

The Memory of the Temple in Palestinian Rabbinic Literature

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ABSTRACT

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This dissertation concerns the memory of the Jerusalem Temple in rabbinic literature, arguing that different groups of rabbis continued to remember and recall the Temple after its destruction in 70 CE for a series of changing memorial purposes. This dissertation concerns two discrete questions about the role of the Temple in rabbinic literature: why did the rabbis remember the Temple in their various texts after its destruction in 70 CE and why were they often so accurate in their memories of the Temple and people that lived in the Second Temple period? Previous scholarship on this question has primarily argued that rabbinic memories of the Temple were a means to create rabbinic authority. This explanation does not account rabbinic literature's accuracy concerning the Temple and the figures of the Second Temple period. My argument is that the project of rabbinic memory of the Temple is far more complex, and I argue that each rabbinic collection has its own particular set of memorial purposes, which motivated its commemoration of the Temple. Indeed, the very object of commemoration shifts between different rabbinic collections, which shows the malleability of rabbinic accounts of the Second Temple period.

For this dissertation, I draw on the methodology of social memory, looking at how the past was updated and changed to fit the present. This provides a conceptual model for understanding the Temple and the Second Temple period in rabbinic literature, as well as how its portrayal was updated and changed by various groups of rabbis. Social memory studies suggests that we focus on the historical conditions in which these particular groups of rabbis operated, providing a means to write a history of the memory of the Temple. At the same time, social memory also provides a

conceptual model for addressing the historicity of rabbinic recollections of the past. Drawing on this model of social memory, I argue that rabbinic accounts of figures and events from the Second Temple period were accurate to a certain degree, but that these accounts were constructed in the service of a set of internal rabbinic goals and biases that govern the transmission of these memories. Each chapter of the dissertation examines a different aspect of the rabbinic memory of the Temple and how it reports and reimagines the memories of the Second Temple period.

Chapter 1 focuses on the Temple in the first century CE, examining the descriptions of the Temple found in the works of the historian Josephus and descriptions of dedications to the Temple. The evidence of Josephus and these dedications suggest that Jews and non-Jews alike saw the Temple as a commemorative site. This chapter is an explanatory prologue to the main body of my dissertation, which focuses on rabbinic literature. This claim of Chapter 1 frames my argument about the function of the Temple in the Mishnah in Chapter 2, where it continued to function as a commemorative site. Chapter 2 primarily concerns ritual narratives, descriptions of the Temple and its rituals that. I claim that one purpose of these narratives is to serve as a memorial of the destroyed Temple. Drawing on this account of the Mishnah, I turn to Mishnah Middot, a tractate that provides the measurements of the Temple's space. I argue that Middot uses the commemoration of individuals and events from the Second Temple period to construct a narrative of the Jewish past. The rabbis of the Mishnah adapt and change the commemorative function of the Temple in Mishnah Middot.

In the late antique rabbinic collections the Talmud Yerushalmi and Eichah Rabbah, the focus of rabbinic memory shifts from the Temple to the Second Temple period more generally. I argue that stories in these different collections portray the Second Temple period as a particular sort of historical time, characterized by Jewish greatness. This Second Temple past is a time of moral and

material superiority to the rabbinic present. I argue that this discourse reflects the context of Roman rule, as the rabbis sought to craft a usable and evocative Jewish past, which reminded Jews of their shared historical experience before Roman rule.

Chapter 3 concerns moral exemplarity as a means of commemorating the Second Temple period, focusing on stories in the Talmud Yerushalmi and Palestinian amoraic midrash collections. I provide close readings of three stories in which figures from the Second Temple period (who often seem to have been real individuals in the Second Temple period) are transformed into moral exemplars, embodiments of moral virtues or vices. Chapter 4 turns to another discourse around the Second Temple past, which is found in the Yerushalmi and *Eichah Rabbah* (ER). I argue that this discourse, the “Romanization” of the Second Temple period, uses the Roman convivial meal and the Roman province of Palestine to describe the greatness of the Jews in the Second Temple period, projecting these institutions back onto the Second Temple past. This strategy of displaced anachronism and misremembering commemorates Jewish greatness in the Second Temple period, a potential form of resistance to Roman rule, but the highly Roman means for doing so show the degree to which the rabbis are embedded in their Roman provincial context.

Table of Contents

Introduction..... 1

Chapter 1: The Temple as Monument.....21

Chapter 2: Commemoration and the Mishnah.....65

Chapter 3: Moral Exemplarity and the Second Temple Past119

Chapter 4: Eichah Rabbah and the “Romanization” of the Second Temple Past.....171

Conclusion227

Bibliography.....229

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Introduction

By the first century CE, the Jerusalem Temple had become one of the primary institutions of ancient Judaism. In this introduction, I do not review this process in detail. It is sufficient to say that a temple attributed to King Solomon was built during the biblical period. This First Temple was destroyed (along with Jerusalem) by the Babylonians in 587 BCE. With some diffident and conditional support from Persian rulers, Babylonian Jewish returnees rebuilt the Second Temple; its construction is conventionally dated to 520-515 BCE, however, the sources are highly contradictory.¹ Persian imperial support of the Temple and the priesthood played an important role in their increasing institutional prominence and power in Judah.² Indeed, the Temple's primacy among the ancient Jews was often a result of imperial (Persian, Ptolemaic, Seleucid, and Roman) endorsement of the Temple and its priesthood.³ Particularly in the first century CE, the Temple's primacy owes a great deal to a series of initiatives by the Jewish king Herod (ruled 37-4 BCE).⁴ Indeed, one indicator of the Temple's importance is that even groups that were opposed to the current regime in the Temple, such as the Dead Sea Sect, conceptualized their worship through the terminology of the Temple.⁵

¹ See Ezra 1-6, where the Temple's construction is attributed to different figures (Zerubbabel and Joshua ben Jehozadak vs. Sheshbezzar), see discussion in Joseph Blenkinsopp, "Temple and Society in Achaemenid Judah," in *Second Temple Studies I*, ed. Philip Davies (Sheffield: Sheffield Academic Press, 1991), 22–53. The prophets Zechariah and Haggai attribute it to Zerubbabel alone, see David Petersen, "The Temple in Persian Period Prophetic Texts," in *Second Temple Studies I*, ed. Philip Davies (Sheffield: Sheffield Academic Press, 1991), 125–44. So there are intrinsic problems with this dating of the Temple's construction.

² See, for instance, Oded Lipschits, "Achaemenid Imperial Policy, Settlement Processes in Palestine, and the Status of Jerusalem in the Middle of the Fifth Century B.C.," in *Judah and the Judeans in the Persian Period*, ed. Oded Lipschits and Manfred Oeming (Winona Lake, IN: Eisenbrauns, 2006), 19–52.

³ Seth Schwartz, *Imperialism and Jewish Society*, (Princeton: Princeton University Press, 2001).

⁴ Ibid. Martin Goodman, "The Pilgrimage Economy of Second Temple Jerusalem," in *Jerusalem: Its Sanctity and Centrality to Judaism, Christianity, and Islam*, ed. Lee Levine (New York: Continuum, 1999), 69–76.

⁵ The Dead Sea Scrolls provide a variety of perspectives on the Temple, although all express some sense of dissatisfaction with the current Temple (including the Temple Scroll, which depicts a massive, new semi-eschatological Temple). See CD 4.12-4.19 and Lawrence Schiffman, "Community without Temple," in *Gemeinde Ohne Tempel*, ed. Beate Ego, Armin Lange, and Peter Pilhofer (Tubingen: Mohr Siebeck, 1999), 269–271. See also on the ritual and moral defilement of the Temple in the DSS, Jonathan Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (Oxford: Oxford University Press, 2006), 147–56. Other sources on this include the Temple Scroll, 45.7-51.10, as well as Peshier Habbakuk.

The Second Temple was destroyed in the late summer of 70 CE. After a siege of a few months, the Roman troops of Titus, heir to the (newly acclaimed) Roman emperor Vespasian, burned down the Temple, and spent about a month destroying the rest of Jerusalem.⁶ Although the effects of the Temple's destruction are still debated, it seems fairly clear that the consequences of this destruction were catastrophic.⁷ With the destruction of the Temple, the entire institutional structure of the Temple was wiped away. The destruction of the Temple ended the central sacrificial rites of ancient Judaism; God was no longer accessible through sacrifices in the Temple, a process that has tended to be downplayed by modern historians, but was probably something that ancient Jews took very seriously.⁸

However, despite its destruction, various post-destruction religious groups continued to remember the Temple. The New Testament authors (and some of the early apostolic fathers) continued to use the language of the Temple to discuss their community and the theological significance of Jesus Christ.⁹ Late antique synagogues were often decorated with mosaics that recalled the Temple, including images of sacrifice, menorahs, incense shovels, and the doors of the

⁶ The rather harsh treatment of the Jews and the destruction of the Temple, as well as the institution of *fiscus Judaicus*, the tax on the Jews of the Roman Empire, has been read by Martin Goodman as a means of legitimizing the Flavian dynasty, which had come to power during a civil war, see Martin Goodman, *Rome and Jerusalem: The Clash of Ancient Civilizations* (London; New York: Allen Lane, 2007).

⁷ I draw particularly on the arguments of Schwartz, *Imperialism and Jewish Society*. For other views of 70, which tend to emphasize some form of continuity, see M.D. Herr, "The Identity of the Jewish People before and after the Destruction of the Second Temple: Continuity or Change?," in *Jewish Identities in Antiquity*, ed. Lee Levine and Daniel Schwartz (Tubingen: Mohr Siebeck, 2009), 211–36. Similarly, see Daniel Schwartz and Zeev Weiss, eds., *Was 70 CE A Watershed in Jewish History?: On Jews and Judaism before and after the Destruction of the Second Temple* (Leiden; Boston: Brill, 2012).

⁸ Klawans has written in detail on the seriousness with which sacrifice was taken by the rabbis in Klawans, *Purity, Sacrifice and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism*.

⁹ See for instance, Hebrews 9. Similarly, 1 Corinthians 3.16-3.17 "οὐκ οἴδατε ὅτι ναὸς θεοῦ ἐστε καὶ τὸ πνεῦμα τοῦ θεοῦ οἰκεῖ ἐν ὑμῖν; εἴ τις τὸν ναὸν τοῦ θεοῦ φθείρει, φθερεῖ τοῦτον ὁ θεός· ὁ γὰρ ναὸς τοῦ θεοῦ ἅγιός ἐστιν, οἳτινές ἐστε ὑμεῖς." 2 Corinthians expresses a similar sentiment, arguing that idol worship is akin to setting up an idol in the Temple of God, as they, the community are the Temple of God. See 2 Corinthians 6.16, "τίς δὲ συγκατάθεσις ναῶ θεοῦ μετὰ εἰδώλων; ἡμεῖς γὰρ ναὸς θεοῦ ἐσμεν ζῶντος..." On these passages, see the discussion in Timothy Wardle, *The Jerusalem Temple and Early Christian Identity* (Tubingen: Mohr Siebeck, 2010), 211–13. Note also R.J. McKelvey, *The New Temple* (Oxford: Oxford University Press, 1969), 92–107. On the Temple in early Christianity, see the first chapter of the dissertation of Jennifer Harris, "The Place of the Jerusalem Temple in the Reform of the Church in the Eleventh Century" (University of Toronto, 2002). Further, see Christine Shepardson, "Paschal Politics: Deploying the Temple's Destruction against Fourth-Century Judaizers," *Vigiliae Christianae* 62, no. 3 (2008): 233–60.

Temple.¹⁰ The visual and iconic repertoire of the mosaics suggests that the synagogue recalled some aspects of the Temple's sanctity.¹¹

The early rabbinic movement also continued to remember the Temple.¹² The rabbis were primarily based in Galilee (and sometimes in southern Palestine), and established themselves as experts in Torah. Though of obscure origins, the rabbis and their textual legacy would ultimately come to define Judaism, since their textual and religious traditions slowly emerged as the predominant form of Jewish religious practice at the end of antiquity/the beginning of the medieval period. Their influence over Jewish life in this period is an issue of immense controversy between maximalists and minimalists, who have contradictory views of rabbinic authority.¹³

We primarily know about the rabbis from their documentary collections. The first (and debatably earliest) document produced by the rabbinic movement was the Mishnah, which is

¹⁰ The earliest such example is the depiction of a sacrificial scene in the mosaics of the synagogue of Dura-Europos. On this, and its relation to the Temple, see Naftali Cohn, *The Memory of the Temple and the Making of the Rabbis*, (Philadelphia: University of Pennsylvania Press, 2012), 97–101. On the broader use of Temple imagery in the synagogue, see Lee Levine, *The Ancient Synagogue: The First Thousand Years* (New Haven; London: Yale University Press, 2005), 213–18.

¹¹ This at least is the evidence of M. Megillah 3.1, which states that the synagogue was part of a hierarchy of sanctified objects, which belonged to the citizens of a village, including the ark, the Torah scroll, and the town square. Other inscriptions refer to the synagogue as a holy place, see discussion in *Ibid.*, 361. See discussion of the significance of this phenomenon in Joan Branham, “Vicarious Sacrality: Temple Space in Ancient Synagogues,” in *Ancient Synagogues: Historical Analysis and Archaeological Discovery*, ed. Dan Urman and Paul Flesher (Leiden: E.J. Brill, 1995), 319–45; Rina Talgam, *Mosaics of Faith* (Jerusalem: Yad Ben-Zvi, 2014), 276–288; Steven Fine, *This Holy Place: On the Sanctity of the Synagogue during the Greco-Roman Period* (Notre Dame, Indiana: University of Notre Dame Press, 1997), 35–59 and Schwartz, *Imperialism and Jewish Society*.

¹² One aspect of this memory, which I will not deal with in any detail, is the process of replacement of the Temple and its sacrifices with rabbinic forms of piety. On this, see in particular Baruch Bokser, “Ma’al and Blessings over Food: Rabbinic Transformation of Cultic Terminology and Alternative Modes of Piety,” *Journal of Biblical Literature* 100, no. 4 (1981): 557–74; Baruch Bokser, *The Origins of the Seder* (New York: Jewish Theological Seminary Press, 2002); Baruch Bokser, “Approaching Sacred Space,” *The Harvard Theological Review* 78, no. 3 (1985): 279–99; Gregory Spinner, “After the Temple, Before the World: Redefining Sacrifice in Ancient Judaism” (The University of Chicago, 2003).

¹³ Maximalists tend to see rabbis as controlling Jewish communal life in Roman Palestine. Maximalist visions of Jewish history predominated before Neusner’s rewriting of the historiography of rabbinic literature. In a more refined version of this argument, the rabbis have immense cultural authority, see, for instance, Stuart Miller, *Sages and Commoners in Late Antique Eretz Israel: A Philological Inquiry into Local Traditions in Talmud Yerushalmi*, (Tubingen: Mohr Siebeck, 2005).. Minimalists tend to point to the normalcy of the Roman cities of Galilee, as well as the evidence of rabbinic literature itself, which often admits that the rabbis had rather limited jurisdiction and authority to enforce their laws, thus, see Schwartz, *Imperialism and Jewish Society*; Catherine Hezser, *The Social Structure of the Rabbinic Movement* (Tubingen: Mohr Siebeck, 1997); Hayim Lapin, *Rabbis as Romans* (Oxford: Oxford University Press, 2012); Shaye Cohen, “The Rabbi in Second Century Jewish Society” in *The Cambridge History of Judaism*, ed. Steven Katz, vol. IV (Cambridge: Cambridge University Press, 2008), 922–90.

generally assumed to have been composed around the year 200 CE. Later rabbinic collections, such as the Talmud Yerushalmi and the classical Palestinian midrash collections (including Genesis Rabbah, Leviticus Rabbah, and Eichah Rabbah), continued to recall aspects of the Temple.¹⁴ The Talmud Yerushalmi was redacted towards the latter half of the fourth century CE, but it reflected the deeds and sayings of rabbis in the third and fourth century CE.¹⁵ The fifth-sixth century collection Eichah Rabbah is particularly concerned with the destruction of the Temple in 70 CE because of its role as a commentary on the biblical book of Lamentations (Lamentations recalled the destruction of the first Temple in 587 BCE).¹⁶ The latest and most extensive rabbinic collection was produced in Sassanian Babylonia, and it is called the Babylonian Talmud.

This dissertation is an attempt to grapple with several questions about the role of the Temple in rabbinic literature, as it asks why and how did the rabbis remember the Temple in their various texts after its destruction in 70 CE and why were they often so accurate in their recollections of the Temple and people that lived in the Second Temple period? Previous scholarship on this question has primarily focused on the degree to which rabbinic memories of the Temple were a means to extend rabbinic authority (real practical authority or discursive authority) among the Jews more broadly and against the priests in particular. This explanation cannot explain the accuracy of rabbinic literature about the Temple and the figures of the Second Temple period. Rabbinic memory of the Temple is far more complex, and I argue that each rabbinic collection has its own particular set of reasons and interests that motivate its commemoration of the Temple. This argument does not supersede arguments about the production of rabbinic authority, but merely shows that the

¹⁴ On these collections, see *infra*, and H.L. Strack and Günter Stemberger, *Introduction to Talmud and Midrash* (Edinburgh: T&T Clark, 1991).

¹⁵ For this dating of the Yerushalmi and a brief discussion of its significance, see Yaakov Sussman, “Ve-Shuv Li-Yerushalmi Neziqin,” *Mekherei Talmud* 1 (1990): 55–133.

¹⁶ On Eichah Rabbah, see Alan Mintz, *Hurban: Responses to Catastrophe in Hebrew Literature* (New York: Columbia University Press, 1984); Galit Hasan-Rokem, *Web of Life: Folklore and Midrash in Rabbinic Literature*, (Stanford: Stanford University Press, 2000).

construction of rabbinic authority is not sufficient to account for the diverse projects of rabbinic memory of the Temple and Second Temple period. Indeed, the very object of commemoration shifts between different rabbinic collections, which shows the necessity of a more complex approach.

For this dissertation, I draw on the methodology of social memory, looking at how the past was updated and changed to fit the present. This provides a conceptual model for examining rabbinic memory of the Temple and the Second Temple period, and why and how its portrayal was updated and changed by various groups of rabbis, as it suggests that we focus on the historical conditions in which these particular groups operated, providing a conceptual basis for writing a history of the memory of the Temple. At the same time, social memory provides a conceptual model for addressing a central tension in rabbinic portrayals of the Temple and the Second Temple period, namely the historicity of rabbinic recollections of the past and rabbinic literary biases that shape and explain the transmission of these materials. I argue that often rabbinic accounts of figures and events from the Second Temple period were accurate to a certain degree, but that these accounts were constructed in the service of a set of internal rabbinic goals that govern the transmission of these memories. Each chapter focuses on a particular rabbinic objective in commemorating the Temple and the Second Temple period, explaining why these particular memories were recalled and commemorated in a certain manner for this set of rabbinic documents. Chapter 2 concerns the Mishnah, Chapter 3 concerns the Yerushalmi, and Chapter 4 examines *Eichah Rabbah*. Chapter 1 focuses on Josephus and his characterization of the Temple as a commemorative site, which provides background for Chapter 2.

Rabbinic Literature and the Memory of the Temple

Rabbinic literature includes extensive recollections of the Temple and its rituals. Scholars have treated the rabbinic discussion of the Temple in a variety of ways. Early treatments assumed

the accuracy of these rabbinic descriptions of the Temple, and used them to reconstruct the rituals of the Temple. These were assumed to be eyewitness accounts of the Temple and its rituals.¹⁷ Indeed, as rabbinic literature transmitted statements that were attributed to specific named sages whose lifetimes could be dated in a relatively exact manner, rabbinic literature was often understood to have the validity of an archive. The work of Jacob Neusner proved transformative in this regard, pushing scholars to take into account the documentary context of rabbinic literature, focusing on the redactional date of the document, rather than the date of the rabbi to whom a particular statement was attributed.¹⁸ Neusner's approach to rabbinic literature caused scholars to reevaluate the function of these Temple narratives in rabbinic literature (for more on this, see Chapter 2). Neusner pushed scholars to read rabbinic literature as a texts, not as archives.

Jacob Neusner discussed the function of the rabbinic memory of the Temple in "Map without Territory," an article that was focused on the section of the Mishnah that describes holy things, *Kodashim*, including the sacrificial service. Neusner argues that in its treatment of the Temple and its sacrificial rituals, *sefer Kodashim* "...creates a map for a fictitious territory. It describes with remarkable precision and concrete detail, a perfect fantasy."¹⁹ Neusner argued that the Temple's memory in the Mishnah preserved the proper ordering of Jewish life in an unchanging and ahistorical manner, thereby resisting Rome and the destruction of the Temple.

Drawing on the Foucauldian language of discourse, more recent scholars such as Beth Berkowitz, Moshe Simon-Shoshan, Ishay Rosen-Zvi, and Naftali Cohn have read these descriptions

¹⁷ See on this, most prominently, Shmuel Safrai, *Pilgrimage at the Time of the Second Temple*, (Tel Aviv: Am Hasefer Publishers Ltd., 1965); Shmuel Safrai, "The Temple and the Divine Service," in *The World History of the Jewish People: The Herodian Period*, ed. M Avi-Yonah (New Brunswick, NJ: Rutgers University Press, 1975), 284–338.

¹⁸ Jacob Neusner, *Development of a Legend: Studies on the Traditions Concerning Yohanan Ben Zakkai*, (Leiden: Brill, 1970).

¹⁹ Jacob Neusner, "Map without Territory: Mishnah's System of Sacrifice and Sanctuary," *History of Religions* 19, no. 2 (1979): 113.

of the Temple service as discursive rituals that navigate and construct rabbinic authority.²⁰ These scholars have focused primarily on the Mishnah. This scholarship owes much to the minimalist narrative of rabbinic authority, arguing that as the rabbis had little actual authority, they sought to produce it for themselves. Therefore, Berkowitz argues that Mishnah Sanhedrin's discussion of capital punishment is "an education in rabbinic authority...The rabbinic death penalty made an important argument for rabbinic authority in spite of its alleged impracticability, and perhaps even because of it—the world of unpredictable performance never had to intrude."²¹ For each of these scholars (admittedly, some with more subtlety than others), the rituals described in the Mishnah are a means to construct, create, and examine rabbinic authority.

While influenced by the work of Berkowitz and Rosen-Zvi, Naftali Cohn has claimed that the recollection of the Temple was a means to construct rabbinic authority in the time that the Mishnah was composed, contextualizing this claim with other uses of the Temple as a source of authority in the second and third century CE.²² Cohn argues that the ritual narratives of the Mishnah stress the importance of a Temple Court with jurisdiction over Temple ritual, an institution which the rabbis patterned themselves after. Cohn claims that the Mishnah's ritual narratives systematically elevate the power of the Court, exhibiting proto-rabbinic authority over ritual law and thus making a case for rabbinic authority in the second and third centuries CE, as the authentic inheritors of the Court's authority over Jewish ritual law. For Cohn, the Temple's memory is about internal religious competition among Jews; the rabbis used the Temple to give themselves authority over what he calls

²⁰ See Beth Berkowitz, *Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures* (Oxford: Oxford University Press, 2006); Ishay Rosen-Zvi, *The Mishnaic Sotah Ritual: Temple, Gender, and Midrash* (Leiden: Brill, 2012); Moshe Simon-Shoshan, *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah*, (New York: Oxford University Press, 2012).; Cohn, *The Memory of the Temple and the Making of the Rabbis*.

²¹ Berkowitz, *Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures*, 19.

²² I think this claim about other uses of the Temple is born out only in the most cursory sense, as representation of the Temple does not necessarily mean the creation of authority—and Cohn is on much firmer ground with the Mishnah than with the other texts that he considers

“Judean ritual law.” Their competitors were a diverse group of other Jewish religious figures, including priests and other sectarian groups, suggesting that the use of the Temple’s memory for the production of rabbinic authority reflected a certain social reality.

Cohn’s assumption about social conflict between rabbis and priests is in dialogue with another relevant strain of scholarship, which focuses on rabbinic depictions of the priesthood, and argues that the rabbis are in conflict with the priests or read rabbinic depictions of the priesthood as a means of asserting rabbinic authority over the priesthood. This set of assumptions has shaped many readings of rabbinic literature’s depictions of the Second Temple and the priesthood. This idea has longstanding historiographic root, which depicts rabbis and priests as having different forms of religious authority, one textual (the Torah), and the other institutional (the Temple). This conceptual argument also has some roots in the arguments for the “democratization” of Judaism by the rabbis, who are seen as replacing the hereditary caste of the priesthood with a broader interpretation of Jewish practice that obligates all male Jews.²³ In some ways, this argument and its historiographic assumptions makes sense; it is entirely possible that the rabbis felt some sense of rivalry towards the priesthood.²⁴ Some scholars have documented notable and increasing hostility to priests in amoraic literature—and admittedly, there are plenty of moments that seem explicitly anti-priestly.²⁵

However, in general, this set of assumptions about the function of the priesthood in rabbinic literature leans heavily on its own historiographic biases that all mentions of priests are meant to contrast unfavorably with the rabbis.²⁶ It is not always so clear that this set of interests is reflected in

²³ See for instance Shaye Cohen, *From the Maccabees to the Mishnah* (Philadelphia: Westminster Press, 1987), 102–3.

²⁴ Notably, for instance, Peter Schäfer sees the omission of a priestly Aaronide lineage from M. Avot as reflecting this rabbinic attempt to replace the priesthood, see 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 (Tubingen: Mohr Siebeck, 2008), 169–71.

²⁵ For instance, Y. Yoma 2.1.

²⁶ For instance, Burt Visotzky claims that Leviticus Rabbah replaces the priesthood by turning the priestly and ritual topics of Leviticus into a rabbinic text, see Burton Visotzky, *Golden Bells and Pomegranates* (Tubingen: Mohr Siebeck, 2002), 60. One could even be a bit skeptical of the argument presented in Schäfer, “Rabbis and Priests, or: How to Do

the texts themselves. For instance, in an article on priestly mothers in rabbinic literature, Marjorie Lehman has focused on a story in T. Yoma 1.22 and its parallels, which discusses how the officiating high priest wore clothes of great expense that were sewn by his mother.²⁷ In the case of Eleazar ben Harsom, his mother made a tunic that was too sheer, and he appeared naked, and his fellow priests removed him from his role. Lehman claims that this focus on the mother is a means of distinguishing priests from rabbis, who rely on hereditary inheritance and are intimately connected with the work of their parents, in contrast to the rabbinic movement, which relies on master-disciple transmission as an alternative to the hereditary nature of the priesthood. It should be noted that none of this is explicit; and indeed, it requires a certain amount of reading in and a sense of presupposition about what the text is claiming. Indeed, there is nothing actively hostile to Eleazar or his mother in the text! The rabbis relate it as an interesting anecdote; it is not explicit in what it says about the priesthood, nor does it seem to be part of some wider set of claims about the nature of the priesthood (and as noted already, there are moments of actual hostility towards the priesthood in rabbinic literature, but this is not one such moment). Further, this account of the rabbis also requires a series of unsupported assumptions (is the social structure of the rabbinic movement so clear cut?) to make its argument. Hence, treatments of priests and priesthood in rabbinic literature often assume some sort of necessary opposition between rabbis and priests (and the inherent assertion of rabbinic superiority) as a reading method.

It is important to briefly pause to distinguish between the different accounts of rabbinic authority laid out above. The most exemplary treatments tend not to take the construction of rabbinic authority as a self-evident or clear goal of rabbinic texts. They understand its construction

Away with the Glorious Past of the Sons of Aaron,” which leans heavily on ambiguity and omission to argue that this is an attempt to discredit the priesthood. It is interesting that the rabbinic praise of Moses that Schafer analyzes omit Aaron, but the rabbis were perfectly capable of denigrating the priesthood in a straightforward way.

²⁷ Marjorie Lehman, “Dressing and Undressing the High Priest: A View of Talmudic Mothers,” *Nashim: A Journal of Jewish Women’s Studies & Gender Issues* 26 (2014): 52–74.

as being characterized by contestation and ambivalence, and look at how texts can subvert or play with concepts of rabbinic authority. This represents the work of Moshe Simon-Shoshan, Beth Berkowitz, and Ishay Rosen-Zvi. More pared down versions of this theory of rabbinic authority construction tend to see the creation of rabbinic authority as the self-evident goal of rabbinic literature. Rather than interrogating the category, they interpret rabbinic literature through this framework.

While distinguishing between these two approaches to authority construction, I suggest that rabbinic authority is not an overly subtle means of examining the Temple and the Second Temple period in rabbinic literature. Such claims about rabbinic texts as a means of constructing rabbinic authority are ultimately kind of obvious (and is to a certain degree dictated by the more widespread acceptance of the minimalist account of the rabbinic movement).²⁸ Every text can potentially be read as producing a form of authority (even this very dissertation!). And when scholars interpret all rabbinic texts through the lens of authority, the narrative and ideological subtleties of a particular text are ignored, as authority focused accounts privilege the same sort of interpretative methods and conclusions. The ubiquity of claims concerning rabbinic authority construction also creates a certain confirmation bias; we find the things in a text that we set out to find. For instance, based in part on this broader discourse of authority, scholars have generally argued that stories about the Temple and the priesthood in rabbinic literature treat these institutions negatively. In contrast, my dissertation suggests that the time when the Temple stood was often understood as a time of Jewish glory. At any given moment, the rabbis have a variety of purposes, one of which might be the creation of rabbinic authority, but this should not lead us to ignore all the reasons for the recollection of the Temple in rabbinic literature.

²⁸ See, most explicitly on this, Cohn, *The Memory of the Temple and the Making of the Rabbis*.

In contrast to previous scholarship on the Temple and the priesthood, my dissertation tries to be sensitive to the contours of the texts, focusing on how a particular set of texts or stories think about the Temple or the Second Temple past. This attention to different textual corpora results in a fairly episodic dissertation, as my conclusions and arguments change significantly in each chapter. However, I consistently emphasize the way that each rabbinic text has a distinct approach to the Temple. I also pay close attention to the specific historical context in which a rabbinic text was composed, arguing that this context is often important for understanding what the rabbis are trying to accomplish by recalling the Second Temple period. Further, this allows me to be sensitive to the fact that the objects of memory (the Temple, the Second Temple past) are constantly shifting.

Finally, one of the problems with arguments for rabbinic authority as a central interpretative device for understanding the rabbinic depiction of the Temple is that it cannot account for the specificity and historicity of rabbinic memory. For instance, in *Tosefta Yoma* 1.22, the rabbis remember Ishmael ben Phiabi, as well as Eleazar ben Harsom. Ishmael ben Phiabi (there were two) was a high priest who served during the Second Temple period. Other such identifications of real individuals for the Second Temple period are ubiquitous in rabbinic literature. The authority model cannot account for the historicity of rabbinic memory, for if authority is so central, then why not just invent a past? Why bother to remember these obscure figures that no one remembered in the time that rabbinic texts were composed? This interplay between historicity and rabbinic memories of the past requires a better and more complex explanation, which is why I use social memory as my model for reading these rabbinic texts. I argue that in each rabbinic document, one imperative was to transform the memory of the Second Temple period to make it relevant to the present, yet at the same time, the rabbis still drew on historical memories of the Second Temple period for this purpose.

Methodology

Memory has long been recognized as a core aspect of group formation and group identity. To provide a brief genealogy, Maurice Halbwachs coined the term collective memory to describe the connection between group formation and shared memory (although he was not the first to use this specific term).²⁹ In Halbwachs' formulation, individual memory has a social component; group formation (and Halbwachs' groups range from a family to a nation) is in part a process of constructing a shared past.³⁰ Such a past is not neutral; it fits the needs of the remembering group. Halbwachs, a student of Emile Durkheim, articulated these claims in his work, *La Memoire Collective*, and his description of the Christian memorial topography of the Holy Land, showing how the changing memories of the past reflected the present needs of particular groups. Halbwachs' other major historiographic contribution was to delineate strongly between history and memory as conceptual approaches to the past. Halbwachs claimed that collective memory persists in group contexts as a continuous consciousness of group life; history began only when there were no more living ties to the past. This sharp delineation has proved to be an enduring issue in memory studies. Halbwachs' contributions set the terms for the debate examining the relations between groups and their past, the mutability of the past for the purposes of different groups, and highlighting the relationship between history and memory.

Memory studies exploded in the 1980s and 1990s, and it claimed Halbwachs as its ancestor. One particular driver of memory studies was the role of the memory of the Holocaust and how it

²⁹ Maurice Halbwachs, *On Collective Memory* (Chicago: University of Chicago Press, 1992).

³⁰ See his collected works in *Ibid.* Particularly significant for scholars of pilgrimage is his book on the legendary topography of the Holy Land, Maurice Halbwachs, *La Topographie L gendaire Des E vangiles En Terre Sainte: Etude de M moire Collective* (Paris: Presses Universitaires de France, 1941).

was to be (or conspicuously failed to be) commemorated.³¹ Thus, one important interest of memory studies was the role of monuments in commemoration and recollection of the past, and the degree to which they shaped the social memory of groups or were contested by their audiences.³² The breakdown of the Soviet Union also led to increasing scholarly interest in the construction of the national past(s).

Some major contributions include the works of Yosef Yerushalmi, Pierre Nora, Eric Hobsbawm, Barry Schwartz, Jan and Aleida Assmann. These scholars all made methodological interventions that set the stage for the flourishing of memory studies in the 1990s. Of central importance, particularly because he fostered an entire school of scholars, is Nora. Nora focused on collecting the *lieux de memoire* of France (and of a particular idea of France, not really representing the current diversity of the country). Nora argued that these *lieux de memoire* emerged because of the breakdown of *milieus de memoire*, natural environments of memory, which Nora attributed to a break in the experience of the past that was brought about by the advent of modernity. Nora viewed history as a form of dead memory, an attempt to consciously connect with the past now that the past has become less present in modern life, continuing the Halbwachian distinction between history and memory. Nora's work, with its focus on the nation-state, in part derives from an increased interest in interrogating the memorial foundations of nationalism. Nora's projects have been released in three volumes, and it includes contributions from a variety of authors.³³ These different scholars trace the development and use of French national symbols, sites, and historical events (ranging from the Marseille to Verdun), tracing the various layers of commemoration of these

³¹ See, for instance, James E. Young, *The Texture of Memory: Holocaust Memorials and Meaning* (New Haven and London: Yale University Press, 1993); James E. Young, "The Counter-Monument: Memory Against Itself in Germany Today," *Critical Inquiry* 18, no. 2 (1992): 267–96.

³² On monuments, see Young, *supra*. Note also this interesting early article on monuments by Alois Riegl, "The Modern Cult of Monuments: Its Character and Its Origin," *Oppositions* 25 (1982): 21–56.

³³ Pierre Nora, ed., *Realms of Memory* (New York: Columbia University Press, 1998).

French symbols, sites, and memories by various groups and actors, and attempting to account for how these different memories were employed by these groups.

One process that also occurred in the 1990s was the general (though not universal) agreement to abandon the term collective memory in favor of social or cultural memory. This abandonment of collective memory was a response to a common critique of Halbwachs, who is often accused of providing memory with its own agency, as if it had some independent existence outside the remembering individuals, which would be erroneous.³⁴ This critique has led to the adoption of terms like social or cultural memory, social memory is defined as the shared aspects of remembrance among a group, and cultural memory is defined as how a culture shares and stores its images of the past.³⁵ Some scholars of the 1990s also rejected memory, suggesting that its analytical function was already fulfilled by other concepts such as culture and tradition.³⁶ These debates have generally been resolved in favor of retaining the term memory, but with an emphasis on a broad definition of social memory as including all the various forms and medias of commemorative and mnemonic practices in various social sites. Embedded in this definition is an argument that a core aspect of memory studies is the mapping of a relationship between a particular commemorative or mnemonic practice that represents that past and its relationship to a present social formation. This definition contrasts with a focus on social/collective memory as a distinct thing with independent social existence that can be discussed or identified (especially as that sort of reifies a sense of group mind).³⁷ This broad definition of memory allows it to be applied broadly, but with a sense of

³⁴ See Amos Funkenstein, "Collective Memory and Historical Consciousness," *History and Memory* 1, no. 1 (1989): 5–26.

³⁵ On social memory, see Michael Schudson, *Watergate in American Memory* (New York: Basic Books, 1992), 51. On cultural memory, see Jan Assmann, *Cultural Memory and Early Civilization: Writing, Remembrance, and Political Imagination* (New York: Cambridge University Press, 2011).

³⁶ Noa Gedi and Yigal Elam, "Collective Memory; What Is It?," *History and Memory* 8, no. 1 (1996): 30–50; Kerwin Lee Klein, "On the Emergence of Memory in Historical Discourse," *Representations* 69 (2000): 127–50.

³⁷ See definition in Jeffrey Olick and Joyce Robbins, "Social Memory Studies: From 'Collective Memory' to the Historical Sociology of Mnemonic Practices," *Annual Review of Sociology* 24 (1998): 112.

specificity such that memory does not include everything. Another innovation of the 1990s was the abandonment of the Halbwachian division between history and memory, arguing that there is no real criteria for making such a strict delimitation.³⁸

This broad definition of social memory has been codified and in the 2000s by a series of handbooks, which have tried to standardize the field of memory studies. The memory handbooks tend to present a fairly diverse account of the field of memory studies, including topics ranging from national memory to monuments to memory of the past in British fiction.³⁹ The inclusivity of this broad definition of memory studies and social memory has been viewed as an asset, as there is no strong defining or delimiting force in this multi-disciplinary field. Another project of the 2010s has been a series of new research priorities, including moving scholarly research away from the nation-state (challenging the self-evident existence of the nation-state as a community of memory), a focus on non-western examples of social memory, and increasing application of these methods to premodern periods of history.⁴⁰

One aspect of this more recent work on social memory is the (fairly obvious) insight that merely identifying something as memory is not sufficient; such an identification needs to do some real analytical work. Applications of social memory to a particular conceptual body of material or set of texts must help us read and understand a text, monument, or historical event better. To focus perhaps a bit more closely, using this conceptual overlay independent of a well-defined set of reading practices and interpretative problems, merely noting that a text reflects the thinking of a

³⁸ Geoffrey Cubitt, *History and Memory* (Manchester; New York: Manchester University Press, 2007); Patrick Hutton, *History as an Art of Memory* (Hanover and London: University Press of New England, 1993).

