outside of the rabbinic world were responsible for cultivating it. See David J. Halperin, *The Merkavah in Rabbinic Literature* (New Haven: American Oriental Society, 1980).

knowledge, and the attainment of divine powers for its practitioners.³² These concepts not only reflect a different worldview than that found in Talmudic literature, but they were openly opposed by several generations of sages.³³ This forces us to consider the social setting of the Jews who promoted these forms of religious experience.

Rachel Elier has suggested that these mystical trends were cultivated by non-rabbinic priestly circles after 70 who were compensating for the loss of the temple.³⁴ She pointed out that the predominant themes of the *hekhalot* tradition have their roots in priestly texts of earlier periods, such as Ezekiel, *1 Enoch*, *Jubilees*, and sectarian Dead Sea Scrolls. Therefore, she argues, this type of mysticism as found in material from Late Antiquity reflects a continuation of that priestly tradition which existed outside of the rabbinic sphere of influence. Response to Elier's thesis has been mixed. Some scholars see this as explaining the tension between rabbinic and mystical texts.³⁵ Others criticize

³² For a study on the aspects of mysticism in which a practitioner ritually conjures an angelic messenger (the *Sar Torah*), see Michael D. Swartz, *Scholastic Magic: Ritual and Revelation in Early Jewish Mysticism* (Princeton: Princeton University Press, 1996).

³³ The earliest rabbinic writings place restrictions on the reading of those passages at the heart of *merkavah* mysticism, including Genesis 1 (the secrets of creation) and Ezekiel 1, 10 (Ezekiel's vision of the chariot throne); see *M Hagigah* 2.1 and *M Megillah* 4.10. Later rabbinic writings place further restrictions on this material, including the charge of apostasy against those who participate in such mysticism. See *B Shabbat* 13a; *B Hagigah* 13a; *B Menahot* 45a. Also, *B Hagigah* 16a forbids gazing at a rainbow, a practice that would encourage speculation on Ezekiel's vision of God's throne. These restrictions were also known to some Christian writers; see Origen, *Commentary on the Song of Songs* who notes that Jews are not allowed to read the creation account or chariot visions until they are older and supervised. In addition, rabbinic literature openly criticizes and mocks Metatron, the archangelic hero of the *hekhalot* and *merkavah* texts. For a discussion of the rabbinic opposition to these mystical traditions, see Halperin, *Merkabah in Rabbinic Literature*.

³⁴ See Elier, "From Earthly Temple to Heavenly Shrines," and *Three Temples*.

³⁵ For example, Elier's thesis was used extensively by Magness, "Heaven on Earth," in her interpretation of synagogue art. April D. DeConick, "What is Early Jewish and Christian Mysticism?" in *Paradise Now*, ed. DeConick, 1-24 also finds Elier's arguments to be persuasive.

Elior for creating too sharp of a dichotomy between rabbis and priests and for reconstructing social history based on literary themes.³⁶

With the historical foundation provided in this dissertation, we can now reevaluate Elior's thesis and the complex relationship that existed between rabbis, priests, and mysticism. We have seen that priests were sufficiently present after 70 to impact such trends, suggesting that the core of Elior's argument might be more plausible than her critics have acknowledged. However, we have also seen that some priests were active within the rabbinic movement – even in the leadership of the Tiberian academy – at different times throughout Late Antiquity. These dynamics might have contributed to the development of mystical texts that include both priestly and rabbinic themes.

