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The Impact of the Documentary Papyri from the Judaean Desert on the Study of Jewish History from 70 to 135 CE

We are now in possession of inventories of almost the entire corpus of documents discovered in the Judaean Desert¹. Obviously the same cannot be said about the state of publication of the documents. We still lack a great many documents. I propose to give here a short review of those finds which are relevant to the study of Jewish history between 70 and 135 CE. The survey will include the state of publication of texts from each find². After that an attempt will be made to draw some interim, and necessarily tentative, conclusions about the contribution that this fairly recent addition to the body of our evidence can make to the study of different aspects of Jewish history between 70 and 135 CE.

This material can be divided into several groups:

1) The first documents came from the caves of Wadi Murabba'at in 1952. They were published without much delay in 1961³. The collection consists of documents written in Aramaic, Hebrew, Greek, Latin and Arabic, and contains, among

¹ For a complete list till the Arab conquest see *Hannah M. Cotton, Walter Cockle, Fergus Millar*, *The Papyrology of the Roman Near East: A Survey*, in: *JRS* 85 (1995) 214–235, henceforth *Cotton, Cockle, Millar*, *Survey*. A much shorter survey, restricted to the finds from the Judaean Desert, can be found in *Hannah M. Cotton*, s.v. *Documentary Texts*, in: *Encyclopedia of the Dead Sea Scrolls*, eds. *Lawrence H. Schiffman, James C. VanderKam* (forthcoming). These two surveys, like the present paper, are limited to the non-literary, the documentary texts. The following two catalogues include the literary texts as well: *Emanuel Tov* with the collaboration of *Stephen J. Pfann*, *The Dead Sea Scrolls on Microfiche, Companion Volume*, revised edition (Leiden 1995), henceforth *Tov, Pfann*, *Companion Volume*; see also *The Dead Sea Scrolls Catalogue. Documents, Photographs and Museum Numbers*, compiled by *Stephen A. Reed*, revised and edited by *Marilyn J. Lundberg* with the collaboration of *Michael B. Phelbs* (SBL Resources for Biblical Study 32, Atlanta 1994).

² In the present survey meaningless fragments and scraps are ignored.

³ *P. Benoit, J. T. Milik, R. de Vaux*, *Les Grottes de Murabba'at* (Discoveries in the Judaean Desert II, Oxford 1961), henceforth *Benoit, Milik, de Vaux*, *Murabba'at*. The papyri published in this volume are referred to as *Mur*.

other texts, letters and leases of the Bar Kokhba administration⁴ as well as private documents⁵ from our period.

2) The most important documents for our period were discovered in Naḥal Ḥever in the course of two seasons of excavations in 1960 and 1961, as part of a large scale Judean Desert Survey, which included Naḥal Ḥever, Naḥal Še'elim, Naḥal David (Wadi Sdeir), Naḥal Mishmar and Naḥal Hardof (Wadi Mardif)⁶. In the Cave of Letters in Naḥal Ḥever was found the rightly celebrated Babatha archive, which contains legal documents in Nabataean⁷, Aramaic⁸, and Greek⁹ belonging to a Jewish woman who lived in the village of Maḥoza/Maḥoz 'Aglatain on the southern shore of the Dead Sea, in what used to be the Nabataean Kingdom and in 106 became the Roman province of Arabia¹⁰. The Greek part of the Babatha archive was published in 1989¹¹. In the same cave were found letters of Bar Kokhba, in Hebrew, Aramaic and Greek, the majority of which were dictated by the leader himself¹², as well as leases from the Bar Kokhba administration¹³. Neither the Bar Kokhba letters and leases nor the Nabataean and Aramaic parts of the Babatha archive have been published, other than preliminary publications of the former by Yadin¹⁴, and more recently of two Aramaic documents from the Babatha archive¹⁵. Two Greek letters were published in 1962¹⁶. It is to be hoped

⁴ Mur 24A-L (a lease); Mur 42–44 (letters); the fragmentary Mur 45–52 may belong to the Bar Kokhba circle as well.

⁵ Mur 18–23, 25, XHēv/Se 50+Mur 26, Mur 27–33, 89–97, 113–116. Mur 18 is before our period, 55/6 CE.

⁶ See *Stephen J. Pfann*, *History of the Judean Desert Discoveries and Sites in the Judean Desert where Texts have been found*, in: *Tov, Pfann*, *Companion Volume* 97–19. See below on texts from the other sites mentioned above.

⁷ P. Yadin 1–4, 6 and 9.

⁸ P. Yadin 7–8 and 10.

⁹ P. Yadin 5; 11–35.

¹⁰ For XHēv/Se nab 1 see below n. 61.

¹¹ *Naphtali Lewis*, *The Documents from the Bar Kokhba Period in the Cave of Letters. Greek Papyri* (Judean Desert Studies II, Jerusalem 1989), henceforth *Lewis*, *Documents*.

¹² P. Yadin 49–63, the majority of these letters are addressed to Jonathan son of Baianos and sometimes to him and Masabalah (P. Yadin 49–56, 58–59); none of the letters is dated.

¹³ P. Yadin 42–46, leases; P. Yadin 47a+b seems to be a private deed.

¹⁴ *Yigael Yadin*, Expedition D, in: IEJ 11 (1961) 36–52; *idem*, Expedition D – Cave of Letters, in: IEJ 12 (1962) 227–257; *idem*, *The Nabataean Kingdom, Provincia Arabia, Petra and Engeddi in the Documents from Naḥal Ḥever*, in: *Phoenix. Ex Oriente Lux* 17 (1963) 227–241.

¹⁵ P. Yadin 7, published by *Yigael Yadin, Jonas C. Greenfield, A. Yardeni*, *A Deed of Gift in Aramaic found in Naḥal Ḥever Papyrus Yadin 7*, in: *Eretz-Israel* 25 (1996) 383–403 (Hebrew) and P. Yadin 10, published by *Yigael Yadin, Jonas C. Greenfield, A. Yardeni*, *Babatha's Ketubba*, in: IEJ 44 (1994) 75–99.

¹⁶ P. Yadin 52 and 59 (= SB 9843 and 9844), published by *Baruch Lifshitz*, *Papyrus grecs du désert de Juda*, in: *Aegyptus* 42 (1962) 240–58, and often discussed later: *G. Howard, John C. Shelton*, *The Bar-Kokhba Letters and Palestinian Greek*, in: IEJ 23 (1973) 101f.; *Haim B. Rosén*, *Die Sprachen im römischen Palästina*, in: *Die Sprachen im römischen Reich der Kaiserzeit* (Beihefte der Bonner Jahrbücher 40, Köln, Bonn 1980) 224–226; *Dirk Obbink*, *Bilingual Literacy and Syrian Greek*, in: *BASP* 28 (1991) 51–57; *Haim Lapin*, *Palm Fronds and Citrons: Notes on Two Letters from Bar Kosiba's Administration*, in: *HUCA* 64 (1993) 111–

that the entire material, Aramaic, Nabataean, Hebrew and Greek, will be published soon¹⁷. All the papyri found by Yadin in Naḥal Ḥever are designated P. Yadin.