³⁹ See for instance the collection S. Radstone and B. Schwarz, eds., *Memory: History, Theories, Debates* (New York: Fordham University Press, 2010).

⁴⁰ See programmatically Hue Tam Ho Tai, "Remembered Realms: Pierre Nora and the French National Memory," *American Historical Review* 106, no. 3 (2001). On the emergence of memory in the study of the ancient world, see R. Williams, "Social Memory," *Biblical Theology Bulletin* 41, no. 4 (2011): 189–200; Karl Galinsky, ed., *Memory in Ancient Rome and Early Christianity* (Oxford: Oxford University Press, 2016).

group, does not provide any real insights into the texts, and is far too vague in terms of what its actual insights into a text are. Not to be too polemical, but I draw this distinction as much recent work on social memory in the ancient world, and on the New Testament in particular, has been content to argue that social memory is what the Gospels are. They claim that the Gospels reflect “memories of Jesus”, which can be employed to reconstruct a particular community of the Jesus movement.⁴¹ This approach takes a heuristic reading of these texts and reifies it into a social form, as it reverse engineers a community from a text. It also, in some ways, mirrors the Halbwachian idea of collective memory as having some independent existence from the group. As is well known, communities do not write texts, people do. This use of memory studies is also too positivist in assuming that it can straightforwardly transform a text into a social formation.

I use social memory for rabbinic texts because it helps make a specific set of arguments about the nature of these texts and their usage of the Temple, providing an explanatory mechanism for connecting these depictions of the past to the times when the rabbis composed and wrote these texts. I read these depictions of the Second Temple past in rabbinic literature as a “collected” form of memory, a set of depictions and commemorative forms that were adopted, codified, and remembered by a group of rabbis who composed a particular text.⁴² I do not think it is possible to more than heuristically identify this group, and thus I often speak of the Yerushalmi's approach to the Second Temple past as a heuristic metaphor. These forms of recollection of the Temple and the Second Temple past reflect a particular social setting and recall a particular approach to the past. My dissertation tries to parse out some rabbinic approaches to the Temple and the Second Temple past

⁴¹ Alan Kirk, “The Memory-Tradition Nexus in the Synoptic Tradition: Memory, Media, and Symbolic Representation,” in *Memory and Identity in Ancient Judaism and Early Christianity*, ed. Tom Thatcher (Atlanta: SBL Press, 2014), 131–59; Jeffrey Brickle, “The Memory of the Beloved Disciple: A Poetics of Johannine Memory,” in *Memory and Identity in Ancient Judaism and Early Christianity*, ed. Tom Thatcher (Atlanta: SBL Press, 2014), 187–208; Samuel Byrskog, “A New Quest for the Sitz Im Leben: Social Memory, the Jesus Tradition and the Gospel of Matthew,” *New Testament Studies* 52 (2006): 319–36; Coleman Baker, *Identity, Memory, and Narrative in Early Christianity* (Eugene, Oregon: Pickwick Publications, 2011).

⁴² Drawing on Jeffrey Olick, “Collective Memory: The Two Cultures,” *Sociological Theory* 17, no. 3 (1999): 336.

in different rabbinic documents, arguing that each offers a specific interpretation or project in the commemoration of the Temple/Second Temple past that reflects a given historical moment. Indeed, the formulation of Temple/Second Temple past shows the ways that the focus of commemoration in rabbinic literature changes over time. These three chapters on rabbinic literature look at how specific rabbinic texts imagined the Temple/Second Temple past. Obviously, these arguments are not exclusivist (even to the texts themselves) and there are overlapping features in many of these texts. But what emerges from this exercise is that at different times, the rabbinic movement had a changing relationship to its memory of the Temple and Second Temple period, a relationship that I argue arose from its changing historical circumstances, which I lay out in each chapter.

Social memory also provides a means of accounting for the historicity of rabbinic memories of the Second Temple period, while at the same time noting the particular rabbinic biases that are implicit in this material. It provides a heuristic model for the rabbis to include some historical facts, but also allows me to outline how these forms of historical remembrance were changed and transformed based on the needs of the remembering group. Part of my point is that the past is not a blank slate; it is limited by what is remembered, even as it is being adapted for the purposes of the present. For instance, Chris Wickham and James Fentress use social memory to explain the insertion of Muslim enemies into the Song of Roland, despite the fact that the epic's basis was a small skirmish between the Frankish army and the Basques. They argue that over the course of the story's reception, the enemies of Roland were gradually transformed into Muslims to reflect the role that Muslims played in the Western European Christian imagination.⁴³ This historical event was

⁴³ James Fentress and Chris Wickham, *Social Memory* (Oxford: Blackwell, 1992). Important point for Halbwachs, *La Topographie Littéraire des Évangiles En Terre Sainte: Étude de Mémoire Collective*. One of the best articulations of this method is Schudson, *Watergate in American Memory*.

transformed and reimagined to fit the needs of the present, making it a methodologically useful analytical tool for understanding the work of rabbinic literature.⁴⁴ Social memory, thus, allows me to account for the dynamism of the past, the interplay of historicity and memory, and to show how and why these different historical details about the Second Temple period were retained in rabbinic literature. The rabbis retained historical memories of the Second Temple period, particularly in the Mishnah, which was explicitly commemorative in its focus. Yet, they adapted them for their present needs, so in the Mishnah, historical memories of dedications in the Temple are adapted and transformed into a narrative of the Jewish past. In later rabbinic works, the memories of the Second Temple period were reimagined and redeployed to fit the changing memorial needs of the rabbis. Thus, for instance, in the Yerushalmi, figures of the Second Temple period were turned into exemplars. Social memory provides a plausible model for why rabbinic memories of the Temple and the Second Temple period were transmitted.

The process of transmission of this material from the Second Temple period to the rabbinic movement is unknown, and probably unrecoverable. It is generally assumed that rabbinic literature was orally transmitted through the geonic period, and documents such as the Mishnah and the Yerushalmi were orally composed and repeated.⁴⁵ Seth Schwartz has argued that the Jews of the Second Temple period practiced oral memorialization of their benefactors, and some process of oral memorialization may explain the prevalence of such material in the Mishnah (and perhaps its orality as well).⁴⁶ Given our evidence, however, this can be no more than an idle speculation about the process of transmission. Some of the early members of the rabbinic movement, particularly the Gamalielide family, were prominent in pre-70 CE Jerusalem, although again, we can really do no

⁴⁴ See also Patrick Geary, *Phantoms of Remembrance* (Princeton: Princeton University Press, 1994).

⁴⁵ Yaakov Sussman, “Torah She-Be-’al Peh’—peshutah Ke-Mashma’ah: Koḥo Shel Qoḥo Shel Yod,” *Mekherei Talmud* 3, no. 1 (2005): 209–384.

⁴⁶ Seth Schwartz, *Were the Jews a Mediterranean Society?* (Princeton: Princeton University Press, 2010).

more than idly speculate about how the memories of Second Temple Jerusalem reached rabbinic circles.

Chapter Summary

Chapter 1 focuses on the Temple in the first century CE by examining the descriptions of the Temple found in two works of the historian Josephus: the *Bellum Judaicum* (BJ) and *Antiquitates Judaicae* (AJ). This chapter compares the descriptions of the Temple found in each work, arguing that both treat the Temple as a monument which commemorates benefactors of the Jews (especially Jewish kings) and Jewish collective efforts to build and maintain the Temple. The chapter then turns to the epigraphic and literary records of dedications to the Temple, which provide further evidence of the Temple's function as a monument: Herodian kings, Roman emperors, and Diaspora Jews all made dedications to the Temple as a means of commemorating themselves before the Jews. The evidence of Josephus and these dedications suggest that some Jews and non-Jews viewed the Temple as a commemorative site. This chapter is an explanatory prologue to the main body of my dissertation, which focuses on rabbinic literature.

I trace this theme of the Temple's function as a commemorative site into early rabbinic literature, arguing that one function of the narrated Temple rituals in the Mishnah is the commemoration of individuals and events from the Second Temple past. This chapter primarily concerns ritual narratives that described the Temple and its service. These narratives make up a major portion of the Mishnah. Scholars have argued that these narratives have a variety of purposes, but I argue that one purpose of these narratives is to serve as a memorial of the destroyed Temple. I claim that many ritual narratives are focused on commemorating the Temple, its donors, and its functionaries (though these narratives may not always reflect authentic memories of the Second Temple period). Finally, drawing on this commemorative account of the Mishnah, I turn to Mishnah

Middot, a tractate that provides the measurements of the Temple's space. I argue that Middot uses the commemoration of individuals and events from the Second Temple period to construct a narrative of the Jewish past. The rabbis of the Mishnah adapt and change historical aspects of the past for their own narrative purposes in Mishnah Middot.

In the Yerushalmi and Eichah Rabbah, the rabbinic focus shifts from the Temple to the Second Temple period more generally. I argue that stories in these different collections portray the Second Temple period as a distinct past, characterized by Jewish glory. This Second Temple past is a time of moral and material superiority to the rabbinic present. I argue that this discourse reflects the context of Roman rule, as the rabbis sought to craft a usable memory of the Jewish past, which reminded Jews of their shared historical experience before Roman rule, and could have served as a rather weak basis of Jewish ethnic identity under Roman rule (although we cannot know this with any certainty). In different ways, Chapter 3 and 4 support this argument.

Chapter 3 concerns moral exemplarity as a means of commemorating the Second Temple period, drawing on stories in the Talmud Yerushalmi and Palestinian amoraic midrash collections. I focus on three stories in which figures who are commemorated in tannaitic literature are transformed into moral exemplars (embodiments of moral virtues or vices). Chapter 4 turns to another discourse around the Second Temple past, namely, its "Romanization". I argue that this discourse uses the Roman convivial meal and the urban structures of the Roman province of Palestine to describe the greatness of the Jews in the Second Temple period, projecting these institutions back onto the Second Temple past.

Chapter 1: The Temple as Monument

Scholars have argued that the Temple had a variety of functions in the first century CE.

They have noted its theological and cosmological import, arguing that the Temple was considered to be a microcosm of the universe; others considered it to correspond with a heavenly Temple.¹

Scholars have also presented the Temple as a symbol of Herodian rule, a Jewish national symbol, and one of the central sites of the ancient Jewish life.² In addition to these functions, I argue that the Temple had a commemorative function, suggesting that dedications, buildings, and the very site itself preserved and honored the memory of various groups and individuals who had built the Temple or contributed dedications to it. This chapter argues that in the first century CE, various elite groups and Josephus understood the Temple to be a commemorative site, in which they dedicated and displayed a variety of different monuments, dedications, and commemorative objects. This argument has to be made at length, as no one has remarked on this function of the Temple before. Further, this argument lays the groundwork for making a similar argument about the commemorative function of the Temple in the Mishnah, which is an important framework for interpreting the Mishnah's narratives of Temple rituals.

¹ On the Temple as microcosm, see Jonathan Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (Oxford: Oxford University Press, 2006); Jon Levenson, *Creation and the Persistence of Evil* (San Francisco: Harper & Row, 1988). On the heavenly Temple and its correspondence with the earthly Temple, see Martha Himmelfarb, *Ascent to Heaven in Jewish and Christian Apocalypses* (Oxford: Oxford University Press, 1993); Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism*.

² On the Temple's role as a symbol of Herodian rule, see Adam Marshak, *The Many Faces of Herod the Great* (Grand Rapids, MI: William B. Eerdmans Pub. Co., 2015). On its function as a Jewish national symbol, see Doron Mendels, *The Rise and Fall of Jewish Nationalism* (Grand Rapids, MI: William B. Eerdmans Pub. Co., 1997). On its ideological role, see Seth Schwartz, *Imperialism and Jewish Society* (Princeton: Princeton University Press, 2001). Note also David Goodblatt, *Elements of Ancient Jewish Nationalism* (Cambridge: Cambridge University Press, 2006).

Monuments (sometimes termed memorials)³ are emblems of a corporate past, often in physical or built form.⁴ Monuments commemorate an action or sets of actions that are significant to a group, and in that sense, can be viewed as an attempt to transmit or shape the social memory of the broader group. In the context of the Temple, monuments signify a site or dedication, which recalls and honors the acts of a particular individual or group. In her account of Moscow's Cathedral of Christ the Savior, Ekaterina Haskins notes that scholarly readings of monuments have two major foci: the political aesthetics of monuments and the reception of monuments by various publics.⁵ In applying Haskin's categories to the Temple, it is apparent that it is much easier to discuss its political aesthetics. As Haskins notes, the aesthetics of monuments tend to tell us about the elites who constructed them, and what and how they wished to be represented before the viewing public, and this is primarily what this chapter will focus on, as that is primarily what is recoverable from the sources that we have. To speak to Haskins' second category, the public reception of the Temple's dedications and monuments tends to be visible primarily in moments of opposition or revolt, for instance, when a group of students cut down Herod's eagle. In my account of dedications to the Temple, I describe primarily aesthetics, but note these interesting moments of interaction with dedications by their publics.

This chapter argues that the Temple functioned as a monument, which commemorated acts of the Jews as a corporate entity, kings, and other individual actors. To make this argument, this

³ On this terminology, see Young, *The Texture of Memory: Holocaust Memorials and Meaning*, 3. Analysis of monuments/memorials is one of the major concerns of the field of social memory studies, which analyzes how groups commemorate their past in spaces. This work has also received particular prominence in the study of the commemoration (and indeed, our very ability to commemorate) the Holocaust and its victims, see e.g., Young, "The Counter-Monument: Memory Against Itself in Germany Today"; Jay Winter, "Sites of Memory," in *Memory: Histories, Theories, Debates*, ed. Susan Radstone and Bill Schwartz (New York: Fordham University Press, 2010), 312–24.

⁴ Although not necessarily so—the modern field of memory studies has tended to focus on physical monuments, but ancient writers often used the language of monument to define their own work, see, e.g. Horace, Ode 3.30 or Livy, Praefatio.

⁵ Ekaterina V. Haskins, "Russia's Postcommunist Past: The Cathedral of Christ the Savior and the Reimagining of National Identity," *History & Memory* 21, no. 1 (2009): 25–62.

chapter explores Josephus' two narratives of the Temple in the *Bellum Judaicum* (henceforth BJ) 5.184-237 and the *Antiquitates Judaicae* (henceforth AJ) 15.380-425. While scholars have primarily read BJ 5 as describing the Temple as a microcosm of the universe, Josephus also claimed in this text that the Temple served as a monument to the corporate acts of the Jews.⁶ I then turn to AJ 15, which describes Herod's renovation of the Temple, and argue that this text also presents the Temple as a monument that commemorates royal benefactors to the site, as well as other corporate acts of the Jews.

In the last part of the chapter, I examine dedications to the Temple, arguing that these dedications from Herodians, Romans, and Diaspora Jews serve as further evidence of the Temple's monumental nature.⁷ These various figures used the Temple to memorialize themselves, often before the broader audience of the Temple. These dedications were intended to convey specific messages about these donors to the Jews as a group, suggesting that we see these figures as understanding the Temple in the same manner as Josephus. The combination of the evidence of Josephus, as well as that of some elite figures, suggests that elites understood the Temple as having a commemorative role, although to what degree this was more broadly understood as characteristic of the Temple is unrecoverable.

Josephus

Before turning to the descriptions of the Temple, it is necessary to briefly describe the works of Josephus. I briefly discuss Josephus' life, his works, and their goals, as a means of situating these Temple descriptions in their literary context. AJ and BJ have significantly different agendas, and

⁶ E.g. Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism*.

⁷ Another and related part of the story, which I am not able to cover here, is the connection between sacrifices, rituals, and benefactions, for Josephus sometimes uses the language of benefaction and commemoration in these contexts.

these two descriptions of the Temple should not be read synoptically; they reflect different literary moments and themes that are characteristic of AJ and BJ.

Josephus was born in 37-38 CE. He came from a priestly family in Jerusalem, which claimed descent from the Hasmonean dynasty (although this genealogy is manifestly flawed).⁸ At sixteen, he decided to “take experience”⁹ of the different sects.¹⁰ Josephus was also part of a delegation to Nero to free some imprisoned high priests in the early 60s CE.¹¹ In 66 CE, he returned to Jerusalem in time for the opening stages of the Jewish War and set off for Galilee. His time in Galilee is described in two works, the *Vita* and the *Bellum Judaicum* (BJ). BJ presents Josephus as a general who led a massive army, while the account in the *Vita* present him as a small scale adventurer/entrepreneur, which seems much more likely.¹² Josephus seems to have alienated the local grandees of Galilee, and his forces were no match for the Roman army, when it arrived in the spring of 67 CE. Indeed, if Josephus’ task was to prepare Galilee to resist the Roman invasion (and it’s not clear that it was), he must be judged an utter failure. He holed up in the town of Jotapata, and when it was captured, Josephus surrendered to the Romans. According to his own account (many scholars are skeptical), he prophesized Vespasian’s rise to the imperial throne after his capture in 67 CE (surely somewhat risky at this juncture, as Nero was still the emperor), and was freed in July 69 CE when Vespasian was acclaimed emperor.¹³ Josephus accompanied Titus, Vespasian’s son, during the siege of Jerusalem in 70 CE, and then to Rome in 71 CE, where he appears to have lived until his death.¹⁴ In

⁸ See William den Hollander, *Josephus, the Emperors, and the City of Rome: From Hostage to Historian* (Leiden; Boston: Brill, 2014), 1; *Vita* 1-4. Josephus claimed to be of royal blood from his mother’s side, but then sketches a family tree in which his father’s grandfather married the daughter of Jonathan, the Hasmonean high priest. For an attempt to reconcile these blatant contradictions, see Tessa Rajak, *Josephus: The Historian and His Society* (Philadelphia: Fortress Press, 1983), 15–19.

⁹ “ἐμπειρίαν λαβεῖν”.

¹⁰ *Vita*, 7-12.

¹¹ See the discussion in den Hollander, *Josephus, the Emperors, and the City of Rome: From Hostage to Historian*, 31–67.

¹² See discussion in Shaye Cohen, *Josephus in Galilee: His Vita and Development as a Historian* (Leiden: Brill, 1979).

¹³ See den Hollander, *Josephus, the Emperors, and the City of Rome: From Hostage to Historian*, 91–105.

¹⁴ See Christopher Jones, “Toward A Chronology of Josephus,” *Scripta Classica Israelica* 21 (2002): 113–21.

Rome, Josephus wrote four works that survive: the *Bellum Judaicum*, the *Antiquitates Judaicae*, the *Contra Apionem*, and the *Vita*.¹⁵

I will outline some of the aims of Josephus' BJ and AJ. There is not a lot of consensus on these issues, and I am not endeavoring to represent the totality of scholarship on Josephus' works. BJ traces the causes and course of the Jewish War.¹⁶ A central argument of BJ is apologetic; it claims that the rebellion was the work of a small group of rebels and brigands, not the Jerusalemite aristocracy and priesthood as a whole, and thus, Shaye Cohen argues that it seeks to exculpate these groups.¹⁷ As part of this argument, BJ portrays the Jews in what Seth Schwartz calls a "normalizing" vein, arguing that the Jews and their practices are fundamentally compatible with the Romans and Roman rule.¹⁸

AJ is a history of the Jews from the creation of the world to the outbreak of the Jewish War of 66 CE. Scholars have often understood AJ to be a defense of the distinctiveness of the Jews and their practices.¹⁹ According to Josephus, one theme of AJ is the excellence of the Mosaic

¹⁵ BJ is either to be dated to the later years of Vespasian, as the *Vita* attests to the fact that Vespasian read and approved some part of the narrative, or to the reign of Titus (79-81 CE). For this opinion, see Seth Schwartz, *Josephus and Judaean Politics* (New York: E.J. Brill, 1990), 13-15. Schwartz argues that the emphasis on Titus in BJ reflects works published in his reign, whereas works published in the reign of Vespasian and the early part of Domitian's reign emphasize the *gens Flavia*. Jones argues that much of BJ was composed before 79, when Vespasian died, see Jones, "Toward A Chronology of Josephus." AJ was concluded in 93-94 CE, according to AJ 20.267, which states that Josephus finished his work in the thirteenth year of Domitian, whose reign began in 81 CE. One problem for scholars of AJ were references to the annexation of parts of Agrippa II's kingdom by the Romans (AJ 17.28), as well as the rather critical tone towards Agrippa II in the later books of AJ, as Agrippa's reign was thought to have ended later in the 90s. A recent reevaluation of Agrippa's coinage has suggested that he died around 92/93 CE, and that Josephus' accounts of Agrippa are entirely congruent with a publication date in 93/94, see *Ibid.*, 116-17. The *Vita*, according to Jones, probably was written before 96, because of its praise of Domitian. *Contra Apionem's* date is unknown, though the text makes reference to AJ, and thus postdates 93-94 CE, see Per Bilde, *Flavius Josephus between Jerusalem and Rome* (Sheffield: Sheffield Academic Press, 1988), 113.

¹⁶Rajak, *Josephus: The Historian and His Society*, 185-222. Rajak seems to be reacting to characterizations of BJ as only Flavian propaganda, rather than one of the goals of the work. See also Steve Mason, *Flavius Josephus on the Pharisees* (Leiden; New York; Copenhagen; Koln: E.J. Brill, 1991).

¹⁷ Schwartz, *Josephus and Judaean Politics*, 15. Argued for quite compellingly in Shaye Cohen, *Josephus in Galilee and Rome: His Vita and Development as a Historian*, 84-100.

¹⁸Schwartz, *Were the Jews a Mediterranean Society?*, 83. According to Per Bilde, the main audience of the Jewish War is the ruling class in Rome, to whom the apology is directed, see Bilde, *Flavius Josephus between Jerusalem and Rome*, 75-77.

¹⁹ Schwartz, *Were the Jews a Mediterranean Society?*, 84. See also Paul Spilsbury, *The Image of the Jew in Flavius Josephus' Paraphrase of the Bible* (Tubingen: Mohr Siebeck, 1998). Laquer, for instance, read it as an attempt to reach out to fellow

constitution. This argument for the excellence of the Mosaic constitution is primarily realized through a historical account of Deuteronomic theodicy: the claim that when the Jews obey their laws, God rewards them, and when they do not, they are punished.²⁰ Another oft cited purpose of AJ is apologetic, particularly in its explanation of Jewish practices and customs to what Steve Mason and others assume to be an elite Roman and Greek pagan audience.²¹

Josephus provides extended descriptions of the Herodian Temple in BJ, AJ, and *Contra Apionem*.²² I have chosen to focus on BJ and AJ here, as the description in *Contra Apionem* is brief.²³ Scholarship on the Temple has primarily sought to harmonize Josephus' different accounts in BJ and AJ, especially since this scholarship is attempting to accurately depict the Temple's space.²⁴ However, this treatment of the Temple elides the manner in which AJ and BJ have different literary purposes and audiences.²⁵ This chapter investigates the different narrative foci of these two representations of the Temple.

Jews in Rome, who disdained Josephus for his role in the Jewish War. Although an entirely speculative reconstruction, Laquer was reacting to the changed tone between the two works.

²⁰ AJ 1.14. On the Jewish constitution as an important theme in AJ, see Steve Mason, "The Importance of the Latter Half of Josephus' Judean Antiquities for His Roman Audience," in *Pentateuchal Traditions in the Late Second Temple Period*, ed. Akio Moriya and Gohei Hata (Leiden; Boston: Brill, 2012), 129–56. On Deuteronomic theodicy in AJ, see Harold Attridge, *The Interpretation of Biblical History in the Antiquitates Judaicae of Flavius Josephus* (Missoula, Montana: Scholars Press, 1976).

²¹ Mason goes even a bit further, and argues that this might be evidence for the interest of this audience in conversion to Judaism, a claim that seems rather speculative. See Steve Mason, "The Importance of the Latter Half of Josephus' Judean Antiquities for His Roman Audience," in *Pentateuchal Traditions in the Late Second Temple Period*, ed. Akio Moriya and Gohei Hata (Leiden; Boston: Brill, 2012), 129–56; Paul Spilsbury, *The Image of the Jew in Flavius Josephus' Paraphrase of the Bible* (Tubingen: Mohr Siebeck, 1998); Louis Feldman, "Josephus' Biblical Paraphrase as a Commentary on Contemporary Issues," in *The Interpretation of Scripture in Early Judaism and Christianity*, ed. Craig Evans (Sheffield: Sheffield Academic Press, 2000), 124–201.

²² BJ 5.184-247, AJ 15.380-425, and CA 102-109, respectively.

²³ Richard Bauckham has argued that the *Contra Apionem* description is intended to disprove Apion's accusation that the Jews performed human sacrifice in the Temple, 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 Feldman and John Levison (Leiden: Brill, 1996), 327–47.

²⁴ See, e.g. David Kaden, "The Herodian Temple in Josephus," in *A Companion to Josephus*, ed. Honora Chapman and Zuleika Rodgers (Oxford: Wiley Blackwell, 2016), 247–60; Ehud Netzer, *The Architecture of Herod, the Great Builder* (Tubingen: Mohr Siebeck, 2006).

²⁵ Lee Levine, "Josephus' Description of the Jerusalem Temple: War, Antiquities, and Other Sources," in *Josephus and the History of the Greco-Roman Period*, ed. Fausto Parente and Joseph Sievers (Leiden; New York; Koln: Brill, 1994), 233–46.

Jerusalem and the Temple in BJ: From commemoration of individuals to the *laos*

I argue that the description of the Temple in BJ 5.136-247 combines commemorative and cosmological themes. The literary context of the description is the beginning of the Roman siege of Jerusalem, which is the main topic of BJ 5-6 and the climax of the work as a whole. This description begins with the layout of the city of Jerusalem, including its walls and fortifications, and then turns to the Temple. After describing the Temple, Josephus discusses the Antonia Fortress to the north of the Temple and the military positions of the three rebel groups in the city. Functionally, this description allows the reader to follow the narrative of the siege. Yet this narrative is not limited to the architectural features and geography of Jerusalem and its Temple; it also traces the architectural development of the city and describes the cultic practices of the Temple and the robes of the high priest.²⁶

In general, this narrative has been characterized as a description of the sacred space of the Temple. According to Jonathan Klawans, BJ 5 presents the Temple as a microcosm of the universe.²⁷ I argue that in addition to its functional purpose and its account of the Temple as a sacred space, this narrative commemorates the builders and benefactors of the city (and the Jews). Beginning in BJ 5.136, the entire Jerusalemite landscape is filled with commemorative monuments. Josephus uses the tombs, towers, and buildings of notables and kings in Jerusalem to describe the topography of the city. He identifies the first and most ancient wall of the city as a monument in BJ 5.142-143:

Τῶν δὲ τριῶν τειχῶν τὸ μὲν ἀρχαῖον διὰ τε τὰς φάραγγας καὶ τὸν ὑπὲρ τούτων λόφον, ἐφ' οὗ κατασκευάστο, δυσάλωτον ἦν: πρὸς δὲ τῷ πλεονεκτήματι τοῦ τόπου καὶ καρτερωῶς ἐδεδόμητο, Δαυίδου τε καὶ Σολομῶνος, ἔτι δὲ τῶν μεταξύ τούτων βασιλέων φιλοτιμηθέντων περὶ τὸ ἔργον.

²⁶ Honora Chapman argues that the glory of the city and Josephus' intentional delay in describing it until the fifth book heightens the pathos of this descriptive moment, see Chapman, "Spectacle and Theater in Josephus's 'Bellum Judaicum,'" 12.

²⁷ Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism*, 112–14.

Of the three walls, the most ancient, owing to the surrounding ravines and the hill above them on which it was reared, was well-nigh impregnable. But, besides the advantage of its position, it was also strongly built, David and Solomon and their successors on the throne having sought honor through the construction of this work.²⁸

Josephus states that the strength of the first wall derives from Jerusalem's topography as well as the quality of its construction. He attributes the wall to David, Solomon, and all the rest of the Jewish kings. To describe their building of this wall, Josephus uses the word, φιλοτιμηθέντων, which presents the royal construction of the wall as a form of munificence. *Philotimia* means love of honor, but as Brad Cook argues in his examination of *philotimia* in Demosthenes, it could mean both public (appropriate, i.e. in the context of the polis) and private (inappropriate) pursuit of honor.²⁹ In general, scholars on Josephus have primarily understood *philotimia* to have a negative valence. Particularly influential for this negative idea of *philotimia* is Josephus' analysis of Herod's character in AJ 16.150-159, which states that Herod had a passionate (and ultimately corrosive) desire for *philotimia*.³⁰ In addition to this usage, however, there is a more normative sense of *philotimia* in Josephus that means public and appropriate munificence.³¹ I suggest that the use of *philotimia* in BJ 5.142-143 is in the more classical (and normative) sense of public and appropriate munificence.

²⁸ Translations are drawn from *Josephus*. Translated by H. St. J. Thackeray. Loeb Classical Library; Cambridge, MA: Harvard University Press, 1923.

²⁹ Brad L Cook, "Athenian Terms of Civic Praise in the 330s: Aeschines vs. Demosthenes," *Greek, Roman, and Byzantine Studies* 49 (2009): 49. See similarly M. De Pourcq and G. Roskam, "Always to Excel? Some Observations and Reflections on φιλοτιμία in Greek Literature and Culture," in *The Lash of Ambition*, ed. G. Roskam, M. De Pourcq, and L. Van Der Stockt (Louvain: Peeters, 2012), 1-8. Drawing on epigraphic evidence, David Whitehead notes that *philotimia* was one of the cardinal civic virtues in mid-fourth century BCE Athens, see David Whitehead, "Competitive Outlay and Community Profit: *Philotimia* in Democratic Athens," *Classica et Medievalia* 34 (1983): 55-74.

³⁰ AJ 16.153 φιλότιμος γὰρ ὢν καὶ τούτου τοῦ πάθους ἡττημένος ἰσχυρῶς, προήγετο μὲν εἰς μεγαλοψυχίαν, εἴ ποῦ μνήμης εἰς αὐτοῖς ἢ κατὰ τὸ παρὸν εὐφημίας ἐλπίς ἐμπέσοι. See also Karl Rengstorf, ed., *A Complete Concordance to Flavius Josephus* (Leiden: Brill, 1973), volume 4, 308-309. As Seth Schwartz has interpreted this passage, Josephus theorizes that this is why Herod was harsh to his subjects and to his family. In this passage, Josephus presents *philotimia* as an overwhelming desire for honor that ultimately corroded Herod's family and Herod's kingdom, see Schwartz, *Were the Jews a Mediterranean Society?*

³¹ See for instance, in a summary of Nehemiah's life and career, Josephus describes his many and excellent deeds as motivated by a sense of *philotimia* (in the usage of the participle φιλοτιμησάμενος), as well as identifying him as *philotimotatos* to his fellow countrymen AJ 11.183 πολλὰ δὲ καὶ ἄλλα καλὰ καὶ ἐπαινῶν ἄξια φιλοτιμησάμενος ὁ Νεεμίας ἐτελεύτησεν εἰς γῆρας ἀφικόμενος. ἀνὴρ δὲ ἐγένετο χρηστὸς τὴν φύσιν καὶ δίκαιος καὶ περὶ τοὺς ὁμοθετεῖς φιλοτιμώτατος, μνημεῖον αἰώνιον αὐτῷ καταλιπὼν τὰ τῶν Ἱεροσολύμων τειχῆ. ταῦτα μὲν οὖν ἐπὶ Ξέρξου βασιλείᾳ ἐγένετο. "Then, after performing many other splendid and praiseworthy public services, Nehemiah died at an advanced age. He was a man of kind and just nature and most anxious to serve his countrymen; and he left the walls of Jerusalem as his eternal

Implicit in the strength of the first wall is a sense of preservation of memory. The strength of the wall is a memorial to the work of these kings, commemorating David, Solomon, and all the other kings that came after them. This commemorative function of fortifications is explicit in Herod's massive towers. Herod named them after his friend Hippius, his brother Phasael, and his wife Mariamme. As Josephus states:

πρὸς γὰρ τῷ φύσει μεγαλοψύχῳ καὶ τῇ περὶ τὴν πόλιν φιλοτιμίᾳ τὴν ὑπεροχὴν τῶν ἔργων ὁ βασιλεὺς πάθεισιν οἰκείοις ἐχαρίζετο καὶ τρισὶ τοῖς ἡδίστοις προσώποις, ἀφ' ὧν ὠνόμασε τοὺς πύργους, ἀδελφῶ καὶ φίλῳ καὶ γυναικί, τὴν μνήμην ἀνέθηκε, τὴν μὲν ὡς προειρήκαμεν κτείνας δι' ἔρωτα, τοὺς δὲ ἀποβαλὼν ἐν πολέμῳ γενναίως ἀγωνισαμένων.³²

For, apart from his innate magnanimity and his pride in the city, the king sought, in the super-excellence of these works, to gratify his private feelings; dedicating them to the memory of three persons to whom he was most fondly attached, and after whom he named these towers—brother, friend, and wife. The last, as we have previously related, he had for love's sake actually slain; the others he had lost in war, after valiant fight.

Josephus cites Herod's magnanimity and his *philotimia* for the city as the reasons that he built these towers. The commemorative language is explicit, as Josephus states that Herod named these three towers so as to create a memorial to these three individuals (τὴν μνήμην ἀνέθηκε). While these towers defended the city, they also commemorated these individuals. Indeed, these towers are so closely entwined with their commemorative function that they reflect the gender of the person commemorated.³³ Therefore, the tower Mariamme surpassed the other towers in decoration (for Herod thought this appropriate for a tower that commemorated a woman).³⁴

These towers embody some of the conflicts of Herod's reign. According to Josephus, both Phasael and Hippius were killed in battle. Intriguingly, Herod's friend Hippius is only mentioned here in the works of Josephus, although this passage claims that he was important enough to

monument. These, then, were the things that took place during the reign of Xerxes." Josephus, *Jewish Antiquities*, IX-XI. Translated by Ralph Marcus. Loeb Classical Library. London: Heinemann, 1937.

³² BJ 5.162.

³³ Chapman suggests that this personification is a means to heighten the tragedy and to personalize the destruction of the buildings, see Chapman, "Spectacle and Theater in Josephus's 'Bellum Judaicum,'" 26–27.

³⁴ BJ 5.171.

commemorate with a tower.³⁵ Mariamme, Herod's Hasmonean wife, was executed by Herod in 29 BCE, at the end of a series of intrigues.³⁶ Josephus is quite explicit that Herod continued to mourn for her after her death, and in building this tower, Herod created a monument to her. In placing her tower alongside that of Hippicus and Phasael who were killed in wars, Herod (to a certain degree) commemorates her as a semi-heroic figure, whose death was regrettable, but legitimate, and not as someone who was killed by Herod. Her memory is preserved and monumentalized, despite the circumstance of her death.

This commemorative narrative of Jerusalem's space abruptly ends when Josephus reaches the Temple in BJ 5.184. No individuals are mentioned in Josephus' description of the Temple, with two exceptions that I will examine in some detail, as they need to be explained: Alexander the Alabarch and Solomon. Alexander the Alabarch was an important official in Alexandria; Alabarch seems to refer to his position as the customs agent for all dues on goods that came to Egypt from the east.³⁷ He was also the brother of the philosopher Philo.³⁸ Josephus describes his donation to the Temple, stating that Alexander, the father of Tiberius, plated nine gates of the Temple with gold and silver.³⁹

The way in which Josephus mentions Alexander may be significant. Josephus states that he was the father of Tiberius Julius Alexander. He was one of the major supporters of the Flavian dynasty; he had previously served as the procurator of Judea, and was the prefect of Egypt during 69

³⁵Nikos Kokkinos claims that Hippicus was Herod's lover, although there is no evidence to support this claim, see Samuel Rocca, *Herod's Judea: A Mediterranean State in the Classical World* (Tubingen: Mohr Siebeck, 2008), 95–96.

³⁶ AJ 15.222-230, BJ 1.431- 445.

³⁷ E.G. Turner, "Tiberivs Ivlivs Alexander," *The Journal of Roman Studies* 44 (1954): 54–64.

³⁸ His son Marcus was married to Berenice, the daughter of Agrippa I, until his death in 43/44 CE. See Ingrid Moen, "Marriage and Divorce in the Herodian Family: A Case Study of Diversity in Late Second Temple Judaism" (Duke University, 2009).

³⁹ BJ 5. 205 τοῦτον δὲ ταῖς ἑννέα πύλαις ἐπέχεεν ὁ Τιβερίου πατήρ Ἀλέξανδρος.

CE, throwing his support (and the Egyptian grain that fed Rome) to the Flavians.⁴⁰ Tiberius Julius Alexander was a Roman official who served as Titus' second in command during the siege of Jerusalem.⁴¹ He is later thought to have served as praetorian prefect under Vespasian.⁴² Due to his role in the Temple's destruction and the dramatic context of this description, one way to read Josephus' description of the dedications of Alexander may be as a deliberate reproach to Tiberius Julius Alexander. This reading is supported by Josephus' much more judgmental language about Tiberius Julius Alexander in AJ 20.100, which describes his procuratorship in Judaea (46-48 CE):

Ἦλθε δὲ Φάδω διάδοχος Τιβέριος Ἀλέξανδρος Ἀλεξάνδρου παῖς τοῦ καὶ ἀλαβάρχησαντος ἐν Ἀλεξανδρείᾳ γένει τε καὶ πλούτῳ πρωτεύσαντος τῶν ἐκεῖ καθ' αὐτόν. διήνεγκε καὶ τῇ πρὸς τὸν θεὸν εὐσεβείᾳ τοῦ παιδὸς Ἀλεξάνδρου: τοῖς γὰρ πατρίοις οὐκ ἐνέμεινεν οὗτος ἔθεσιν.⁴³

The successor of Fadus was Tiberius Alexander, the son of that Alexander who had been alabarch in Alexandria and who surpassed all his fellow citizens both in ancestry and wealth. He was also superior to his son Alexander in his piety to God, for his son Alexander did not remain in the ancestral customs.⁴⁴

Josephus' account of Tiberius Julius Alexander's procuratorship also refers to his father, identifying him as one of the foremost men of Alexandria. Josephus then compares Tiberius Julius Alexander's piety unfavorably with his father's, noting that Tiberius Julius Alexander abandoned the ancestral customs. This comparison in AJ 20 may suggest that the tone of Josephus' reference to Alexander in BJ 5 is hostile. In BJ 5, the identification of Alexander's plating of the gates could be making an implicit comparison between Tiberius Julius Alexander and his father, recalling Tiberius

⁴⁰ Turner, "Tiberius Iulius Alexander." He was appointed prefect of Egypt in May 66 and before that, had served on the staff of Corbulo. He seems to be referred to disparagingly in Juvenal, Satires, 1.130-131, thus, nescio quis titulos Aegyptius atque Arabarches, cuius ad effigiem non tantum meiere fas est.