A related issue is the presence of priestly themes in post-70 pseudepigraphical literature. Scholars have long recognized that numerous Jewish texts were written in Late Antiquity that interested the Christians who preserved them more than the rabbis who did not. These texts include the *Apocalypse of Abraham*, *2 Enoch*, the *Life of Adam and Eve*, the *Testament of Abraham*, the *Testament of Adam*, and possibly *Joseph and Aseneth*.³⁷

Each of these texts emphasizes themes of priestly mediation, angelic communion, cosmic

³⁶ In response to Elior's priest/rabbi dichotomy, her critics point out that several mystical texts – including *3 Enoch*, *Merkavah Rabbah*, *Hekhalot Rabbati*, and *Maaseh Merkavah* – were transmitted in early medieval rabbinic circles and describe the activities of rabbinic heroes such as R. Ishmael or R. Akiva. This suggests that there was not as sharp a divide between priestly and rabbinic ideology as Elior claims. Alexander, "Jewish Priesthood after 70," 18-20, tries to reconcile this paradox by suggesting that either the early medieval mystics were trying to claim rabbinic orthodoxy by associating mystical practices with early rabbinic heroes, or later generations of rabbis appropriated the tradition for themselves. For critics of Elior's work see the following: Klawans, "Review," 376-378; Sacha Stern, "Rachel Elior on Ancient Jewish Calendars: A Critique," *Aleph* 5 (2005): 287-292; Martha Himmelfarb, "Merkavah Mysticism since Scholem: Rachel Elior's *The Three Temples*," in *Mystical Approaches to God: Judaism, Christianity, and Islam* (ed. Peter Schäfer; Munich: Oldenbourg, 2006), 19-36; Peter Schäfer, *The Origins of Jewish Mysticism* (Tübingen: Mohr Siebeck, 2009), 14-16.

³⁷ For translations, commentary, and bibliography relating to these texts, see Charlesworth, ed., *Old Testament Pseudepigrapha*; For an argument that *Joseph and Aseneth* is a magical text dating to the third or fourth century, see Kraemer, *When Aseneth Met Joseph*.

secrets, the divine chariot throne, mystical liturgies, and angelic transformation. They do so, however, without the rabbinic overlays of later *hekhalot* texts preserved in medieval Jewish circles. This suggests that a larger priestly tradition existed in Late Antiquity that could be used by both Christians and later rabbis, albeit to much different ends.³⁸ The evidence for post-70 Jewish priestly activity might illuminate the original social setting of this tradition.

The presence of priestly circles could also impact the way we view Jewish material culture after 70. For example, at various points in this dissertation I have noted the continuation of ritual purity observance after 70 as reflected by *miqva'ot* and stone vessels. These items and installations appear in locations such as Sepphoris and Susiya where priestly circles are attested by inscriptions or literary references. This suggests that priestly presence and activity could be a more prominent factor in our interpretation of these finds than they have been in the past.³⁹ Perhaps the most promising area of future research, however, lies in the study of post-70 synagogue art, architecture, and liturgy.

For several decades scholars have recognized that different styles of synagogues existed throughout Late Antique Palestine.⁴⁰ Some synagogues (the “Galilean” type) had a monumental façade, little or no interior decoration, and seating along the walls that

³⁸ For example, Christians used this mystical temple tradition to promote their own angelology, the role of Christ as heavenly mediator, and the transformative power of Christian liturgy; see the use of these traditions in the poetry of Ephrem and the *Odes of Solomon* (Kraemer, *When Aseneth Met Joseph*, 255-70). Early medieval rabbis, on the other hand, employed these mystical traditions in order to increase their powers to learn the Mishnah. See Swartz, *Scholastic Magic*.

³⁹ Some of the earliest work on this issue has been done recently by Amit and Adler, “Ritual Purity after 70.”

⁴⁰ For a description of these different types of synagogues, their traditional categorization, and the recent archaeological reevaluation of their dating see Milson, *Art and Architecture*, 18-32 and Jodi Magness, “The Question of the Synagogue: The Problem of Typology,” in *Judaism in Late Antiquity*, ed. Avery-Peck and Neusner, 1-48.

focused the attention of the congregation on itself and the center of the hall.⁴¹ Other synagogues followed a basilical model with a modest exterior, a richly decorated interior (including images of the temple and cosmos), and a shrine area that required congregational procession to access the divine presence.⁴² Because the traditional narrative assumed that “the synagogue” was a monolithic institution under rabbinic auspices, most scholars concluded that these different styles must reflect different stages of the institution’s evolution – the “Galilean” synagogues represented the institution as it existed during the second and third centuries, while the basilical synagogues were influenced by Christian churches in the fifth and sixth centuries.