3) The so-called Seiyāl collection II¹⁸ is composed of documents that were not discovered in the course of controlled excavations, but were found by Bedouin and brought in August 1952 and July 1953 to the Palestine Archaeological Museum (subsequently known as the Rockefeller Museum), where they are kept to this day. The plates were labelled “Se”, i.e. Wadi Seiyāl (Naḥal Še’elim)¹⁹. Although the labelling suggests that the papyri came from Naḥal Še’elim, those directly in charge of the documents at the time of their discovery have never made this claim anywhere in print. We can safely assume, even when we do not have tangible proof, that most of the documents in this lot came from the caves of Naḥal Ḥever in the early fifties. This is why the documents are described as XHēv/Se. The X stands for the fact that the cave number is not known for certain, although most of them probably come from the Cave of Letters. Depending on the language in which they were written, the documents are designated Hēv/Se for the Hebrew documents, XHēv/Se ar for the Aramaic documents, XHēv/Se nab for the Nabataean documents and XHēv/Se gr for the Greek documents. Single documents from this lot have been published in preliminary publications. The entire corpus (with the exception of the Nabataean documents) appeared in 1997²⁰. Among the papyri designated XHēv/Se in this publication, there are several which were not part of the original Seiyāl collection but which like them were not discovered in a controlled excavation. The Seiyāl collection contains the only surviving letter addressed to Bar Kokhba (written in Hebrew)²¹, as well as private legal deeds in Aramaic and Greek, seven (or eight) of which belong to the archive

135; and most recently, G. Wilhelm Nebe, Die beiden griechischen Briefe des Jonatan Archivs in Engedi aus dem zweiten jüdischen Aufstand 132–135 n.Chr., in: *Revue de Qumran* 17 (1996) (Homage à J. T. Milik 1996) 275–289.

¹⁷ The papyri were deciphered by the late Yigael Yadin and by Ada Yardeni; they will be published in *Yigael Yadin, Jonas C. Greenfield, Ada Yardeni, Baruch Levine*, The Documents from the Bar Kokhba Period in the Cave of Letters II (Judean Desert Studies III).

¹⁸ The Seiyāl collection I contains the Greek translation of the Minor Prophets (8HēvXIIgr). The fragments of this translation discovered by Aharoni in 1960 in the ‘Cave of Horror’ of Naḥal Ḥever established that the larger fragments of the text designated on the plates in the Rockefeller Museum as coming from Wadi Seiyāl also come from Cave 8 of Naḥal Ḥever. Thus the entire Seiyāl collection I originated in Naḥal Ḥever.

¹⁹ XHēv/Se: surveys: J. T. Milik, Le travail d’édition des manuscrits du Désert de Juda, in: Volume de Congrès, Strasbourg, 1956 (VT supp. 4, 1957) 17–26; Jonas C. Greenfield, The Texts from Naḥal Se’elim (Wadi Seiyāl), in: The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March 1991, vol. II, eds. J. Treballe Barrera, L. Vegas Montaner (Leiden 1992) 661–665. This last survey is based on a preliminary sorting and identification of the Aramaic and Hebrew texts by Ada Yardeni.

²⁰ Hannah M. Cotton, Ada Yardeni, Aramaic, Hebrew and Greek Texts from Naḥal Ḥever and Other Sites, with an Appendix containing alleged Qumran Texts. The Seiyāl Collection II (Discoveries in the Judean Desert XXVII, Oxford 1997), henceforth Cotton, Yardeni, Seiyāl Collection.

²¹ XHēv/Se 30.

of Salome Komaiše daughter of Levi who, like Babatha, lived in the village Maḥoza/Maḥoz 'Aglatain in the province of Arabia²².

In addition to these texts this volume includes an Appendix with some Qumran texts, said to come from cave 42³. The derivation of documentary texts from Qumran would be a sensation indeed²⁴, had their provenance not been cast into doubt; it is for this reason that they are published as 'alleged Qumran Texts'²⁵.

4) Very few documents were found in other sites in the course of the Judean Desert Survey mentioned above: one Greek text was found in cave 8, Cave of Horror, in Naḥal Hever²⁶, a few Greek papyri were found in cave 34, Cave of the Scrolls, in Naḥal Še'elim and one Greek papyrus was found in Naḥal Mishmar; the last two finds were published by Lifshitz in 1961, and corrected by Benoit and Schwartz²⁷, one Aramaic document and a few documents in Greek were discovered in Wadi Sdeir; these remained so far unpublished. Excavations in 1986 and 1993 in Cave Abi'or and the Cave of the Sandal in the vicinity of Jericho yielded Aramaic and Greek papyri²⁸, of which only two fragments in Aramaic have so far been published²⁹.

5) The papyri, jar-inscriptions and ostraca in Hebrew, Aramaic, Latin and Greek found on Masada during the excavations conducted there in 1963–4 and 1964–5, and published in 1989³⁰, have a *terminus ante quem* of 73 or 74 CE³¹, and

²² XHev/Se ar 12, XHev/Se gr 60–65, perhaps also XHev/Se ar 32 and 4Q347 as well as some of the as-yet undeciphered XHev/Se nab 2–5(6) which undoubtedly come from the Cave of Letters in Naḥal Hever; see below. The other substantial, or at least meaningful, documents published in *Cotton, Yardeni*, Seiyāl Collection are: XHev/Se ar 7, 8, 8a, 9, 10, 11, 13, 49, 50, XHev/Se gr 66–73.

²³ 4Q342–346a, 348, 351–354, 356–360b.

²⁴ Such as was rightly caused by the ostrakon found at the site of Qumran by James F. Strange, and published by *Frank M. Cross, Esther Eshel*, Ostraca from Khirbet Qumrān, in: IEJ 47 (1997) 17–28. According to the editors' interpretation this is a deed of gift by a neophyte in favour of the community of the Yahad. The reading of 'Yahad' (יחד) in line 8 is crucial for this interpretation. However, Ada Yardeni has now convincingly demonstrated that the reading of 'Yahad' (יחד) in line 8 is wrong. Thus the ostrakon can no longer serve to silence those who dispute the close connection between the community which lived on the site and the scrolls found in the adjacent caves; cf. *Ada Yardeni*, Draft of a Deed on Ostrakon from Kh. Qumrān, in: IEJ 47 (1997) 233–37.

²⁵ See *Cotton, Yardeni*, Seiyāl Collection 283 f.

²⁶ 8Hev 4, transcribed by *Baruch Lifshitz*, The Greek Documents from the Cave of Horror, in: IEJ 12 (1962) 206 f.

²⁷ *Baruch Lifshitz*, The Greek Documents from Naḥal Še'elim and Naḥal Mishmar, in: IEJ 11 (1961) 53–61; *J. Benoit*, Bulletin, in: Revue Biblique 68 (1961) 466 f.; *Jacques Schwartz*, Remarques sur des fragments grecs du Désert de Juda, in: Revue Biblique 69 (1962) 61–63.