⁴¹ BJ 6.237.

⁴² This is based on the evidence of P. Hibeh 215, which is generally read as stating that he became the Praetorian Prefect

⁴³ Tiberius Julius Alexander is also mentioned in BJ 2.220 as a governor who ruled Palestine peacefully, "οὗ παντάπασιν ὄντος νηπίου πάλιν τὰς βασιλείας Κλαύδιος ἐπαρχίαν ποιήσας ἐπίτροπον πέμπει Κούσπιον Φᾶδον, ἔπειτα Τιβέριον Ἀλέξανδρον, οἳ μηδὲν παραينوῦντες τῶν ἐπιχωρίων ἔθῶν ἐν εἰρήνῃ τὸ ἔθνος διεφύλαξαν."

⁴⁴ Translation from Josephus, Jewish Antiquities, XVIII-XXX. Translated by Louis H. Feldman. LCL (Cambridge: Harvard University Press, 1965).

Julius Alexander in order to pointedly reproach him for his role in the destruction of the very place that his father dedicated such lavish gifts to.

The other individual mentioned in the Temple narrative of BJ 5 is Solomon, but he is mentioned precisely to highlight the importance of the *laos* and their construction of the Temple Mount. While Josephus identifies Solomon as the builder and founder of the Temple, he describes Solomon's contribution to the Temple Mount as walling up the eastern side of the Temple Mount and building a portico there, according to BJ 5.184-185:

Τὸ δ' ἱερὸν ἴδρυτο μὲν, ὥσπερ ἔφην, ἐπὶ λόφου καρτεροῦ, κατ' ἀρχὰς δὲ μόλις ἐξήρει τὸ ἀνωτάτω χθαμαλὸν αὐτοῦ τῷ τε ναῷ καὶ τῷ βωμῷ: τὰ γὰρ πέριξ ἀπόκρημνος ἦν καὶ κατάντης. τοῦ δὲ βασιλέως Σολομῶνος, ὃς δὴ καὶ τὸν ναὸν ἔκτισεν, τὸ κατ' ἀνατολὰς μέρος ἐκτειχίσαντος, ἐπετέθη μία στοὰ τῷ χώματι: καὶ κατὰ γε τὰ λοιπὰ μέρη γυμνὸς ὁ ναὸς ἦν.

Though the temple, as I said, was seated on a strong hill, the level area on its summit, originally barely sufficed for shrine and altar, the ground around it being precipitous and steep. But King Solomon, the actual founder of the temple, having walled up the eastern side, a single portico was reared on this made ground; on its other sides the sanctuary remained exposed.

Using the word γυμνὸς to signify the Temple Mount's lack of walls, BJ 5 stresses the incomplete nature of Solomon's works on the Temple Mount. BJ's depiction of Solomon's work contrasts with the glorious descriptions of Solomon's Temple in the Bible and other Second Temple texts.⁴⁵ The BJ description is at odds with Josephus' other accounts of the glorious nature of the Solomonic Temple; Louis Feldman has noted that AJ massively exaggerates the wealth and grandeur of the Solomonic Temple.⁴⁶ Furthermore, according to AJ 15, Herod uses the recalled glory of the Solomonic Temple as the pretext to rebuild the Jerusalem Temple.⁴⁷ Yet here Josephus' narrative

⁴⁵ Solomon's building of the Temple is described in 1 Kings 6-7 and 2 Chronicles 3-7. On Solomon's Temple building in Second Temple literature, see Benjamin Wright, "Solomon in Chronicles and Ben Sira," in *Rewriting Biblical History*, ed. Harm van Grol (Berlin; Boston: De Gruyter, 2011), 139-57, as well as Ben Sira 47.13. In Ezra 3.12, when the returnees from the exile rebuild the Temple, the older returnees weep, because the new Temple is so inferior to the destroyed Temple of Solomon.

⁴⁶ Louis Feldman, "Josephus' Portrait of Solomon," *Hebrew Union College Annual* 66 (1995): 103-67.

⁴⁷ See AJ 15.385.

specifically emphasizes the incomplete nature of Solomon’s construction of the Temple Mount. This seems intentional; in this narrative, Solomon begins to form the Temple Mount, starting the work that the *laos* continues.

τοῖς δ’ ἐξῆς αἰῶσιν αἰεὶ τι τοῦ λαοῦ προσχωνόντος ἀνισούμενος ὁ λόφος ἠὲ ῥύνητο. διακόψαντες δὲ καὶ τὸ προσάρκτιον τεῖχος τοσοῦτον προσελάμβανον ὅσον ὕστερον ἐπέχεν ὁ τοῦ παντὸς ἱεροῦ περιβόλος. τειχίσαντες δ’ ἐκ ῥίζης τριχῆ κυκλόθεν τὸν λόφον καὶ μεῖζον ἐλπίδος ἐκπονήσαντες ἔργον, εἰς ὃ μακροὶ μὲν ἐξαναλώθησαν αἰῶνες αὐτοῖς καὶ οἱ ἱεροὶ δὲ θησαυροὶ πάντες, οὓς ἀνεπίπλασαν οἱ παρὰ τῆς οἰκουμένης δασμοὶ πεμπόμενοι τῷ θεῷ, τοὺς τε ἄνω περιβόλους καὶ τὸ κάτω ἱερὸν ἀμφοδεδίμαντο. τούτου τὸ ταπεινότατον ἀπὸ τριακοσίων ἀντετειχίσαντο πηχῶν, κατὰ δὲ τινὰς τόπους καὶ πλείονος. οὐ μέντοι πᾶν τὸ βάθος ἐφαίνετο τῶν θεμελίων: ἐπὶ πολὺ γὰρ ἔχωσαν τὰς φάραγγας ἀνισοῦν βουλόμενοι τοὺς στενωποὺς τοῦ ἄστεος. πέτραι δὲ τεσσαρακονταπήχεις τὸ μέγεθος ἦσαν τοῦ δομήματος: ἢ τε γὰρ δαψίλεια τῶν χρημάτων καὶ τοῦ λαοῦ φιλοτιμία λόγου μείζονας ἐποίητο τὰς ἐπιβολάς, καὶ τὸ μηδὲ ἐλπισθὲν ἔξιν πέρας ἐπιμονῆ καὶ χρόνοις ἦν ἀνύσιμον.

In course of ages, however, through the constant additions of the people to the embankment, the hill-top by this process of levelling up was widened. They further broke down the north wall and thus took in an area as large as the whole temple enclosure subsequently occupied. Then, after having enclosed the hill from its base with a wall on three sides, and accomplished a task greater than they could ever have hoped to achieve—a task upon which long ages were spent by them as well as all their sacred treasures, though replenished by the tributes offered to God from every quarter of the world—they built around the original block the upper courts and the lower temple enclosure. The latter, where its foundations were lowest, they built up from a depth of three hundred cubits; at some spots this figure was exceeded. The whole depth of the foundations was, however, not apparent; for they filled up a considerable part of the ravines, wishing to level the narrow alleys of the town. Blocks of stone were used in the building measuring forty cubits; for lavish funds and popular enthusiasm led to incredible enterprises, and a task seemingly interminable was through perseverance and in time actually achieved.

According to BJ 5, the Temple Mount is the product of the work of the *laos*, who over long ages, made it broad and wide. The term *laos* is used in Homer, signifying the entire mass of the encamped army. In the LXX, the term (often, though not always) is used to identify the people Israel (Josephus himself is far from consistent, but at least here, that seems to be the meaning of *laos*).⁴⁸ In this text, the present size and shape of the Temple Mount reflects generations of work.

⁴⁸ See H. Strathmann, “Laos,” *Theological Dictionary of the New Testament* (William B. Eerdmans Pub. Co., 1985). The term *λαός* is more or less an equivalent of the Hebrew term **לְאֻוֹ**, which in the Bible is used interchangeably with **יִשְׂרָאֵל**, both signifying nation. But Strathmann argues that the LXX primarily (as the LXX is far from systematic) uses *λαός* for Israel,

The *laos* doubles the work of Solomon, breaking down the northern wall and enclosing an area as large as the Temple complex. They surround the Temple Mount with walls on three sides. Indeed, Josephus emphasizes the seeming impossibility of the task by presenting it as “contrary to hope” in two places: “καὶ μεῖζον ἐλπίδος ἐκπονήσαντες ἔργον” and “καὶ τὸ μηδὲ ἐλπισθὲν ἔξειν πέρας ἐπιμονῆ καὶ χρόνοις ἧν ἀνόσιμον.” The difficult nature of this building project commemorates the expenditure of wealth and the devotion of the *laos* to the Temple. The incredible nature of this work, as Josephus states, was brought about by the *philotimia* of the *laos*. Josephus uses the exact same word, *philotimia*, to describe the building of the first wall when he commemorated the work of David, Solomon and the other kings. The use of *philotimia* here suggests that the Temple Mount is a monument to the work of *laos*. The munificence of the people is what created the Temple Mount, and this is what the Temple Mount commemorates.

It is not just the labor of the *laos* that creates the Temple Mount, but also the expenditure of the holy treasuries, which are filled with tributes sent to God by the entire world. Chapman reads this phrase as stressing the universal appeal of the Temple, but the use of the *δαρμοὶ* suggests tributes, and more in the sense of obligatory donations than voluntary ones (perhaps even in the sense of shekel donations, although Josephus uses the term *διδραχμον* in AJ 18.312).⁴⁹ This text points to the involvement of Jews everywhere in this work, suggesting that Josephus intends *laos* in the broadest sense: the Jews of Palestine and the Diaspora are drawn together in the building of the Temple Mount.⁵⁰ In this passage, the Temple Mount commemorates the unity of Jews in their devotion to the Temple.

and ἔθνος for non-Jewish nations, suggesting that the term had a specifically Jewish significance. In early Christian writings, *λαός* meant something like the congregation.

⁴⁹ Chapman, “Spectacle and Theater in Josephus’s ‘Bellum Judaicum,’” 30. The word *δαρμοὶ* is rare in Josephus, and primarily means tributes, see Rengstorf, *A Complete Concordance to Flavius Josephus*, volume 1, 408.

⁵⁰ To perhaps read in a bit of a cosmic import to this passage, on the basis of the subsequent discussion of the Temple in BJ, the work of the *laos* here could symbolize the formation of order out of chaos. Out of a giant and steep mountain,

The cosmological Temple

When Josephus begins to use cosmic symbolism to describe the sanctuary, the language of commemoration ends. In BJ 5.207, Josephus equates the furnishings of the sanctuary with the zodiac, planets, and the universe. In so doing, Josephus presents the Temple as a microcosm of the universe.⁵¹

Jonathan Klawans has argued that the description of the Temple in BJ 5 (and the description of the tabernacle in AJ 3) present the Temple as a microcosm.⁵² In contrast, I argue that Josephus' cosmological narrative of the Temple uses the language of the microcosm, but also includes some language of correspondence to a heavenly Temple, which Klawans identifies as a different cosmological scheme. Josephus' cosmological account of the Temple is less systematic than Klawans suggests because Josephus' identification of particular cosmological elements is messy and inconsistent. This, in turn, supports my argument that BJ 5 is more inconsistent than Klawans has argued, and thus, shows that it is possible for it to contain commemorative elements alongside its cosmological elements.

they fashioned a massive Temple Mount. Jon Levenson has argued that the building of the Temple was considered analogous to the creation of the world, see Levenson, *Creation and the Persistence of Evil*. Levenson argues that the Temple is a microcosm, an idealized cosmos, which holds back the forces of chaos. Similarly in this passage, the people form an orderly Temple and Temple mount from the steep mountain sides and deep ravines.

⁵¹ Discussing the Bible, Jon Levenson and Margaret Baker have both argued that the implements of the Jerusalem Temple symbolize parts of the universe, particularly the menorah, see Margaret Baker, *The Gate of Heaven: The History and Symbolism of the Temple in Jerusalem* (London: SPCK, 1991), 70–76. Levenson, *Creation and the Persistence of Evil*, 92. These arguments draw on the Near Eastern context of the Bible. Philo and rabbinic literature also provide evidence of this cosmological Temple symbolism. On Philo's treatment of the Temple, see Margaret Baker, "Temple Imagery in Philo: An Indication of the Origin of the Logos?," in *Templum Amicitiae*, ed. William Horbury (Sheffield: Sheffield Academic Press, 1991), 70–102; Cana Werman, "God's House--Temple or Universe?," in *Philo Und Das Neue Testament*, ed. Roland Deines (Tübingen: Mohr Siebeck, 2004), 309–20. On rabbinic cosmological symbolism, see Raphael Patai, *Man and Temple* (New York: Ktav Publishing House, 1947); Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism*, 111–48.

⁵² Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism*, 114–16. Klawans distinguishes between two strands in ancient Jewish Temple theology, the Temple as microcosm and the heavenly Temple (which can correspond with the earthly Temple), and argues that these two forms of cosmological representation do not appear in the same text.

To give one example of Josephus' sloppiness, Josephus' microcosm description begins inside the sanctuary, as he describes its golden doors and the veil of Babylonian tapestry that hung in front of these doors in BJ 5.212-214:⁵³

πρὸ δὲ τούτων ἰσόμηκες καταπέτασμα πέπλος ἦν Βαβυλώνιος ποικιλτὸς ἐξ ὑακίνθου καὶ βύσσου κόκκου τε καὶ πορφύρας, θαυμαστῶς μὲν εἰργασμένος, οὐκ ἀθεώρητον δὲ τῆς ὕλης τὴν κρᾶσιν ἔχων, ἀλλ' ὥσπερ εἰκόνα-- τῶν ὄλων: ἐδόκει γὰρ αἰνίττεσθαι τῇ κόκκῳ μὲν τὸ πῦρ, τῇ βύσσῳ δὲ τὴν γῆν, τῇ δ' ὑακίνθῳ τὸν ἀέρα, καὶ τῇ πορφύρᾳ τὴν θάλασσαν, τῶν μὲν ἐκ τῆς χροίας ὁμοιουμένων, τῆς δὲ βύσσου καὶ τῆς πορφύρας διὰ τὴν γένεσιν, ἐπειδὴ τὴν μὲν ἀναδίδωσιν ἡ γῆ, τὴν δ' ἡ θάλασσα. κατεγέγραπτο δ' ὁ πέπλος ἅπασαν τὴν οὐράνιον θεωρίαν πλὴν ζῳδίων.

Before these hung a veil of equal length, of Babylonian tapestry, with embroidery of blue and fine linen, of scarlet also and purple, wrought with marvelous skill. Nor was this mixture of materials without its mystic meaning: it typified the universe. For the scarlet seemed emblematical of fire, the fine linen of the earth, the blue of the air, and the purple of the sea; the comparison in two cases being suggested by their color, and in that of the fine linen and purple by their origin, as the one is produced by the earth and the other by the sea. On this tapestry was portrayed a panorama of the heavens, except for the signs of the Zodiac.

This veil was a wondrously-made mixture of blue, fine linen, scarlet, and purple embroidery.

This curtain was the backdrop for the Temple service, as it hung behind the altar in the priestly court, in front of the *naos* (sanctuary). According to Josephus, this veil had two purposes: it symbolized the universe (εἰκόνα τῶν ὄλων) and it portrayed heaven, e.g. a map of the stars (with the exception of the Zodiac). This curtain had both a symbolic and explicit meaning.

Josephus states that the veil, which was embroidered with blue, fine linen (white), purple, and scarlet embroidery symbolized the four elements of the universe.⁵⁴ The scarlet is fire, the fine

⁵³ This veil seems to have shielded the *naos* from view, although confusingly, a similar curtain was used to shield the Holy of Holies from view. On the term *καταπέτασμα*, see Daniel Gurtner, *The Torn Veil* (Cambridge: Cambridge University Press, 2007), 72–96. This veil is significant in NT scholarship, because the curtain of the Temple split when Jesus was crucified, see Matthew 27.51 and Mark 15.38. Note also David Ulansey, “The Heavenly Veil Torn: Mark’s Cosmic Inclusion,” *Journal of Biblical Literature* 110, no. 1 (1991): 123–25.

⁵⁴ Mentioned in AJ 3.124 and 3.129 in Josephus’ description of the Tabernacle. The colors of the curtain are not assigned any symbolic meaning in AJ 3, although many of the same objects that are treated as cosmic symbols in BJ 5 have the same symbolism in AJ 3.

linen is the earth, the blue is the air, and the purple is the sea (water).⁵⁵ Yet, as Josephus himself states, these symbolic meanings are not obvious. The scarlet and the blue are similar in color to fire and air, but he uses other criteria for the linen and the purple. For these, Josephus states that they originated in the earth and in the sea (derived from shells) respectively, and thus, they symbolize the domains from which they came. This symbolic reading of the curtain is highly unsystematic, as Josephus makes the colors found on the curtain fit his symbolic understanding of the curtain as symbolizing the universe. He invents two different criteria to make his interpretation work.⁵⁶

In addition to representing the universe, the veil of the Temple also represented the heavens.⁵⁷ This may be holding Josephus' cosmic symbolism to a rather high level of coherence, but these two things are not the same. In one symbolic function, the curtain represents the universe, and the Temple rituals which play out in front of the universe have a cosmic significance, as they mimic or sustain the work of God in the universe. As Klawans states, "...if the temple symbolizes the cosmos, then maintaining the temple can easily symbolize maintaining the world, and the sacrificial activity that takes place there can be seen on some level as part of that effort."⁵⁸ This microcosmic understanding of the Temple is straightforward enough, yet if the sacrifices take place in front of a representation of the heavens, it might suggest (a very tentative suggestion) an equation between the Temple service and some heavenly performance of the ritual.⁵⁹ The comparison of the two equates

⁵⁵ A different set of colors are recorded in Philo, *On the Life of Moses*, 2.87. These colors are dark red, purple, scarlet, and bright white (hence no blue).

⁵⁶ See Klawans, *Purity, Sacrifice and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism*, 115.

⁵⁷ This representation of heaven lacked the signs of the Zodiac, which Hayward suggests were intentionally excluded out of a desire to avoid figural representations in the Temple, see C.T.R. Hayward, *The Jewish Temple: A Non-Biblical Sourcebook* (London; New York: Routledge, 1996), 145. This explanation might require the exclusion of all other potential constellations from the curtain, which does not seem to be what Josephus is saying. Perhaps another way to explain the absence of the Zodiac is that Josephus makes reference to the Zodiac in BJ 5.217, when he describes the twelve loaves of the showbread.

⁵⁸ Klawans, *Purity, Sacrifice and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism*, 110; Hayward, *The Jewish Temple: A Non-Biblical Sourcebook*, 6–8.

⁵⁹ It is not mentioned in AJ 3 or in the works of Philo. Further evidence that Josephus' symbolic reading of this curtain is forced is provided by the absence of any parallels to this interpretation.

the sacrifices in the Temple and the heavenly service of angels, who are represented in other sources, such as the Testament of Levi and the Songs of the Sabbath Sacrifice, as carrying out the heavenly liturgy of sacrifice.⁶⁰ This idea of the heavenly Temple is contradictory to the presentation of the Temple as microcosm, as a heavenly Temple would exist apart from the earthly Temple, whereas the Temple as microcosm embodies all things. In his description of the Temple curtain, Josephus' description of the curtain provides a variety of different (and potentially contradictory) symbolic meanings to the same object.

Josephus' inconsistent cosmology reinforces my central claim that we should think of BJ 5 as both a cosmological description of the Temple and a commemorative description. These different understandings of the Temple's space occupy different parts of Josephus' Temple description: the commemorative aspects are concentrated on the Temple Mount and the courts, whereas the cosmological are concentrated on the sanctuary. The cosmological and commemorative functions of the Temple are not mutually exclusive, according to BJ 5. They represent equally valid ways of viewing the Temple: it was a microcosm of the universe and a monument. I now turn to the narrative of AJ 15, which details the Temple's commemorative function.

The Jerusalem Temple in AJ 15

Josephus' description of Herod's renovation of the Temple in AJ 15.380-425 is divided into three parts: Josephus' discussion of Herod's motives (AJ 15.380-382), Herod's speech to the Jews (AJ 15.382-387), and a long description of Herod's construction of the Temple (AJ 15.388-425). This section argues that AJ 15's description presents the Temple as a monument to the acts of Herod, other kings, and the Jews as a corporate entity.

⁶⁰Note discussion in Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism*, 131–38.

The date of Temple's renovation is not known precisely, although scholarly consensus has focused on two dates, 23/22 BCE and 20/19 BCE.⁶¹ In AJ 15.380, Josephus dates the renovation of the Temple to the eighteenth year of Herod's reign, whereas, in BJ 1.401, Josephus states that it occurred in the fifteenth year of Herod's reign. Further, the beginning of Herod's regnal year is unknown (either 40 or 37 BCE), hence it is unknown what regnal year Josephus is referring to. Of the two options, I think that 20/19 BCE is more compelling, based on its correspondence with the date of Augustus' visit to Syria.⁶²

According to AJ 15.391, Herod demolished the Temple down to its foundations and rebuilt it. He expanded the Temple Mount and surrounded the Temple and its courts with porticoes.⁶³ This was the largest known Temple enclosure in classical antiquity, more than five times larger than the Temple of Olympian Zeus and twelve times larger than the Forum Augusteum in Rome.⁶⁴ The work continued through 64 CE, and employed thousands of workers.⁶⁵ These different pieces of evidence provide a sense of the immensity of the project.

In AJ, the rebuilding of the Temple is the capstone of the successful early years of Herod's rule. AJ 14 ends with Herod's conquest of Jerusalem in 37 BCE. AJ 15 describes Herod's

⁶¹ Emil Schurer, *The History of the Jewish People in the Age of Jesus Christ*, ed. Geza Vermes and Fergus Millar (Edinburgh: T&T Clark, 1973); E. Mary Smallwood, *The Jews under Roman Rule* (Leiden: E.J. Brill, 1981).

⁶² Many scholars prefer 37 BCE as Herod's first regnal year, because AJ 15.354 dates Augustus' visit to Syria to the seventeenth year of Herod's reign. Cassius Dio dates this same visit to 20 BCE (17 years after 37), which means that Herod's first regnal year was 37 BCE. This would place the building of the Temple in either 20/19 BCE (AJ) or 22 /21 BCE (BJ), see Cassius Dio 54.7.6, 54.9.1-5. Contra Adam Marshak who argues on the basis of the dating of a dedicatory inscription of Paris son of Akesson of Rhodes, which was carved into a limestone plaque and dates to the 20th year of Herod's reign, arguing from this that it was placed in 18/17 BCE. Marshak thinks that this would be an early date for such an inscription, if the Temple had been started in 20/19 BCE (as the Temple's renovation would only have been in its second year), and thus, 23/22 BCE is the correct time frame. However, we know too little of dedicatory practices to the Temple for Marshak to use this as such a decisive piece of evidence (perhaps it was dedicated in the 20th year and put up later?). On the inscription, see Benjamin Isaac, "A Donation for Herod's Temple in Jerusalem," *Israel Exploration Journal* 33, no. 1 (1983): 86–92; Marshak, *The Many Faces of Herod the Great*, 312–15.

⁶³ On the work of Herod, see Dan Bahat, "The Herodian Temple," in *The Cambridge History of Judaism*, ed. William Horbury, W.D. Davies, and John Sturdy (Cambridge: Cambridge University Press, 1999), 38–58.

⁶⁴ David Jacobson, "The Jerusalem Temple of Herod the Great," in *The World of the Herods*, ed. Nikos Kokkinos (Stuttgart: Franz Steiner Verlag, 2007), 146.

⁶⁵ See AJ 20.219.

consolidation of rule, narrating his murders of the Hasmoneans Aristobolus III, Herod's wife Mariamme, and the former high priest Hyrcanus II. AJ 15 also describes Herod's relationships with Antony and Octavian, discussing how Herod navigated the complex politics of the civil war and transferred his allegiance to Octavian after Actium. Additionally, AJ 15 describes Herod's building projects (267-280, 292-298, 317-321, 323-341). Josephus understands these building projects as a sign of Herod's prosperity as well as a strategy for Herod's consolidation of power.⁶⁶ Therefore, in the context of AJ 15, the building of the Temple is the culmination of Herod's consolidation of power, while AJ 16 describes his familial tragedies and decline.

AJ 15 presents Herod's desire for commemoration as his main purpose in rebuilding the Temple:⁶⁷

Τότε δ' οὖν ὀκτωκαιδεκάτου τῆς Ἡρώδου βασιλείας γεγονότος ἐνιαυτοῦ μετὰ τὰς προειρημέναις πράξεις ἔργον οὐ τὸ τυχὸν ἐπεβάλετο, τὸν νεῶν τοῦ θεοῦ δι' αὐτοῦ κατασκευάσασθαι μείζω τε τὸν περίβολον καὶ πρὸς ὕψος ἀξιοπρεπέστερον ἐγείρειν, ἠγούμενος ἀπάντων αὐτῶ τῶν πεπραγμένων περισημότερον, ὥσπερ ἦν, ἐκτελεσθῆσεσθαι τοῦτο καὶ πρὸς αἰώνιον μνήμην ἀρκέσειν.

It was at this time, in the eighteenth year of his reign, after the events mentioned above, that Herod undertook an extraordinary work, (namely) the reconstructing of the temple of God at his own in expense, enlarging its precincts and raising it to a more imposing height. For he believed that the accomplishment of this task would be the most notable of all the things achieved by him, as indeed it was, and would be great enough to assure his eternal remembrance.⁶⁸

Josephus states that Herod considered the rebuilding of the Temple to be one of his most notable deeds.⁶⁹ Josephus claims that Herod thought that the rebuilding of the Temple would provide him with an eternal memory (αἰώνιον μνήμην). This suggests that Herod's main purpose was to create a monument for himself. According to Josephus, Herod understood the Temple as having

⁶⁶ Security: AJ 15.296, AJ 15.292-294. Prosperity: AJ 15.318-320 and AJ 15.326-330.

⁶⁷ In contrast, BJ 1.400-401 focuses on describing Herod's piety.

⁶⁸ Translation from Josephus, *Jewish Antiquities* XIV-XV. Translated by Ralph Marcus and Allen Wikgren. Loeb Classical Library. Cambridge: Harvard University Press, 1998.

⁶⁹ Van Henten notes that the word *περισημος* only occurs twice in Josephus, here, and later in this narrative, in AJ 15.423, see Jan Willem van Henten, *Judean Antiquities 15* (Leiden: Brill, 2000), 286.

a commemorative function, a point that necessitates that we examine the meaning of αἰώνιον μνήμην.

Commenting on the phrase αἰώνιον μνήμην, Van Henten notes that Herod's desire for commemoration (μνήμη) is often presented as the motivation behind his building projects.⁷⁰ However, the use of αἰώνιον μνήμην is much rarer than μνήμη in Josephus; this phrase is only found in AJ.⁷¹ Hence, αἰώνιον μνήμην seems to be a very specific form of commemoration. Seth Schwartz has argued that the inscription of characters in the biblical text itself constituted one form of obtaining αἰώνιον μνήμην, basing his argument on Saul in AJ 6.343-50 and Abraham in 1.235.⁷² As the Bible was a particularly Jewish way of commemorating figures, the Temple too might have functioned as a means of obtaining eternal memory. Further contextualization of this phrase comes from Josephus' analysis of Herod's motivations in AJ 16.150-159, which I cited above. Josephus assesses the motivations of Herod, stating that he was *philotimos*, and displayed generosity as a means of acquiring *mneme*. In AJ 16.158 Josephus suggests that Herod disfavored the Jews, because they love righteousness, not glory (δόξα). Based on this characterization of Herod, we might note that Herod's motivation for rebuilding the Temple in AJ 15 is the acquisition of eternal memory and glory (δόξα). I suggest that the Temple might be a Jewish way of acquiring the types of prestige that Herod desired, but could often not attain.

This point can be supported by AJ 11.183 and 13.63, the two uses of eternal memory that occur closest to Herod's rebuilding of the Temple. These passages discuss the walls of Nehemiah in Jerusalem and the Temple of Onias at Leontopolis respectively. Josephus claims that Nehemiah

⁷⁰ Ibid., 287. See, for instance, AJ 15.298.

⁷¹ In that vein, Seth Schwartz has argued that one function of AJ is to preserve the μνήμη of those whom it considers benefactors of the Jews. See Schwartz, *Were the Jews a Mediterranean Society?*, 95. Another figure who obtains eternal memory is Daniel, according to AJ 10.266.

⁷² Ibid., 94.

“μνημεῖον αἰώνιον αὐτῷ καταλιπὼν τὰ τῶν Ἱεροσολύμων τείχη,” whereas for Onias, Josephus states, “βουλόμενος αὐτῷ δόξαν καὶ μνήμην αἰώνιον κατασκευάσαι...”,⁷³ and thus he petitioned the king to allow him to build a temple in Egypt. These instances suggest that one way to cultivate an eternal memory is through the building of monuments (which the Temple(s) are). This is particularly true for Onias, whose temple building corresponds more directly with the act of Herod. Onias uses the Temple as a means to acquire δόξα, the very thing that Herod wanted. In associating eternal memory with Nehemiah’s walls and in Onias’ temple in Leontopolis, Josephus understands these buildings to have a commemorative function. Ironically, none of the monuments survived, only their stories. Josephus’ identification of eternal memory as Herod’s motivation understands the Temple as a monument, a claim that is reinforced by Josephus’ record of Herod’s speech and reconstruction.

In the next part of the AJ narrative, Herod gives a speech, which argues that now is the time to rebuild the Temple. He gives this speech to allay the fears of his subjects who are concerned about the size and difficulty of such an undertaking:

τὰ μὲν ἄλλα μοι τῶν κατὰ τὴν βασιλείαν πεπραγμένων, ἄνδρες ὁμόφυλοι, περισσὸν ὑπολαμβάνω λέγειν. καίτοι τοῦτον ἐγένετο τὸν τρόπον, ὡς ἐλάττω μὲν ἐμοὶ τὸν ἀπ’ αὐτῶν κόσμον, πλείω δὲ ὑμῖν τὴν ἀσφάλειαν φέρειν. οὔτε γὰρ ἐν τοῖς δυσχερεστάτοις ἀμελήσας τῶν εἰς τὰς ὑμετέρας χρείας διαφερόντων οὔτε ἐν τοῖς κατασκευάσμασιν ἐπιτηδεύσας ἐμαυτῷ μᾶλλον ἢ καὶ πᾶσιν ὑμῖν τὸ ἀνεπηρέαστον, οἶμαι σὺν τῇ τοῦ θεοῦ βουλήσει πρὸς εὐδαιμονίαν ὅσον οὐ πρότερον ἀγχοχένοι τὸ Ἰουδαίων ἔθνος. τὰ μὲν οὖν κατὰ μέρος ἐξεργασθέντα περὶ τὴν χώραν καὶ πόλεις ὅσας ἐν αὐτῇ καὶ τοῖς ἐπικλήτοις ἐγείραντες κόσμῳ τῷ καλλίστῳ τὸ γένος ἡμῶν ἠύξησαμεν, περιεργά μοι δοκεῖ λέγειν εἰδόσιν. τὸ δὲ τῆς ἐπιχειρήσεως, ἣ νῦν ἐπιχειρεῖν ἐπιβάλλομαι, παντὸς εὐσεβέστατον καὶ ἀλλοτρίον ἐφ’ ἡμῶν γενέσθαι νῦν ἐμφανῶς: τὸν γὰρ ναὸν τοῦτον ὠκοδόμησαν μὲν τῷ μεγίστῳ θεῷ πατέρες ἡμέτεροι μετὰ τὴν ἐκ Βαβυλῶνος ἐπάνοδον, ἐνδεῖ δ’ αὐτῷ πρὸς τὸ μέγεθος εἰς ὕψος ἐξήκοντα πήχεις: τοσοῦτον γὰρ ὑπερεῖχεν ὁ πρῶτος ἐκεῖνος, ὃν Σολομῶν ἀνικοδόμησεν. καὶ μηδεὶς ἀμέλειαν εὐσεβείας τῶν πατέρων καταγνώτω: γέγονεν γὰρ οὐ παρ’ ἐκείνους ἐλάττων ὁ ναός, ἀλλὰ ταῦτα καὶ Κῦρος καὶ Δαρεῖος ὁ Ὑστάσπου τὰ μέτρα τῆς δομήσεως ἔδοσαν, οἷς ἐκεῖνοι καὶ τοῖς ἀπογόνους δουλεύσαντες καὶ μετ’ ἐκείνους Μακεδόσιν οὐκ ἔσχον εὐκαιρίαν τὸ πρῶτον τῆς εὐσεβείας ἀρχέτυπον εἰς ταῦτόν ἀναγαγεῖν

⁷³ The passage continues ...διέγνω πέμψας πρὸς Πτολεμαῖον τὸν βασιλέα καὶ τὴν βασιλίссαν Κλεοπάτραν αἰτήσασθαι παρ’ αὐτῶν ἐξουσίαν, ὅπως οἰκοδομήσειεν ναὸν ἐν Αἰγύπτῳ παραπλήσιον τῷ ἐν Ἱεροσολύμοις καὶ Λευίτας καὶ ἱερεῖς ἐκ τοῦ ἰδίου γένους καταστήσει.

μέγεθος. ἐπειδὴ δὲ νῦν ἐγὼ μὲν ἄρχω θεοῦ βουλήσει, περιεστὶν δὲ καὶ μῆκος εἰρήνης καὶ κτήσις χρημάτων καὶ μέγεθος προσόδων, τὸ δὲ μέγιστον φίλοι καὶ δι' εὐνοίας οἱ πάντων ὡς ἔπος εἰπεῖν κρατοῦντες Ῥωμαῖοι, πειράσομαι τὸ παρημελημένον ἀνάγκη καὶ δουλεία τοῦ πρότερον χρόνου διορθοῦμενος τελείαν ἀποδοῦναι τῷ θεῷ τὴν ἀνθ' ὧν ἔτυχον τῆσδε τῆς βασιλείας εὐσέβειαν.”

So far as the other things achieved during my reign are concerned, my countrymen, I consider it unnecessary to speak of them, although they were of such a kind that the prestige which comes from them to me is less than the security which they have brought to you. For in the most difficult situations I have not been unmindful of the things that might benefit you in your need, nor have I in my building been more intent upon my own invulnerability than upon that of all of you, and I think I have, by the will of God, brought the Jewish nation to such a state of prosperity as it has never known before. Now as for the various buildings which we have erected in our country and in the cities of our land and in those of acquired territories, with which, as the most beautiful adornment, we have embellished our nation, it seems to me quite needless to speak of them to you, knowing them as you do. But that the enterprise which I now propose to undertake is the most pious and beautiful one of our time I will now make clear. For this was the temple which our fathers built to the Most Great God after their return from Babylon, but it lacks sixty cubits in height, the amount by which the first temple, built by Solomon, exceeded it. And yet no one should condemn our fathers for neglecting their pious duty, for it was not their fault that this temple is smaller. Rather it was Cyrus and Darius, the son of Hystaspes, who prescribed these dimensions for building, and since our fathers were subject to them and their descendants and after them to the Macedonians, they had no opportunity to restore this first archetype of piety to its former size. But since, by the will of God, I am now ruler and there continues to be a long period of peace and an abundance of wealth and great revenues, and—what is of most importance—the Romans, who are, so to speak, the masters of the world, are (my) loyal friends, I will try to remedy the oversight caused by the necessity and subjection of that earlier time, and by this act of piety make full return to God for the gift of this kingdom.”

Scholars have often used this speech to reconstruct Herod’s arguments for rebuilding the Temple, as they think that this speech probably came from Nicolaus of Damascus, Herod’s court historian, and therefore reveals Herod’s own arguments for renovating the Temple.⁷⁴ This historian, Nicolaus of Damascus wrote a universal history in 144 books, which is one of the main sources that Josephus used in writing BJ and AJ.⁷⁵ However, it is important to argue that we cannot (despite

⁷⁴ Helgo Lindner, “Der Bau Des größeren Tempels (A 15:380-390),” in *Internationales Josephus Kolloquium Paris 2001*, ed. Folker Siegert and Jurgen Kalms (Munster; Hamburg; London: LIT Verlag, 2002), 154; Julia Wilker, “Herodes Iudaicus,” in *Herodes Und Rom*, ed. Linda-Marie Gunther (Stuttgart: Franz Steiner Verlag, 2007), 36; Duane Roller, *The Building Program of Herod the Great* (Berkeley, Los Angeles, London: University of California Press, 1998), 260; Marshak, *The Many Faces of Herod the Great*, 312–313; Eyal Regev, “Herod’s Jewish Ideology Facing Romanization: On Inter-marriage, Ritual Baths, and Speeches,” *Jewish Quarterly Review* 100, no. 2 (2010): 197–222.

⁷⁵ Mark Toher, “Nicolaus and Herod in the ‘Antiquitates Judaicae,’” *Harvard Studies in Classical Philology* 101 (2003): 427–47. About twenty of these books focused on Herod and the universal history seems to have ended after Herod’s death, which is probably why AJ becomes so much less detailed at that point.

many efforts) reconstruct the elements of Nicolaus of Damascus in Josephus' works. Speeches are especially problematic, because they are almost always the work of the author.⁷⁶ Ancient authors often followed the famous dictum of Thucydides, and recreated the speech as it should have been given, meaning speeches often tell us more about the author than the alleged speaker.⁷⁷ An important reason to take this speech as the work of Josephus comes from the general practice of ancient historians and their treatment of the speeches of previous historians. Brock documents that when two historians provide a speech that was given during the same historical event and by the same person, they will retouch these speeches or emphasize vastly different themes.⁷⁸ The speech may draw on the work of Nicolaus of Damascus and elements of Herodian ideology, but it cannot be used to unproblematically reconstruct Herod's presentation of the rebuilding of the Temple (and this would be true even if we could prove that the speech was composed by Nicolaus of Damascus). I treat this speech as primarily a Josephan text, rather than the official policy of the Herodian regime.