Archaeological excavations, however, have shown that these different synagogue styles did not evolve in a linear manner, but actually existed contemporaneously during the Byzantine period. This indicates that Jewish diversity in this period included different tastes in synagogues. While some communities preferred an aniconic setting with a community focus, others preferred a model of heavenly ascent and congregational procession towards the divine presence. The former model aligns well with the ideals of rabbinic literature, whereas the latter model does not. The latter does, however, closely mirror the priest-centered arrangement of Christian churches and several examples of this type of synagogue contain priestly inscriptions. In light of the social history discussed in this dissertation, we are able to consider the impact that priestly dynamics might have had on synagogue diversity in the Byzantine period. Future research should give detailed

⁴¹ Synagogues with these characteristics include Capernaum, ‘En-Nashut, Bar’am Central, Meiron, ed-Dikke, Dabiyeh, Horvat Kanef, Horvat Ammudim, and the final phase at Nabratein.

⁴² Synagogues with these characteristics include Beth Alpha, Hammat Tiberias, and Sepphoris.

consideration of these synagogue models, the different liturgies that might have occurred within, and their different relationships to priests and rabbis.

In addition to clarifying internal Jewish dynamics, the continued activities of Jewish priests provide an alternative lens for interpreting Jewish-Christian relations in Late Antiquity. Scholars have traditionally assumed that Christian writers describing, criticizing, or engaging with Jews had rabbis in mind when producing their literature. In some instances a relationship between Christians and rabbis might have been possible and rabbinic literature might help us to understand that relationship. However, there is also the possibility that some Christian writers interacted with Jewish priestly circles that existed outside the sphere of rabbinic influence. In other words, Christians in post-70 Palestine might not only have debated the requirements of the law with Jewish rabbis, but they might have debated the efficacy of the priesthood with Jewish priests. This possibility raises a host of possibilities for understanding Christian thought.

Could Jews with priestly interests have impacted the ways in which the New Testament gospels describe the Sadducees and “chief priests” in the late first century?⁴³ What role might priestly interlocutors have had in the claims of Hebrews and Revelation that Jesus is the true High Priest and his followers are the “kingdom of priests” from Exodus 19?⁴⁴ When P. Oxy. 840 (a Christian text from the third century) denounces Jewish priests and their purity practices, could the author be reacting to the practices of

⁴³ Most attempts to extract late first century social history from the New Testament gospels focus on their depiction of the Pharisees, which many scholars see as an anachronistic reflection of Christian tensions with the rising rabbinic movement. To my knowledge, however, no attempts have been made to consider the contemporary social realities behind the gospels’ depiction of priestly circles.

⁴⁴ See Hebrews 5-7 and Revelation 1. Revelation 4-6 also contains several elements of the priestly *hekhalot* tradition, including the angelic liturgy of the heavenly throne room. What might the relationship have been between the community of Revelation and other Jewish priestly circles that promoted this tradition?

Jewish priests rather than rabbis as previously assumed?⁴⁵ What social dynamics were behind later Syriac texts that argue against the efficacy of the Jewish priesthood?⁴⁶

Several recent scholars have shown an increased interest in the “borderlines” between Christians and Jews after 70.⁴⁷ Daniel Boyarin, for example, has argued that these borders remained fluid for several centuries, with each side influencing the other in dynamic ways.⁴⁸ The evidence I assembled in this dissertation suggests that the situation might have been even more complex. Rather than thinking about the relationship between Jews and Christians, perhaps we should think about the relationship between certain types of Jews and certain types of Christians. With a few notable exceptions, rabbinic literature generally ignores issues relating to Christianity.⁴⁹ However, shared interests in priesthood, sacrificial meals, and communion with the heavenly temple might have placed Christians and Jewish priests in closer proximity (and competition) than Christians and Jewish sages.