²⁸ See *Hanan Eshel, Boaz Zissu*, Ketef Jericho, 1993, in: IEJ 45 (1995) 292–298.

²⁹ *Esther and Hanan Eshel*, Fragments of two Aramaic documents which were brought to Abi'or Cave during the Bar Kokhba Revolt, in: Eretz Israel 23 (1992) 276–285 (Hebrew). All the documents mentioned in this category will be published (or republished – as the case may be) in Discoveries in the Judean Desert vol. XXXVI.

³⁰ *Yigael Yadin, Joseph Naveh*, Masada I: The Aramaic and Hebrew Ostraca and Jar Inscriptions (Final Reports, Jerusalem 1989); *Hannah M. Cotton, Joseph Geiger*, Masada II: The

thus are only marginally relevant to the present survey. More documents were discovered in the course of excavations conducted on Masada in 1995–7, but these are so far unpublished³². The Latin texts from Masada constitute a unique find in the Roman province of Judaea: we have *tituli picti* on jars from Italy and Spain imported by King Herod (or brought, perhaps, by the besieging Roman army)³³, papyri and ostraca written by legionaries of the Tenth Legion Fretensis as well as Aramaic and Greek papyri and ostraca which originated in all likelihood among the *Sicarii* who occupied the fortress from 66 until its fall in 73 or 74.

What then do these documents contribute to the study of Jewish history for the period which they mostly record, i.e. 70 to 135? Since not all the documents have been published, any conclusions to be drawn from them are bound to be partial and tentative. This is especially true of the mostly unpublished letters and leases which originate from Bar Kokhba and his men. These are sure to shed further light on this poorly documented revolt which had such catastrophic consequences for the history of the Jewish people.

Three pieces of evidence are relevant to the question of the geographical and chronological extent of the Bar Kokhba Revolt.

1) First, Jerusalem: was Jerusalem occupied by the rebels, or to put it more circumspcctly: was Jewish sovereignty recognized there? The relevant lines of Mur 29 and 30, two deeds of sale dated by the the era of the revolt, as corrected by Milik himself in an 'addendum'³⁴, and confirmed by Ada Yardeni, seem to establish that Jewish sovereignty was recognized in Jerusalem at least from Aug./Sept. 133 and until Sept./Oct. 135³⁵. Mur 29 (Aug./Sept. 133) lines 9–10 (outer text) read:

בארבעה עשר באבול
שנת שתים ל(נאלה) ישרא(ל) בירושלים חותמים יהותן בר יהוסף שמעון בר שבי

Latin and Greek Documents (Final Reports, Jerusalem 1989), henceforth *Cotton, Geiger*, Masada II. The documents are designated Doc.Mas.

³¹ See *Hannah M. Cotton*, The Date of the Fall of Masada: the Evidence of the Masada Papyri, in: *ZPE* 78 (1989) 157–162.

³² See *Ehud Netzer, Guy D. Stiebel*, 'Masada 1995–6' (forthcoming).

³³ See *Hannah M. Cotton, Joseph Geiger*, The Economic Importance of Herod's Masada: the Evidence of the Jar Inscriptions, in: *Judaea and the Greco-Roman World in the Time of Herod in the Light of the Archaeological Evidence*, eds. *Klaus Fittschen, Gideon Foerster* (Göttingen 1996) 163–170; *Hannah M. Cotton, Omri Lerna, Yuval Goren*, Fish Sauces from Herodian Masada, in: *Journal of Roman Archaeology* 6 (1996) 223–238. For the possibility that the Roman army brought some of the Latin inscribed amphorae to Masada during the siege, see *John Rea* on Doc.Mas. 820 (Masade and Pompeii: Another Link, in: *SCI* 18 (1999) forthcoming).

³⁴ *Benoit, Milik, de Vaux*. *Murabba'at* at 205.

³⁵ Contra *Menachem Mor*, The Bar-Kochba Revolt: Its Extent and Effect (Jerusalem 1991) 146–171, esp. 156f. (Hebrew). Contrary to what he assumes (p. 133, n. 5 and p. 157, n. 72) there is no independent evidence for Iulius Severus' arrival in Judaea (which might have become already Syria-Palaestina), see *Arthur R. Birley*, *The Fasti of Roman Britain* (Oxford 1981) 106ff.

'On fourteenth Elul, Year Two of the redemption of Israel, in Jerusalem, Yehonathan son of Yehosaf and Shime'on son of Shabbai are signing ...'. Later on, lines 10–11 read:

מכר קלבוס בר אוטרפלוס מירושלים

'Kalbos son of Eutroplos from Jerusalem sold etc.'. Mur 30 (Sept./Oct. 135), lines 8–9 (outer text) reads:

בעשרים ואחד לחשרי

שנת ארבע לנאולת ישראל בירושלים חותמים יהונתן בר יהוסף שמעון בר סימי ...

'On twenty first Tishrei, Year Four of the redemption of Israel in Jerusalem, Yehonathan son Yehosaf and Shime'on son of Simai are signing...'

Now it could be argued that despite the preposition 'in' (ב), the expression 'in Jerusalem' (בירושלים) does not stand for the place where the contract was signed, but is part of the dating formula – a dating formula which expresses political aspiration and a hope, as is claimed for formulae mentioning Jerusalem on coins from the time of the revolt³⁶. However, taking 'in Jerusalem' in these documents to be part of a dating formula used simply for propaganda purposes will leave the contracts, quite abnormally, without any reference to the place where they were concluded³⁷. Legal usage excludes such a forced interpretation. The implications seem to be inescapable: Jerusalem recognized the authority of a Jewish state as late as Sept./Oct. 135³⁸.

2) Mur 22 (a deed of sale in Hebrew) line 1 used to read: 'Fourteenth of Marḥeshvan year one (שנת אחת) of the freedom of Israel'. The new reading of the line, for which full credit should be given to Ada Yardeni, makes this the latest dated document from the time of the revolt (later than Mur 30 just discussed): 'Fourteenth of Marḥeshvan year four (שנת ארבע) of the freedom of Israel', that is, Oct./Nov. 135.

The cumulative weight of these late documents must arouse doubts about the traditional date for the fall of Beithar and the conclusion of the revolt with it. Otherwise we have to assume that the revolt continued in other areas well after the fall of Beithar, traditionally dated to July 135³⁹. We should take it that people

³⁶ See e.g. *L. Mildenberg*, Bar Kochba in Jerusalem, in: *Schweitzer Münztblätter* 27 (1977) 1–6.

³⁷ One has to draw a distinction between *לנאולת ישראל בירושלים* in Mur 29 and 30 and *לנאולת ישראל* (שנת חלה) in Mur 25 (134/5 CE) line 1, which is clearly part of a dating formula, and cannot, without further proof, be taken as a reflection of reality.