At the same time, the highly anti-Herodian readings of this speech by Tamar Landau and Gabriele Fassbeck are not justified by the speech's content. Landau and Fassbeck have argued that Josephus' frame narrative emphasizes Herod's personal ambition, whereas the speech emphasizes the needs of his subjects, an intentional disjuncture that ironically highlights Herod's tyrannical attitude.⁷⁹ They claim that Josephus used this disjuncture to undermine Herod. However, it is

⁷⁶ Toher and Wacholder argue that Nicolaus' history is not necessarily straightforward Herodian propaganda. Toher points out that the critiques of Nicolaus by Josephus are historiographic commonplaces about previous writers Ibid., 435. Ben Zion Wacholder, "Josephus and Nicolaus of Damascus," in *Josephus, the Bible, and History*, ed. Louis Feldman and Gohei Hata (Detroit: Wayne State University Press, 1989), 147–72.

⁷⁷ Famously articulated in Thucydides, *History of the Peloponnesian War*, 1.22. On the "historicity" of such speeches, see F.W. Walbank, *Speeches in Greek Historians* (Oxford: Blackwell, 1965).

⁷⁸ R. Brock, "Versions, 'Inversions', and Evasions: Classical Historiography and the 'Published' Speech," *Papers of the Leeds International Latin Seminar* 8 (1995): 209–24; John Marincola, "Speeches in Classical Historiography," in *A Companion to Greek and Roman Historiography*, ed. John Marincola (Malden, MA: Blackwell Publishing, 2007).

⁷⁹ Landau, *Out-Heroding Herod: Josephus, Rhetoric, and the Herod Narratives*, 139–140; Gabriele Fassbeck, "'Unermesslicher Aufwand and Unubertreffliche Pracht' (Bell 1,401). Von Nutzen und Frommen des Tempelneubaus unter Herodes dem

unclear how negatively to read this account of Herod's motivations, as Josephus is often far more explicit about Herod's impiety.⁸⁰ Instead, the disjuncture between the speech and Josephus' discussion of Herod's motivations is a result of Josephus' changing viewpoint in his narration; Josephus shifts from describing Herod's motivations to presenting Herod's speech concerning the rebuilding of the Temple.

The speech begins with a discussion of Herod's reign, which emphasizes his acts of benevolence to the Jews. In AJ 15.382, Herod states that as a ruler, he acted for the security (ἀσφάλεια) of the Jews, rather than for his own honor (κόσμος).⁸¹ The same comparison continues in AJ 15.383, as he states that he has cared for the Jews in difficult times (perhaps a reference to his remission of taxes and grain distributions during the famine, which was described AJ 15.299-316). These passages are a logical progression, suggesting that by ensuring the security of the Jews, Herod has advanced them to their most prosperous state. This point is made at the end of AJ 15.383, which states, “οἴμαι σὺν τῇ τοῦ θεοῦ βουλήσει πρὸς εὐδαιμονίαν ὅσον οὐ πρότερον ἀγχοχένοι τὸ Ἰουδαίων ἔθνος.”

The unprecedented εὐδαιμονία (prosperity) of the Jews brings Herod to the main point of the speech, the rebuilding of the Temple. Herod has detailed the current prosperity of the Jews as a means to argue that the Temple must be rebuilt. In the logic of the speech, the Temple's lack of height is an imperfection, and its current state does not accurately reflect the prosperity of the Jews. If the Jews were poorer, it would make sense to keep the Temple in its current form. But, as Herod claims in AJ 15.387, Herod (a Jew) is the ruler, in a time of peace, with great wealth and revenues.

Grossen,” in *Zeichen Aus Text und Stein*, ed. Stefan Alkier and Jurgen Zangenberg (Tubingen: Francke Verlag, 2003), 233–234.

⁸⁰ See for instance, the discussion in Gideon Fuks, “Josephus on Herod's Attitude towards Jewish Religion: The Darker Side,” *Journal of Jewish Studies* 53, no. 2 (2002): 238–45.

⁸¹ Van Henten connects this claim with the mention of security in AJ 15.382, suggesting that the building projects were a means to ensure the security of the Jews. See van Henten, *Judean Antiquities* 15, 289.

He is friends with the Romans, who will allow them to undertake the project.⁸² The rebuilding of the Temple is an act of piety, but it is also necessitated by the current favor that God (invoked in both AJ 15.383 and 387) has shown to Herod and the Jews.⁸³ The claim of this speech is that the prosperity of the Jews is reflected in the Temple.

Spurred on by the prosperity of the Jews, Herod presents his rebuilding of the Temple as a restoration of the building to its Solomonic glory. Indeed, he claims that the current Temple was sixty cubits shorter than Solomon's Temple.⁸⁴ This deficiency, according to his statement in AJ 15.386, is the result of the interference of Persian rulers:

ἀλλὰ ταῦτα καὶ Κῦρος καὶ Δαρεῖος ὁ Ὑστάσπου τὰ μέτρα τῆς δομῆσεως ἔδοσαν, οἷς ἐκεῖνοι καὶ τοῖς ἀπογόνοις δουλεύσαντες καὶ μετ' ἐκείνους Μακεδόσιν οὐκ ἔσχον εὐκαιρίαν τὸ πρῶτον τῆς εὐσεβείας ἀρχέτυπον εἰς ταῦτὸν ἀναγαγεῖν μέγεθος.

Rather it was Cyrus and Darius, the son of Hystaspes, who prescribed these dimensions for building, and since our fathers were subject to them and their descendants and after them to the Macedonians, they had no opportunity to restore this first archetype of piety to its former size.

This Persian imperial decree of the measurements is noted in Ezra 6.3-6.4 and in AJ 11.13 and 99, which record King Cyrus' decree that the height of the Temple should be 60 cubits. Herod

⁸² “ἐπειδὴ δὲ νῦν ἐγὼ μὲν ἄρχω θεοῦ βουλήσει, περίεστιν δὲ καὶ μῆκος εἰρήνης καὶ κτῆσις χρημάτων καὶ μέγεθος προσόδων, τὸ δὲ μέγιστον φίλοι καὶ δι' εὐνοίας οἱ πάντων ὡς ἔπος εἰπεῖν κρατοῦντες Ῥωμαῖοι...” Obviously a bit ironic when Josephus is writing.

⁸³ As he says in AJ 15.387, ...τελείαν ἀποδοῦναι τῷ θεῷ τὴν ἀνθ' ὧν ἔτυχον τῆσδε τῆς βασιλείας εὐσεβείαν.

⁸⁴ In the speech, Herod claims that the Second Temple was sixty cubits shorter than the Temple of Solomon, a deficiency that he attributes to foreign domination. Although MS V and the Epitome have seven cubits instead of sixty, AJ 8.64 suggests that Josephus understood the height of Solomon's Temple to be 120 cubits. Although Herod claims that Solomon's Temple was 120 cubits, the biblical accounts present a rather different story. We must first point out that the cubit had different measurements, the short cubit was about 18 inches, whereas the royal cubit was about 20.6 inches (both attested in Egypt by 3000 BCE). See the explanation in Leen Ritmeyer, *The Quest: Revealing the Temple Mount in Jerusalem* (Jerusalem: Carta, 2006), 170–173. Josephus also sometimes reports things in Roman feet, which is approximately 11.65 inches, as he does in AJ 15.413, when describing the Royal Portico. We cannot be entirely sure which cubits are intended in AJ, as Ritmeyer has argued that both royal and short cubits were used in first century Palestine. Furthermore, Josephus might have assumed that the measurements in the Bible were short cubits, when they were in fact royal cubits, and thus, the entire process of transmission of heights is rather fraught. These are the previous known measurements of the height of Solomon's Temple. 1 Kings 6.2 states that Solomon's Temple was 30 cubits high, 2 Chronicles 3.4 states that the ulam, “the porch” of the sanctuary was 120 cubits high, which seems to be where this height referred to in the speech derives from is derived from. In contrast, 2 Kings 6.3 states that the ulam was the same height as the rest of the sanctuary. 2 Chronicles appears to be the origins of Herod's claim that the Temple was 60 cubits shorter than the Temple of Solomon.

claims that the deficient height of the temple is a reflection of Persian and Macedonian domination, who enslaved the ancestors of the Jews. Later, in AJ 15.387, he presents himself as restoring the Temple to its original size, correcting for the slavery and compulsion of the earlier time. According to this argument of Herod, the Temple is a monument to Jewish independence and prosperity, both in its grandeur, but also in its diminutiveness. This speech also presents the Temple as a site on which the various imperial powers (Persian, Macedonian, and Roman) exert their control. As a space, it reflects the nature of imperial dominance and rule, a connection between empire and the Temple that is also found in Mishnah Middot.

Josephus' account of Herod's speech also presents the Temple and its renovation as a symbol of Jewish piety. As already noted in AJ 15.384, Herod names the rebuilding of the Temple to be the most pious of all endeavors, stating that “τὸ δὲ τῆς ἐπιχειρήσεως, ἧ νῦν ἐπιχειροῦν ἐπιβάλλομαι, παντὸς εὐσεβέστατον καὶ κάλλιστον ἐφ' ἡμῶν γενέσθαι νῦν ἐκφανῶ.” In this passage, the work of rebuilding the Temple is “the most pious act.” Therefore, Herod presents the rebuilding of the Temple as a monument to his own piety, but also of the piety of the Jews as a whole (ἐφ' ἡμῶν).⁸⁵

Turning to the narrative of Herod's reconstruction of the Temple in AJ 15.388, I will explore four separate instances where Josephus' description of Herod's work identifies a commemorative dimension of the Temple. These are the decoration of the sanctuary, the eastern portico of the Temple Mount, the war spoils hung up around the Temple, and Herod's Royal Portico. These four sites commemorate Herod and other royal donors to the Temple, suggesting that one important function of the Temple was to memorialize Jewish kings.

⁸⁵ In the last sentence of his speech (AJ 15.387), Herod describes his desire to rebuild the Temple as “... ἀποδοῦναι τῷ θεῷ τὴν ἀνθ' ὧν ἔτυχον τῆσδε τῆς βασιλείας εὐσεβείαν.” This act of piety serves as part of his exchange with God for the rule of his kingdom.

In the first case, Josephus reports in AJ 15.396 that:

περιελάμβανεν δὲ καὶ στοαῖς μεγίσταις τὸν ναὸν ἅπαντα πρὸς τὴν ἀναλογίαν ἐπιτηδεύων καὶ τὰς δαπάνας τῶν πρὶν ὑπερβαλλόμενος, ὡς οὐκ ἄλλος τις δοκεῖ ἐπικεκκοσμημέναι τὸν ναόν.

And he [Herod] surrounded the temple with very large porticoes, all of which he made in proportion (to the temple), and he surpassed his predecessors in spending money, so that it was thought that no one else had adorned the temple so splendidly.

Josephus notes Herod's porticoes, and then states that Herod exceeded (ὑπερβαλλόμενος) everyone who came before him in decorating the temple. Following Van Henten, I read these two clauses as unconnected, understanding the first to describe the porticoes and the second to summarize Herod's rebuilding and decoration of the sanctuary.⁸⁶ This approach seems logical, as this statement follows a long summary of dedications that Herod placed in the Temple sanctuary, including a curtain, a golden vine, and massive doors. In this passage, Josephus employs the language of commemoration and memory to describe these dedications. As Herod's expenditures on the sanctuary's decorations were so great, it was thought that no other had decorated it, which effectively erases the memory of all previous donors. Part of the reason others might decorate the sanctuary was to have their memory preserved, until Herod came along and tore down the sanctuary. According to this passage, Herod's dedications transform the Temple's commemorative space into a space that remembers only Herod.

During his description of Solomon's building of the Temple Mount in AJ 15.402, Josephus also mentions the eastern portico. Abruptly, Josephus transitions to a description of the spoils that were taken from foreigners, and affixed around the entire Temple, stating that Herod rededicated them:

⁸⁶ Ibid., 301.

ταύτην πολλοὶ βασιλεῖς οἱ πρόσθεν κατεσκευασαν. τοῦ δ' ἱεροῦ παντὸς ἦν ἐν κύκλῳ πεπηγμένα σκῦλα βαρβαρικά, καὶ ταῦτα πάντα βασιλεὺς Ἡρώδης ἀνέθηκεν προσθεὶς ὅσα καὶ τῶν Ἀράβων ἔλαβεν.

This portico many of the earlier kings adorned. Round about the entire temple were fixed the spoils taken from the barbarians, and all these King Herod dedicated, adding also those spoils which he took from the Arabs.

The first sentence states that on the eastern side of the Temple Mount, there was a portico, which had been adorned by the kings who came before Herod. The second sentence records that Herod's predecessors had "fixed their spoils around the Temple". The relationship between these two sentences is not obvious. However, the juxtaposition of these two statements suggests that Herod added his spoils to those of previous kings, which had previously been affixed around the entire Temple. The phrase "previous kings" is ambiguous, but it may refer to the Hasmonean dynasty, or perhaps even the spoils (surely not authentic) of the Davidic dynasty. The close connection of two sentences suggests that Herod placed the spoils of war in (the old and new) porticoes around the Temple.⁸⁷

This text suggests that the eastern portico was not built by Herod, but pre-dated his reconstruction efforts. Indeed, Netzer and Bahat note that this eastern portico is on the side of the Temple Mount, which contains the oldest stones in the Temple Mount wall. The eastern wall has a seam in it, to the north of which are found stones that are dressed differently than the Herodian stones to the south, suggesting that Herod did not renovate the eastern side of the Temple Mount. In AJ 20.219, the workers who had finished building the Temple in 64 CE asked Agrippa II to raise the height of the eastern portico. These different references to the eastern portico suggest that it was distinctive from the surrounding Herodian porticoes. The distinctiveness of this portico and its pre-

⁸⁷Support for this can also be derived from AJ 20.221, which considers the eastern portico to be part of the ἱεροῦ, the outer courts of the Temple (suggesting that here too the ἱεροῦ means the outer parts of the Temple, particularly the porticoes). Ehud Netzer suggests that the spoils may have been affixed to the outer walls of the Temple Mount, but this seems unlikely, due to the earlier portico context and the fact that such a placement would not have worked very well as a form of display, although see Netzer, *The Architecture of Herod, the Great Builder*, 165.

Herodian roots probably led Jews to identify it as Solomon's portico, (e.g. AJ 20.219-22 and John 10:22). Further, Josephus attributes the building up of the eastern side of the Temple Mount to Solomon in BJ 5.185. Patrich claims that it was a Hasmonean portico and he attributes it to John Hyrcanus.⁸⁸ It seems plausible that this portico was a Hasmonean construction, particularly given its connection to previous kings in the passage above. The decoration of this portico by previous kings presents this process of donations to the Temple as part of the duties of the ruler. The verb *κατασκευάζω* is associated with decorations and furnishings to the Temple in a variety of different contexts.⁸⁹ The eastern portico suggests that the donations of previous kings were fixed up in the Temple, which draws a connection between the Temple and the monarchy, commemorating these kings. According to this description, kings used the Temple as a monumental site.⁹⁰

The passage goes on to suggest that spoils had previously encircled the Temple, and Herod had rededicated them during the renovation. The word used here for "spoils", *σπῦλα*, is fairly rare in Josephus' works; it only appears in his narratives of the Maccabees (and once to describe David).⁹¹ The usage of this word might suggest that these were the spoils of the Hasmoneans, who were the only previous Jewish dynastic group. The dedication of these spoils creates a form of continuity with the Jewish kings of the past, presenting Herod's war against the Nabateans (32-31 BCE or 10-8 BCE) alongside those of other Jewish kings against barbarians.⁹² The dedication of these spoils in

⁸⁸ Joseph Patrich and Marcos Edelcopp, "Four Stages in the Evolution of the Temple Mount," *Revue Biblique* 120, no. 3 (2013): 344–45.

⁸⁹ See for instance AJ 12.181, AJ 8.137, 141, 180, 195.

⁹⁰ Josephus does not explicitly state that the kings who decorated this portico were Jewish and AJ records a variety of donations made to the Temple by Persian emperors and Hellenistic kings. Yet, the Jewishness of these kings is suggested by their connection to the trophies of the barbarians below, which probably referred to their victories in wars with non-Jews.

⁹¹ AJ 7.161, 12.309, 312, 335, 353, 13.142. See Rengstorff, *A Complete Concordance to Flavius Josephus*, 27. It is also used in BJ, but in an ironic description of the valor of the rebels who plundered the spoils of their kinsmen, see BJ 4.181 and 242.

⁹² According to van Henten's investigation of the term, barbarians signified non-Jews, a usage that developed over the course of the Hellenistic period, and was often applied to the Nabateans, see Jan Willem van Henten, "Barbarism and the Word Group *βάρβαρος*, etc., in the Septuagint," in *Septuagint Vocabulary: Pre-History, Usage, Reception*, ed. Jons Joosten

the Jerusalem Temple, alongside the spoils from other wars against barbarians, made a strong statement about his Jewish piety.⁹³ This passage suggests that the Temple commemorated Jewish victories in wars and those who defend the Temple, and it is an important moment in which Herod tries to make himself seen in a particular way.

On the assumption that the spoils are from the Hasmoneans, this might support Eyal Regev's argument; he claimed that an important aspect of Hasmonean royal ideology was the defense of the Temple (although he does not explain how they got away with violating basic tenets of the high priestly office, such as the avoidance of corpse impurity or leaving the Temple precinct).⁹⁴ These spoils might have conceivably contributed to the Hasmonean commemoration of their Temple defense. Indeed, we know of one other military display outside the Temple, which is recorded in 2 Maccabees, namely the body of Nicanor (hung opposite the sanctuary) and the head of Nicanor (hung on the citadel), which rather pointedly presents Judas as a defender of the Temple.⁹⁵ In the same manner, Herod's dedications might also present him as a defender of the Temple against the Nabateans.

AJ 15.411-416 describes the massive Royal Portico of Herod, on the southern side of the Temple Mount. Ehud Netzer and Samuel Rocca have described the portico as an assertion of Herod's power over the Temple, claiming that because Herod could not perform the rituals of the Temple or enter the Temple (unlike the Hasmoneans, who were high priests), he built the Royal Portico.⁹⁶ As Netzer states, the Royal Portico provided Herod with his own space in the Temple

and Eberhard Bons (Atlanta: Society for Biblical Literature, 2011), 87–100. The word barbarian was used to identify Egypt in the LXX, the Parthians and Midianites in the works of Josephus, and the Seleucids in 2 Maccabees.

⁹³ Herod's second war with the Nabateans began just as he was finishing the Temple. It is unknown which war these trophies came from.

⁹⁴ Eyal Regev, *The Hasmoneans: Ideology, Archaeology, and Identity* (Göttingen: Vandenhoeck & Ruprecht, 2013), 58–71.

⁹⁵ 2 Maccabees 15.33-36. I should however admit that the exact location of the Akra is unknown.

⁹⁶ Similarly, Marshak sees the portico as a means to compensate for his lack of priestly lineage, although his understanding of the Royal Portico as a benefaction that reminded visitors of Herod is more reasonable and in line with my argument, see Marshak, *The Many Faces of Herod the Great*, 324. Rocca states, "[Herod] erected the Royal Stoa, from

Mount. This portico allowed him to have a place on the Temple Mount and receive guests there in an appropriately splendid setting, which Netzer claims, served as a substitute for the Temple and created a site of royal legitimation on the Temple Mount.⁹⁷

I will instead suggest that the primary theme in Josephus' description of the portico is one of wonder, and argue that this thematic concern suggests that we read the Royal Portico as a monument to Herod, rather than a means of imposing his power over the Temple. Josephus describes the portico in the following manner:

τὸ δὲ τέταρτον αὐτοῦ μέτωπον τὸ πρὸς μεσημβριαν εἶχε μὲν καὶ αὐτὸ πύλας κατὰ μέσον, ἐπ' αὐτοῦ δὲ τὴν βασιλειον στοὰν τριπλὴν κατὰ μῆκος διοῦσαν ἀπὸ τῆς ἐφ' ἄρα φάραγγος ἐπὶ τὴν ἐσπέριον· οὐ γὰρ ἦν ἐκτεῖναι προσωτέρω δυνατόν. ἔργον δ' ἦν ἀξιοφρηγῆτοτατον τῶν ὑφ' ἡλίῳ· μεγάλου γὰρ ὄντος τοῦ τῆς φάραγγος ἀναλήμματος καὶ οὐδ' ἀνεκτοῦ κατιδεῖν, εἴ τις ἄνωθεν εἰς τὸν βυθὸν εἰσκύπτει, παμμέγεθες ὕψος ἐν αὐτῷ τὸ τῆς στοᾶς ἀνέστηκεν, ὡς εἴ τις ἀπ' ἄκρου τοῦ ταύτης τέγους ἄμφω συντιθεῖς τὰ βάθη διοπτρεῖται, σκοτοδινιᾶν οὐκ ἐξικνουμένης τῆς ὄψεως εἰς ἀμέτρητον τὸν βυθόν... ὡς ἄπιστα τοῖς οὐκ εἰδόσιν καὶ σὺν ἐπιπλήξει θεατὰ τοῖς ἐντυγχάνουσιν εἶναι.

The fourth front of this (court), facing south, also had gates in the middle, and had over it the Royal Portico, which had three aisles, extending in length from the eastern to the western ravine. It was not possible for it to extend farther. And it was a structure more noteworthy than any under the sun. For while the depth of the ravine was great, and no one who bent over to look into it from above could bear to look down to the bottom, the height of the portico standing over it was so very great that if anyone looked down from its rooftop, combining the two elevations, he would become dizzy and his vision would be unable to reach the end of so measureless a depth... so that these structures seemed incredible to those who had not seen them, and were beheld with amazement by those who set eyes on them.

Josephus suggests that it was a massive building, built to awe those who approached the Temple. Josephus starts by identifying it as the work most worthy of describing under the sun. Josephus states that if one were able to look down from the portico, it would cause vertigo and

which he could dominate the Temple Mount as a secular king.” Samuel Rocca, *Herod's Judea: A Mediterranean State in the Classical World* (Tubingen: Mohr Siebeck, 2008), 306. Rocca also theorizes that Herod used the Stoa as site of judgement, and thus was often present there, although one wonders why he did not make use of his many palaces for judgement.

⁹⁷ Netzer, *The Architecture of Herod, the Great Builder*, 170–71.

dizziness. The massive height of the Temple Mount and the Royal Portico defies human sensory perception. In his description, Josephus states that, ὡς ἄπιστα τοῖς οὐκ εἰδόσιν καὶ σὺν ἐκπλήξει θεατὰ τοῖς ἐντυγχάνουσιν εἶναι. Again, the wondrous nature of this building cannot be described (rather convenient for Josephus) to those who have not seen it, and for those who saw it, it caused a sense of amazement.

Drawing on the previous mention of the eastern portico and its decoration by kings, one way to view the Royal Portico is as a means of commemorating Herod within the Temple. First, the Royal Portico continued the previous forms of acceptable Temple decoration for kings. Second, from a spatial perspective, the portico existed to glorify the Temple, not replace the Temple. Finally, in the contexts of the above discussion about Herod's aims in rebuilding the Temple, Josephus' account suggests that the portico evoked a sense of marvel designed to recall Herod's piety and eternal memory, rather than signify his dominance.

This section has argued that one of the main ways that Josephus' narrative in AJ 15 understood the Temple was as a commemorative space. I have made this argument with reference to Herod's motivation for the rebuilding of the Temple, Herod's description of the Temple in his speech, and Josephus' description of Herod's building projects in the Temple, which highlight several commemorative buildings and monuments in the Temple, especially those of kings.

Dedications to the Temple

This section continues the argument that the Temple served as a commemorative site by examining dedications to the Temple. Romans, Herodians, and Diaspora Jews made dedications to the Temple. These donations had a commemorative function, as they recalled the figures who had given them. This examination of donations to the Temple supports and extends the arguments made from AJ and BJ, as it documents that these different elite individuals used the Temple as a

commemorative site, suggesting that they understood commemoration to be one of its functions. I focus on first century BCE/CE donations to the Temple.

Dedications to the Temple in the Roman period

Herodians

Herod's dedications to the Temple are primarily described in AJ 15. These dedications include Herod's spoils from his war with the Nabateans, the golden vine over the sanctuary of the Temple, the curtain that covered the entrance to the Temple, and the golden eagle (although Josephus does not mention the golden eagle in his description of the Temple in AJ 15, so the date of the eagle's dedication is unknown).⁹⁸

Herod's golden eagle was an important, if somewhat controversial, symbol of Herodian rule in the Temple. Its presence in the Temple was the impetus for an episode in 4 BCE, at the end of Herod's life. Believing Herod's death to be imminent, two *sophistai* instructed their students to cut down the eagle.⁹⁹ These *sophistai* justified this action by pointing out that displaying graven images of living things was contrary to the Law.¹⁰⁰ The students were captured in the act, and Herod executed them along with the *sophistai*. It should be emphasized that the display of the eagle is highly irregular for Herod, as there is almost no figurative art in his palaces.¹⁰¹ Further, there are almost no figural images on Herod's coins.¹⁰²

⁹⁸ Levine argues that the eagle was put up towards the end of Herod's reign, see Lee Levine, *Visual Judaism in Late Antiquity* (New Haven; London: Yale University Press, 2012), 51–52.

⁹⁹ AJ 17.149-163, BJ 1.648-655.

¹⁰⁰ Marshak argues from the M. Avodah Zarah 3.4's story of Rabban Gamaliel in Aphrodite's bath that Jews accommodated images, and that from this, we might think that sophistai were attacking Herod's rule by taking down the golden eagle, rather than objecting to the image in particular. However, that completely misses the point of the Mishnah's story and the context in which the Mishnah was composed, see Marshak, *The Many Faces of Herod the Great*, 288–89.

¹⁰¹ *Ibid.*, 290.

¹⁰² *Ibid.*, 286–87.

Often, this eagle is identified as a symbol of fealty to Rome.¹⁰³ However, as Van Henten argues, the eagle had a much broader range of symbolic meanings than Rome, and signified royalty in the ancient Near East.¹⁰⁴ Rachel Hachlili suggests that the eagle was associated with Jewish kingship.¹⁰⁵ Marshak notes that the one figural image on Herod's coinage is that of an eagle, perhaps suggesting that the eagle signified his rule.¹⁰⁶ Another means to understand the eagle is to pay close attention to the language that Josephus uses to describe the eagle. In his speech in AJ, Herod describes the eagle as a memorial to himself and a way to leave behind a good reputation (καὶν μὲθ' ὀθανοὶ καταλείψεσθαι μνήμην τε αὐτοῦ καὶ εὐκλειαν).¹⁰⁷ According to this passage, the eagle's presence in the Temple was a means to commemorate Herod and symbolize him after he died, rather than some form of allegiance to Rome. The attack on the eagle may potentially give us some insight into what it symbolized and how it was received by a broader viewing public; the assault helps us see how the audience interacted with the eagle. According to the *sophistai*, the eagle was a violation of the Law (and thus a memorial to Herod's impiety), whereas Herod present it as a memorial to himself, and the attack on it as a form of impiety. So it is possible to see in this incident a sort of interpretative multivocality around the nature and function of this particular dedication and what it commemorated.

Herod's other, less controversial, benefactions were the curtain of the sanctuary and the golden vine above the door of the sanctuary. The curtain was discussed at length above. The golden

¹⁰³ See also Levine, *Visual Judaism in Late Antiquity*; Steven Fine, *Art and Judaism in the Greco-Roman World* (Cambridge: Cambridge University Press, 2005), 74; Peter Richardson, *Herod: King of the Jews and Friend of the Romans* (Columbia: University of South Carolina Press, 1996), 16.

¹⁰⁴ Jan Willem van Henten, "Ruler or God? The Demolition of Herod's Eagle," in *New Testament and Early Christian Literature in Greco-Roman Context: Studies in Honor of David E. Aune*, ed. J. Fotopoulos (Leiden: Brill, 2006), 257–86.

¹⁰⁵ Rachel Hachlili, *Ancient Jewish Art and Archaeology in the Diaspora* (Leiden: Brill, 1998). Also found in a table at Sardis.

¹⁰⁶ Marshak, *The Many Faces of Herod the Great*, 287–89.

¹⁰⁷ AJ 17.162-163.

vine may have existed before Herod, but Josephus identifies it as a donation of Herod in AJ 15.¹⁰⁸

This golden vine broadcast and memorialized Herod's generosity and wealth to the entire Temple, as it would be visible to all who entered the Temple Mount and saw the sanctuary. According to Tacitus, many who saw this vine assumed that it signified that the Jews worshipped Dionysus/Liber.¹⁰⁹ As Joseph Patrich notes, we know almost nothing about the symbolic significance of the vine.¹¹⁰ Herod's dedications all presented himself as the central figure in the Temple. They dominated the physical and visible space of the Temple. These benefactions also shaped the experience of the viewer, appearing in the outer courtyard, the women's courtyard (perhaps), and the sanctuary before the altar. Herod's dedications are far from subtle, profoundly shaping the space the Temple.

The only known donation of Herod's grandson, King Agrippa I, is a good comparison to Herod's dedications, as it is considerably less grandiose. Agrippa I dedicated the golden chain that he had received from the emperor Gaius in the Temple.¹¹¹ Gaius had given Agrippa a golden chain in exchange for the iron chains that Tiberius had bound him in for sedition, signifying Agrippa's rise from prisoner to king.¹¹² Agrippa dedicated this chain in 41 CE, after Claudius declared him king of

¹⁰⁸ Josephus does not imply this, but this seems to be the implication of the rather cryptic reference to the vine in Florus' *Epitome of Roman History*, who states of Pompey, "verum haec quoque et intravit et vidit illud grande inopiae gentis Arcanum patens, sub aurea vite caelum." Florus thus seems to be alluding to a pre-Herodian golden vine at the Temple. According to Stern, Florus drew on Livy, and Stern also suggests that Florus portrayed the Jews as sky worshippers, see Menahem Stern, *Greek and Latin Authors on Jews and Judaism* (Jerusalem: The Israel Academy of Sciences and Humanities, 1980), 132–33. AJ 14.34-36 also reports that Aristobolus II (one of the warring Hasmonean brothers) sent a vine to Pompey, which was kept in the Capitoline Temple (this is a quotation of Strabo). Perhaps "sent" might be a euphemism for plundered. On this, see Joseph Patrich, "The Golden Vine, The Sanctuary Portal, and Its Depiction on the Bar-Kokhba Coins," *Jewish Art* 19 (1993): 58. On the vine, see also Tacitus, *Histories*, 5.5.

¹⁰⁹ Jonathan Kirkpatrick, "The Jews and Their God of Wine," *Archiv Für Religionsgeschichte* 15.1 (2014) 167–84.

¹¹⁰ Patrich, "The Golden Vine, The Sanctuary Portal, and Its Depiction on the Bar-Kokhba Coins."

¹¹¹ AJ 19.292-296.

¹¹² Agrippa was out riding with Gaius, shortly before the death of Tiberius in 37 CE. He said the he hoped Gaius would rise to power soon, and the charioteer reported him to Tiberius, who cast Agrippa into prison. Upon Gaius' rise to power in 37 CE, he freed Agrippa and gave him a golden chain. Gaius was killed early in 41 CE and Agrippa played a key role in the rise of Claudius.

greater Palestine. This kingdom was a reward for the pivotal role that Agrippa played in Claudius' accession following the murder of Gaius.

Following his accession, Agrippa arrived in Jerusalem. There he dedicated this golden chain in the treasury (*γαζοφυλάκιον*).¹¹³ According to Josephus, the treasuries were in the women's court.¹¹⁴ This location is significant as Agrippa's chain was visible to those who entered the treasury chamber, which was accessible to all Jews. This suggests that Agrippa intended a Jewish audience for this gift. Josephus records that Agrippa dedicated this chain as a means of commemorating his rise to power. The chain was also an acknowledgement of God's role in his good fortune, reflecting Agrippa's piety.¹¹⁵ At the same time, the golden chain also directly links Agrippa to the imperial house, showing that Agrippa's rule was endorsed by the Julio-Claudians. This chain was a much more modest means for Agrippa to commemorate himself than Herod's massive dedications and donations to the Temple. It was also much more out of the way, and in that sense, much less open to public interaction or contestation (and Josephus seems to note that there was some Jewish contestation of Agrippa's rule). Herod and Agrippa understood dedications to the Temple to have a commemorative function.

Romans

The Roman general Gaius Sosius dedicated a golden crown to the Temple in 37 BCE, after he and Herod conquered Jerusalem and defeated Mattathias Antigonus, the last Hasmonean monarch.¹¹⁶ Herod and Sosius acted as co-generals during the campaign, and Herod bribed Sosius and his troops, after they had taken Jerusalem, so that they would spare it. Sosius' dedication

¹¹³ Some have identified this chamber as the shekel chamber described in Mishnah Shekalim 3 and 4.

¹¹⁴ BJ 5.200, 6.282.

¹¹⁵ AJ 19.295-296.

¹¹⁶ BJ 1.357.

navigated a potentially hazardous moment by showing respect for the sanctuary and the Jews. The location of Sosius' crown is never specified. The crown may have been in the treasury, where Jews could see it as a sign of the benefactions of the Romans. It seems unlikely that it was in the court of the Gentiles or the eastern portico of Solomon, since it was specifically dedicated to God, and thus would presumably be inside the Temple itself.

Sosius' golden wreath (στέφανος) was a typical dedication to shrines.¹¹⁷ In his discussion of the symbolism of golden crowns in Revelation, Gregory Stevenson has identified several possible symbolic significances for golden crowns in antiquity.¹¹⁸ Two are relevant for understanding the crown of Sosius: first, the crowning of deities as an acknowledgement of their divinity and of some benefaction from them, and second, the crowning of the victorious general. Although little is known about Sosius' crown, it is possible to speculate about how the crown might have been understood as a benefaction. Sosius' donation to the Temple acknowledges the legitimacy of the Jewish God and symbolically crowns him. Sosius' offering could also reflect the traditional offering of a crown to the victor in battle.¹¹⁹ In this line of thinking, Sosius symbolically transferred his own crown of victory to God, piously crediting God for his victory over Mattathias Antigonus. Thus, in the charged context of their victory, the crown could have symbolized God's explicit endorsement of Herodian and Roman rule. Sosius' dedication also reacted to Jewish sensitivities by displaying respect for the Temple and showing a sense of appropriateness and a general regard for God as the benefactor and sponsor of the victory. Sosius' gift of a crown to the Temple understands it to function as a commemorative site.

¹¹⁷ Similar practices are recorded in Pausanias 2.17.6, who mentions that a golden crown dedicated by Nero at the Heraeum in Corinth. Similarly, Livy 2.22.6 records that the Latins sent a golden crown as a gift to Capitoline Zeus.

¹¹⁸ Gregory M Stevenson, "Conceptual Background to Golden Crown Imagery in the Apocalypse of John (4:4, 10, 14:14)," *Journal of Biblical Literature* 114, no. 2 (1995): 257–72.

¹¹⁹ *Ibid.*, 265–68.

Imperial gifts to the Temple are often recalled in the works of Josephus and Philo. However, the only named imperial benefactors are Marcus Agrippa, Augustus, and Livia. These benefactions are mentioned offhand by Josephus, but the most extensive discussion is in Philo's *Legatio ad Gaium*, in a letter that King Agrippa I writes to the emperor Gaius.¹²⁰ The *Legatio* describes Philo and his embassy's attempts to negotiate with Gaius in the wake of a riot in Alexandria where the Alexandrian Greeks brought images of their gods into some Alexandrian synagogues. During the embassy's time in Rome, Gaius decreed that a statue of himself should be placed in the Jerusalem Temple. Agrippa I arrives to placate Gaius, and learning of Gaius' plan for the Temple, collapses. He writes a letter, which is an apology for the Temple, and it describes the great benefactions that Gaius' family provided to the Temple. The letter argues that Gaius should respect the Temple like his ancestors did, and articulates the longstanding connection between Jews, the Temple, and the Julio-Claudian dynasty. In so doing, the *Legatio* provides the most extensive treatment of Julio-Claudian dedications to the Temple. The *Legatio* describes how Marcus Vipsanius Agrippa visited Herod in Jerusalem, and offered sacrifices and votive dedications to the Temple in the year 15/14 BCE. Agrippa's visit is described concisely in BJ and AJ, but the long account in the *Legatio* focuses on M. Agrippa's reaction to the Temple, particularly his wonder at the spectacle of the Temple ceremony. M. Agrippa viewed the sacrifices and the high priest carrying out the sacrifices in his sacred vestments.¹²¹ M. Agrippa honored the Temple with all the dedications that were permitted (although it is unclear exactly what that means).¹²² In the context of the *Legatio*, M. Agrippa models the proper Gentile relationship to the Temple: respect for the rules of the Jews and wonder at the beauty of the Temple, its service, and its priesthood. More precisely, the dedications of M. Agrippa

¹²⁰See a skeptical reading of this text in Erich Gruen, "Caligula, The Imperial Cult, and Philo's *Legatio*," *The Studia Philonica Annual* 24 (2012): 135–47.

¹²¹ LG 296, it is not clear how Agrippa would have been able to see the high priest performing these rituals, since such acts took place inside the priestly courtyard.

¹²² LG 297.

are testaments of Agrippa's respect for the Temple, which materially recall and transmit the memory. In the *Legatio*, the letter of Agrippa I uses these dedications as witnesses of the relationship between the Temple and the imperial house, as they physically commemorate how the Temple is to be treated by imperial rulers.

M. Agrippa's piety and dedications also commemorated his friendship with Herod. Thus, the *Legatio* emphasizes the familial friendship between Herod and M. Agrippa (as a template for the friendship between Agrippa I and Gaius).¹²³ According to BJ, Herod named one of the Temple's gates (its location is unknown) after Agrippa, inscribing his name upon it to commemorate their friendship.¹²⁴ This gate advertised the relationship between the Herodian house and the Julio-Claudians to all who entered the Temple. While it is unclear where Agrippa's dedications were placed (perhaps in the treasury or in the courtyard), they likely also advertised the imperial support of Herod or even the priesthood, depending on their nature.