⁴⁵ Even though priests and priestly purity practices are the stated target of this text, scholars typically assume that the text must refer to Pharisaic/rabbinic practices. For example, see Kruger, *Gospel of the Savior*.

⁴⁶ For example, the *Teaching of the Apostles* in ANF 8.667-672 describes Christian liturgy in terms of the temple and claims that a large number of Jewish priests converted to Christianity. Also, Adam H. Becker, “The Discourse on Priesthood (BL ADD 18295, FF. 137B-140B): An Anti-Jewish Text on the Abrogation of the Israelite Priesthood,” *JSS* 51.1 (Spring 2006): 85-115 discusses a composite Syriac text which argues with Jewish opponents about how Christ’s eternal priesthood is superior to the Jewish priesthood. This text presents its argument as answers to a series of questions posed by a hypothetical Jew who challenges the nature of Christ’s priesthood. It is intriguing to speculate on the possibility that these questions represent actual arguments made by Jews with priestly interests.

⁴⁷ See, for example, the studies of the relationship between Judaism and Christianity in Buell, *Why This New Race* and Lieu, *Christian Identity*.

⁴⁸ For example, Boyarin, *Borderlines*, argues that Christians retained a Logos theology that had been a part of earlier Jewish tradition. I would also be interested to consider the extent to which Christians retained much of the Jewish priestly heritage that the rabbis discarded.

⁴⁹ These exceptions include the possible “excommunication” of Christians in the ‘*Amidah*’ (see Marcus, “*Birkat Ha-Minim* Revisited”), a few references to the illegitimacy of Jesus’ birth, and the grouping of Christian gospels with “heretical books.” Other than these issues, however, rabbinic literature ignores the larger Christian world around the sages, including the existence of Christian churches, bishops, monasteries, rituals, and theological debates. See Millar, “Inscriptions,” 3.

I have already noted a few points of contact in the realms of liturgy and mysticism. Some synagogues and rabbinic *halakhic* debates show little relation to Christian thought or practice. However, “priestly” synagogues and mystical traditions appear to be directly engaged with congruous developments among Christians. The power of sacrificial ritual to enact angelic transformation, the liturgical fusion between an earthly congregation and the heavenly throne room, and the role of heavenly mediators such as Christ Pantokrator and the High Priest Metatron may have been interests that created an especially fluid and competitive “borderline” between Jewish priestly circles and different types of Christians in the eastern empire.

Third-party mediation of the divine was a powerful notion in antiquity that had biblical roots and centuries of tradition in the Jerusalem temple and Jewish priesthood. It is easy to see how this concept and these institutions were key factors in the development of Jewish sectarianism and in the ultimate rift between Judaism and Christianity. These dynamics as they existed before 70 have been well studied and have contributed to our understanding of Jewish and Christian heritage. However, most scholars have not yet taken advantage of the insights offered by considering these dynamics as they existed after 70. Evidence indicates that Jewish priests and priestly ideology continued to contribute to Jewish society and Jewish-Christian interactions long after the destruction of the Jerusalem temple in 70.

By compiling this evidence into a single study I have attempted to sketch out a modest historical framework of priestly presence, interests, and activities in this period. I hope that this will be a helpful contribution to our understanding of Jewish history and a catalyst for bringing post-70 priests out of the footnotes and into the forefront of

scholarly discussion. I recognize that this is only a first step towards recovering this important aspect of the transition from ancient to modern Judaism. I look forward to future studies that will no doubt enhance, refine, and correct the picture I have presented. Although there is still much work to be done in this area, it promises to be a fruitful endeavor as we attempt to understand early Jewish and Christian dynamics.

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