³⁸ The alternative is to take the date in Mur 29 and 30 as referring to the first revolt. In support of this it could be said that in both documents the formula 'to the redemption of Israel' is not followed by a reference to Bar Kokhba as it is in Mur 24 A-I; XI¹ev/Se ar 7, 8, 13, 49 and in P. Yadin 42, 44. Hanan Eshel and myself propose to deal with these documents in more detail elsewhere.

³⁹ *Emil Schürer*, *Geza Vermes*, *Fergus Millar*, *The History of the Jewish People in the Age of Jesus Christ* (175 B.C.–A.D. 135) vol. I (Edinburgh 1973) 551 ff., henceforth *Schürer, Vermes, Millar*, *History*.

in these areas continued to date their documents as if Israel were still independent. Additional evidence for the continuation of the revolt at least to the end of 135 CE seems to be supplied by the absence of *imperator iterum* from Hadrian's titulature until his twentieth *tribunicia potestas*, i.e. after 10 December 135⁴⁰.

The most obvious contribution of the documents which come from Bar Kokhba's own circles is to a better understanding of the exploitation of land which fell into the rebels' hands. The leases and sub-leases found among the documents from Wadi Murabba'at and Naḥal Ḥever, as well as some of Bar Kokhba's letters to his administrators (*parnasim*) in Ein Gedi⁴¹, imply that Bar Kokhba laid his hands on parts of the imperial domain in the places recorded. Land owned by the *fiscus* was exploited in different ways: between land leased to tenants and land worked by slaves under a *vilicus* 'there was still an infinite range of local variations'⁴². Was the system of leasing and sub-leasing reflected in the Bar Kokhba documents taken over from the imperial *fiscus*? In some, but not all, of the documents (e.g. not in Mur 24A-L), the first lessees are *parnasim* of Bar Kokhba who sublease to others. Should we assume that there was always a sub-layer of tenants left unrecorded in the documents, those who actually tilled the land? Such a three-tiered administration is typical for example of imperial estates in Egypt. On the other hand the sub-lessees in the Bar Kokhba leases are not share-croppers, but pay for the lease in money. This was not the method employed by the *fiscus*, at least for the balsam in Judaea, about which we know from Pliny that the *fiscus* itself sold the balsam to retailers, who in their turn sold it to others for less than a third of what they had paid for it, and yet made a profit by adulterating the pure balsam⁴³. I believe that there are hints in some of the Bar Kokhba documents that, as might have been expected, Bar Kokhba took over the precious balsam groves⁴⁴.

Since I have mentioned the imperial *fiscus* and the evidence for the existence of imperial domains in Ein Gedi, let me say something parenthetically about the possible interpretation of Jewish documents from the province of Arabia as evidence for Jews having perpetual leaseholds on imperial estates in Maḥoza. Three land declarations from 127 CE, two receipts from 124 and 131 respectively, and a deed of gift from 129, may all be describing rent rather than tax paid to the im-

⁴⁰ See Werner Eck, Epigraphic Documents for the Bar Kokhba Revolt: The Roman Point of View. New Insights, in: JRS 89 (1999, forthcoming) and Werner Eck, Gideon Foerster, Ein Triumphbogen für Hadrian im Tal von Beth Shean, in: JRA (forthcoming).

⁴¹ Leases: Mur 24A-L (134 CE), and the unpublished P. Yadin 42 (132 CE), 43 (132 CE), 44, 45 and 46 (all three from 134 CE); letters: P. Yadin 52 (Greek = SB 9843); the unpublished P. Yadin 49, 50, 54–58, 60; Mur 46; unpublished P. Yadin 51, 53; P. Yadin 59 (Greek = SB 9844).

⁴² D. J. Crawford-Thompson, Imperial Estates, in: Studies in Roman Property, ed. Moses I. Finley (Cambridge 1976) 44; cf. D. Flach, Römische Agrargeschichte (München 1990) 82 ff.

⁴³ Plinius, NH 12, 123: nec manifestior alibi fraus quippe millibus denarium sextarii empti vendente fisco trecentis denariis veneunt: in tantum expedit augere liquorem; cf. Hannah M. Cotton, Werner Eck, Ein Staatsmonopol und seine Folgen. Plinius, Naturalis historia 12, 123 und der Preis für Balsam, in: RhM 140 (1997) 153–161.

⁴⁴ See P. Yadin 50, unpublished: לא יקרבו די לא יקרבו די (no one should get near the Lotem(?)).

perial *fiscus*. Were the date groves in Maḥoza part of an imperial domain and an imperial monopoly like the balsam groves in Ein Gedi⁴⁵?

Documents which did not originate in Bar Kokhba's circles may also have something to tell us, albeit indirectly, about the revolt. The existence of intimate ties between families in Ein Gedi in the province of Judaea and those living in Maḥoza (Maḥoz 'Aglatain) in the province of Arabia strikes one immediately on reading the Babatha archive. Very often we find the expression 'from Ein Gedi residing in Maḥoza', or vice versa, as in one of Bar Kokhba's leases: 'from the Luḥit in Maḥoz 'Aglatain, residing in Ein Gedi'⁴⁶. Ein Geditians reside in Maḥoza, own property there and intermarry with the Jews of Maḥoza. It is just possible that Yadin was right to identify Beianos, father of Miriam of the Babatha archive, with the father of one of Bar Kokhba's *parnasim* in Ein Gedi⁴⁷. People who belonged to the same families lived on both sides of the so-called provincial border. When were they separated? I believe that the families were separated during the Great Revolt. After the raids by the *sicarii* in Passover 68⁴⁸ and the battles over the balsam between the Jews and the Roman army in that year⁴⁹, Ein Gedi must have been practically abandoned, at least for a while: 'Ein Gedi is now another ruin' says Pliny the Elder in the late 70s⁵⁰. Ein Gedi ceased being the capital of a toparchy, became subsumed in the toparchy of Jericho⁵¹, and in 124 is attested as 'a village of our Lord Caesar'⁵². At least the balsam groves must have become part of

⁴⁵ Land declarations: P. Yadin 16; XHēv/Se gr 61 and XHēv/Se gr 62; receipts: XHēv/Se gr 60 and XHēv/Se ar 12; deed of gift: XHēv/Se gr 64, see esp. lines 28–30: <ῆ> (i.e. the date grove) τελέσει καθ' ἔτος εἰς λόγον κυριακοῦ φύσκου [καθ' ἔτος] φοίνεικος πατητοῦ κάτα δέκα καὶ κυροῦ καὶ νααρου κάτα ἕξ; see Hannah M. Cotton, Land Tenure in the Documents from the Nabataean Kingdom and the Roman Province of Arabia, in: ZPE 119 (1997) 255–65.