The *Legatio* also relates that Augustus honored the Jews and their Temple.¹²⁵ Augustus and Livia dedicated libation bowls and golden vials to the Temple, which are mentioned in both LG 319 and in BJ 5.562-563.¹²⁶ These bowls were for pure wine offerings.¹²⁷ Pure wine offerings were made following the conduct of the daily sacrifice, and thus, whenever these golden vessels were used, the relationship with the imperial house would be commemorated.¹²⁸ Hence, the golden vessels were a

¹²³ LG 294.

¹²⁴ BJ 1.416.

¹²⁵ On Augustan imagery, see Paul Zanker, *The Power of Images in the Age of Augustus* (Ann Arbor: University of Michigan Press, 1988).

¹²⁶ On Augustus and the Jews, see Karl Galinsky, "The Augustan Programme of Cultural Renewal and Herod," in *Herod and Augustus*, ed. David Jacobson and Nikos Kokkinos (Leiden: Koninklijke Brill, 2009), 29–42; L. Michael White, "Herod and the Jewish Experience of Augustan Rule," in *The Cambridge Companion to the Age of Augustus*, ed. Karl Galinsky (Cambridge: Cambridge University, 2008), 361–88. Suetonius, *Life of Augustus*, 93, writes that Augustus praised his grandson Gaius for not visiting the Jerusalem Temple, but did praise him for his visit to Apis in Egypt, since this was a more ancient and well established cult than the Jerusalem Temple.

¹²⁷ LG 319, BJ 5.562.

¹²⁸ These golden vessels were used for the libation, which was offered on the altar during the daily sacrifice. Alternatively, some golden vessels seem to have been maintained on the Table of Display inside the holy of holies. See Exodus 25: 29, which states that vessels and flagons should appear on the Table of Display (and be empty), and

specific benefaction to the priests, whose use of these vessels would remind them of the imperial house.¹²⁹

We might learn a little about what they symbolized based on the context in which they are mentioned in the Jewish War, namely, when John of Gischala is melting down these wine bowls. In her article on Athenian treaty inscriptions, Polly Low has argued that such inscriptions were often understood as physical embodiments of transactions; sometimes, when a treaty was broken, these inscribed stones were removed or destroyed (or other times, they were maintained or amended, so as to convey a specific message about the perfidy of enemies or past conflicts to the populace).¹³⁰ I posit a similar use of the wine bowls here as symbolically recalling the alliance between the emperor and the Jews/the priests, perhaps. In destroying these bowls, John of Gischala and his followers were symbolically repudiating this alliance, which was a means of declaring war or rebellion, similar to the symbolic politics that surrounded the cessation of sacrifices on behalf of the emperor, which marked the beginning of the revolt. Hence, I argue that John of Gischala and his followers understood this dedication to the Temple to have a commemorative function, which might be one reason for their destruction (in addition to the more practical purposes).

This section has suggested that Roman generals and emperors used the Temple for varied commemorative purposes, showing that they also understood the Temple to function as a commemorative site.

Numbers 28:7, which states that a drink offering with strong drink should be poured out on the altar. It seems likely that these vessels were used as Numbers prescribes, as is argued in Pernille Carstens, "The Golden Vessels and the Song to God: Drink-Offering and Libation in Temple and on Altar," *Scandinavian Journal of the Old Testament* 17, no. 1 (2003): 110–40. On wine libations in the Temple, see Jonathan Kirkpatrick, "The Jews and Their God of Wine."

¹²⁹ CA 2.77.

¹³⁰ Polly Low, "Remembering and Forgetting: The Creation and Destruction of Inscribed Monuments in Classical Athens," in *Memory and History: Understanding Memory as Source and Subject*, ed. Joan Tumblety (London; New York: Routledge, 2013), 76–77.

Diaspora Jews

Diaspora Jews provided a variety of dedications to the Temple. There are three known Diaspora Jewish dedications (and presumably, there were many, many more). As noted already, Josephus records that Alexander the Alabarch (of Alexandria) gilded the various gates of the Temple.¹³¹ According to rabbinic literature, another Alexandrian, Nicanor built one of the central gates of the Temple from Corinthian bronze (confirmed by Nicanor's ossuary, which is inscribed with the Greek epigraph "The ossuary of Nicanor of Alexandria, who made the gates. Nicanor the Alexandrian (*in Hebrew script*)"¹³²). Another inscription (that was previously discussed) records that Paris son of Akeson of Rhodes donated some amount of drachmas for the pavement of the Temple Mount. In regards to this inscription, Benjamin Isaac has argued that there were probably many such inscriptions, and that this was probably a rather small donation.¹³³ Seth Schwartz compares this inscription to those found in late antique synagogue mosaics, which record that donors paid for a small piece of the mosaic. Such inscriptions emphasized the broad degree of participation in the construction of the mosaic, and Schwartz theorizes that such inscriptions served a similar function.¹³⁴

These donations were meant to be visible, showcasing Diaspora Jewish participation in the Temple and its service and commemorating those who donated. These donations aimed to display the generosity of Diaspora Jews to the entire Jewish people. In that sense, Diaspora Jewish benefactions to the Temple functioned as emblems of trans-local Jewish piety, highlighting the connection of Jews across the Mediterranean to their Temple.

¹³¹ BJ 5.206-10.

¹³² Perhaps to be read "the bones of the sons of Nicanor, who made the gates" See Hannah Cotton et al., eds., *Corpus Inscriptionum Iudaeae/Palaestinae* (Berlin; New York: De Gruyter, 2010), 140–142.

¹³³ Isaac, "A Donation for Herod's Temple in Jerusalem."

¹³⁴ Schwartz, *Were the Jews a Mediterranean Society?*, 91.

This examination of the various donations to the Temple has argued that Herodians, Romans, and Diaspora Jews used the Temple as a commemorative site, contributing donations to the Temple as a means of memorializing themselves before this Temple audience. I have argued that these different groups understood their dedications to the Temple to have a commemorative significance. At the same time, donors to the Temple used their dedications to create and articulate different narratives of the Temple's space and their role within it. Thus, Herod's donations articulated a sense of his dominance over the space. Agrippa, in contrast, aimed his dedication to a specifically Jewish audience, and presented a sense of appropriateness in his giving. Augustus and Livia's donations adapted their familial ideology to the Temple and presented a donation that commemorated them whenever the priesthood used these golden bowls. Agrippa's donations showed his regard for the Temple (and potentially for Herod), as did Sosius' golden crown. Diaspora Jews used their donations to the Temple to present a sense of translocal Jewish community and piety. The Temple thus functioned as a monument, which included dedications from various individuals, all of whom had different commemorative agendas.

Conclusion

This chapter has argued that Josephus, Herodian (and perhaps Hasmonean) kings, Roman emperors, and Diaspora Jews all treated the Temple as a commemorative space. They all made dedications to the Temple or erected monuments in the Temple that sought to imbue the space with a particular elite aesthetic that commemorated themselves or particular acts that they had done. This commemorative function of the Temple represents a previously unrecognized aspect of the Temple's function as a site of political legitimization and representation. More broadly, I think the Temple and its rituals need to be more fully contextualized in the political culture of the Second Temple period, and suggest that one potential way forward would be to view the Temple as site of

transactional politics and commemoration among different elite groups, an angle that has yet to be explored fully in the scholarly literature. I have made a brief sketch in this regard with my consideration of the Temple's commemorative function. Further, this commemorative function of the Temple is reimagined in later rabbinic literature, and this long explanatory prologue serves as important context for analysis of the Temple in the Mishnah.

Commemoration and the Mishnah

Introduction

This chapter examines the memory of the Temple in the Mishnah, a Hebrew text conventionally understood to have been composed around 200 CE and redacted by Rabbi Judah the Patriarch (often called Rabbi in rabbinic literature). The Mishnah records the sayings and deeds of the rabbis, a movement that arose following the destruction of the Temple in 70 CE. Rabbi Judah and the other redactors of the Mishnah collected and organized the sayings and deeds of the earlier rabbis, called *tannaim*, sing., *tanna* (who lived roughly from 70-200 CE).¹ The Mishnah is generally considered to have been composed and ‘published’ orally, which means that the text was recalled by a *tanna* (literally a repeater—note that the word is ambiguous, meaning both a rabbi from the tannaitic period and repeater) who was tasked with the memorization and repetition of the Mishnah. This oral transmission process may have distinguished the oral law (the Mishnah) from the written law (the Torah).² Indeed, according to Yaakov Sussman’s synthesis of the evidence, the Mishnah’s orality is consciously ideological, since the rabbis are overwhelmingly likely to have been literate.³ Later groups of rabbis produced texts based on the interpretation of the Mishnah, such as the Yerushalmi and the Bavli, and therefore, the Mishnah can be seen as the foundational (oral) document of the rabbinic movement.⁴

¹ On the production process of the Mishnah, see Saul Lieberman, *Hellenism in Jewish Palestine* (New York: The Jewish Theological Seminary of America, 1950), 85–98.

² See discussion in Yaakov Sussman, “Torah She-Be’al Peh’—Peshutah Ke-Mashma’ah: Koḥo Shel Qoḥo Shel Yod,” *Mekherei Talmud* 3, no. 1 (2005): 329. The term “oral law” (Torah she-be’al peh) is not commonly used in rabbinic literature itself.

³ Catherine Hezser, *Jewish Literacy in Roman Palestine* (Tubingen: Mohr Siebeck, 2001), 190–201.

⁴ On the Mishnah, see Yaakov Elman, “Order, Sequence, and Selection: The Mishnah’s Anthological Choices,” in *The Anthology in Jewish Literature*, ed. David Stern (Oxford: Oxford University Press, 2004), 53–80; Amram Tropper, “The State of Mishnah Studies,” in *Rabbinic Texts and the History of Late Roman Palestine*, ed. Martin Goodman and Philip Alexander (Oxford: Oxford University Press, 2010), 91–115. It is important to mention the major manuscript traditions of the Mishnah. There are two main textual recensions, the Palestinian and the Babylonian tradition of the Mishnah. The Palestinian tradition is considered more accurate and is represented by the medieval manuscripts MS Kaufman, MS Parma, and MS Cambridge, as well as some Geniza fragments. These were transmitted through an independent tradition

Scholarship on the Mishnah has provided a variety of different definitions for it. Scholars have chosen to emphasize and make more prominent different features of the Mishnah, and this has led to shifting accounts of the Mishnah's nature. The change is not an evolution, but a shift in emphasis. To briefly survey these different definitions (and they are in thematic, not chronological order), scholars have argued the Mishnah was a law code (Epstein and Hezser), an anthology of sources (Albeck), the lecture notes of Rabbi (Weiss), or a means of teaching rabbis analytical legal skills (Shanks Alexander).⁵ These different theories of the Mishnah all focus on explaining the legal (or halachic) parts of the Mishnah (which is the majority of the material).

However, one important aspect of the Mishnah is its vivid recollection of the rituals of the Jerusalem Temple (and this is excluding the aspects of the Mishnah that focus on the laws of the Temple, a significant portion in and of themselves).⁶ The Mishnah is composed of six orders (Zeraim, Moed, Nashim, Nezikin, Kodashim, and Tohorot), and of these, large portions of Zeraim, Moed, and Kodashim concern the rituals of the Temple, as well as some tractates in Tohorot, Nashim, and Nezikin.⁷ Naftali Cohn defines these Temple ritual narratives as: 1) content that

of Mishnah study, whereas the Babylonian tradition was transmitted alongside the Babylonian Talmud, which led to its corruption. For more on the manuscript tradition, see Michael Krupp, "Manuscripts of the Mishna," in *The Literature of the Sages, Part 1*, ed. Shmuel Safrai (Philadelphia: Fortress Press, 1987), 252–62.

⁵Y. N. Epstein considered the Mishnah to be a law code, which Rabbi edited and systematized. In a similar vein, Catherine Hezser has drawn on the analogy of Roman legal codes for understanding the Mishnah, and she has argued that Rabbi intended the Mishnah to be a law code (although it turned out to be not especially authoritative one). See Y.N. Epstein, *Introduction to Tannaitic Literature* (Jerusalem; Tel Aviv: Y.L. Magnes, Devir, 1957); Catherine Hezser, "The Mishnah and Ancient Book Production," in *The Mishnah in Contemporary Perspective*, ed. Alan Avery-Peck and Jacob Neusner (Leiden: Brill, 2002), 167–92. Albeck characterized it as an anthology of the works of different rabbinic schools/groups, which Rabbi produced (as an anthologizer, not an editor), see Hanokh Albeck, *Introduction to the Mishnah* (Jerusalem; Tel Aviv: Bialik Institute; Dvir Co., 1966). His contemporary Avraham Weiss characterized the Mishnah as the lecture notes of Rabbi, so that the Mishnah's stylistic disunity reflects the informal nature of this document. Developing Weiss' earlier theory of the Mishnah's pedagogical import, Elizabeth Shanks Alexander argues that the Mishnah does not teach content, but rather demonstrates analytical skills through oral performances, see Elizabeth Shanks Alexander, *Transmitting Mishnah: The Shaping Influence of the Oral Tradition* (Cambridge: Cambridge University Press, 2006).

⁶Yaakov Elman has claimed that as much as half of the Mishnah is concerned with the narratives and rituals of the defunct Jerusalem Temple, see Yaakov Elman, "Order, Sequence, and Selection: The Mishnah's Anthological Choices," 59.

⁷ There are approximately forty descriptions of various Temple rituals in the Mishnah, according to Rosen-Zvi, *The Mishnaic Sotah Ritual: Temple, Gender, and Midrash*, 239. See the much more expansive list in Naftali

concerns rituals done in the Temple 2) a narrative in the sense that there is some progression in space and time, and 3) a recurring set of characters, motifs, and spaces.⁸

I argue that these ritual narratives commemorate the destroyed Jerusalem Temple. In so doing, the Mishnah preserves and extends the commemorative function of the Temple that was already identified in Chapter 1, adapting it for the post-destruction period. This interest in commemoration suggests that one purpose of the Mishnah is a response to the destruction of 70 CE. The Mishnah's ritual narratives craft a textual site of memory in the absence of the physical site of memory.

To be clearer about my definition of commemoration, it is the formal process of honoring and preserving the memory of the individuals and events of the past—and indeed, this process is often tightly connected to a set of monuments, texts, or rituals that do this work of commemoration. It can be distinguished from recollection or remembering in a more general sense in that it actively recalls, honors, and transmits that memory.⁹ My general framework here is to present the Mishnah as a monument, for in its ritual narratives, the Mishnah commemorates events and individuals associated with the Jerusalem Temple. To support this argument, I will show that many key features of the Mishnah draw on the language of commemoration, including attributions of legal passages to named sages and the inclusion of rabbinic deeds as legal precedents. The Mishnah itself constitutes a formal means of commemoration for these individuals and their actions, suggesting that commemoration is one of the core functions of the Mishnah.

Cohn, *The Memory of the Temple and the Making of the Rabbis* (Philadelphia: University of Pennsylvania Press, 2012), 123–25. See also Yohanan Breuer, “פעל ובינוני בתיאורי טקס במשנה,” *Tarbiz* 56, no. 3 (1987): 299–326.

⁸ Cohn, *The Memory of the Temple and the Making of the Rabbis*, 4–11.

⁹ I draw this definition from the discussion of monuments and commemoration in Christine Allison, “Addressivity and the Monument: Memorials, Publics and the Yezidis of Armenia,” *History and Memory* 25, no. 1 (2013): 146.

This argument that ritual narratives of the Temple are a means of commemoration offers a new approach to the question of the retention of the Temple and its memory in the Mishnah, which has been treated in two manners: pre-Neusnerian positivism and post-Neusnerian Foucaultian readings, which have primarily focused on how the Mishnah's depiction of the Temple articulates rabbinic authority. Pre-Neusnerian positivists used to consider the Mishnah's ritual narratives as factual descriptions of the practices of the Second Temple.¹⁰ They used the Mishnah and other sources in rabbinic literature to uncritically reconstruct the rituals and practices of the Jerusalem Temple.¹¹ This method, as we will see, was not as misguided as it appears, for the rabbis are often correct about various aspects of the Second Temple period.

Reacting to this positivism, Jacob Neusner emphasized the importance of the redactional hand, arguing that rabbinic literature is best understood on a documentary level. Neusner's work urged scholars to pay attention to the formation of rabbinic traditions, looking at how different rabbinic traditions portrayed the same figure (in Neusner's case, Yohanan ben Zakkai).¹² He noted that Yohanan ben Zakkai's portrait changed over time, accruing more legendary features in later collections. Based on this insight, one of Neusner's projects was the analysis of the Mishnah as a document.¹³ This analysis led him to consider the Mishnah to be a utopian philosophical system of Jewish life.¹⁴ This philosophical system included the Temple service, the significance of which Neusner analyzed in more detail in an article entitled, "Map without Territory", which focuses on

¹⁰ Epstein, *Introduction to Tannaitic Literature*, 31. Another example of this sort of scholarship is Louis Ginzberg, "Tamid: The Oldest Treatise of the Mishnah," *Journal of Jewish Lore and Philosophy* 1, no. 1 (1919): 33–44. Epstein, at least, was fairly skeptical of these narratives as composite finished Mishnaic projects, arguing that scholars had to unpack and cut out different sources of these narratives in the Mishnah as a means of finding the core historical content (although the positivist assumption remains the same).

¹¹ Thus, see Shmuel Safrai, *Pilgrimage at the Time of the Second Temple* (Tel Aviv: Am Hassefer Publishers Ltd., 1965); Shmuel Safrai, "The Divine Service in the Second Temple," in *Sefer Yerushalayim*, ed. Michael Avi-Yonah (Jerusalem: Bialik Institute, 1956), 369–91.

¹² Jacob Neusner, *Development of a Legend: Studies on the Traditions Concerning Yohanan Ben Zakkai* (Leiden: Brill, 1970).

¹³ Jacob Neusner, *The Rabbinic Traditions about the Pharisees Before 70* (Leiden: E.J. Brill, 1971).

¹⁴ Jacob Neusner, *Judaism: The Evidence of the Mishnah* (Atlanta: Scholars Press, 1988), Reprinted Edition.

Seder Kodashim. Neusner argues that in its treatment of the Temple and its sacrificial rituals, Seder Kodashim “...creates a map for a fictitious territory. It describes with remarkable precision and concrete detail, a perfect fantasy.”¹⁵

Drawing on the Foucauldian language of discourse, more recent scholars such as Beth Berkowitz, Moshe Simon-Shoshan, Ishay Rosen-Zvi, and Naftali Cohn have read these descriptions of the Temple service as discursive rituals that construct rabbinic authority.¹⁶ Therefore, Berkowitz argues that Mishnah Sanhedrin’s discussion of capital punishment is “an education in rabbinic authority...The rabbinic death penalty made an important argument for rabbinic authority in spite of its alleged impracticability, and perhaps even because of it—the world of unpredictable performance never had to intrude.”¹⁷ Naftali Cohn has sought to bring these methods of reading to bear on Temple rituals as a whole, arguing that rabbinic accounts of Temple rituals systematically elevate the Temple Court, an invented institution on which the rabbis based their ritual authority, which allowed them to argue for rabbinic control of Jewish ritual law.¹⁸ For each of these scholars (admittedly, some with more subtlety than others), the rituals described in the Mishnah are a means to construct, create, and examine rabbinic authority.

Positivist readings of the Mishnah have generally been rejected or moved to the fringes of the study of rabbinic literature. Most current scholarship on the Mishnah has accepted this consensus view that its narratives of rituals can be understood as a means of constructing rabbinic authority (although there is some disagreement on how exactly this process works). However, a major issue for this current model is the historicity of the Mishnah’s memory. Why does the

¹⁵ Neusner, “Map without Territory: Mishnah’s System of Sacrifice and Sanctuary,” 113.

¹⁶ See Beth Berkowitz, *Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures* (Oxford: Oxford University Press, 2006); Ishay Rosen-Zvi, *The Mishnaic Sotah Ritual: Temple, Gender, and Midrash* (Leiden: Brill, 2012); Moshe Simon-Shoshan, *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah* (New York: Oxford University Press, 2012); Cohn, *The Memory of the Temple and the Making of the Rabbis*.

¹⁷ Berkowitz, *Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures*, 19.

¹⁸ Cohn, *The Memory of the Temple and the Making of the Rabbis*.

Mishnah get so many historical details about the Second Temple period right? If the Mishnah's recollection of the Temple is primarily about the construction of rabbinic authority, why recall all of these highly specific and accurate details? If rabbinic authority construction is the main goal, why recall these things at all? The detailed rabbinic remembrance of the Temple in the Mishnah is striking, as it contrasts so intensely with the surreal versions of the Temple found in Ezekiel and the Temple Scroll.

My evaluation of these materials with the methods of social memory provides a clearer model for why real memories of the Temple were retained. I argue that since commemoration was a major function of the Temple in the Second Temple period, and by extension, a function of the Temple in the Mishnah, the rabbis continued to use narratives of the Temple and its rituals to commemorate the past. That is to say, at times, the rabbis did attempt to recall individuals and figures associated with the Second Temple period, and were at times successful in doing so. They recalled the events and figures of the past, but shaped these memories for their own purposes. This explanation accounts for the historicity of rabbinic recollection of the past, while at the same time acknowledging why aspects of it are biased or wrong. This argument does not concern the Mishnah as a whole, but its ritual narratives, and I will discuss a few of these in detail, before turning to Mishnah Middot in the second part of the chapter, making a more detailed case for the commemorative reading of these ritual narratives.

Mishnah Middot is a series of measurements of the space of the Temple, which also narrates the process of movement through that space. In addition to its role as a set of measurements, I argue that it provides a historical narrative of the Jewish past through the medium of the space of the Temple, using its monuments to present this narrative. Middot is often highly accurate, recalling things that are known from other sources. The last part of this chapter provides a reading of Middot as a commemorative space, arguing that it constructs a narrative of Jewish history, which on the

outside, highlights aspects of imperial rule and persecution, and on the inside, preserves markers of Jewish continuity and the eternal Jewish covenant with God. What I show, in this section, is that Mishnah Middot combines a rabbinic narrative about the past, which is not centered on rabbinic authority, with seemingly accurate recollections of aspects of the Jerusalem Temple. Middot's remembrances have a measure of historicity, but this is accidental to its broader purpose of creating a narrative of the Jewish past; it draws upon these materials to construct this narrative. This chapter examines how to navigate the tensions between historicity and rabbinic narrative purposes in the Mishnah.

Commemoration in the Mishnah

This first section examines the broader language of commemoration in the Mishnah. Drawing on other accounts of commemorative language in the ancient world, this section looks at the “grammar” of the Mishnah, arguing that commemoration is consistently an important part of why particular individuals are recalled and named in the Mishnah.¹⁹ Admittedly, this section will move away from the Temple per se, but it does help us think more broadly about the nature and purpose of the Mishnah, which informs how we read its depiction of the Temple.

I begin with the most widespread form of commemoration in the Mishnah, the attribution of statements to named sages. William Green identified the preservation of named sayings as an idiosyncratic rabbinic cultural trait.²⁰ Framing the same problem, Jacob Neusner noted the irony that rabbinic compositions (like the Mishnah) have no author, yet at the same time, these compositions are filled with names.²¹ Although this is fairly obvious to any reader of rabbinic literature, the use of

¹⁹ On commemorative grammar, see Low, “Remembering and Forgetting: The Creation and Destruction of Inscribed Monuments in Classical Athens,” 74.

²⁰ William Green, “What’s in a Name? The Problematic of Rabbinic ‘Biography,’” in *Approaches to Ancient Judaism: Theory and Practice, Volume 1*, ed. William Scott Green (Providence: Brown Judaic Studies, 1978), 88.

²¹ Jacob Neusner, “Evaluating the Attributions of Sayings to Named Sages in the Rabbinic Literature,” *Journal for the Study of Judaism* 26 (1995): 93–111.

attributed statements was highly intentional; one has only to look at the Torah or the DSS to see that this was an intentional rabbinic divergence from previous Jewish legal codes. To give an example of this phenomenon, I cite M. Berachot 2.3:

הקורא את שמע ולא השמיע לאזנו יצא רבי יוסי אומר לא יצא קרא ולא דיקדק באותיותיה רבי יוסי אומר יצא ר' יהודה אומר לא יצא הקורא למפרע לא יצא קרא וטעה יחזור למקום שטעה

One who recited the Shema but not loudly enough for himself to hear, he has fulfilled his obligation. R. Yose says: He has not fulfilled it. If he recited it and he did not clearly pronounce the letters, R. Yose says: He has fulfilled his obligation. R. Judah says: He has not fulfilled it. If a man recited it in the wrong order, he has not fulfilled his obligation. If he recited it and erred, he should go back to where he erred.²²

This Mishnah describes the recitation of the Shema, a central Jewish prayer that this tractate states was recited in the morning and the evening. The Mishnah begins with an anonymous claim that even if someone has recited the Shema too quietly to be able hear their recitation, that person has still fulfilled the obligation. It then goes on to name the rabbi (Rabbi Yose) who disagrees with this claim. Another anonymous statement describes a case in which someone has not pronounced the letters clearly, and thus, asks if the obligation had been fulfilled. This anonymous statement is commented on by two statements attributed to named rabbis: Rabbi Yose says it has been fulfilled and Rabbi Judah says it has not been fulfilled. The Mishnah thus records a legal scenario, and the conflicting account of two rabbis about the legal significance of this scenario. This literary structure is fairly typical in the Mishnah: anonymous statements are juxtaposed with the statements of named rabbis, and in some cases, a statement of the sages. This recording of a disagreement is unclear from a legal perspective, for is one supposed to follow the opinion of Rabbi Yose or Rabbi Judah concerning the pronouncement of the letters of the Shema? Similarly, what legal validity does Rabbi Yose's dissent from the first statement in the Mishnah have?

²² Translations from Herbert Danby, *The Mishnah* (Oxford: Oxford University Press, 1938), with my corrections. The Mishnah texts come from Albeck, *Shishah Sidre Mishnah*. I have checked the texts with MS Kaufman, and emended them, where MS Kaufman differs from Albeck. The Tosefta texts comes from Saul Lieberman, ed., *Tosefta* (New York: Jewish Theological Seminary of America, 1955).

M. Eduyot 1.4-1.5 purports to explain the attribution of statements to specific rabbis. M. Eduyot is a collection of named testimonies about particular halachic issues. In chapter 1 of Eduyot, the disputes of Hillel and Shammai are recorded, which are alleged to make up the earliest layer of tannaitic literature.²³ These debates are fairly formulaic—a typical example is M. Eduyot 1.2, which concerns the amount of flour that makes dough liable for the hallah offering to priests (one of several biblically commanded offerings to priests). In this debate, Shammai says a kav (a measure of weight, slightly more than a quarter of a dry gallon) makes dough liable for the hallah offering, Hillel says two kavs make dough liable, and the Sages (הַכְּמִים) assert that neither position is correct, but in fact, a kav and a half makes dough liable.²⁴ Mishnah Eduyot 1.4-1.6 discusses why the halachic statements of Hillel and Shammai are recorded alongside those of the Sages, even though this ruling is not in accordance with the majority:

ולמה מזכירין את דברי שמאי והלל לבטלה ללמד לדורות הבאים שלא יהא אדם עומד על דבריו שהרי אבות העולם לא עמדו על דבריהם. למה מזכירין דברי היחיד בין המרובין הואיל ואין הלכה אלא כדברי המרובין שאם יראה בית דין את דברי היחיד ויסמך עליו שאין בית דין יכול לבטל דברי בית דין חברו עד שיהיה גדול ממנו בחכמה ובמנין היה גדול ממנו בחכמה אבל לא במנין במנין אבל לא בחכמה אינו יכול לבטל דבריו עד שיהיה גדול ממנו בחכמה ובמנין. אמר רבי יהודה אם כן למה מזכירין דברי היחיד בין המרובין לבטלה שאם יאמר האדם כך אני מקובל יאמר לו כדברי איש פלוני שמעת.

And why do they record [lit. cause to be remembered] the opinions of Shammai and Hillel when they do not prevail? To teach the generations that come after that a man should not persist in his opinions, for thus, the fathers of the world did not persist in their opinions. And why do they record the opinion of the individual against that of the majority, whereas the law is only according to the opinion of the majority? If a court should prefer the opinions of the individual, it may rely upon him, for a court is not able to annul the opinions of another court unless it is greater [than the other court] in wisdom and in number; if it exceeded it in wisdom but not in number, or in number but not in wisdom, it cannot annul its opinions; but only if it exceeds it both in wisdom and in number. R. Judah said: If so, why do they record the opinions of the individual against that of the majority when it does not prevail? If one should say, 'I have received this tradition', it may be answered to this person, 'You heard it according this person'.

²³ The literature is extensive, but for basic background on Bet Hillel and Bet Shammai, see Albeck, *Introduction to the Mishnah*, 63.

²⁴ Shammai says: Dough made from one kab of flour is liable for hallah. And Hillel says: Two kabs. And the Sages say: It is not according to the opinion of either: but one kab and a half is liable for hallah.

According to the first explanation of attribution in 1:4, a reason that the erroneous opinions of previous rabbinic figures are included in rabbinic literature is to teach humility to sages; if Hillel and Shammai did not cling to their opinions, then neither should later sages. In 1.5 and 1.6, a slightly different explanation of attributed statements is offered. M. Eduyot 1.5 points out that legal rulings may only be in accordance with the majority, and then asks, if this is so, why are the dissenting opinions of individuals preserved alongside the majority opinion? Two answers are given. According to M. Eduyot 1.5, these opinions provide future courts with the opportunity to reassess halachic rulings. But in M. Eduyot 1.6, Rabbi Judah says that these attributed halachic opinions persist so as to assign proper credit for these opinions, such that if someone in the future should claim to have a tradition on a particular halachic topic, it is possible to indicate where this opinion came from, and show them that it is already invalid. As has long been noted, M. Eduyot 1.6 is a minority opinion in and of itself, and therefore its validity is open to question.²⁵

I argue that in addition to their halachic function (a function that is contested), attributions in the Mishnah are a form of commemoration. This claim is suggested by the language in M. Eduyot 1.4-1.6, which uses the verb “מזכירין” to describe the attribution of legal opinions. This verb is the *hiphil* form of זכר, and indicates actively causing someone to be remembered. Using this word in conjunction with mentioning an individual in the Mishnah is a means of actively causing their memory to be retained; in other words, a means of commemorating them. Another way to

²⁵ Neusner suggests reading 1.5 and 1.6 together, arguing that the point of attribution in 1.5 is to identify opinions that are not authoritative, but subject to consideration. He sees 1.6 as the logical progression of 1.5: once those opinions have been established as non-authoritative, the point of citing a halachic opinion in the name. This is slightly problematic because 1.6 is a minority opinion (any named statement is technically a minority opinion) about the nature of attributions, and according to the logic of 1.5, could only be valid if some future court rules that it is true of a particular rabbi is to mark that opinion as non-authoritative, should it occur again in the future. See Neusner, “Evaluating the Attributions of Sayings to Named Sages in the Rabbinic Literature,” 97. This argument is to a certain extent based in his reading of Tosefta Eduyot 1.4, which is slightly clearer on this issue, stating that, “לעולם הלכה כדברי המרובין לא הזכרו דברי היחיד בין המרובין אלא שמא תיצרך להן שעה ויסמכו עליהן וחכמי אומ' לא הזכרו דברי יחיד בין המרובים אלא מתוך שזה אומ' טמא וזה אמ' טהור זה אמ' טמא כדברי ר' אליעזר אמרו לו כדברי ר' אליעזר שמעתה.” “The majority is always correct, and an individual’s opinion is only remembered alongside the majority as a means of invalidating it.”

understand attributions in the Mishnah, drawing on the language of M. Eduyot 1.4 – 1.6, is to suggest that individuals are commemorated in the Mishnah, because the memory of these specific individuals was judged worthy of transmission. This point was made by Neusner as well, that the inclusion of named sages delimits a body of authoritative legal figures.²⁶

My argument that the Mishnah's use of named figures is a form of commemoration is further supported by the Mishnah's recollection of the deeds of individuals, often called ma'asim (since they are prefaced by the word מעשה, deed). Ma'asim are another form of memorialization in the Mishnah. According to Moshe Simon-Shoshan, there are three major categories of ma'asim: 1) case stories that came before rabbinic judges, 2) etiological stories of institutions or laws, or 3) forms of legal precedent or argument (Simon-Shoshan calls them exemplary ma'asim), where rabbis perform deeds with legal significance, and thus serve as a model.²⁷ Such deeds, as Simon-Shoshan suggests, have a variety of purposes. But like attributions, stories are also a means of commemoration. Consider Mishnah Berachot 1.1:

מאימתי קורין את שמע בערבים: משעה שהכהנים נכנסים לאכל בתרומתן, עד סוף האשמורת הראשונה, דברי רבי אליעזר. וחכמים אומרים, עד חצות. רבן גמליאל אומר, עד שיעלה עמוד השחר. מעשה שבאו בניו מבית המשתה, אמרו לו, לא קרינו את שמע. אמר להם, אם לא עלה עמוד השחר, מותרין אתם לקרות. ולא זו בלבד, אלא כל שאמרו חכמים עד חצות, מצותן עד שיעלה עמוד השחר.

From when are they reciting the Shema in the evening? From the time when the priests enter to eat their terumah until the end of the first watch. The words of R. Eliezer. But the Sages say: 'Until midnight.' Rabban Gamaliel says: 'Until the dawn rises.' A ma'aseh: his sons once came home [after midnight] from a wedding feast. They said to him, 'We have not recited the Shema.' He said to them, 'If the dawn has not yet risen, you are permitted to recite it. And not this alone, but all the things that the Sages say are "Until midnight," the commandment lasts until dawn!'

The Mishnah introduces a legal question concerning the time of the reading of the Shema in the evening, then cites the opinions of Rabbi Eliezer and the Sages, as well as Rabban Gamaliel.

²⁶ Ibid., 102.

²⁷ See Simon-Shoshan, *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah*, 45–49; Arnold Goldberg, "Form Und Funktion Des Ma'ase in Der Mischna," *Frankfurter Judaistische Beiträge* 2 (1974): 1–38.

Then, the Mishnah presents a story of Rabban Gamaliel, which narrates that his sons returned from a wedding feast, but had not yet read the Shema. He instructs them that they can still read the Shema, even after midnight. This story reflects Rabban Gamaliel's legal opinion, realizing it in practice. At the same time, and in perhaps an almost obvious sense, the story commemorates Rabban Gamaliel and his deed. It considers this encounter between him and his sons noteworthy enough to include in the Mishnah. The Mishnah treats his actions as potentially authoritative, providing this account alongside the legal narrative. The inclusion of such acts by known authorities is not at all obvious for the Mishnah. Often, legal codes provide theoretical cases to help distinguish and describe the law (and the Mishnah has plenty of these).²⁸ Yet, the Mishnah's insistence on using the specific deeds of sages as legal precedents and case studies that allow them to examine the law suggests that the Mishnah is commemorating Rabban Gamaliel and his acts.

Indeed, comparisons with other types of legal compilations (both Jewish and non-Jewish) point to the idiosyncratic nature of stories of rabbis as a form of legal practice. While scholars such as Catherine Hezser and Moshe Simon-Shoshan have noted that the rabbis and Roman jurists share in common the practice of casuistic stories, these (to use the term of Simon-Shoshan) "exemplary" stories of the rabbis are fairly idiosyncratic, having no parallel in the law codes of antiquity.²⁹ The inference of law from the behavior of an authority has no parallel in juristic writings, and should thus be understood as having a specific rabbinic function, namely the commemoration of the figure who has done such a deed. In the sense that this specific deed is worthy of preservation and is

²⁸ Note again M. Berachot 2.3, which describes a series of conditions that govern the fulfillment of obligations. The Torah often uses such conditional legal circumstances. In other Jewish legal writings, such as the Torah or the Dead Sea Scrolls, which are legal codes, the record of specific acts of individuals tends to be more distant from the legal materials. One could in theory argue that Jubilees is an example of the inclusion and commemoration of the acts of legally significant individuals, although this is a case of the injection of legal concerns into the biblical narrative, and I would argue, is substantively different from what is going on in rabbinic literature, especially because of the wider acceptance of the Bible and its narrative as culturally and legally significant in pre-70 CE Palestine.

²⁹ On parallels between Roman case stories and rabbinic case stories, see Catherine Hezser, "Roman Law and Rabbinic Legal Composition," in *The Cambridge Companion to Talmud and Rabbinic Literature*, ed. Charlotte Fonrobert and Martin Jaffee (Cambridge: Cambridge University Press, 2007), 154–59.

recorded in a text that was transmitted, the recording of these acts in the Mishnah functions as a means of commemorating them.

Another means of highlighting the Mishnah's commemorative function is to examine the Mishnah's reception in later rabbinic collections. As the Mishnah is far from explicit about its purpose, its reception in slightly later rabbinic collections can tell us how the Mishnah was perceived by groups that are much closer to the time of its composition. Seth Schwartz has argued that Yerushalmi Peah 8.7 identifies commemoration as the purpose of the Mishnah:³⁰

רבי יוסי עאל לכפרה בעא מוקמה לון פרנסין ולא קבלין עליהון עאל ואמר קומיהון "בן בבי על הפקיע." ומה אם זה שנתמנה על הפתילה זכה להימנות עם גדולי הדור אתם שאתם מתמנין על חיי נפשות לא כל שכן.
Rabbi Yose came to [the village of] Kafrah. He wished to appoint charity administrators for the village, but no one accepted the obligation. He went and said before them, "Ben Bibi over the wicks [quoting Mishnah Shekalim 5.1]. Now this man who was appointed over the wicks merited to be counted among the great men of his generation. How much the more so for you [charity administrators] who are appointed over the lives of men?

In this story, Rabbi Yose wishes to appoint פרנסין (charity administrators) and cannot find any volunteers to serve in this role in the village. As an enticement to serve, Rabbi Yose quotes M. Shekalim 5.1, which recalls Ben Bibi, who was appointed over the wicks in the Temple.³¹ The thematic connection M. Shekalim 5.1 and the appointment of parnasim might be that both use the root מני, to appoint.³² In this story, Rabbi Yose claims that Ben Bibi was counted among the greatest men of his generation. His argument to the people of Kafrah is *a fortiori*: if the administrator of the wicks in the Temple was memorialized, then charity administrators, who are appointed over the lives of men, would surely be remembered. Most important for my argument is Rabbi Yose's understanding of the Mishnah as a commemorative work: he identifies the Mishnah as a document that recalls the greatest men of the generation, including the lowly Ben Bibi. Rabbi Yose's citation of

³⁰ Seth Schwartz, *Were the Jews a Mediterranean Society?*, (Princeton: Princeton University Press, 2010), 132.