⁴⁶ For the expression 'from Ein-Gedi, residing in Maḥoza': P. Yadin 18 (128 CE), ll. 32–37 = ll. 3–6: ἔξ[ἐδ]οτ[ο] 'Ιουδαί[ε]ς Ἐλεάζαρου τοῦ καὶ [Χθουσί]ων[ος] C]ελαμψ[ι]ώνηγ την ἰδίαν θυγατέραν παρθένον 'Ιουδαίῃ ἐπικαλουμένῳ Κίμβερι υἱῷ Ἀνανίου τοῦ Σωμαλα, ἀμφοτέρου ἀπὸ κώμης Αἰνγαδῶν τῆς 'Ιουδαίας[ε] ἐνθάδε καταμένοντ[ε]ς; P. Yadin 19 (128 CE), 11–12: [Ἰ]οῦδα[ε]ς Ἐλ[αζά]ρου Χθουσι[ων]ος Ἠνγαδη[νο]ς οἰκῶν ἐν Μαωζα; cf. P. Yadin 20 (130 CE), ll. 4–5 = ll. 23–24: Βησαε 'Ιησοῦς Ἠνγαδηνός οἰκῶν ἐν Μαζρα εἰς <π[ρ]οπος ὀρφανῶν 'Ιησοῦς Χθουσι[ων]ος; P. Yadin 44 (November 134, unpublished), ll. 4–6:

אלמא בן יהודה וחתנה בן שמעון מן הלוחית שבמחוז עגלתינ שנים יושבים בעין גדי

: 'Alma son of Judah and Tahna son of Shime'on from the Luḥit in Maḥoz 'Aglatain, both residing in Ein Gedi'.

⁴⁷ P. Yadin 26, l. 3: Μαριαμην Βειανου Ἠνγαδηνήν; P. Yadin 52 (= Aegyptus 42 (1962), 240, no. 1 = SB VIII, 9843), ll. 1–3: Cou[μαί]ος Ἰωναθῆι Βαιανου καὶ Μα[ε]αβαλα χαίρειν; P. Yadin 49 (unpublished), ll. 1–2:

עוסם, cf. Yadin, in: IEJ 12 (1962) 247 f.

⁴⁸ Jos. BJ 4. 402.

⁴⁹ Plinius, NH 12.112.

⁵⁰ Plinius, NH 5.73: 'Infra hos (i.e. the Essenes) Engada oppidum fuit, secundum ab Hierosolymis fertilitate palmetorumque nemoribus, nunc alterum bustum'.

⁵¹ P. Yadin 16 (127 CE) line 16: 'Ιουδάνου Ἐλεάζαρου κώμης Αἰνγαδῶν περὶ Ἱερειχοῦντα τῆς 'Ιουδαίας; note that Ein Gedi is absent from Pliny's list of toparchies, NH 5.70, which is more updated than that of Josephus: BJ 3.55.

⁵² P. Yadin 11 (6/5/124), ll. 12–13 = ll. 1–2: ἐπὶ ὑ[πάτ]ων Μανείου Ἀκελίου Γλαβρίωνος

the imperial domain. The Jewish families who escaped from Ein Gedi settled in a place with similar climatic conditions, similar cultivation, a similar watering system, where other Jewish families had settled before: in Maḥoz 'Aglatain – a village in what was then and until 106 the Nabataean kingdom. But the ties with the home village remained. I believe that communication was facilitated by sea travel: both villages were situated on the seashore, and the Dead Sea was navigable⁵³. The very fact that documents of people from Ein Gedi and of families from Arabia were found in the same cave is the best testimony to the survival of close ties between the families. It seems not unreasonable to assume that the close ties with the mother community go a long way to explain why the well-off Jews of Arabia, notwithstanding their excellent relations with their neighbours the Nabataeans (who serve as guardians, witnesses and subscribers in the Jewish documents), left their property behind and crossed over to Judaea soon after the beginning of the Bar Kokhba revolt. This event may tell us as much about the nature of the Bar Kokhba revolt as the documents left behind by the leader of the revolt and his administrators themselves. Unless the revolt spread into Arabia, we must assume that Jews from Arabia responded to some sort of call and returned home. Was it a messianic hope or what seemed like the renewal of Jewish sovereignty that made them come home? The Bar Kokhba revolt reunited the families whom the First Revolt had rent asunder – tragically, they were reunited in death⁵⁴.

Elsewhere in the series of *Kolloquien des Historischen Kollegs* I discussed at great length the contribution of the documents from the Judaean Desert to our understanding of the Roman administration of the province of Judaea/Syria-Palaestina. I shall therefore limit myself here to a brief summary⁵⁵. Schürer and his new editors distinguish between the 'Greek cities' and the 'Jewish region'⁵⁶. The Jewish region includes Judaea proper, Samaria, the Galilee and the Peraea. There are very few cities in these areas and the majority of cities that are there are on the fringes, and in any case are not likely to have controlled the entire Jewish region as their city-territories. The documents enable us now to confirm, revise and reinterpret the evidence about the administrative divisions in the Roman province of Judaea contained in the literary sources, namely Josephus and Pliny the Elder. Josephus, Pliny and the papyri prove that the Jewish region was divided into administrative units with central villages or cities at their head. Only about Judaea

καὶ Τορκουά[του Θ]ηβανιανο[ῦ πρὸς μιᾶς ναγῶν Μαίω[ν] ἐν Ἐνγαδοῖς κώμῃ κυρίου Καίσαρος; XHev/Se gr 67 lines 1–2 [Ἐν]γαδων Κυρίου Κ[αίσαρος κώμης].

⁵³ *Gideon Haḍas*, Where was the harbour of 'Ein-Gedi situated?, in: *IEJ* 43 (1993) 45–49; see boats sailing on the Dead Sea in the Madaba Map.

⁵⁴ For the possibility that the revolt spread to the province of Arabia see *Werner Eck*, *Epigraphic Documents for the Bar Kokhba Revolt* (above, n. 40).

⁵⁵ See *Hannah M. Cotton*, Some Aspects of the Roman Administration of Judaea/Syria-Palaestina, in: *Lokale Autonomie und römische Ordnungsmacht in den kaiserzeitlichen Provinzen vom 1.–3. Jahrhundert* (Schriften des Historischen Kollegs, Kolloquien 42, ed. *W. Eck*, forthcoming).

⁵⁶ *Schürer, Vermes, Millar*, *History*, vol. II (Edinburgh 1979) 85–198. I do not propose to enter here into the question of the validity of this division.

proper can we be sure that these units were called *toparchiai*. There is no evidence for local officials at the head of these capital villages, nor for centrally appointed officials in charge of the *toparchiai* – but the existence of one kind or another of local officials must be assumed. There are some hints that the *toparchiai* were in charge of taxation. Above all it is hard to believe that nothing beyond a merely geographical relationship is intended by the description of the dependence of a village on a central village, especially since the dependence of the single village on the central village is described both in the papyri and in Josephus in terms identical to those describing the dependence of the *chora* on its *polis*⁵⁷. Furthermore, we know that under the Severi some of these central villages received the status of a *polis*: thus Lydda became Diospolis in 199/200, and Emmaus became Nicopolis in 219 or 220. In 199/200 Beth-Govrin – about which we do not know that it was a capital village – received the status of a *polis* and was renamed Eleutheropolis. The accelerating urbanization of Judaea (now called Syria-Palaestina) resulted in the eventual disappearance of the toparchies and their replacement by *poleis* with their territories⁵⁸. This is the picture conveyed by the fourth century *Onomasticon* of Eusebius. But if we are right to think that the capital villages achieved a degree of local autonomy and administrative responsibilities already in the first and second centuries, then this urbanization was but a logical development⁵⁹.

The main contribution, however, of the growing corpus of documentary texts from the Judaeian Desert is towards a better understanding of legal and social aspects of Jewish society in the Roman provinces of Judaea and Arabia in the first half of the second century CE. All the documents from the time of the Bar Kokhba Revolt, whether written by Bar Kokhba and his people or by individuals who somehow got entangled in the revolt, can be utilized for this purpose. Especially in the case of the latter, only the dating formula and the use of Hebrew single them out from contracts in Aramaic concluded before the outbreak of the Bar Kokhba Revolt. The impression is that the private-law procedures visible in these documents are continuous with those from the immediately preceding ‘provincial’ period. Nevertheless, in the absence of a final publication of this cor-

⁵⁷ Cf. the dependence of the village of Soffathe [...] on the city of Livias in the Peraea described in XH^{ev}/Se gr 65 (olim P. Yadin 37): Ἰησοῦς Μαναήμου τῶν ἀπὸ κώμης [...] Κοφθαθῆ [...] ... περὶ πόλιν Λιουιάδος τῆς Π[εραιᾶς] (lines 3–4), and the dependence of the village of Ein Gedi on the central village of its toparchy, Jericho, in P. Yadin 16 line 16: Ἰουδάνου Ἐλαζάρου κώμης Αἰνγαδδων περὶ Ἱερεichoῦντα τῆς Ἰουδαίας; or that of Bethbassi vis-à-vis Herodion – ἐν Βαιτοβαϊσσαιᾶς ... τοπαρχίας Ἡρωδείου; Galoda vis-à-vis Akrabatta – ἀπὸ κ(ώμης) Γαλωδῶν τῆς περὶ Ἀκραβατῶν, and Batharda vis-à-vis Gorphna ἐν κώμῃ Βαιτοαρδοῦς τῆς περὶ Γοφνοῖς – all in Mur 115 lines 2–3; and finally that of Aristobouliās and Yaqim (or Yaqum) vis-à-vis Zif in XH^{ev}/Se gr 69 lines 3–5: Ἀριστοβουλιάδι τῆς Ζειφηνῆς ... Ακαβάς Μηειρω τῶν ἀπὸ κώμης Ἰακείμων τῆς Ζειφηνῆς].

⁵⁸ See Arnold H. M. Jones, The Urbanization of Palestine, in: JRS 21 (1931) 82 ff.; Aharon Oppenheimer, Urbanization and city territories in Roman Palestine, in: The Jews in the Hellenistic-Roman World. Studies in Memory of Menahem Stern, eds. Isaiah Gafni, Aharon Oppenheimer, Daniel Schwartz (Jerusalem 1996) 220 ff. (Hebrew).

⁵⁹ Cf. the metropoleis of Roman Egypt in Alan Bowman, Dominic Rathbone, Cities and Administration in Roman Egypt, in: JRS 82 (1992) 107–127.

pus of evidence, I am naturally reluctant to reach final conclusions about the state of law at the time as reflected in Aramaic and Hebrew contracts from the Judaean Desert and its relationship to rabbinic sources.

More intractable and far less accessible are the Nabataean documents⁶⁰. These documents raise a host of technical and theoretical problems. One would like to know what is uniquely Nabataean about them apart from the script. We know that they are all contracts, that is legal documents, and that at least some of them involve Jews: what is the relationship between contracts written in Nabataean and those written in Jewish Aramaic? What conclusions can we reach about the use of Nabataean script, diplomatics and perhaps law by Jews? The Nabataean P. Yadin 2, 3, 4, 6, and 9 belong to the Babatha archive. The last two were written in 119 and 122 respectively. Thus as many as 16 years after the annexation of Arabia contracts continued to be written in Nabataean. Of the other Nabataean documents, only one, XHēv/Se nab 1 has so far been published⁶¹. Since fragments of this papyrus were found by Yadin in the Cave of Letters in Naḥal Ḥever, we can be pretty sure that this papyrus as well as the other five Nabataean papyri found with it, XHēv/Se nab 2–6, also come from the Cave of Letters in Naḥal Ḥever. XHēv/Se nab 1 may belong to the Babatha archive if the γανναθ Νικαρχος in the possession of Babatha's second husband, Judah son of Eleazar Khthousion, is named after the Nikarchos (ניקרס), who was the father of the author of the Nabataean contract. The seller in XHēv/Se nab 2⁶² is Shalom, perhaps the mother of Salome Komaïse daughter of Levi, and may belong to the latter's archive⁶³. Do the other (still unread) Nabataean contracts also belong to one or both archives? If they do, then this, I submit, would change completely the ratio of Nabataean documents in the two archives.

As it happens we have fared better with the Greek papyri, most of which are now published, or nearly so. These Greek papyri are with very few exceptions all written by Jews or at least involve Jews. However, the Jews who wrote the papyri are by no means Hellenized Jews. This is amply demonstrated by their Aramaic subscriptions and signatures⁶⁴, and sometimes by the faulty Greek they use. One or two of the Greek papyri can be shown to be almost certainly literal translations from an Aramaic *Urtext*⁶⁵. Furthermore, the same people have recourse to both languages in their legal documents. Thus for example, Judah son of Eleazar Khthousion, Babatha's second husband, writes his wife, Babatha, a marriage

⁶⁰ I am grateful to Ada Yardeni for making transcriptions of the Nabataean documents available to me.

⁶¹ J. Starcky, Un contrat Nabatéen sur papyrus, in: *Revue Biblique* 61 (1954) 161–181.

⁶² To be published by Ada Yardeni in her forthcoming Hebrew and Aramaic Documents in Cursive Script from the Judaean Desert.

⁶³ See above n. 22.

⁶⁴ See Aramaic and Nabatean Signatures and Subscriptions, edited by Yigael Yadin, Jonas C. Greenfield, in: *Lewis*, Documents 136–149.

⁶⁵ See the attempted translation back into Aramaic of XHēv/Se gr 64 in Cotton, Yardeni, Seiyāl Collection 207.

contract in Aramaic, which one may choose to call Ketubba (P. Yadin 10)⁶⁶, whereas for his own daughter, Shelamšion, he employs a scribe to write a marriage contract in Greek (P. Yadin 18).