³¹ See M. Shekalim 5.1.

³² Hence, the story from Peah has those who are "appointed (מתמנין) over matters of life and death," while M. Shekalim identifies Ben Bibi as one of the הממונים, the appointed ones.

M. Shekalim 5.1, which is a long list of Temple artisans and administrators, understands the mention of individuals in the Mishnah to have a commemorative function. On the basis of named attributions, ma'asim and the reception of the Mishnah, one concern of the Mishnah appears to be commemoration.

Commemoration and ritual narratives in the Mishnah

I now argue that narratives of Temple rituals are (among other things) a means of commemoration. This section argues that in its recollection of the rituals and spaces of the Temple, ritual narratives also commemorate particular individuals, dedications, or events. In characterizing ritual narratives as a form of commemoration, I am in dialogue with Ishay Rosen-Zvi, who has argued that the Mishnah is in no sense a memorial. Rosen-Zvi emphasizes the novel and inventive elements of the Mishnah over its historicity in his work on the Sotah ordeal in *Mishnah Sotah*.

Drawing on and modifying Neusner's presentation of the Mishnah, Rosen-Zvi has argued that ritual narratives in the Mishnah present "...an idyllic ritual world," which tells the story of rituals as they ought to be practiced rather than a historical memory of the Temple.³³ Indeed, he states "the Mishnah is structured neither as a memorial nor as a future vision; it discusses the ritualistic system, of which the Temple is part, as a continuous present." Thus, for Rosen-Zvi, the Mishnah is animated by two distinct forces: a utopianism that describes the ritualistic system of the Second Temple world as it should be (characterized by tractates like *Mishnah Sanhedrin*), and a realism, which adapts rabbinic practice to the realities of post-destruction life (tractates such as *Avodah Zarah* or *Demai*).³⁴ Rosen-Zvi argues that the utopianism of the Mishnah is a reaction to the destruction of the Temple. In emphasizing this utopianism, Rosen-Zvi downplays the commemorative elements of the Mishnah, seeing them as mere building blocks or sources that are

³³ Rosen-Zvi, *The Mishnaic Sotah Ritual: Temple, Gender, and Midrash*, 245.

³⁴ *Ibid.*, 248–49.

shaped by the rabbis in their creation of utopian ritual narratives. In his account of the Sotah ritual, Rosen-Zvi has also argued that many of its recollections of the events of the Second Temple period are false (which may indeed be true for Sotah, but cannot be generalized to the Mishnah as a whole).

This chapter argues that the ritual narratives of the Mishnah are not only utopian imagination, but also function as a form of commemoration of the destroyed Jerusalem Temple. By documenting the existence of these commemorative elements in the broader ritual narratives of the Mishnah, I argue that one purpose of these ritual narratives was the preservation and transmission of the memories of the past. My discussion in this section does two things: first, it provides historical contextualization for the Mishnah's recollection of the past, showing the individuals and figures that underlie this recollection of the past in these ritual narratives and second, it seeks to account for why these particular figures happened to be recalled in this specific case, pointing to an interplay between commemoration and the editorial hand of the Mishnah, which is explored in more depth in the section on Middot.

Mishnah Parah 3.5 will prove illustrative. The tractate describes the sacrifice of a red heifer, whose ashes were the only means of cleansing an individual of corpse impurity. In preparation for the red heifer sacrifice, the priest (and it often seems to be have been the high priest, based on the list in M. Parah 3.5) sequestered himself in a chamber called the Stone House for seven days and sprinkled himself with ashes from all previous red heifer sacrifices. This Stone House seems to have been where the ashes of the previous sacrifices were kept.³⁵ Since the high priest sprinkled ashes from each previous red heifer sacrifice on himself, the performance of the ritual necessitated the recollection of the previous performers of the ritual. Thus, Mishnah Parah 3.5 lists the high priests who had done this ritual, forming a commemorative moment in the midst of the ritual:

³⁵ M. Parah 3.1.

לא מצאו משבע--עושין משש ומחמש ומארבע ומשלוש ומשתיים ומאחת. ומי עשאן: הראשונה עשה משה השני עשה עזרא וחמש מעזרא והילך דברי רבי מאיר. וחכמים אומרין שבע מעזרא והלך. ומי עשאן: שמעון הצדיק ויוחנן כהן גדול שעשו שתים שתים; אליהו עיניי³⁶ בן הקיף³⁷ וחנמאל המצרי וישמעאל³⁸ בן פיאבי עשו אחת אחת.

If they did not find red heifer ashes from seven red heifers, they would prepare them from six, from five, from four, from three, from two, and from one. And who did a red heifer? “Moses did the first; Ezra did the second and five after Ezra,” the words of Rabbi Meir. But the Sages say, “Seven after Ezra. And who did them? Shimon the Righteous and Yohanan the High Priest each did two. Elihoenai ben Hakif and Hanamel the Egyptian and Ishmael ben Phiabi each did one (my translation).”

Of the seven individuals mentioned here, rabbinic literature treats Ezra, Moses, and Shimon the Righteous as important ancestors of the rabbinic movement, while Yohanan the High Priest is often understood to be a rabbinic memory of the Hasmonean king John Hyrcanus. Elihoenai ben Hakif, Hanamel the Egyptian, and Ishmael ben Phiabi are probably all high priests from the Second Temple period, although there are issues with these identifications that I will detail below. I now look at why these figures might have been considered important enough to be remembered in this passage. So this list is both a collection of historical figures (for the most part), but also shows the tenuousness of rabbinic memory, as they use the Parah rite to commemorate (primarily) high priests that they remember in other contexts.

It is unclear why Moses and Ezra are mentioned in this passage, as they were probably not high priests. Moses is not listed as sacrificing a red heifer (and was probably not understood to be a high priest),³⁹ although Numbers 19:1-10 records that Eleazar the priest performed this ritual, so perhaps that is what is being recalled. Although the book of Ezra does not identify Ezra as a high priest, he is a priest, and his genealogy in Ezra 7:1-5 goes back to Zadok, Phineas, and Aaron, which

³⁶ ה. אליהו עיניי in MS Kaufman. Albeck amends it to include a ה.

³⁷ MS Kaufman and MS Parma have הקיף, rather than הקף.

³⁸ This is added in the margins in MS Kaufman.

³⁹ Some late traditions associate Moses with the high priesthood. See Exodus Rabbah 2.6, B. Zevahim 101b, and the discussion in Isaiah Sonne, “The Paintings of the Dura Synagogue,” *Hebrew Union College Annual* 20 (1947): 271–72.

would make him part of the Zadokite high priestly lineage.⁴⁰ In 1 Esdras, Ezra is called a high priest (ἀρχιερέως) and perhaps this listing of Ezra in M. Parah 3.5 is some sort of echo of that tradition.⁴¹ More likely, the rabbis saw Ezra as a crucial transitional figure from the early days of the Second Temple period, which accounts for his role in M. Parah 3.5.⁴²

Supporting this claim is the fact that Shimon the Righteous (I use Shimon the Righteous to refer to the figure mentioned in rabbinic literature) is also a transitional figure in rabbinic literature. As Amram Tropper has argued, Shimon the Righteous is a semi-legendary figure who serves as a bridge between the legendary past and the more contemporaneous Second Temple period.⁴³ Shimon the Righteous has this function in M. Avot 1.2, which states “Shimon the Righteous was of the remnants of The Great Assembly.” The Great Assembly was a legendary institution—extrapolated from the one-time *keneset gedolah* convened by Ezra, which filled the gap in the chain of transmission between the prophets and later proto-rabbinic figures.⁴⁴ Shimon the Righteous has a similar role in a series of traditions about the Temple in the Tosefta and the Yerushalmi, which mark his death as the end of miraculous occurrences in the Temple.⁴⁵ Shimon the Righteous is usually identified with Simon I, a high priest who lived in the third century BCE, primarily because Josephus calls him δίκαιος.⁴⁶ Many have sought to identify him with Simon II, an Oniad high priest who lived before

⁴⁰ Ezra 7.1-5. He is called a priest in Nehemiah 8.9, 12.26.

⁴¹ 1 Esdras 9.39-40, 49.

⁴² Although primarily based in the Bavli and late midrash collections, Gary Porton has argued that the rabbis viewed Ezra as a bridge between the biblical period and the Second Temple period, see Gary Porton, “Ezra in Rabbinic Literature,” in *Restoration*, ed. James M. Scott (Leiden; Boston: Brill, 2001), 305–33.

⁴³ Amram Tropper, *Simeon the Righteous in Rabbinic Literature* (Leiden: Brill, 2013), 12.

⁴⁴ The connection between Ezra and the Great Assembly is made by Finklestein, but the rest of his reconstruction is highly positivist, see Louis Finklestein, “The Men of the Great Synagogue,” in *The Cambridge History of Judaism, Volume 2*, ed. W.D. Davies and Louis Finklestein (Cambridge: Cambridge University Press, 1983), 229–44. As David Goodblatt states, the Great Assembly is “an ahistorical construct based on Nehemiah 8-10”, see David Goodblatt, *The Monarchic Principle* (Tubingen: J.C.B. Mohr (Paul Siebeck), 1994), 80.

⁴⁵ Thus, T. Sotah 13.7, which is paralleled in Y. Yoma 6.3 and B. Yoma 39a.

⁴⁶ Thus, AJ 12.42 τελευτήσαντος Ὀνίου τοῦ ἀρχιερέως ὁ παῖς αὐτοῦ Σίμων γίγνεται διάδοχος ὁ καὶ δίκαιος ἐπικληθεὶς διὰ τε τὸ πρὸς τὸν θεὸν εὐσεβὲς καὶ τὸ πρὸς τοὺς ὁμοφύλους εὐνοῦν. The same epithet is used for him in AJ 12.157.

the Maccabean Revolt and is praised in Ben Sira 50.1-36.⁴⁷ Yet Ben Sira's praise of Simon II does not in any way help us connect Simon II with Shimon the Righteous in rabbinic literature. Just because we know a great deal about Simon II from Ben Sira does not mean that we can identify him with Shimon the Righteous.

The question of identification is unresolvable, as Shimon the Righteous in rabbinic literature could signify either Simon I or Simon II. Drawing on Tropper's insight, the inclusion of Shimon the Righteous in M. Parah 3.5 might reflect his status as one of the only high priests that the rabbis knew. Furthermore, his presence in M. Parah might commemorate his role as a transitional figure between the legendary past and the Second Temple period, reflecting his description in Tosefta Sotah and Mishnah Avot.

The rabbinic character Yohanan the High Priest is usually identified with John Hyrcanus, the son of Simon the Hasmonean, who ruled the Hasmonean kingdom from 134-104 BCE.⁴⁸ Another reason to identify the two figures is that John Hyrcanus' coins bear the legend "Yohanan the High Priest and the community of the Jews," suggesting that this was another title for John Hyrcanus.⁴⁹ In tannaitic literature, Yohanan the high priest is recalled because he abrogated or changed some of the rituals of the Temple.⁵⁰ The association between Yohanan and these Temple rituals might account

⁴⁷ See George Foot Moore, "Simeon the Righteous," in *Jewish Studies in Memory of Israel Abraham* (New York: Jewish Institute of Religion, 1927), 348-64. This argument relies heavily on interpreting Ben Sira's praises of the high priest Simon. We know that Ben Sira was active right before the Maccabean revolt, and thus, many have argued that given the nature of Ben Sira's praise, Simon II was actually Shimon the Righteous. Further, Amram Tropper has argued that the majority of rabbinic traditions about Shimon the Righteous place him right before the emergence of the Hasmoneans.

⁴⁸ This is because of T. Sotah 13.5, which contains an almost exact parallel with AJ 13.282, in which John Hyrcanus hears an utterance from the Holy of Holies concerning the victory of his sons in battle. The event and the words used are almost identical. The actual battle is described in AJ 13.277, but the utterance from the Temple is described in AJ 13.282. The use of λέγεται to describe the utterance might suggest some sort of external oral tradition. On parallels between rabbinic literature and Josephus, see Shay J D Cohen, "Parallel Historical Tradition in Josephus and Rabbinic Literature," Proceedings of the Ninth World Congress of Jewish Studies B, no. I (1985): 7-14; Vered Noam, "Did the Rabbis Know Josephus' Works?," *Tarbiz* 81 (2013): 367-96.

⁴⁹ On this coinage, see Regev, *The Hasmoneans: Ideology, Archaeology, and Identity*.

⁵⁰ Although note the rather odd mention of his bones in Mishnah Yadayim 4.6, which like the Torah, is something that is considered dear, but renders the hands unclean. See also M. Maaser Sheni 5.15 and M. Sotah 9.10.

for his presence in M. Parah 3.5.⁵¹ Yohanan’s reforms and changes in the Temple might govern his inclusion in the list; similar to Shimon the Righteous, a famous, semi-legendary priestly figure.

I turn from better attested, although admittedly much more obscure, figures to the high priests of the Second Temple period. The high priest Elihoenai ben Hakif is usually identified with Elionaeus son of Cantheras.⁵² Elionaeus was appointed by Agrippa I around 43 CE and deposed in 45 CE.⁵³ Regardless of Elionaeus’ connection to a particular high priestly family, there does not seem to be any particular reason why he should be remembered among this specific group of priests; Elionaeus is never mentioned again in rabbinic literature. I do not think this necessarily speaks to the authenticity of this memory, but it is surprising to find this particular high priest in M. Parah 3.5.

Hanamel the Egyptian is usually understood to be Ananel, a Babylonian priest appointed by Herod.⁵⁴ Herod appointed Ananel in 37 BCE, after his defeat of the last Hasmonean ruler, Antigonus.⁵⁵ Ananel was briefly deposed in 35 BCE, to be replaced by the last Hasmonean high

⁵¹ Treatments of Yohanan are primarily positive, except for B. Berachot 29a, which states that after having been the high priest for eighty years, he became a min [heretic—although this translation is not so straightforward].

⁵² On the identification of this Elionaeus with the Elionaeus, the son of Cantheras, see James VanderKam, *From Joshua to Caiaphas: High Priests after the Exile* (Minneapolis: Fortress Press, 2004), 449.

⁵³ There is some debate over his identity, and his relationship to other high priestly families. Robert Brody argues that Hakif, which he connects to קופה, basket, is the Semitic version of the high priestly familial name Καιάφας, suggesting that Elionaeus was defined by membership in two high priestly families, Cantheras and Kaiphas, as he argues that these names have the same meaning. Thus, according to Brody, haqayyaf is a maker or carrier of baskets. Brody also suggests that Cantheras and Kaiaphas are equivalents; Cantheras is a Greco-Latin name, which can mean pack saddle (καρθήλια, καρθηλιος) or cantherius, ass or mule. This could have referred to the act of carrying more generally, and if Kaiaphas means porter, Cantherus has a very similar meaning, suggesting that the two are glosses on each other. From this, Brody argues that we should see the Cantheras and Caiphas surnames as reflecting the same family. Robert Brody, “Caiaphas and Cantheras,” in *Agrippa I*, ed. Daniel Schwartz (Tubingen: Mohr Siebeck, 1990), 190–95. VanderKam rejects this argument, pointing out that קפה is not related to הקרי (they have different roots), nor is the word attested in Hebrew or Aramaic. VanderKam cautions against using this Mishnah for analysis of the priestly families of the Second Temple period, because of its historical distance from the time period and textual problems with transmission. See VanderKam, *From Joshua to Caiaphas: High Priests after the Exile*, 451. I think VanderKam is probably correct, and Brody places too much emphasis on speculative etymologies. Richard Bauckham claims that M. Parah 3.5 is just confused, arguing on the basis of the inscriptions of the Caiaphas tomb, which has the name קיפא, that M. Parah mixed up Elionaeus of the Cantheras family with the Caiaphas family. Bauckham’s explanation of this phenomenon seems highly plausible. Richard Bauckham, “The Caiaphas Family,” *Journal for the Study of the Historical Jesus* 9 (2012): 3–31. Bauckham argues that the Cantheras family is actually the Qathros family, which is mentioned in T. Menahot 13.21. See Hannah Cotton et al, eds., *Corpus Inscriptionum Iudaeae/Palaestinae* (Berlin; New York: De Gruyter, 2010), 666.

⁵⁴ VanderKam, *From Joshua to Caiaphas: High Priests after the Exile*, 397.

⁵⁵ AJ 15.22.

priest, Aristobulus III, who Josephus alleges that Herod murdered.⁵⁶ His term as high priest continued to about 30 BCE. His appointment was the start of the late Second Temple system of the high priesthood, where the appointment of high priests by various rulers and Roman officials replaced the hereditary model.

Of course, this identification comes with its own problems. The name *הַנְּמָאֵל* is a bit different from the attested Hebrew version of this name *הַנְּנָאֵל* but such a shift is not entirely implausible.⁵⁷ Yet the context of M. Parah 3.5 clearly points to high priests, and there are no other high priests with a similar name. More problematic is M. Parah 3.5's identification of him as an Egyptian—Ananel was from Babylonia.⁵⁸ VanderKam suggests that this identification of him as an Egyptian might actually have originally been intended to go with Ishmael ben Phiabi (the last high priest mentioned in the list of M. Parah 3.5), whose family name is attested in a cemetery in Leontopolis.⁵⁹ Such an explanation of the presence of the adjective “Egyptian” requires several assumptions that are difficult to confirm, and instead, this detail may be wrong. Bauckham suggests that the Mishnah confused Ananel with Simon son of Boethus, who came from Egypt, although this still does not account for Ananel's presence on the list.⁶⁰ Ananel's presence may speak to his significance as the first high priest of the Herodian era. His appointment transformed the institution of the high priesthood. This could be the reason for his inclusion in the list of M. Parah 3.5, although he is not mentioned anywhere else in rabbinic literature.

⁵⁶ BJ 1.437.

⁵⁷ Nehemiah 3.1 attests to a tower of Ananel near Jerusalem, although it probably has no bearing on this topic.

⁵⁸ Klausner creatively suggested that he was a Babylonian Jew who lived in Egypt.

⁵⁹ Ibid., 398. See William Horbury and David Noy, eds., *Jewish Inscriptions of Graeco-Roman Egypt* (Cambridge: Cambridge University Press, 1992).

⁶⁰ Bauckham, “The Caiaphas Family.” AJ 15.320.

Finally, Ishmael ben Phiabi was high priest from 15-16 CE? and presumably, a different Ishmael ben Phiabi served in 59-61 CE.⁶¹ These two terms of office are so far apart that I follow VanderKam in assuming that they were probably different people.⁶² The later Ishmael ben Phiabi is associated with an outbreak of violence in AJ 20.180-181, when the high priests sent their slaves to seize the tithes from the threshing floor where they were distributed to the priests. VanderKam connects this incident with a lament about the evils of the high priesthood that is preserved in T. Menahot 13.21 (also found in B. Pesahim 57a).⁶³ The coincidence of these two sources is striking. VanderKam's attempt to directly identify the Ishmael ben Phiabi in rabbinic literature with the second Ishmael ben Phiabi on the basis of this coincidence should not be done in such a straightforward manner. Given the relative lack of details concerning Ishmael in rabbinic literature, it makes more sense to think of him as a composite character in rabbinic literature. It is also impossible to separate out which traditions refer to which Ishmael ben Phiabi. Instead, we can speak about how Ishmael ben Phiabi is portrayed in rabbinic literature. While this negative tradition from Menahot exists, Ishmael ben Phiabi has a fairly positive afterlife in the rest of rabbinic literature.⁶⁴

The purpose of this close analysis is to point out the essential historicity (obviously somewhat complex for Ezra and Moses) of the figures on this list. Underlying each of these different names in the Mishnah are historical individuals, whose identities can be corroborated in external sources. But why does the Mishnah remember these seven individuals in particular? Of the seven people in M. Parah 3.5's list, only Moses is directly associated with a red heifer sacrifice

⁶¹ The first of member of the family was Jesus son of Phiabi (30?-24/22 BCE). The Ishmael ben Phiabi(s) are mentioned by Josephus in AJ 18.34 and AJ 20.179.

⁶² VanderKam, *From Joshua to Caiaphas: High Priests after the Exile*, 463.

⁶³ אוי לי מבית ישמעאל בן פיאבי שהם כהנים גדולים ובניהם גזברין וחתניהן אמרכלין ועבדיהן באין וחובטין עלינו במקלות

⁶⁴ See M. Sotah 9.15. He is recalled as fairly well to do in T. Yoma 1.21, Y. Yoma 3.6, B. Yoma 35b. A late tradition in the Bavli states that he served for ten years as high priest. See B. Yoma 9a. This passage is an important piece of evidence for Daniel Schwartz, "Ishmael Ben Phiabi and the Chronology of Provincia Judaea," in *Studies in the Jewish Background of Christianity*, ed. Daniel Schwartz (Tubingen: J.C.B. Mohr (Paul Siebeck), 1992), 218-42. However, given that B. Yoma 9a mentions just those high priests (as well as an entirely unattested high priest Eleazar ben Harsom), it is probably not worth considering seriously.

(though he did not carry out the sacrifice, he directed Eliezer to do so). This does not mean that these high priests did not carry out the red heifer sacrifice, but suggests that we should perhaps look for other criteria for their inclusion on this list. As already presented above, Ezra was a priest and an important transitional figure for the rabbis. Shimon the Righteous and Yohanan the High Priest also occupied important transitional roles, as does Hanamel, if he is to be identified with Ananel. Furthermore, Ishmael ben Phiabi, Shimon the Righteous, and Yohanan the High Priest were also all high priests who played particularly prominent roles in the rabbinic memory of the Second Temple period. Elihoenai is a bit more difficult to explain, and based on the evidence we have, it is difficult to ascertain why exactly he was recalled here. Hence, there are a series of plausible reasons to explain the creation of this list including their function as transitional figures and their prominence in later rabbinic memory.

Moving from the historicity to the internal logic of the text, what might this list have symbolized to the reader of M. Parah 3.5? In the context of M. Parah, it is a moment of commemoration, which recalls these individuals as a means of describing and allowing the ritual to function. At the same time, it also creates a sort of chain of tradition, which carries down to the end of the Second Temple period, connecting biblical figures such as Moses and Ezra with prominent later priestly figures and more recent priestly figures. My argument for M. Parah 3.5 is that the process is fairly complex—there are a variety of different factors underlying any specific memory of the past in the Mishnah, ranging from historicity to internal rabbinic biases to a broad sense of transitionality, and it is important to be able to account for all of these different factors.

We can see a similar set of factors at play in Mishnah Sukkah 5.8 and Tosefta Sukkah 4.26-28, which commemorate the Maccabean revolt by means of the physical space of the Temple. These passages describe the weekly changing of the priestly watches (who conducted the Temple service),

which was marked by the ceremonial distribution of the sanctified loaves.⁶⁵ M. Sukkah 5.8 describes the division of loaves between the entering and the departing watch, then states,

הנכנסים חולקין בצפון, והיוצאין חולקין בדרום. בלגה לעולם חולקת בדרום, טבעתה קבועה וחלונה סתומה.

“The [watch] that enters [into service] divides in the north, and the [watch] that exits divide in the south. Bilgah always divides in the south, and their ring is fixed and their niche is closed up (my translation).”

According to Tosefta Sukkah 4.26-27, each of the twenty four watches had a ring (the priestly watches used the ring to hold the neck of the animal when they slaughtered it⁶⁶) and a niche where they stored their knives. These are the discrete spaces of the priestly watches in the Temple structure. However, Bilgah’s ring was fixed and their niche was closed up.

Tosefta Sukkah 4.28 accounts for the spatial anomaly of Bilgah.⁶⁷

בלגה לעולם חולקת בדרום וטבעתה קבועה וחלונה סתומה מפני מרים בת בלגה שנשתמדה הלכה ונשאת לסרדיוט אחד ממלכי יון וכשנכנסו גוים להיכל באתה וטפחה על גגו של מזבח אמרה לו לוקס לוקס אתה החרבת ממונן של ישראל ולא עמדת להם בעת צרתם ויש אומ' מפני עיכוב משמרות נכנס ישבאב ושימש תחתיה לפיכך בלגה נראית יוצא לעולם וישבאב נראית נכנסת לעולם כל השכנים הרעים לא קבלו שכר חוץ מישבאב שהי שכנה של בלגה וקבל שכר.

“Bilgah forever divides in the south and its ring is fixed and its niche is closed up because of Miriam bat Bilgah. She apostatized and married an officer of the Kings of Greece. And when the non-Jews (Greeks)⁶⁸ entered into the Temple, she came to the altar and struck it, crying, ‘Wolf⁶⁹, wolf, you have consumed the wealth of Israel and you do not stand up for them in their time of troubles.’ And there are those who say [that the ring is fixed and the niche is closed] because Bilgah tarried coming in to his watch and Jeshebab his brother came and served in his place. Thus Bilgah always appears to be exiting and Jeshebab always seems to be entering. All neighbors of the wicked receive no reward except for Jeshebab who was a neighbor of Bilgah and received a reward (my translation).”

⁶⁵For more on Miriam bat Bilgah, see Moshe Benovitz, “Miriam Bat Bilgah in the Temple: Self, Symbol, Substitute or Stereotype?,” in *Introduction to Seder Qodashim*, ed. Tal Ilan, Monika Brockhaus, and Tanja Hidde (Tubingen: Mohr Siebeck, 2012), 58.

⁶⁶Hanokh Albeck, ed., *Shishab Sidre Mishnah: Seder Moed* (Jerusalem; Tel Aviv: Mosad Bialik, Devir, 1956), 278.

⁶⁷These texts are paralleled in Y. Sukkah 5.8 and B. Sukkah 56b. On the relationships between these parallels and the transformation of this text in the Bavli, see Richard Kalmin, “Jewish Sources of the Second Temple Period in Rabbinic Compilations of Late Antiquity,” in *The Talmud Yerushalmi and Graeco-Roman Culture, Volume 3*, ed. Peter Schäfer (Tubingen: Mohr Siebeck, 1998), 17–53.

⁶⁸The goyim, according to MS Vienna, London—MS Erfurt has Greeks.

⁶⁹I.e., λύκος, which means wolf.

The Tosefta explains the Mishnah's brief allusion, providing two interpretations of Bilgah's closed niche and the fixed ring. The first explanation focuses on an apostate from the watch of Bilgah who married a Greek soldier and returned with the conquering Greek army, placing the story in the time of Maccabean revolt (167-164 BCE). Significantly, the high priest Menelaus, who was high priest during the revolt, may have been from the priestly division Bilgah; indeed, many scholars have read this story as a displaced memory of Menelaus.⁷⁰ The second explanation of this spatial anomaly evokes the early days of the Second Temple and blames the spatial anomaly on the tarrying of the watch's eponymous ancestor Bilgah. Both stories are aetiologies, which use the spatial anomaly of Bilgah (the fixed ring and the closed aperture) to commemorate the figures of the past. In this ritual narrative, this spatial anomaly is accompanied by an explanatory narrative, which describes how this spatial anomaly came to be. In this way the description of the structure of the Temple in the Mishnah is a means of commemorating important events of the Jewish past.

Underlying this obscure Mishnaic reference and longer Toseftan story is the Maccabean revolt, and the Mishnah shows some awareness of the central role of a figure from the course of Bilgah/Balgea in these events, something that is corroborated by external sources. Like the account of 2 Maccabees, the Mishnah seems to implicate priests in this process, although as Moshe Benovitz and Cynthia Baker have argued, they displace the responsibility onto one woman, shifting the blame from the course as a whole as a means of responding to the trauma.⁷¹ Further, this text presents a narrative of internalized conflict and transformation of priestly insiders into outsiders who destroy

⁷⁰The evidence for Menelaus' connection to Bilgah is as follows: Simeon, the main Jewish antagonist in the story of Heliodorus and the Temple, is recorded as being from the tribe of Benjamin in the Greek version of 2 Maccabees. Yet in the Armenian and Latin versions of 2 Maccabees, this Simeon is from "Balgea," which is understood to signify Bilgah. Simeon was the brother of Menelaus, and hence Menelaus was also from the priestly division Bilgah. See 2 Maccabees 3.4; Robert Doran, *2 Maccabees: A Critical Commentary* (Minneapolis: Fortress Press, 2012), 75; V. Tcherikover, *Hellenistic Civilization and the Jews* (Philadelphia: The Jewish Publication Society, 1959), 403–4. For the contrary (and perhaps somewhat contrarian view), see Daniel Schwartz, *2 Maccabees* (Berlin: Walter De Gruyter, 2008), 94–95.

⁷¹ See Benovitz, "Miriam Bat Bilgah in the Temple: Self, Symbol, Substitute or Stereotype?"; Cynthia Baker, "The Queen, the Apostate, and the Women Between," in *A Feminist Commentary on the Babylonian Talmud*, ed. Tal Ilan et al. (Tubingen: Mohr Siebeck, 2007), 169–79.

or profane the Temple, in contrast to M. Middot's presentation of the Maccabean revolt, which uses it as a moment to reify the conflict between Greeks and Jews as a unified war. Intriguingly also, the Hasmoneans are totally absent from this narrative, although they are remembered in Mishnah Middot. Hence, underlying this marker of the past is a historical event that is able to be corroborated in other sources. This passage combines a complex recollection of the past, a rabbinic narrative of the Maccabean revolt, and a process of rabbinic displacement of memory onto Miriam.

A further complex of commemorative functions are found in a brief description of a series of donations to the Temple during the Yom Kippur ceremony.⁷² In Mishnah Yoma 3.9-3.10, the Mishnah recalls a series of figures who provided the Temple with gifts. As the passage describes the high priest's movement through the Temple during the Yom Kippur ritual, the recounting of the lots for the ceremonial choosing of a scapegoat causes the remembrance of Ben Gamla, in addition to a series of other donors to the Temple:

בא לו למזרח העזרה לצפון המזבח הסגן מימינו וראש בית אב משמאלו. ושם שני שעירים וקלפי הייתה שם ובה שני גורלות של אשכרוע היו ועשאן בן גמלא של זהב ומזכירין אותו לשבח. בן קטין עשה שנים עשר דד לכיור שלא היו בו אלא שניים אף הוא עשה מוכני לכיור שלא יהיו מימיו נפסלין בלינה. מונבז המלך עשה כל ידות הכלים של יום הכיפורים של זהב. הילני אימו עשתה נברשת של זהב על פתחו של היכל אף היא עשתה טבלה של זהב שפרשת סוטה כתובה עליה. ניקנור נעשו ניסים לדלתותיו והיו מזכירין אותו לשבח.

“The high priest came to the east of the courtyard, to the north of the altar. The segan [kohen gadol]⁷³ was at his left and the head of priestly clan was at his right. There were two goats and also an urn, in which there were two lots. These lots were made of box wood, and Ben Gamla replaced them with gold, and they were remembering him for praise. Ben Katin made twelve spigots for the basin, for there were only two originally, and he also made a machine for the basin so that its water should not be invalidated by being kept overnight. Munbaz the King replaced all the handles of the Yom Kippur vessels with gold. Helena his mother made a lamp of gold for the gate of the sanctuary. She also made a tablet of gold, on which the words of the Sotah ritual were written. Miracles were done for Nicanor's gates, and they used to remember him for praise (my translation).

⁷² I am leaving out M. Yoma 3.12, which commemorates Temple artisans and suppliers who are to be remembered for shame.

⁷³ Albeck suggest that this is the figure that is implied by the use of the word segan, see Albeck, *Shishab Sidre Mishnah: Seder Moed*, 231.

This section recalls the donation of several individuals from the Second Temple period (with the exception of Ben Katin). Nicanor has already been discussed in Chapter 1, but to summarize: he was an Alexandrian Jew, who advertised his construction of the Jerusalemite gates in his epitaph. Ben Gamla is probably identical with Joshua ben Gamla, who is mentioned in M. Yebamot 6.4. There, he is the husband of Marta bat Boethus, a widow to whom he was betrothed before he became high priest.⁷⁴ Many have identified this Joshua ben Gamla with Jesus ben Gamla, who served as high priest (from 63-64 CE). According to Josephus, this Ben Gamla was a leader of the “moderate” faction during the revolt.⁷⁵ He was a friend and political ally of Josephus, according to the *Vita*.⁷⁶ Ben Gamla was thus a high priestly grandee who lived around the time of the destruction.

Munbaz and Helena were presumably members of the royal family of Adiabene, a kingdom in the Parthian empire, whose ruler Izates and his mother Helena (her first husband was Monobazus I) converted to Judaism.⁷⁷ Izates’ brother Monobazus II converted to Judaism some years later, and ruled Adiabene after Izates’ death.⁷⁸ AJ 20.45-52 relates that when there was a great famine in Palestine, Helena and Izates provided grain to the Jews.⁷⁹ The language of Josephus suggests that this deed was commemorated, as he states that Helena “...καὶ μεγίστην αὐτῆς μνήμην τῆς εὐποιίας ταύτης εἰς τὸ πᾶν ἡμῶν ἔθνος καταλέλοιπε.”⁸⁰ He suggests there was some active attempt among the Jews to commemorate her. In Palestinian rabbinic literature, Munbaz and Helena are remembered as

⁷⁴ This engagement was notable because the high priest is forbidden to marry a widow, but since Ben Gamla was engaged before his appointment as high priest, he and Marta were permitted to marry. The Bavli’s version of this story allege that Marta bat Boethus bribed king Yannai (the remembered villainous Hasmonean ruler) to appoint Ben Gamla as high priest, see B. Yebamot 61a.

⁷⁵ BJ 4.323 and AJ 20.223. See VanderKam, *From Joshua to Caiaphas: High Priests after the Exile*.

⁷⁶ Vita 204.

⁷⁷ AJ 20.34-37. See also Isaiah M. Gafni, “The Conversion of the Rulers of Adiabene in Light of Talmudic Literature (Hebrew),” *Niv Ha-Midrashiah*, 1971, 204–12; Lawrence Schiffman, “The Conversion of the Royal House of Adiabene in Josephus and Rabbinic Sources,” in *Josephus, Judaism, and Christianity*, ed. Louis Feldman and Gohei Hata (Detroit: Wayne State University Press, 1987), 293–314. The conversion of Izates is discussed in Genesis Rabbah 46.11.

⁷⁸ AJ 20.75.

⁷⁹ AJ 20.52. M. Nazir 3.6 discusses Helena’s time in Jerusalem as a Nazirite.

⁸⁰ AJ 20. 51 “And she left behind a great memorial of this deed for all of our people.”

pious figures, but with slightly idiosyncratic forms of halachic practices.⁸¹ It is usually assumed that the Helena in Mishnah Yoma 3.10 is the mother of Izates and Monobazus II, and the Mishnah identifies Munbaz as Helena's son, which would make him Monobazus II.⁸²

These objects are uninscribed; no inscription states that Ben Gamla made the lots of gold. Instead, the sight of the object calls the donor to mind. In the context of the Mishnah's recreation of the Yom Kippur ritual, the high priest's sight of the object causes the donor to be mentioned. In its description of Ben Gamla's turning the Yom Kippur lots to gold, the Mishnah records, “ומזכירין אותו לשבח”, and “they were causing him to be remembered for praise.” The pairing of this phrase and Ben Gamla's Temple dedication suggests that this phrase in 3.9 describes a transaction, one of benefaction and commemoration. Ben Gamla's gift is reciprocated by the unspecified “they” of the text, who cause him to be remembered. This commemorative notice is an active record of the commemorative process, as indicated by the use of the verb ומזכירין in the hiphil form. Indeed, Mishnah Yoma 3.9 could itself be part of that process of commemoration.

This passage primarily includes figures who had some cause to be remembered, and who seem to have actively promoted their memory as a benefactor of the Jews and the Temple. Nicanor, for instance, in his epigraph represented himself as a donor to the Temple. Similarly, the Adiabenean royal family seems to have advertised their connection to Jerusalem and the Temple, and provided benefactions to it as part of its self-image as pious Jews. What is striking about Yoma is that the rabbis remember figures who actively sought to commemorate and have themselves

⁸¹ T. Sukkah 1.1, T. Peah 4.18, T. Megillah 3.30, T. Shabbat 8.5. Izates is only mentioned in Genesis Rabbah 46.11, which describes his and Munbaz's conversion to Judaism. In the Bavli, as Richard Kalmin has argued, Munbaz and Helena are portrayed somewhat negatively. See Richard Kalmin, “The Adiabenean Royal Family in Rabbinic Literature of Late Antiquity,” in *Tiferet leYisrael: Jubilee Volume in Honor of Israel Francus*, ed. Joel Roth, Menahem Schmelzer, and Yaacov Francus (New York: The Jewish Theological Seminary of America, 2010), 61–77.

⁸² Lawrence Schiffman, “The Conversion of the Royal House of Adiabene in Josephus and Rabbinic Sources,” in *Josephus, Judaism, and Christianity*, ed. Louis H. Feldman and Gohei Hata (Detroit: Wayne State University Press, 1987), 300.

commemorated in the Second Temple period. Underlying this passage is a sense of the historical reality of the Second Temple period.

At the same time, it is instructive to compare these donations with the catalogue of donations from Chapter 1, which is derived from the works of Josephus. There, Josephus tends to highlight the donations of kings and Roman generals, which tended to be much grander, and also served as commemorative objects. The dedications in Yoma are primarily functional, directly contributing to the Temple service. Ben Gamla replaced the box wood lots of Yom Kippur with golden lots, which were used to assign the two goats either to Azazel or the Lord.⁸³ Similarly, Ben Katin's donations helped priests perform sacrifices, providing them with more spigots and a machine for the laver, which the priests used to sanctify their hands and feet.⁸⁴ Munbaz made the handles of the vessels for Yom Kippur out of gold, again directly contributing to the priestly service. Helena's donation of the golden lamp illuminates rituals of the Temple and her donation of the golden tablet was used during the Sotah ceremony.⁸⁵ In the Tosefta (although not in the Mishnah) the Sotah tablet is the source from which the priest writes the paper that was dissolved into the Sotah potion.⁸⁶ Hence, the rabbinic picture of donations to the Temple focuses on much more modest and pious donations, commemorating figures such as a Diaspora Jew, Jewish converts, and a high priest, rather than Romans or Herodian kings. In this account of the Temple, the rabbis advance their own vision of its commemorative culture and the types of donations that characterized it. This passage reveals the complex interactions between historicity and the rabbinic commemorative agenda that is at work in ritual narratives; rabbinic texts provide complex accounts of the Temple that draw on and reuse its historical elements, much of which we can trace in our

⁸³ M. Yoma 4.1.