There are no Greek documents which can be dated safely to the Nabataean period, that is before 106 when the Nabataean Kingdom was annexed. The use of Greek by Jews in the province of Arabia is thus connected with the advent of the Romans. No such association can be made for the use of Greek in Judaea whose provincialization dates to 6 CE. With the exception of inscriptions on Jewish ossuaries, the first Greek documents from Jewish circles come from Masada⁶⁷. The earliest one, Doc.Mas. 740, tentatively dated to 25–35 CE, is too fragmentary to betray its origin. However, the majority of the Greek material found on Masada is likely to have been written by no one but the *sicarii*. This is no more surprising than the use of Greek by the Bar Kokhba administration in P. Yadin 52 and 59 (mentioned in Note 16). By now we should have learnt that the use of Greek by Jews has no ideological implications: it should not be mistaken for the Hellenization of the writer nor as evidence for his political and national sentiments. The Jews represented in some of the Greek documents come from densely populated Jewish areas, from the heartland of the Bar Kokhba Revolt, a religious and national movement. Some of the Greek documents were written close to the time when the Revolt broke out – a revolt which was carefully prepared some years in advance. In fact the very presence of their documents in the caves demonstrates their owners' participation in the Revolt. The writers of these documents cannot and should not be regarded as assimilated Jews.

Nor is there any reason to draw a distinction between Jews from the province of Arabia and those from Judaea; the areas in question are very close to each other (a day's walk or two days at most between the furthest destinations involved in our documents), and borders in the region had very little inhibiting effect on movement. The official names, Arabia, Judaea and later Syria-Palaestina, represent artificial divisions which do not seem to have mattered very much in reality. As was pointed out above, it is very likely that the Jews living in Maḥoza originally came from Ein Gedi. The archives demonstrate clearly that the Jews living in Arabia and the Jews living in the province of Judaea belonged to a single Jewish society whose internal ties overrode provincial boundaries.

Finally it should be stressed that the Jews represented in the documents from the Judean Desert – whatever their language – are not a fringe group. This corpus owes its preservation to the upheaval caused by the Bar Kokhba Revolt. Most of it, it is true, is thus limited in time to the years immediately preceding the Bar Kokhba Revolt and those of the Revolt itself (although some documents are much earlier, e.g. Mur 18, an acknowledgement of debt in Aramaic, from 55/6 CE, and XHev/Se nab 1 from 60 CE). On the other hand, the people attested in the docu-

⁶⁶ See Yigael Yadin, Jonas C. Greenfield, Ada Yardeni, Babatha's Ketubba, in: IEJ 44 (1994) 75–99.

⁶⁷ See introduction to Cotton, Geiger, Masada II 9f.

ments come from villages as scattered as Mazra'a and Maḥoza/Maḥoz 'Aglatain in the Dead Sea area in the Province of Arabia, Sophathe [...] in the Peraea in Transjordan, which belonged to the province of Judaea, Ein Gedi on the western shore of the Dead Sea, Kesalon and Ḥardona in the vicinity of Jerusalem, Kaphar Barucha, Yaqim (or Yaqum) and Aristoboulias in the area south-east of Hebron, Bethbassi near Herodium, Galoda in eastern Samaria and Batharda in southern Samaria. The great majority of the documents, whether letters or legal deeds, were written by, or at least involve Jews, thus giving us glimpses of Jewish village society in the Roman provinces of Arabia and Judaea at the time that they were written. I consider it legitimate to rely on them in order to evaluate the state of Jewish law and society at the time, and more particularly, the authority exercised on Jewish law by the rabbis⁶⁸.

However, the rabbinic sources are not the only background against which these documents should be assessed. We should not lose sight of the general environment in which they were written, namely the Roman Near East. Although written by Jews, these papyri must be seen in the context of the papyri of the Roman Near East as a whole, including Egypt⁶⁹. The area concerned is that covered by the Roman provinces of Syria (divided in the 190s into 'Syria Coele' and 'Syria Phoenice'); Mesopotamia (created in the 190s); Arabia; and Judaea, which in the 130s became 'Syria Palaestina', and to which in the 290s the southern part of the former province of Arabia, the Negev and Sinai, were added. Greek is the dominant language in the papyri from the Roman Near East, alongside Latin (especially in Roman army circles), several Aramaic dialects (Palestinian Aramaic, Nabataean, Syriac, and Palmyrene), Hebrew, as well as Parthian and Middle Persian (a few scraps). A salient feature of the papyrology of the Roman Near East is the variety of languages employed, but more particularly 'the presence of two or more languages in the same archive, or even in the same document: for instance Greek and Syriac in the texts from Mesopotamia and the Middle Euphrates; Nabataean, Aramaic and Greek in the archive from Arabia; and Hebrew, Aramaic and Greek in the Bar Kokhba documents'⁷⁰.

The double document, which fell into desuetude in Egypt in the first century BCE (with the exception of documents submitted by Roman citizens), is very typical of the texts from other parts of the Roman Near East. Although the Ro-

⁶⁸ By 'Jewish law' here I mean the forms of law used by Jews.

⁶⁹ Which is excluded in *Cotton, Cockle, Millar, Survey*.

⁷⁰ *Cotton, Cockle, Millar, Survey* 214. For Mesopotamia and the Middle Euphrates see C. Bradford Welles, Robert O. Fink, J. Frank Gilliam, *The Excavations at Dura-Europos, Final Report, V, I: The Parchments and Papyri* (New Haven 1959); and recently: J. Teixidor, *Deux documents syriaques du III^e siècle après J.-C., provenant du Moyen Euphrate*, in: *Comptes-rendus de l'Académie des Inscriptions* (1990) 144–163; *idem*, *Un document syriaque de fermage de 242 ap. J.-C.*, in: *Semitica* 41 f. (1993) 195–208; Denis Feissel, Jean Gasco, *Documents d'archives romains inédits du moyen Euphrate (III^e siècle après J.-C.) I. Les pétitions (P.Euph. 1 à 5)*, in: *Journal des Savants* (1995) 65–119; *idem*, *Documents d'archives romains inédits du Moyen Euphrate (III^e siècle après J.-C.) II. Les actes de vente-achat (P.Euph. 6 à 10)*, in: *Journal des Savants* (1997) 3–57.

mans used the double document, one cannot simply attribute to their influence the use of the double document in Near Eastern societies⁷¹. Unlike the Roman double document which required the signature of seven witnesses, the majority of double documents from the Judaean Desert, as well as many of the documents from elsewhere in the Roman Near East, carry the signatures of five witnesses. On the other hand Roman influence is detectable in the dating formulae: private documents from Arabia and Judaea, like those from Syria and Mesopotamia, and in contrast to those from Egypt, use consular dates and Roman months, often in addition to regnal years of the Roman emperor and the provincial era.

Roman legal requirements seem also to lie behind the representation of women by a guardian, for whom the term ἐπίτροπος – the technical term for the guardian of minors – rather than κύριος is used. The use of a single term for the two kinds of guardians is due to the influence of Roman law, and not to the influence of the Aramaic environment. The Aramaic subscriptions make the distinction: the guardian of a woman is called אֲדִין = κύριος; for the guardian of the minor the Aramaic borrowed the Greek term ἐπίτροπος: אֲדִין מִנִּיר. In none of the Hebrew, Aramaic and Nabataean papyri from the Judaean Desert do we find a woman represented by a guardian. Are we in the presence of two different legal systems, or is this merely a question of the language of the document? Unfortunately the evidence is not sufficient to allow us to give an unequivocal answer. The low profile kept by the guardian of a woman even in the Greek documents is conspicuous. The four deeds in languages other than Greek which would have required the presence of a guardian of a woman under Roman law were not written under Roman rule. Is it merely a coincidence that we do not have a document written under Roman rule in Aramaic, Nabataean or Hebrew with a guardian representing a woman, or does this prove incontrovertibly that the Greek deeds, unlike the Semitic ones, were meant for Roman courts, or at least had to conform to Roman legal formalities⁷²?

Finally, beyond the language and the diplomatics, the documents attest to recourse to Roman courts of law and the use of Roman legal instruments. Without dwelling on this issue here⁷³, I wish merely to point out here that the recourse to Roman law and Roman courts was not required by the Roman authorities. This would be out of character, and against much evidence to the contrary from other parts of the Roman world – where the initiative in such actions is seen to be taken voluntarily by the subjects. Without coercion or attempts to impose uniformity, the simple presence of the Romans as the supreme authority in the province in-

⁷¹ See *Lewis*, Documents 6–10; *Elizabeth Koffmahn*, *Die Doppelurkunden aus der Wüste Juda* (Leiden 1968) 10–30.

⁷² See in detail *Hannah M. Cotton*, *The Guardian (ἐπίτροπος) of a Woman in the Documents from the Judaean Desert*, in: *ZPE* 118 (1997) 267–73.

⁷³ Most recently, *Dieter Nörr*, *Prozessuales aus dem Babatha-Archiv*, in: *Mélanges A. Magdalain* (forthcoming), with all previous bibliography. I am grateful to Dieter Nörr for showing me the ms. in advance of publication. See also *Tiziana J. Chiusi*, *Zur Vormundschaft der Mutter*, in: *Zs. d. Savigny-Stiftung für Rechtsgeschichte. Röm. Abt.* 111 (1994) 155–94.

vited appeals to their authority, to their courts as well as to their laws. The Babatha archive shows us provincials who seem more than willing to let the representative(s) of the central government and its legal system handle their disputes, who take the trouble to prepare blank forms of the *actio tutelae*, to search for Roman legal arguments and to introduce into their personal claims Roman propaganda slogans of 'the most blessed times'. They are active and enterprising in inviting intervention. Having previously used Aramaic and Nabataean, they now resort to Greek in their legal documents, for no other reason, it seems, than to make them valid in a Roman court of law. No other courts are mentioned in this archive, and there is no good reason to assume that Nabataean and Aramaic could not be used in a local court⁷⁴.

It is thus, indirectly, that the documents from the Judaean Desert reveal to us a facet of the Roman-Jewish relationship not often in evidence: we are all too familiar with the Jewish-Roman antagonism, and much less with a day-to-day routine of good working relations. And if we may venture beyond the Jewish perspective of this colloquium, a substantial contribution to the study of Roman provincial history is at hand: we are perfectly justified in regarding the Jews as representative of provincials in general. Moreover, they represent that part of the provincial population which was less tainted by the 'epigraphic habit' of the Graeco-Roman world, i.e., they come from the less Hellenized section of the provincial population, those who would have left us no inscriptions – in this case the great majority of the population. Precisely because of this we can be sure that their dealings with the Roman authorities constitute a faithful picture of the realities of life in the province.

To conclude: what we witness in the Greek texts from the Judaean Desert – it is sometimes true of the Aramaic and Hebrew documents as well – is not merely the use of Greek and Greek diplomatics by non-Hellenized or semi-Hellenized Jews, but the absence of anything which would mark them as Jewish apart from the identity of the parties as disclosed by their names. Thus we find deeds of sale, renunciations of claims, land registrations, receipts, mortgages, promissory notes, deeds of gift and even marriage contracts – all of which bear a striking resemblance to their Egyptian and other Near Eastern counterparts, thereby revealing the remarkable degree of integration of Jewish society into its environment. The influence of Roman law and diplomatics that we detect in the documents is only one manifestation of this integration: it is likely to have been absorbed by Jewish society by virtue of the fact that that society was part of the Near Eastern civilization in which it lived – that Near Eastern civilization which was the same prism through which Jewish society and culture absorbed the impact of Hellenism over the centuries⁷⁵. It could be, and has been, argued that there is a discrepancy be-

⁷⁴ See *Hannah M. Cotton*, The Guardianship of Jesus son of Babatha: Roman and Local Law in the Province of Arabia, in: *Journal of Roman Studies* 83 (1993) 94–113.

⁷⁵ See above all *Abraham Wasserstein*, A Marriage Contract from the Province of Arabia Nova: Notes on Papyrus Yadin 18, in: *JQR* 80 (1989) 93–130 and *idem*, Non-Hellenized Jews in the semi-Hellenized East, in: *Scripta Classica Israelica* 14 (1995) 111–137.

tween the law of the documents and halakhic law in the various branches of personal law applied in the documents, namely the law of marriage and divorce, the law of succession and the law of guardianship. This is sometimes true of contract law as well⁷⁶. But to say that Jews are writing 'non-Jewish' contracts is merely to say that the legal usage current in these contracts is not always in harmony with what eventually came to be normative Jewish law. The diversity and fluidity manifested in the documents from the Judaean Desert, the incursion of different legal systems sometimes, but not always, overlapping with what came to be halakhic law, are the best evidence we have for the state of Jewish law and the authority exercised by the rabbis at the time⁷⁷.

⁷⁶ Marriage law: *Abraham Wasserstein*, in: JQR 80 (1989) 93–130; *Hannah M. Cotton*, A Cancelled Marriage Contract from the Judaean Desert (XHev/Se Gr 2), in: JRS 84 (1994) 64–86; *eadem*, The Rabbis and the Documents, in: *The Jews in the Graeco-Roman World*, ed. *M. Goodman* (Oxford 1999) 167–179; for divorce see *Hannah M. Cotton*, *Elisha Qimron*, XHev/Se ar 13 of 134 or 135 CE: A Wife's Renunciation of Claims, in: JJS 49 (1998) 108–118; law of succession: *Hannah M. Cotton*, Deeds of Gift and the Law of Succession in Archives from the Judaean Desert, in: *Eretz-Israel* 25 (1996) 410–415 (Hebrew); for an English version see *Deeds of Gift and the Law of Succession in the Archives from the Judaean Desert*, in: *Akten des 21. Internationalen Papyrologenkongress Berlin, 13.–19. August 1995* (Archiv für Papyrusforschung Beiheft 3, 1997) 179–88; *Hannah M. Cotton*, The Law of Succession in the Documents from The Judaean Desert Again, in: SCI 17 (1998) 115–123; law of guardianship: *Hannah M. Cotton*, The Guardianship of Jesus son of Babatha: Roman and Local Law in the Province of Arabia, in: JRS 83 (1993) 94–108; contract law: *Haim Lapin*, Early Rabbinic Civil Law and the Literature of the Second Temple Period, in: *Jewish Studies Quarterly* 2 (1995) 149–183.

⁷⁷ As always I am grateful to my friend Professor David Wasserstein for his sensitive criticism and generous help.