⁸⁴ M. Tamid 1.4.

⁸⁵ Tosefta Sotah 2.1.

⁸⁶ See Mishnah Sotah 2.3-2.4, Tosefta Sotah 2.1, Ishay Rosen-Zvi, *The Mishnaic Sotah Ritual: Temple, Gender, and Midrash*, 159.

sources, but also use these as moments to advance their own set of commemorative biases about the Temple, its function, and its memory.

Mishnah Middot and the Temple

Having used some ritual narratives to make this argument about the remembered elements of the past and rabbinic biases, I now turn to Mishnah Middot, examining these same themes in a tractate, and provide a fuller account of what aspects of the Temple are remembered and how they are changed in the Mishnah. Drawing on the first chapter's discussion of the commemorative function of the Jerusalem Temple, I argue that commemoration was one function of this Mishnaic narrative, which advances a history of the Jewish past through its commemorative narrative. This section analyzes the historicity of rabbinic memory of the Temple in Middot, while noting the specific rabbinic biases that shape this recollection of the space of the Temple. Before making this argument, however, it will be helpful to briefly provide an outline of tractate Middot.

Mishnah Middot: An Introduction

Middot's textual tour through the Temple is a bit disjointed, as the text combines three different movements through the Temple's space. The first chapter (Middot 1) has its own narrative agenda. It begins with the sentries on the Temple Mount and describes the gates of the Temple Mount and the Temple court, then enters the priestly court through the entrance to the Chamber of the Hearth, which is where the priests spend time when they are not engaged in Temple service. Much of this section is paralleled in Mishnah Tamid, and thus M. Middot 1 is primarily interested in priestly spaces and may have been appended to the beginning of the tractate. The second chapter begins outside again, at the Temple Mount, and progresses inwards through the court of women and then the court of Israel. Subsequently, M. Middot 3 dwells on the altar and M. Middot 4 moves into the sanctuary. These three chapters (2, 3, and 4) present a unified Temple narrative that culminates

with a description of the sanctuary. M. Middot 5 turns back to the priestly courtyard. It then describes the three chambers in the north and the south of the priestly courtyard. This tour culminates with the Chamber of the Hewn Stone. This movement back into the priestly court is incongruent with the movement of the previous three chapters and therefore suggests that this chapter might have been added to the previous material. So within Middot, there are three separate narratives of the Temple's space: one from the Temple Mount to the Chamber of the Hearth, one from the Temple Mount to the sanctuary, and one from courtyards in to the chamber of the Hewn Stone.

Historiography of M. Middot

Mishnah Middot describes the Temple complex, including the Temple Mount, the courtyards of the Temple, and the main sanctuary. The tractate provides a detailed descriptions of the Temple's space. This presents one of the first challenges of this tractate: although many scholars have used Mishnah Middot to discuss the Jerusalem Temple, the archaeology of the Temple Mount suggests that Middot has little connection to the Herodian Temple.⁸⁷ To give just a few examples, the Mishnah states that the Temple Mount is 500 *amot* (240.8 m-286.5 meters) by 500 *amot*,⁸⁸ whereas the Herodian Temple Mount is much larger, 280 by 488 meters, and 18 hectares in total.⁸⁹ Furthermore, Mishnah Middot's Temple Mount is a square, whereas the Herodian Temple Mount is a trapezoid. Mishnah Middot 1.3 mentions the Tadi gate in the north of the Temple complex.⁹⁰

⁸⁷ Yitzhak Magen, "The Gates of the Temple Mount according to Josephus and the Mishnah," *Cathedra* 14 (1980): 41–42.

⁸⁸ 1 amah is 48.16-57.30 centimeters, thus 500 amot is around 240.8 m-286.5 m.

⁸⁹ Brian Lalor, "The Temple Mount of Herod the Great at Jerusalem," in *Archaeology and Biblical Interpretation*, ed. John Barclay (New York: Routledge, 1997), 95–116.

⁹⁰ See M. Middot 1.3: כניסה ויציאה; קיפונוס מן המערב, משמשין כניסה ויציאה; שני שערי חולדה מן הדרום, משמשין כניסה ויציאה; עליו שושן הבירה צורה--שבו כוהן גדול השורף את הפרה, ופרה, וכל כניסה ויציאה; טדי מן הצפון, לא היה משמש כלום; שער מזרחי, עליו שושן הבירה צורה--שבו כוהן גדול השורף את הפרה, ופרה, וכל כניסה ויציאה. There were five gates to the Temple Mount: the two Huldah Gates on the south, that served for entry and for exit; the Kiponus Gate on the west, that served for entry and exit; the Tadi Gate on the north which was not used at all; the Eastern Gate on which was portrayed the Palace of Shushan. Through this the high priest that burned the red heifer, and the heifer, and all the heifer's attendants went forth to the Mount of Olives.

However, no such northern gate has ever been found.⁹¹ The same text records that there was only one gate to the west, the Coponius gate, whereas, archaeologists have discovered four gates/entrances in the west, corresponding to Wilson's Arch, Warren's Gate, Robinson's Arch, and Barclay's Gate.⁹²

Similarly, Middot cannot be reconciled with Josephus' two descriptions of the Temple in the Jewish War and the Jewish Antiquities (though Josephus's own descriptions of the Temple also contradict each other at points).⁹³ Josephus and the Mishnah disagree on the height of the doors of the sanctuary, as well as on the number of gates into the Temple Court.⁹⁴ Middot similarly fails to note the porticoes that surround the Temple, which are a significant feature in Josephus' description of the Temple.⁹⁵

Yet despite these inconsistencies, M. Middot does accurately report some highly specific aspects of the Temple, and thus cannot be dismissed as completely imaginary. It remembers that the gates of the Temple were plated with gold.⁹⁶ As Lee Levine shows, Middot and Josephus's description in the Jewish War report many of the same features of the Temple, including identical measurements for the Temple façade, identical length of the sanctuary and the Holy of Holies, the fifteen steps that led into to the Israelite court, and the twelve steps from the priestly court to the

⁹¹ This inconsistency between Middot and the archaeology pushes Magen to argue that the rabbis are trying to forget Herod, and are instead remembering an earlier Temple, see Magen, "The Gates of the Temple Mount according to Josephus and the Mishnah."

⁹² Eilat Mazar, *The Complete Guide to the Temple Mount Excavations* (Jerusalem: Shoham Academic Research and Publication, 2002); Leen Ritmeyer and Kathleen Ritmeyer, *Secrets of Jerusalem's Temple Mount* (Washington, DC: Biblical Archaeological Society, 1998). Wilson's arch may originally have been a bridge to the Upper City, see Alexander Onn and S. Weksler-Bdolah, "Wilson's Arch and the Great Causeway in the Second Temple and Roman Periods in Light of Recent Excavations," *Kadmoniot* 140 (2010): 109–22.

⁹³ See AJ 15.380-425 and BJ 5.184-250. Levine, "Josephus' Description of the Jerusalem Temple: War, Antiquities, and Other Sources."

⁹⁴ BJ 5.211 says that the doors of the sanctuary were 55 cubits high and 16 cubits wide. M. Middot 4.1 says they were 20 cubits high and ten cubits wide. M. Middot 1.4 says there were seven gates into the Temple Court, while M. Middot 2.6 says there were thirteen gates. In contrast, BJ 5.201 says there were ten gates into the Temple court.

⁹⁵ E P Sanders, *Judaism: Practice and Belief* (Philadelphia: Trinity Press International, 1992), 59. See the discussion of porticoes in BJ 5.190.

⁹⁶ BJ 5.201, 205, 207-208 and M. Middot 2.3.

sanctuary.⁹⁷ To this I would add that Mishnah Middot recalls a series of historical details about the Temple, including (probably) the breaches made in the Soreg (the barrier beyond which non-Jews were prohibited from passing) in the time of the Maccabean revolt by the high priest Alcimus, the storage of the defiled altar from the time of the Hasmonean revolt, and the golden vine placed over the Temple by Herod.⁹⁸ Indeed, based on its level of historical detail, Middot does seem to reflect (in some mediated sense) the Herodian Temple. At the very least, it cannot be as easily dismissed as other extant descriptions of “Temples”, such as those in the Temple Scroll and Ezekiel, which represent wholly unrealistic Temples.⁹⁹ Overall, the difficulties associated with the interpretation of Middot have led to the formation of two main scholarly approaches to the tractate: historicist interpretations and functional interpretations.

Historicists are committed to the historical accuracy of Mishnah Middot. They harmonize or explain away the contradictions with Josephus and archaeology, arguing that these contradictions reflect changes in the Temple structure over the course of the Second Temple period, or that Middot reflects a different Temple than that of Herod. For instance, Nehemiah Pionteck and Yitzhak Magen have argued that Middot represents the Temple that stood before Herod’s massive renovations began in 19 BCE, while Josephus’s description reflects the rebuilt Herodian Temple, thus explaining the contradictions between Josephus and Middot.¹⁰⁰ Both have presented this memory as evidence of rabbinic opposition to Herod and his rebuilding of the Temple. The trouble with this approach, as Lee Levine notes, is that Middot includes multiple dedications and objects

⁹⁷ Levine, “Josephus’ Description of the Jerusalem Temple: War, Antiquities, and Other Sources,” 240. Thus, see BJ 5.206-207, M. Middot 2.5, BJ 5.207/M. Middot 4.6, and BJ 5.216,219 and M. Middot 4.7, among other things.

⁹⁸ M. Middot 2.3, 1.5, and 3.8 respectively.

⁹⁹ On the Temple Scroll, see Lawrence Schiffman, “Descriptions of the Jerusalem Temple in Josephus and the Temple Scroll,” in *Historical Perspectives: From the Hasmoneans to Bar Kokhba in Light of the Dead Sea Scrolls*, ed. David Goodblatt, Avital Pinnick, and Daniel Schwartz (Leiden; Boston: Brill, 2001), 69–82.

¹⁰⁰ Nehemiah Pionteck “To Clarify the Sources of Mishnah Middot” *HaMa’ayan* 28, no. 2 (1988): 10–20. Magen, “The Gates of the Temple Mount according to Josephus and the Mishnah.” See also Joshua Peleg, “Time of the Temple in Masekhet Middot,” *Techumin* 17 (1997): 480–498, who argues that this reflects a Temple that was built between 70 CE and the Bar Kochba Revolt in 132-135 CE.

from the Herodian period, including the Gate of Nicanor, the golden vine (of Herod), and the Coponius gate, which seems to have been named after the first Roman governor of Judea.¹⁰¹

A somewhat less dogmatic historicist approach to Middot is to pick and choose which evidence in Middot to trust. Hence, E.P. Sanders has suggested that Middot can be used alongside Josephus, and that the distinctions between Middot and Josephus can often be explained by Middot's decision to follow the biblical description of the Temple in Ezekiel or Kings.¹⁰² Lee Levine suggests that Mishnah Middot can sometimes be used, and sometimes not.¹⁰³ Levine sees Middot as combining a variety of different sources and influences, including exegesis, memory, and projection.¹⁰⁴ Netzer and Ritmeyer adopt a similar approach in their reconstructions of the Temple.¹⁰⁵ While this approach works well for the attempted reconstruction of the Jerusalem Temple, it does not necessarily explain very much about Middot as a text, nor does it reveal why the rabbis remembered such a diverse array of accurate and inaccurate materials.

It is precisely in this regard that scholars who offer functional interpretations of the tractate intervene. They are less concerned with Middot's historicity and instead focus on its purpose and message as a tractate. Maimonides (1135-1204), the medieval Jewish physician and philosopher, claimed that Middot recalled the Temple so that it could be rebuilt in the messianic age.¹⁰⁶ More modern scholarship has presented a variety of purposes for the tractate. Naftali Cohn has argued that the tractate demonstrates rabbinic authority over the Temple. He shows that the movement through the Temple in Middot culminates with the Chamber of Hewn Stone. According to Middot, the Temple court, a proto-rabbinic (and probably fictional) court, convened in this chamber. In

¹⁰¹ Levine, "Josephus' Description of the Jerusalem Temple: War, Antiquities, and Other Sources," 240–41.

¹⁰² Sanders, *Judaism: Practice and Belief*, 59.

¹⁰³ Levine, "Josephus' Description of the Jerusalem Temple: War, Antiquities, and Other Sources," 238–46.

¹⁰⁴ *Ibid.*, 241.

¹⁰⁵ Netzer, *The Architecture of Herod, the Great Builder*; Leen Ritmeyer, *The Quest: Revealing the Temple Mount in Jerusalem* (Jerusalem: Carta, 2006).

¹⁰⁶ Moses Maimonides, *Hakdamot Le-Perush Ha-Mishnah* (Jerusalem: Mossad HaRav Kook, 1960).

contrast, the Temple tour that is described in the prophecies of Ezekiel culminates with the Holy of Holies, a chamber that only the high priest was permitted to enter. Thus, Cohn argues that Middot degrades the priesthood and makes the rabbis central to the functioning of the Temple.¹⁰⁷ Cohn's reading is a highly convincing explanation of the role of the Court in Middot and the tour of the Temple provided by the fifth chapter of Middot.¹⁰⁸ David Kraemer has characterized Middot as an imaginary textual restoration of the Temple, which builds on the model of Ezekiel, and responds to the destruction of the Jerusalem Temple in 70 CE by "...creating a new vision for a restored divine home."¹⁰⁹ For Kraemer, this reconstructed Temple is a means of resisting Roman rule, creating a textual world where everything is as it should be.¹¹⁰ Kraemer argues, furthermore, that the historical and commemorative details of Middot are meant to provide a sense of verisimilitude, causing the reader of the Mishnah to conclude that Middot reflects the real Jerusalem Temple.¹¹¹

The weakness of this approach is that it cannot explain why the rabbis bothered to remember all of these specific historical details about the Jerusalem Temple. Cohn focuses on the promotion of rabbinic authority through this account of the Temple, and thus, it is unclear from his account why the rabbis would choose to be limited by the historical aspects of the Temple, why not wholly invent things, as they do in some places? Kraemer argues that the correct aspects of the Temple in Middot are a means of verisimilitude, yet why so much detail? Why these details? Who would have remembered these aspects of the Temple if the rabbis replaced or changed them? My argument is that we need a model that can account for both the historicity of recollections and

¹⁰⁷ Cohn, *The Memory of the Temple and the Making of the Rabbis*, 84–88.

¹⁰⁸ In a somewhat different vein, Meir Bar-Ilan argues that Middot reacts to sectarian deviances from rabbinic halachah, such as the entry of mourners into the Temple Mount and the burning of impure wood, see Meir Bar-Ilan, "Are Tamid and Middot Polemical Tractates?" *Sidra* 5 (1989): 27–40.

¹⁰⁹ David Kraemer, *Rabbinic Judaism: Space and Place* (New York: Routledge, 2015), 39.

¹¹⁰ *Ibid.*, 40–41. Kraemer draws on the language of Jonathan Z Smith, *To Take Place: Toward Theory in Ritual* (Chicago: University of Chicago Press, 1987), who was also a major influence on Neusner, "Map without Territory: Mishnah's System of Sacrifice and Sanctuary." Hence, it is not surprising that these accounts sound similar.

¹¹¹ Kraemer, *Rabbinic Judaism: Space and Place*, 28.

rabbinic biases that shape these recollections of the Temple. This is what I try to undertake in my reading of *M. Middot*, looking at how the rabbis recalled real aspects of the Temple, but subtly changed them or modified them to express slightly different messages than they might have expressed when these objects actually did exist in the Temple. Hence, my analysis moves back and forth between the commemorative or historical objects of *Middot* and the rabbinic recollection of them, analyzing how they are received and commemorated in rabbinic literature. My broader claim for understanding these commemorative sites in *Middot* is to argue that it presents a narrative of the Jewish past through its space.

“History is laid forth as if a monument...”¹¹²: The Commemorative Elements of *Mishnah Middot*

In this section, I examine the commemorative aspects of *Mishnah Middot*, which remembers individuals and events in the space of the Temple. I focus specifically on historical events and figures, omitting references to rabbis and the Sanhedrin, as these issues have been discussed already by Naftali Cohn.¹¹³ I will follow *Middot*’s order and discuss these commemorative elements as they appear, analyzing each of these commemorative objects, chambers, or dedications in their original historical contexts (where possible) and considering what they might have meant for the rabbis who composed *Mishnah Middot*.

For the purposes of this analysis, I present *Middot*’s description of the Temple as though it were a space. It is, however, clearly a text, not a space. In presenting *Middot*’s description of the Temple as a space, I am following Beth Berkowitz, who in a different context has termed the rituals described in the *Mishnah* as “hyper rituals,” stating that, “While rituals usually work to create a perfect reality in an unpredictable world, the ritual of the *Mishnah* creates a reality that is almost

¹¹² Quotation from Livy, *Ab Urbe Condita*, Praefatio.

¹¹³ Cohn, *The Memory of the Temple and the Making of the Rabbis*.

impervious to contingencies.”¹¹⁴ I think the same insight holds true for Middot; Middot is a representation of the Temple, but it is an even more perfect space than the Temple. Middot can and does layer various meanings and significances in the space of the Temple, combining different narrative patterns and historical periods in ways that would be impossible in the actual Temple space, because places are not texts (spaces too can also have this layered effect, but the advantage of a text is that the composer can choose to ignore and selectively craft the space in the manner that they desire).¹¹⁵

In my treatment of Middot as a space, I focus specifically on its monuments to the past. To analyze these parts of Mishnah Middot, I draw on scholarship that examines how monuments produce commemorative narratives.¹¹⁶ As Josephine Shaya says in her discussion of the Summi Viri (a series of statues of Roman heroes ranging from Aeneas to Drusus, Augustus’s nephew) in the early imperial Forum of Augustus, “Monuments assign simplified meanings to complicated events, displacing the very past they would have their viewers contemplate.”¹¹⁷ In aggregate, Shaya argues, the Summi Viri create a simple, unified narrative of Roman expansion and warfare, which culminates with the rule of Augustus.¹¹⁸ Susan Alcock argues that it is possible to tease out the principal commemorative strands of a space, suggesting that the dedications, buildings, and monuments in the Athenian agora would present the viewer with a sense of harmony between local elite and imperial

¹¹⁴ Berkowitz, *Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures*, 18.

¹¹⁵ Yitzhak Magen noticed this feature of Middot, particularly surrounding its inclusion of earlier (i.e. preceding the Herodian Temple) gates, arguing that the rabbis of Middot sought to recall a Hasmonean Temple. See Magen, “The Gates of the Temple Mount according to Josephus and the Mishnah.”

¹¹⁶ The literature on this topic is vast, but the following pieces of scholarship have been particularly influential on my thinking: Sheila Dillon and Elizabeth Palmer Baltes, “Honorific Practices and the Politics of Space on Hellenistic Delos: Portrait Statue Monuments Along the Dromos,” *American Journal of Archaeology* 117, no. 2 (2013): 207–46; Barry Schwartz, “The Social Context of Commemoration: A Study in Collective Memory,” *Social Forces* 61, no. 2 (1982): 374–402; Matthew Roller, “On the Intersignification of Monuments in Augustan Rome,” *American Journal of Philology* 134, no. 1 (2013): 119–31.

¹¹⁷ Josephine Shaya, “The Public Life of Monuments: The Summi Viri of the Forum of Augustus,” *American Journal of Archaeology* 117, no. 1 (2013): 83.

¹¹⁸ *Ibid.*, 89.

interests.¹¹⁹ Another useful metaphor for thinking about Middot comes from the work of Andreas Huyssen, who calls the commemorative landscapes of cities palimpsests, monumental spaces that do not totally efface the underlying commemorative messages, and thus, can recall a series of conflicting agendas and ideas.¹²⁰ The meaning of what is recalled is still partly visible through the text itself, as the rabbis have only managed to adapt it for their own use in the most cursory way.

I will begin by presenting a synthesis of Middot as a commemorative site, then proceed to explaining what each of these commemorative sites meant in detail. For this purpose, I draw on the work of Beth Berkowitz and Ishay Rosen-Zvi, who argue that ritual narratives were studied or performed as a means of inculcating particular messages to the rabbis and their audiences. Berkowitz states that, "...the recitation of M. Sanh. 6 might have conjured up for Rabbis and their audiences the experience of criminal execution and with it the fear of authority that execution inspires."¹²¹ In a similar vein, Rosen-Zvi states that "...we may read Mishnah Sotah as a ritual devised to instill in the hearts of its audiences awareness of the dangers dormant in women by presenting a "well managed woman", utterly neutralized and exposed."¹²² Drawing on these interpretations of the Mishnah's textual rituals, I approach Middot's commemorative elements, looking at what messages and themes they might have transmitted to its readers/listeners.

Middot as a commemorative narrative

In this section, I analyze each of the commemorative markers in Mishnah Middot in detail. I follow the structure of Mishnah Middot. I begin with Middot 1.3, which describes the five gates that led into the Temple Mount. These include the two Hulda gates in the south, the Kiponus gate in the west, the Tadi gate in the north (which was not used), and the eastern gate, which had an image of

¹¹⁹ Susan Alcock, *Archaeologies of the Greek Past* (Cambridge: Cambridge University Press, 2002), 65–68.

¹²⁰ Andreas Huyssen, *Present Pasts: Urban Palimpsests and the Politics of Memory* (Stanford: Stanford University Press, 2003).

¹²¹ Berkowitz, *Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures*, 18.

¹²² Rosen-Zvi, *The Mishnaic Sotah Ritual: Temple, Gender, and Midrash*, 236.

Shushan on it.¹²³ According to Albeck, gates such as the Tadi and Kiponus may have been named after individuals from the Second Temple period. However, no one can identify Tadi.¹²⁴ The name Kiponus sounds like the Roman governor of Judaea Coponius, but it is not clear why the Jews would have named a gate after him (perhaps he built it or someone else built it in his honor).¹²⁵ The naming of gates after important Romans is not wholly unattested.¹²⁶ The fact that this gate could commemorate Coponius is plausible—and indeed, we really have no other means of explaining the name of this gate. Coponius’ mention in the external gates of the Temple could function as a marker of Roman rule and influence on the Temple. As noted in Chapter 1, imperial rule is tightly connected to the Temple.

The eastern gate of the Temple Mount displays an image of the city of Shushan (Susa, a capital of the Persian Empire), thus M. Middot 1.3:¹²⁷

שער מזרחי, עליו שושן הבירה צורה--שבו כוהן גדול השורף את הפרה, ופרה, וכל מסעדיה יוצאין להר המשחה.

The Eastern Gate on which was portrayed Shushan haBirah. Through this the High Priest that burned the [red] heifer, and the heifer, and all that aided the heifer went forth to the Mount of Olives.

Shushan was the city from which the returning Jewish exiles set out, according to

Nehemiah, as well as the setting of the Book of Esther.¹²⁸ In his commentary, Albeck suggests that

¹²³ חמישה שערים היו להר הבית: שני שערי חלדה מן הדרום, משמשין כניסה ויציאה; קיפנוס מן המערב, משמש כניסה ויציאה; טדי מן הצפון, לא היה משמש כלום; שער מזרחי, עליו שושן הבירה צורה--שבו כוהן גדול השורף את הפרה, ופרה, וכל מסעדיה יוצאין להר המשחה. There were five gates to the Temple Mount: the two Huldah Gates on the south, that served for entry and for exit; the Kiponus Gate on the west, that served for entry and exit; the Tadi Gate on the north which was not used at all; the Eastern Gate on which was portrayed the Palace of Shushan. Through this the high priest that burned the red heifer, and the heifer, and all the heifer’s attendants went forth to the Mount of Olives.

¹²⁴ Albeck claims that Tadi and Kiponus were important figures who are commemorated by the gates, see Hanokh Albeck, ed., *Shishah Sidre Mishnah: Seder Kodashim* (Jerusalem; Tel Aviv: Mosad Bialik, Devir, 1956), 318. For a different view of the Tadi gate, see S Krauss, “The Tadi Gate,” in *The Jubilee Volume for Louis Ginzberg* (New York: The American Academy of Jewish Research, 1946), 391–99.

¹²⁵ Coponius was the prefect of the Judaea from 6-9 CE, see AJ 18.2 and BJ 2.117-118. Herod inscribed Agrippa’s name into one of the Temple Gates, according to BJ 1.416. Josephus also mentions a building project by Pontius Pilate, who used money from the Temple treasury to build an aqueduct (although this led to a riot).

¹²⁶ See BJ 2.175 and AJ 18.60.

¹²⁷ M. Middot 1.3.

¹²⁸ Indeed, see B. Megillah 2b, on Shushan’s role in the celebration of Purim.

this image reminded the Jews where they had come from.¹²⁹ As Albeck notes, Nehemiah set out from Shushan HaBirah to Jerusalem and thus this gate may be a memorial of Nehemiah and his sponsorship by the Persian emperor.¹³⁰ The location of this gate makes this interpretation likely, as it faces east, towards Shushan.¹³¹ The second possibility, offered by Rabbi Isaac b. Abdimi in the Bavli, is that the image is meant to remind the inhabitants of Jerusalem of the power of the Persian Empire. These interpretations are not mutually exclusive, and both can potentially speak to the significance of this commemorative marker for Middot: remembering the return from Exile and Persian imperial sponsorship of the Temple. Again, empire is inscribed on the outside of the Temple, and this should make us recall the role that empire played in Herod's speech in AJ 15, when he attributed the deficiency of the Temple to Persian rule. The Mishnah also posits a relationship between empires and the Temple.

The Huldah gates of Mishnah Middot are often understood to commemorate the prophetess Huldah,¹³² who played an important role in confirming the authenticity of the Deuteronomic scroll discovered during the time of King Josiah.¹³³ This argument about the Huldah gates draws on the mention of Huldah's grave in Tosefta Baba Batra 1.11/T. Negaim 6.2, which present it (and the

¹²⁹ Albeck, *Shishab Sidre Mishnah: Seder Kodashim*, 318. תנן התם: שער המזרח עליו שושן הבירה צורה. מאי טעמא? רב חסדא ורב. יצחק בר אבדימי, חד אמר: כדי שידעו מהיכן באו, וחד אמר: כדי שתהא אימת מלכות עליהן עליון. We have learnt elsewhere: The eastern gate on which was portrayed the palace of Shushan. What was the reason for this? — R. Hisda and R. Isaac b. Abdimi [offered different opinions]. One said, So that they be ever mindful whence they came; the other said, So that the fear of the dominant power be ever before them (Soncino translation).

¹³⁰ E.g., Nehemiah 1.1.

¹³¹ There may have been a southeastern gate to the Temple Mount, see Eilat Mazar, *The Walls of the Temple Mount* (Jerusalem: Shoham Academic Research and Publication, 2011), 178–79.

¹³² See Albeck, *Shishab Sidre Mishnah: Seder Kodashim*, 318; Pieter Van Der Horst, “Huldah’s Tomb in Early Jewish Tradition,” in *Jews and Christians in Their Graeco-Roman Context*, ed. Pieter Van Der Horst (Tubingen: Mohr Siebeck, 2006), 88.

¹³³ 2 Kings 22: 14–20. 2 Kings 22 relates that Huldah read the scroll and stated that the Israelites had violated all of the commandments in this book and thus will be destroyed. However, Josiah will not live to see this destruction. See the analysis of Huldah in Blazenka Scheuer, “Huldah: A Cunning Career Woman?,” in *Prophecy and Prophets in Stories*, ed. Bob Becking and Hans Barstad (Leiden; Boston: Brill, 2013), 104–23. Huldah’s reception in later rabbinic literature is rather limited, and thus contributes little to this debate about the identification of the gates. B. Megillah 14a lists her among the seven prophetesses, and in B. Megillah 14b, she is called arrogant. The passages also traces her ancestry to Rahab and Joshua. See the analysis of Huldah in Judith Baskin, *Midrashic Women* (Hannover: University Press of New England, 2002).

grave of the house of David) as the only graves that were permitted in the city.¹³⁴ This issue is complex, and we cannot simplistically assume that these gates were necessarily a means of commemorating Huldah, but it is at least one fairly plausible explanation of the significance of the gate.¹³⁵ Therefore, the commemoration of the prophetess Huldah could be one possible purpose of these gates. If that were the case, Huldah's gates might mark the importance of Josiah as a king, or recall the sins of the Israelite kingdom that caused its destruction, an important moment in the Jewish past. In that context, the Huldah gates would pair nicely with the message of the Jeconiah gate (referenced below), which served as symbolic warnings of sin and exile in the First Temple period.

Middot 1.4 describes the seven gates into the Temple court, most of which recall the rituals of the Temple. However, the eastern gates are named after Nicanor. These gates are referenced again in M. Middot 2.3, which states that all the gates of the Temple court were gilded, except for the Nicanor gates.¹³⁶

כל השערים שהיו שם, נשתנו להיות של זהב--חוץ משערי ניקנור מפני שנעשה בהן נס ויש אומרים מפני שנחושתן מצהיב.

The gates that were there had been changed [and overlaid] with gold, save only the Nicanor Gates, for a miracle had happened to them; and some say, because their bronze shone like gold.

¹³⁴ כל הקברות מתפנין חוץ מקבר המלך ומקבר הנביא רבי עקיבה אומר אף קבר המלך וקבר הנביא מתפנין אמרו לו והלא קבר בית דוד וקבר T. Baba Batra 1.11. Similarly, T. Negaim 6.2 records that חולדה הנביאה היו בירושלים ולא נגע בהן אדם מעולם אמר להם משם ראייה מחילה היתה להן והיתה מוציאה טומאה לנחל קדרון... ואין מקיימין בה קברות חוץ מקברי בית דוד וקבר חולדה הנביאה שהיו שם מימי

¹³⁵ One objection to Van der Horst's argument is that the Kidron valley wrapped around Jerusalem in the south, east, and north, and the graves could theoretically be located there. There is no clear connection of the southern part of the Temple Mount to Huldah's grave, see discussion in Van Der Horst, "Huldah's Tomb in Early Jewish Tradition." Hollis, in his commentary on M. Middot, suggests that the name חולדה derived from the fact that these gates were tunnels (in Hebrew, חלד), referencing the currently visible double and triple gates on the south side of the Temple Mount, see F.J. Hollis, *The Archaeology of Herod's Temple* (London: I.M. Dent and Sons Limited, 1934), 245. Yet, it is not clear that these are the gates which are intended, as Mishnah Middot remembers the Tadi gate, which did not exist during the Herodian period, and hence, Hollis' identification is not necessarily correct.

¹³⁶ Probably this Mishnah recalls the donation of Alexander the Alabarch, as Josephus states that Alexander gilded all the gates of the Jerusalem Temple with gold and silver, see BJ 5.205-206.

The Nicanor Gates was briefly mentioned in the context of M. Yoma 3.9-3.10.¹³⁷ Two reasons are given for the gates lack of gilding: first, miracles had been done through the gates and the gates were made of burnished (or gold-like) bronze. Nicanor's identity was briefly remarked upon above,¹³⁸ and to reiterate, Nicanor's ossuary, found in a tomb outside of Jerusalem, states that he is an Alexandrian who made the gates.¹³⁹

Both M. Middot 1.4 and M. Yoma 3.10 claim that miracles were done for Nicanor's gate.

Tosefta Yoma 2.4 describes this miracle in some detail:

כל השערים שהיו שם נשתנו להיות של זהב חוץ משערי ניקנור מפני שנעשה בהן נס ויש אומרים מפני שנחשתן מצהיב רבי ליעזר בן יעקב אומר נחושתא קלנתיא והיתה יפה כזהב מהו נס שנעשה בהן אמרו כשהיה ניקנור מביאם מאלכסנדריא של מצרים עמד עליהן נחשול שבים לטבען ונטלו אחד מהן והטילוהו לים ובקשו להטיל את השני ולא הניחן ניקנור אמר להם אם אתם מטילין את השיני הטילוני עמו היה מצטער ובא עד שהגיע לנמילה של יפו כיון שהגיעו לנמילה של יפו היה מבעבע ועולה מתחת הספינה ויש אומרים אחת מן היה שבים בלעה אותו וכיון שהגיע ניקנור לנמילה של יפו פלטתו והטילתו ליבשה ועליו מפורש בקבלה קורות בתינו ארזים וגו' (שיר השירים, א, יז).

All the gates there were changed to gold, except for the gates of Nicanor, as a miracle was done for them. And there are those who say, that it was because its bronze was burnished. Rabbi Eliezer ben Yaakov said, “[Corinthian] bronze is as beautiful as gold.” What was the miracle that was done for them? They said when Nicanor brought them from Alexandria in Egypt, a gale of the sea came upon them to sink them. They took up one of the gates and they threw it into the sea and they wished to throw the second gate and

¹³⁷ Other mentions of the Nicanor gates include M. Shekalim 6.2, M. Sotah 1.6, and M. Negaim 14.8.

¹³⁸ There are some who identify this Nicanor with the Nicanor from the Maccabean revolts, who was defeated and beheaded by Judah Maccabee. However, the internal evidence of rabbinic literature, as well as the ossuary, suggest that we consider these two Nicanors to be different figures. See Joshua Schwartz, “Once More on the Nicanor Gate,” *Hebrew Union College Annual* 4, no. 1 (1990): 245–82. Schwartz points to the mismatch between the rabbinic placement of the gate, Josephus' discussion of the Corinthian gate, and Acts' placement of the beautiful gate, and suggests that based on its association with a remembered sun cult in M. Sukkah 5.4-5 (which is drawn from Ezekiel 8.16-17), the gate was built much earlier than the first century CE. He associates it with the general Nicanor, who was killed by Judas, in I Maccabees 7.33-50/II Maccabees 14-15. Schwartz suggests that the story of Nicanor's gates is actually a misremembering of an Alexandrian origin for the gate and that since Josephus knew about Alexander the Alabarch's gilding of the Temple's gates, then he would have known about Nicanor. The rabbis, he argues, retained the name Nicanor, but invented a story to explain it, as the rabbis often remember and recall early details about the Temple. As for why Josephus does not use the term Nicanor's gates, Schwartz argues that this is because this name for the gate was forgotten after the Herodian renovation. There are a few faulty assumptions here. First, as we have seen in Chapter 1, Josephus recalls very few dedications to the Temple and the mention of Alexander in BJ 5.205 seems a bit pointed. Hence, this silence about Nicanor is not all that strong of an argument. Second, Schwartz dismisses the inscription, arguing that the gates referred to in it only reference the outer doors of the tomb. Third, the supposed early traditions that Schwartz cites from M. Sukkah could in fact be imposing the Nicanor gate onto the past. Although the contradictions Schwartz identifies between the different descriptions of the Nicanor gate do exist, they can be explained as mistakes or mismatched memories in the sources, rather than arguing that the Alexandrian Temple donor Nicanor was invented by the rabbis.

¹³⁹ Perhaps to be read “the bones of the sons of Nicanor, who made the gates” See Cotton et al, *Corpus Inscriptionum Iudaeae/Palaestinae*, 140–142.

Nicanor forbid them from doing so. He said to them, “If you throw the second gate in, throw me with it.” He was grieved until they arrived in the port of Yafo. When they arrived at the port of Yafo, the gate was swimming and arose from under the ship. And there are those that say one of the sea creatures swallowed it and when Nicanor arrived at the port of Yafo, the sea creature vomited it out and threw it onto dry land. And about it, it is explained in the tradition, the beams of our house are cedars, Song of Songs 1.17 (my translation).

Nicanor’s story in the Tosefta describes the miraculous rescue of his gates while he is on a sea voyage from Alexandria to Jaffa. When the storm comes, Nicanor allows one of his gates to be thrown overboard, but puts himself in the way to protect the second. Nicanor’s piety is rewarded: the gate is either found under the ship, or a sea creature ejects it onto dry land (in a conscious adoption of the trope of the sea beast from Jonah). The Tosefta then applies a verse from Song of Songs, claiming that this occurrence is explained in received tradition. The application of this verse seems to make the connection between God’s house (the Temple) and the house of the two lovers in Song of Songs.¹⁴⁰ The exegetical connection here seems to be R. Eliezer ben Yaakov’s mention of the beauty (יפה) of the gates in the first line of the passage, and the mention by Song of Songs of beauty in the previous verse, 1.16 (הנך יפה דודי).¹⁴¹ In the context of Middot, this gate recalls a specific miracle that was done for the Temple, and the gates of Nicanor serve as a continuous memory of that miracle. Its inclusion in Middot recalls a Temple miracle performed in more contemporaneous times, which reflects God’s continuous investment in the site.¹⁴²

While the gates symbolized a contemporary miracle, another reason for the gates’ preservation in the Temple is their burnished bronze. The burnished (or gold-like) bronze of the Nicanor gates is explained in a bit more detail by a statement of Rabbi Eliezer ben Yaakov in T. Yoma 2.4, which identifies the gates as being made of Corinthian bronze (and see also Y. Yoma

¹⁴⁰ As Jonathan Kaplan has argued, this allegorical interpretation of Songs of Songs representing the text as concerning the relationship of Israel and God was already present in tannaitic literature, see Jonathan Kaplan, *My Perfect One* (Oxford: Oxford University Press, 2015).

¹⁴¹ Personal Communication with Jonathan Kaplan.

¹⁴² For a similar reading of 2 Maccabees and its relation to the Temple, see Robert Doran, *Temple Propaganda* (Washington, DC: The Catholic Biblical Association of America, 1981).

3.8).¹⁴³ Josephus also mentions a gate made of Corinthian bronze, stating that it was more costly than the gold or silver gates.¹⁴⁴ This costliness is the other reason that the Mishnah recalls the Corinthian bronze of the Nicanor gates. In their discussion of Corinthian bronze, Jacobson and Weitzmann state that it was a rarely made alloy of gold, silver, and copper, and that all other literary attestations of Corinthian bronze concern vessels or statues.¹⁴⁵ Their discussion of items of Corinthian bronze primarily concerns major (and quite wealthy) Republican and early Imperial aristocrats, including Cicero, Pliny, Augustus, and Seneca.¹⁴⁶ Therefore, Corinthian bronze was a rare luxury good, based on its valuation and usage. Nicanor's gates were probably an extremely striking use of this material. So M. Middot 2.3 highlighted the miracles of the Temple and the vast wealth of the Temple and its donors.

In the first chapter, Mishnah Middot describes the Chamber of the Hearth, the central priestly location in the Temple. In M. Middot 1.6, the Mishnah records that were four chambers in the Chamber of Hearth, which are as follows:

ארבע לשכות היו בבית המוקד כקיטונות פתוחות לטריקלין--שתים בקדש ושתים בחל וראשין פסיפסין מבדילין בין קדש לחל. ולמה היו משמשות מערבית דרומית היא היתה לשכת טלאי קרבן דרומית מזרחית היא היתה לשכת עושי לחם הפנים מזרחית צפונית בה גנזו בני השמונאיי את אבני המזבח ששיקצום מלכי יוון צפונית מערבית בה יורדין לבית הטבילה.

There were four rooms in the Chamber of the Hearth, like cells, opening into a hall, two within sacred ground and two within non-sacred ground, and the ends of flagstones divided the holy from what was not holy. And what was their use? In the south-west was the chamber of the lamb-offerings; in the south-east was the chamber of the makers of the Shewbread; in the north-east the sons of the Hasmoneans had stored away the stones of the altar which the Kings of Greece had defiled; and by the north-west they went down to the chamber of immersion.

¹⁴³ On this, Saul Lieberman, ed., *Tosefta Ki-Feshuta*, volume 3 (New York: Jewish Theological Seminary of America, 1955), 760–761.

¹⁴⁴ BJ 5.201.

¹⁴⁵ D.M. Jacobson and M.P. Weitzman, “What Was Corinthian Bronze ?,” *American Journal of Archaeology* 96, no. 2 (1992): 238.

¹⁴⁶ *Ibid.*, 240.

I am most interested in the northeastern chamber, where the Hasmoneans had stored the stones of the altar, which had been abominated by the Kings of Greece. These stones recall 1 Maccabees 4.45-46 when the Hasmoneans came to rededicate the Temple, they took down the old altar and stored it in a fitting place on the Temple Mount until a prophet would come to tell them what to do with these stones.¹⁴⁷ As Gunter Stemberger suggests, the mention of the stones of the altar suggests some rabbinic familiarity with the Maccabean rededication of the Temple.¹⁴⁸ These stones are an important commemorative marker in the Temple, providing physical evidence of the Maccabean revolt and elevating the Hasmoneans as restorers of the Temple.¹⁴⁹ It is also an enduring symbol of the influence of the Kings of Greece on the Temple, focusing the reader on the impact of the various empires under which the Jews lived on the Temple.¹⁵⁰ The Temple is imprinted and shaped by its interactions with imperial powers.

M. Middot 2 returns to the Temple Mount. M. Middot 2.3 describes the Soreg.¹⁵¹ According to M. Middot 2.3:

¹⁴⁷ In Middot, the stones are located in the Chamber of the Hearth. It is worth noting that the locations of the two are not entirely congruent. See 1 Maccabees 4.45-46. AJ 12.318 does not mention the storage of the impure stones in the Temple. 2 Maccabees 10.2-3 mentions the cleansing of the altar, but not the storing away of the stones. The language of the arrival of a prophet is the same as the decree concerning Simon in 14.41, which makes Simon the leader and the high priest until a trustworthy prophet should arise.

¹⁴⁸ Günter Stemberger, "The Maccabees in Rabbinic Tradition," in *The Scriptures and the Scrolls*, ed. F. Garcia Martinez, A. Hilhorst, and C.J. Labuschagne (Leiden: E.J. Brill, 1992), 193–203.

¹⁴⁹ For more on the rabbinic treatment of the Hasmoneans, see Gedalia Alon, "Did the Jewish People and Its Sages Cause the Hasmoneans to Be Forgotten?," in *Jews, Judaism, and the Classical World* (Jerusalem: Magnes Press, 1977), 1–17. Alon's answer is no. On the Hasmonean relationship with the Temple, see Regev, *The Hasmoneans: Ideology, Archaeology, and Identity*, 59ff.

¹⁵⁰ M. Middot 1.6 is the only tannaitic passage that mentions the Hasmoneans as a group. Y. Megillah 1.6/Y. Taanit 2.13 records an abridged version of the Nicanor story, describing Nicanor as passing near Jerusalem and threatening to destroy it. In response, a Hasmonean came out, killed him, and cut off his hands and head, and hung them on a pole opposite Jerusalem. The Hasmoneans are also mentioned numerous times in the Bavli; Richard Kalmin has argued that this prominence reflected the existence of individuals who claimed Hasmonean descent as the basis of their power in Babylonian Jewish society. See Richard Kalmin, *The Sage in Jewish Society of Late Antiquity* (London: Routledge, 2002). Overall, the memory of the Hasmoneans in tannaitic and Palestinian amoraic literature is sporadic, but positive.

¹⁵¹ Elias Bickerman argues that this is the same barrier that is described in Josephus, who terms it a railing (*δούρακτος*), and writes that inscriptions proclaimed in Greek and Latin that non-Jews were prohibited from passing further into the Temple. On this barrier and the warning inscriptions, see Elias Bickerman, "The Warning Inscriptions of Herod's Temple," *The Jewish Quarterly Review* 37, no. 4 (1947): 387–405. It seems likely that the Mishnah and Josephus are describing the same structure.

לפנים ממנו--סורג גבוה עשרה טפחים. שלש עשרה פרצות היו בו שפרצום מלכי יון חזרו וגדרום וגזרו כנגדם שלש עשרה השתחויות.

Inside the Temple Mount was the Soreg, ten handbreadths high. The Greek kings had made thirteen breaches in them; they returned and fenced them up, and they decreed thirteen prostrations in accordance with the breaches.

As visitors leave the Temple Mount and enter the Temple courts, they see the thirteen breaches in the Soreg, which are fenced off. Those who passed by prostrated themselves thirteen times before the breaches so as to acknowledge and reflect on the act of the Kings of Greece.¹⁵² The memorial to this destruction interrupts the flow and movement of the narrative, just as it was imagined to disrupt movement into the Temple.

In his commentary, Albeck connects these breaches to the high priest Alcimus' attempt to destroy the wall of the inner court of the sanctuary in 1 Maccabees 9.54-57.¹⁵³ Alcimus was a rival of the Hasmoneans, and his appointment led to the dissolution of the original Hasmonean coalition, because many rebel groups saw his appointment as the return to the status quo ante.¹⁵⁴ According to 1 Maccabees, when Alcimus ordered this wall torn down, God struck him down for his impiety.¹⁵⁵

If Albeck's attribution of these breaches to Alcimus is correct (which cannot be known with certainty), then the Mishnah's commemorative narrative effaces Alcimus' act, attributing the breaches to the Kings of Greece.¹⁵⁶ Such an attribution glosses over Alcimus' role, constructing the

¹⁵² The Kings of Greece are also mentioned in T. Taanit 3.7-3.8, which recounts that the kings placed guards on the roads to prevent pilgrims from coming up to Jerusalem, as well as in M. Gittin 8.5.

¹⁵³ καὶ ἐν ἔτει τρίτῳ καὶ πεντηκοστῷ καὶ ἑκατοστῷ τῷ μηνὶ τῷ δευτέρῳ ἐπέταξεν Ἄλκιμος καθαίρειν τὸ τεῖχος τῆς αὐλῆς τῶν ἁγίων τῆς ἐσωτέρας καὶ καθῆλεν τὰ ἔργα τῶν προφητῶν καὶ ἐνήρξατο τοῦ καθαίρειν. It is unclear if the works of the prophets is in apposition to the wall or an additional thing that was destroyed by Alcimus. Scolnic argues that the Soreg was a target for Hellenizing Jews, because it was a barrier between Jews and non-Jews, see Benjamin Scolnic, *Alcimus, Enemy of the Maccabees* (Lanham: University Press of America, 2006), 65–66.

¹⁵⁴ The Seleucid king appointed Alcimus, after he executed Menelaus (probably in response to the continuing violence in Jerusalem, after the restoration of the Temple). See 1 Maccabees 7.12-25, on the defection of the Hasidim from Judas.

¹⁵⁵ 1 Maccabees 9.54 states that Alcimus wished to destroy the wall of the inner court of the holy place and the works of the prophets. Daniel Lanzinger has noted that there is a distinct lack of clarity in Alcimus' project, Alcimus could either be attempting to destroy the wall between Jews and non-Jews, or between priests and Israelites, or just knocking down the wall to expand the Temple outwards, see Daniel Lanzinger, "Alcimus' Last Command," *Journal for the Study of Judaism* 46, no. 1 (2015): 86–102. Similar reasons are discussed in Scolnic, *Alcimus, Enemy of the Maccabees*.

¹⁵⁶ Even if this is not a direct reference to the high priest Alcimus, the Mishnah is still simplifying the narrative of the revolt.

Maccabean Revolt as a conflict between the Seleucids and the Jews. It commemorates the events of the Maccabean revolt as a story of unity, in which the Jews united to defend the Temple against the kings of Greece. Perhaps more suggestively, the Soreg's role as a barrier to the entry of non-Jews into the Temple might be part of the meaning of this commemorative symbol, as it remembers the Kings of Greece as attempting to breach the barrier between Jews and non-Jews. In commemorating this attempted destruction of the Soreg, Middot is presenting a narrative of the maintenance of Jewish separatism in the face of attempts to break down this Temple barrier.

Moving forward in its textual tour of the Temple, M. Middot 2.6 lists the thirteen gates of the Temple court, and describes the origins of their names. The text is as follows:

ושלוש עשרה השתחויות היו שם אבא יוסי בן חנן אומר כנגד שלשה עשר שערים. שערים דרומיים סמוכים למערב--שער העליון שער הדלק שער הבכורות שער המים. ולמה נקרא שמו שער המים שבו מכניסין צלוחית של מים של ניסוך בחג רבי אליעזר בן יעקוב אומר בו המים מפכים ועתידין להיות יוצאין מתחת מפתח הבית. לעמתן בצפון סמוכים למערב--שער יכניה שער הקרבן שער הנשים שער השיר. ולמה נקרא שמו שער יכניה שבו יצא יכניה בגלותו. שבמזרח שער ניקנור. ושני פשפשים היו לו אחד מימינו ואחד משמאלו. ושנים במערב [לא היה להם שם].

And thirteen prostrations were made there. Abba Jose b. Hanin said: In accordance with the thirteen gates. The southern [gates] were [thus] reckoned counting from the west: the Upper Gate, the Kindling Gate, the Gate of the Firstlings, and the Water Gate. And why was it called the Water Gate? Because through it they brought in the flagon of water for the libation on the holiday [Sukkot]. R. Eliezer b. Jacob said: Through it the waters trickle forth, and in the future, they will issue out from under the threshold of the Temple. And opposite them on the north, counting from the west: the Gate of Jeconiah, the Gate of the Offering, the Gate of the Women, and the Gate of Singing. And why was it called the Gate of Jeconiah? Because through it Jeconiah went forth when he went into exile. To the east was the Nicanor Gate, and it had two wickets, one to the right and one to the left. And there were two [gates] to the west [which had no name] (probably a later scribal gloss, as it is absent from MS Kaufmann.)

While the majority of these Temple gates are connected to rituals, one seems to commemorate the exile of Jeconiah. In 597 BCE, the Babylonian King Nebuchadnezzar exiled King Jehoiachin of Judah and decapitated Judahite society, deporting the notables and craftsmen to Babylonia.¹⁵⁷ This deportation was the prelude to the city's destruction in 586 BC and Jehoiachin's

¹⁵⁷ 2 Kings 24:8-20, see also 2 Chronicles 36:9-10.

exile is traditionally considered the end of authentic Judahite society. Isaac Kalimi and James Purvis show that in the books of Chronicles, Jehoiachin brings the sacred vessels of the Temple into exile with him, the very same vessels that Sheshbazzar brings when he leads the first return to Jerusalem.¹⁵⁸ Thus, Jehoiachin constitutes an authentic vector of Judahite culture. Jeconiah's gate embeds the end of the Judahite kingdom in the structure of the Temple; the gate makes exile and redemption a fundamentally important moment in Jewish history. A monument to exile is located in the gates of the Temple—indeed Jews can enter through the very gate which Jehoiachin exited, symbolically nullifying the exile.

Moving from exile to return, the Mishnah describes the altar in the priestly courtyard, which recalls the return of the Jews from Babylonia. In its description of the altar, M. Middot 3.1 states that when the Men of the Exile returned from Babylonia, they added four cubits to the southern and western sides of the altar:

המזבחה היה שלשים ושתים על שלשים ושתים. עלה אמה וכנס אמה זה היסוד נמצא שלשים על שלשים. עלה אמה וכנס אמה זה הסובב נמצא עשרים ושמונה על עשרים ושמונה. מקום הקרנות אמה מזה ואמה מזה נמצא עשרים ושש על עשרים ושש. מקום הילוך רגלי הכהנים אמה מזה ואמה מזה נמצא עשרים וארבע על עשרים וארבע מקום המערכה. אמר רבי יוסי מתחלה לא היה אלא שמונה ועשרים על שמונה ועשרים כונס ועולה כמדה זו--עד שנמצא מקום המערכה עשרים על עשרים וכשעלו בני הגולה הוסיפו עליו ארבע אמות מן הצפון וארבע אמות מן המערב כמין גמא...

The altar was thirty-two cubits long and thirty-two cubits wide. It rose up one cubit and drew in one cubit: this formed the base; thus there was left thirty cubits by thirty. It rose up one cubit and drew in one cubit: this formed the circuit; thus there was left twenty-eight cubits by twenty-eight. The place of the horns was one cubit on every side; thus there was left twenty-six cubits by twenty-six. The place on which the feet of the priests trod was one cubit on every side; thus there was left twenty-four cubits by twenty-four, the place for the [altar] fire. R. Jose said: At first it was only twenty-eight cubits by twenty-eight; it rose up and drew in in the selfsame measure, until the place for the [altar] fire was twenty cubits by twenty; but when the men of the Exile came up they added to it four more cubits to the north and four more cubits to the west, in the form of a gamma...

¹⁵⁸ Isaac Kalimi and James D. Purvis, "King Jehoiachin and the Vessels of the Lord's House in Biblical Literature," *Catholic Bible Quarterly* 56 (1994): 455–56.

This passage describes the makeup of the Temple's altar, portraying the changes that occurred to it over the course of time. In its discussion the altar, Middot records the extension of the altar as part of the changes that occurred when the Men of the Exile returned to Jerusalem. Men of the Exile is a term of ethnic separatism that is found in the books of Ezra and Nehemiah. It refers to the Judaeans who returned to Jerusalem from Babylonia.¹⁵⁹ Men of the Exile distinguished the returning exiles from the local inhabitants of Jerusalem.¹⁶⁰ This division appears to have ended due to the reforms of Nehemiah. The recollection here appears to present the rebuilt Temple and its altar as the sole product of the Men of the Exile. It imagines the Jews as a unified group, who had a shared historical experience: this text commemorates the return as a movement of a single group of Judeans from exile to Jerusalem.¹⁶¹

M. Middot 3.8 also recalls a great golden vine over the doorway of the sanctuary:

וגפן של זהב היתה עומדת על פיתחו של היכל ומודלה על גבי כלונסות. כל מי שהוא מתנדב עלה או גרגר או אשכול--
מביא ותולה בה. אמר רבי אליעזר בר צדוק מעשה היה ונימנו עליה שלוש מאות כהנים.

A golden vine stood over the entrance to the sanctuary, trained over posts; and whosoever gave a leaf, or a berry, or a cluster as a freewill-offering, he brought it and hung it on there. R. Eliezer bar R. Zadok said: It once happened that three hundred priests were appointed [to move it].

This vine was alleged to have been so large that it took three hundred priests to move it. The vine was formed from the voluntary offerings of all Jews; those who volunteered clusters or vines brought them to the Temple and they were hung up there. Similar to Nicanor's gate, the golden vine commemorates the offerings of all Jews, and the wealth that was placed in the Temple.

¹⁵⁹ Peter R Bedford, "Diaspora-Homeland Relations in Ezra-Nehemiah," *Vetus Testamentum* 52, no. 2 (2002): 151.

¹⁶⁰ *Ibid.*, 149.

¹⁶¹ The use of the term בני הגולה appears at several points in rabbinic literature. In T. Sanhedrin 3.4, Abba Saul states that there were two ponds in Jerusalem and the lower one was always sanctified, but the upper one was not sanctified until the Men of the Exile returned. Similarly, a halachic change on the use of well wheels on the days of holidays is tied to the time when the Men of the Exile returned in T. Eruvin 8.22. A similar sort of intervention is made concerning the wood offering when the Men of Exile return and could not find any wood. In the same vein, B. Hullin 86a, Megillah 10a, Arakhin 32b use the Men of the Exile as a marker of time, dating a particular set of practices to their time. This usage here, as an explanation of the changing size of the altar, fits the general rabbinic understanding of the Men of the Exile as a moment of changing halachic or religious practices.

This golden vine is frequently referenced as a feature of the Temple. AJ reports that Herod donated a golden vine to the Temple, whereas BJ mentions multiple vines and does not attribute any of them to Herod.¹⁶² Hence, the golden vine may have originally been built by Herod, but then added to by later donors. It is not entirely clear that the rabbis are suppressing the memory of Herod in recalling the vine in this manner (there is some doubt as to whether the tannaim knew much of anything about Herod or if he had built the Temple—only in the Bavli is that clear).¹⁶³ However, there is an interesting parallel to Herod's role in AJ 15 and BJ 5. In AJ 15, the Temple Mount is attributed to Herod, whereas in BJ 5, it is attributed to the initiative of the Jews over many ages. So in a similar narrative process, benefactions of Herod come to be remembered and understood as historic expressions of Jewish unity and devotion to the Temple.

The final commemorative element is God's mythical return to the Temple, as described in the Book of Ezekiel. It is mentioned in M. Middot 4.2:

ושני פשפשין היו לו לשער הגדול--אחד בצפון ואחד בדרום. שבדרום--לא נכנס בו אדם מעולם ועליו הוא מפרש על ידי יחזקאל: שנאמר "ויאמר אליי ה', השער הזה סגור יהיה ולא יפתח ואיש לא יבוא בו כי יהוה אלהי ישראל בא בו והיה סגור" (יחזקאל מד,ב).

The great gate had two wickets, one to the north and one to the south. No one ever entered by the southern gate, and about this gate, it was explained by Ezekiel, "And the Lord said to me, "This gate shall be shut, and it shall not be opened, and no man shall enter in by

¹⁶² AJ 15.395 καθύπερθε δ' αὐτῶν ὑπὸ τοῖς τριχώμασιν ἄμπελος διετέτατο χρυσοῦ τοὺς βότρυας ἀπαιωρουμένους ἔχουσα, θαῦμα καὶ τοῦ μεγέθους καὶ τῆς τέχνης τοῖς ἰδοῦσιν, οἷον ἐν πολυτελείᾳ τῆς ὕλης τὸ κατασκευασθῆναι ἦν. See BJ 5.210.

¹⁶³ Further, the rabbis of the Mishnah do not seem to have known that Herod was responsible for the Temple. Herod appears in tannaitic literature twice, once in the rather ambiguous mention of Herodian doves in M. Hullin 12.1 and again in Sifra Behukotai 1:1, which states "And I will give you your rains in their proper time (Leviticus 26.4)" In the nights. It happened in the days of Herod that the rains were failing at night and in the morning the sun was shining and the wind blew and the workers went out and they knew that their deeds were for the sake of heaven. This passage resembles a story reported by Josephus in AJ 15.425, which states that while the Temple was being built, the rains only came at night. While Sifra places the rains falling only at night in the time of Herod, it is unclear if the story actually knows that Herod was responsible for the building of the Temple, or even that this had anything to do with the building of the Temple. The story here states that the workers went out to their work and knew that what they did was for the sake of heaven, but it does not specify the nature of their work. I think particularly because of the Josephus parallel, it is hard not to see this as a reflection of the building of the Temple, but that is not wholly obvious from Sifra. Only in the Bavli is the Temple clearly associated with Herod. B. Sukkah 51b and B. Baba Batra 4a identify the Temple as a Herodian construction, and a quite impressive one at that. B. Taanit 23a records the same story as Sifra and Leviticus Rabbah, but directly connects the labor of the workers to the construction of the Temple. Based on apparent ignorance of the tannaitic rabbis about the role of Herod in building the Temple, it does not seem likely that this vine was directly connected with Herod.

it, for the Lord, the God of Israel, entered in through it, and therefore it shall be shut” (Ezekiel 44.2).

M. Middot 4.2 records that there were two wickets [smaller gates] in the great gate of the sanctuary, one in the north, one in the south.¹⁶⁴ No one ever entered through the wicket in the south,--indeed, it was always closed, since God had entered through it. This moment is described in Ezekiel 40-48, which concerns the prophet’s tour of the rebuilt Temple and Jerusalem and culminates with God’s entrance into the Temple in Ezekiel 44.¹⁶⁵ Just as the Jews returned from exile, so God returned to the Temple. This closed wicket in Middot memorializes and nullifies God’s abandonment of Israel during the destruction of 586 BC. At the same time, it commemorates God’s epiphany, a divine appearance in the Temple.

In this section, I have discussed in some detail the various thematic features of the Jews as a group that are found in Mishnah Middot, including divine miracles, symbols of Jewish wealth and piety, markers of imperial dominance, signs of Jewish unity, and commemorative markers of important events and moments in the Jewish past.

Experiencing Middot

Since Middot purports to be a space, I undertake this commemorative reading by imagining how a visitor to Middot’s Temple might encounter the remains of the past. A theoretical visitor would enter the Temple Mount by means of the Huldah gates or the Kiponus gate. The Tadi gate was not used nor was the Shushan gate, but in the process of approaching the Temple Mount, this visitor might have the opportunity to see the image of Shushan on the eastern gate or Tadi to the north.¹⁶⁶ The visitor might dwell on the individuals who gave their names to these gates, perhaps

¹⁶⁴ “And there were two wickets for the great gate: one in the north and one in the south. No one ever entered the southern wicket, for about it was explained by Ezekiel, “And God said this gate will be closed and no man will enter it for God entered it and it was closed.”

¹⁶⁵ Daniel Block, *The Book of Ezekiel* (Grand Rapids, MI; Cambridge, UK: William B. Eerdmans Pub. Co., 1997), 614–15.

¹⁶⁶ M. Middot 1.3.

recalling Huldah or Kiponus. Following the movement described in M. Middot 1, the visitor would enter the Temple Court, and move towards the Chamber of the Hearth, where the stones of the former altar would have been stored away.

In M. Middot 2.3, the visitor would return again to the Temple Mount and encounter the thirteen breaches made in the Soreg. Thus, the Maccabean revolt and persecution would be central to the experience of those who enter the Temple. The visitor would stop and recognize these places through the thirteen prostrations. The breaches in the wall would contrast greatly with the magnificence of the Temple. In M. Middot 2.5 and 2.6, the visitor would enter the Temple Court again, perhaps through the Nicanor gate or the Jeconiah gate, a marker of exile and subjugation, only to be awed by the greatness of the Temple. All markers of foreign domination or influence would be outside in the Temple courtyard.

The visitor's entrance into the Women's Courtyard or the Temple Court more generally would highlight the Nicanor gate, as an enduring example of the miracles that God had done for the Jews, in M. Middot 2.6. From there, it would be possible to see the altar in the priestly court with the extensions made by the Men of the Exile, referenced in M. Middot 3.1. The Sanctuary would become visible here, with its golden vine, and perhaps the crowns, described in M. Middot 3.8. The presence of the crowns might point to the persistence of dedications to the site, whereas the golden vine would provide a sense of the continuous benefaction of the Jews to the Temple. Finally, in seeing the Sanctuary, the visitor might see the closed southern wicket, through which God had entered, marking God's appearance and presence in the Temple.

Based on this attempt to follow the movement of Middot as a text, I argue that the viewer's experience of the historical past in the Temple moves outward to inward, following the viewer. On the outside of the Temple are markers of exile, domination by imperial powers, and elements of

conflict with the Kings of Greece. Yet inside are markers of God's fidelity to the Jews and restorative or constitutive acts done in the creation of the Temple. The movement inwards conveys a narrative of the maintenance of God's promise in the face of historical pressures on the Jews. I argue that the Temple in Middot functions as a narrative of Jewish history, which uses the dedications in the Temple to symbolically represent the history of the Jews as a group. The narrative begins with the sins of the First Temple period and exile, then progresses to return and the Maccabean revolt, and finally recalls the recent Second Temple past. Furthermore, the various dedications in Middot's description of the Temple symbolize the wealth and piety of the Jews, God's continuing benevolence to the site (as represented by Middot's accounts of miracles), and the historical unity of Jews in defense of the Temple (especially as articulated in the narration of the acts of the kings of Greece).

As mentioned above, David Kraemer considers Middot's Temple to reconstruct and replace the destroyed Jerusalem Temple, forming an act of resistance and an exertion of power over space against Roman domination.¹⁶⁷ For Kraemer, the textual Temple of the Mishnah is a means to replace the destroyed physical Temple, offering a textual home, i.e. the Mishnah, to God, a home that can never again be destroyed.¹⁶⁸ Kraemer's theory may indeed be true, but it also does not make sense of the level of detail in Middot. To complement Kraemer's discussion of the function of the Temple, I claim that one of the things that the commemorative elements of Middot do is produce memory. John Ma, in his analysis of the polis, states that "Place offered another way of perpetuating identity...Place is not a natural given, but a human construct: hence it is open to monumentalization. By this term, I do not designate size or quality of works, but the deliberate creation of places, buildings, artistic works that themselves make memory, thus reaffirming identity

¹⁶⁷ Kraemer, *Rabbinic Judaism: Space and Place*, 40–41.

¹⁶⁸ *Ibid.*, 41.

in the present, and pass it on to the future.”¹⁶⁹ Middot creates a textual “place” and fills it with objects, sites, and buildings that create memory. In the process of reconstructing the Temple, Middot collects and preserves the commemorative markers of major events from the Jewish past, memorializing the history of the Jews as a group.

Conclusion

This chapter has argued that one purpose of the Mishnah is commemorative. I have made this argument with reference to both the use of attributions in the Mishnah as well as its ritual narratives. Furthermore, I have argued that Mishnah Middot, the Mishnah’s textual reconstruction of the Temple, also contains commemorative elements that use the space of the Temple to form a memorialized narrative. By making reference to these different commemorative elements in the Mishnah, I have argued that one potential purpose of the Mishnah itself was to function as a memorial in the aftermath of the destruction in 70 CE.

This chapter has also sought to provide a model for understanding the historicity of the Mishnah’s recollections of the past, as well as the internal rabbinic logic that shaped the recollection of the Second Temple period. I have done this in a more cursory way for ritual narratives more generally, but have sought to provide an in depth account of the rabbinic memory of the Temple with Mishnah Middot, looking at how it coopts and changes commemorative notices of the Temple as a means of constructing a narrative of the Jewish past. My reading has focused on the commemorative sites of the Temple, what these notices seem to commemorate, and how they function in the broader rabbinic context of Middot.

¹⁶⁹ John Ma, “City as Memory,” in *The Oxford Handbook of Hellenic Culture*, ed. George Boys-Stones, Barbara Graziosi, and Phiroze Vasunia (Oxford: Oxford University Press, 2009), 248.

Moral Exemplarity and the Second Temple Past

In Palestinian amoraic literature (particularly the Yerushalmi and Eichah Rabbah), there is a shift from commemorating the Temple to commemorating the Second Temple period. These next two chapters consider how the Yerushalmi and Eichah Rabbah commemorated the Second Temple period, looking at how they made it into a useful past. I argue that Palestinian amoraic stories of the Second Temple past tend to characterize it as a particular historical time, shifting away from the Mishnah's focus on the Temple as a monumental space. Some of the features of this past include priestly figures, the centrality of the Temple, the great riches of the Temple and the Jews, and a concern for sacrifices and purity. The rabbis treat the Second Temple past as a sort of mythic age. Yet these rabbinic stories continued to commemorate real historical figures from the Second Temple period. However, in recalling these figures, the rabbis adapted these memories to their own present historical needs, making them emblematic of past Jewish glory, a narrative that was useful to the rabbis. These chapters continue to highlight the complex relationship between rabbinic commemoration of the individuals of the past and internal rabbinic literary biases.

My argument draws on the conceptual framework of usable pasts, which interrogates how and why the past is mobilized by a particular group.¹ In making this argument, I claim that the rabbis presented the Second Temple past as a time of past Jewish greatness. This broader claim is supported by Chapters 3 and 4; these chapters focus on the Yerushalmi and Eichah Rabbah respectively, and argue that each collection makes its argument about the greatness of the Second

¹See discussion of this phenomenon in Matthew Innes, "Introduction: Using the Past, Interpreting the Present, Influencing the Future," in *The Uses of the Past in the Early Middle Ages*, ed. Yitzhak Hen and Matthew Innes (Cambridge: Cambridge University Press, 2000), 1–9. Note also the similar usage of the Homeric past, as argued by Jonas Grethlein, "Homer and Heroic History," in *Greek Notions of the Past in the Archaic and Classical Eras*, ed. John Marincola, Lloyd Llewellyn-Jones, and Calum Maciver (Edinburgh: Edinburgh University Press, 2012), 14–36.

Temple past in different ways.² In making this claim about the Second Temple past in rabbinic literature, I am contesting the narrative advanced by previous scholarship on the Second Temple period in amoraic rabbinic literature, which tends to view all Palestinian rabbinic depictions of the Temple as implicitly critical. These scholars argue that most portrayals of priests and the Temple in amoraic literature elevate the rabbinic movement (continuing the arguments made about rabbinic authority in the Mishnah).³ While this assertion may reflect some aspects of the rabbinic representation of the Second Temple period, it does not represent them all. Instead, rather than arguing that the rabbis used these stories to undermine priestly authority and advance their own power over the Jews, I claim that the memory of the Second Temple period had a broader functional goal in the context of Roman rule.

I argue that rabbinic recollection of the glorious memory of the Second Temple past reminded Jews of their unity and the distinctiveness of their experience. It was to some degree escapist memory, to some degree a basis for the production of a provincial Roman identity.⁴ I am making this argument on the basis of analogy to the uses of the Greek past by Greek intellectuals under Roman rule (often called the Second Sophistic).⁵ These stories about the Second Temple past presented the Jews as a unified group, arguing that though they now lived under Roman provincial rule, they had once had a distinct corporate existence. This past was presented as a period of Jewish

² Some aspects of this use of the Second Temple past are noted by Isaiah Gafni, “Rabbinic Historiography and the Representation of the Past” in *The Cambridge Companion to Talmud and Rabbinics*, ed. Charlotte E. Fonrobert and Martin Jaffee (Cambridge: Cambridge University Press, 2007), 302. Gafni presents a series of moments where the glory of the past is recalled, as a means of showing the lessened nature of the rabbinic present, a historiographic device known as *yeridat hador*, which particularly associated with the list of annulled rituals in M. Sotah 9 and later commentary on it.

³ See Gafni, “Rabbinic Historiography and the Representation of the Past”; Marjorie Lehman, “Imagining the Priesthood in Tractate Yoma: Mishnah Yoma 2: 1–2 and BT Yoma 23a,” *Nashim: A Journal of Jewish Women’s Studies & Gender Issues* 28 (2015): 88–105.

⁴ I am drawing on scholarship on the Second Sophistic, which argues that these Greeks viewed the Greek past as a means of escapism and also as a means to produce a sense of Greek provincial identity, see, for instance, E.L. Bowie, “Greeks and Their Past in the Second Sophistic,” *Past & Present* 46 (1970): 3–41. For another, more functionalist account of the Second Sophistic, see Simon Swain, *Hellenism and Empire* (Oxford: Clarendon Press, 1996).

⁵ See the works referenced above, as well as Tim Whitmarsh, *Greek Literature and the Roman Empire* (Oxford: Oxford University Press, 2001).

greatness, which was destroyed by the Roman Empire. I argue that this narrative was thus dis-integrative, as it reminded Jews of their shared connection to each other. One might think of the rather weak ethnic identities of some 21st century American Jews, which have some notion of a glorious past and a sense of decline; a similar conception of the glory of the Second Temple past might have existed among the ethnically Jewish contemporaries of the rabbis (though this is highly speculative).⁶ As Seth Schwartz has argued, in the post-70 period, the religious system of Judaism that typified Second Temple Palestine disintegrated, and Judaism seems to have existed, as “...disintegrated shards...surviving as a non-exclusive religious option in a religious system that was basically pagan.”⁷ The Jews increasingly opted into the civic system that came to characterize the Roman east.⁸ My suggestion is that the “greatness” of the Second Temple period in Palestinian amoraic literature might have constituted a form of weak ethnic identity that could have articulated the “Jewishness” of the highly integrated Jews of Roman Palestine.

This is the general framework through which I view the Second Temple past in Palestinian rabbinic literature. The next two chapters focus on two specific thematic instantiations of this broader theme, discussing the exemplarity of individuals from the Second Temple past and the use of anachronism and displaced memory of Roman rule to describe the Second Temple period. These chapters nominally match up with the *Yerushalmi* and *Eichah Rabbah*, although there is some overlap. This chapter will focus on exemplarity.

Exemplarity is the production and creation of models from the figures of the past, transforming them into figures that exemplify or articulate a particular virtue. In making this argument about exemplarity, I draw on Matthew Roller’s definition of exemplary acts in the Roman

⁶On this form of historical thinking, see Eviatar Zerubavel, *Time Maps* (Chicago: University of Chicago Press, 2003), 16–18.

⁷ Seth Schwartz, *Imperialism and Jewish Society*, 105.

⁸ *Ibid.*, 104–5.

cultural world, which he identifies as acts that: (1) are able to be categorized as exemplary of a particular moral virtue or vice, and (2) are judged significant by their audiences.⁹ This exemplarity is a thematic project that animates the Yerushalmi's recollection of Second Temple past and explains why individuals from the Second Temple period continued to be commemorated. As Patrick Geary notes in his work on the medieval production of memory, the transmission of the past is not neutral; it is often done for a specific ideological purpose.¹⁰ Investigations of the recollection of the Second Temple past in rabbinic literature necessarily require an understanding of why the rabbis would recall these individuals in the first place, and hence, it is necessary to understand the filters, biases, and internal interests that govern the Yerushalmi's recollection of the Second Temple past. As Eric Hobsbawm noted, the past does not come down unmediated, but has to be filtered and repackaged to be useful to those who transmitted its memory.¹¹ The exemplarity of the Second Temple past explains why these stories were told and transmitted in the first place.

Yet despite the fact that these stories of exemplarity are produced by the rabbis, the protagonists of these stories are often historical figures from the Second Temple period, including Marta bat Boethus, the daughter of Naqdimon ben Gurion, and Kimhit (in addition to the invented Dama ben Netina). So there's an underlying historicity to these figures, which the Yerushalmi transformed into exemplars. Like in my chapter on the Mishnah, I look at the different threads and elements that constitute the memory of the Second Temple period in the Yerushalmi, showing the interplay between historical individuals and exemplarity, and demonstrating that the Yerushalmi transformed these figures into exemplars, drawing on tannaitic sources.

⁹ See Matthew Roller, "Exemplarity in Roman Culture: The Cases of Horatius Cocles and Cloelia," *Classical Philology* 99, no. 1 (2004): 4–6.

¹⁰ Patrick Geary, *Phantoms of Remembrance* (Princeton: Princeton University Press, 1994), 7–8.

¹¹ E. J. Hobsbawm, "The Social Function of the Past: Some Questions," *Past & Present* 55 (1972): 8.

This chapter examines the Yerushalmi's transformation of four Second Temple period figures into exemplars: (1) Dama ben Netina, (2) Kimhit, and (3, 4) Marta bat Boethus and the daughter of Naqdimon ben Gurion. They exemplify filial piety (*kibbud av v'em*), modesty, and luxury respectively. I compare these Yerushalmi stories to their parallels in the Bavli, demonstrating that often (although not always), the Bavli undermines or ignores these stories of moral exemplars, critiquing their acts and arguing that their moral exemplarity is somehow suspect.¹² This comparison will suggest that exemplarity is a discourse about the Second Temple period that is specific feature of the Yerushalmi and the Palestinian midrash collections, which emerged to create a specific narrative of Jewish glory in the Second Temple period, as a response to Roman rule.

The Yerushalmi

The Talmud Yerushalmi is the Palestinian commentary on the Mishnah. It is composed in Hebrew and Galilean Aramaic, and it comments on four of the six Mishnaic orders: Moed, Nezikin, Zeraim, and Nashim, as well as tractate Niddah from Tohorot.¹³ The printed edition of the Yerushalmi is based on the Leiden manuscript, (a corrected version of this manuscript is what I use

¹² The Bavli critiques or ignores these exemplary figures, for a variety of different reasons, which I will discuss in the course of the chapter. On the Bavli's general treatment of the Second Temple period, see Richard Kalmin, "Kings, Priests, and Sages in Rabbinic Literature of Late Antiquity," in *Neti'ot Ledavid: Jubilee Volume for David Weiss Halivni*, ed. Ephraim Bezael Halivni, Yaakov Elman, and Zvi Arie Steinfeld (Jerusalem: Orhot Press, 2004), 57–92.

¹³ The Yerushalmi does not comment on a few Mishnaic chapters (from tractates that the Yerushalmi does cover), presumably because they were lost in the manuscript tradition. These chapters were at the end of large units of texts, and were thus particularly susceptible to loss or damage. These are Shabbat 21-24, Makkot 3, and Niddah 3-7. See Leib Moscovitz, "The Formation and Character of the Jerusalem Talmud," in *The Cambridge History of Judaism*, ed. Steven Katz (Cambridge: Cambridge University Press, 1999), 664; Y.N. Epstein, *Introduction to Amoraic Literature* (Jerusalem: Magnes Press, 1962), 330–31.

for the texts in this chapter).¹⁴ The Yerushalmi's transmission process is poorly understood.¹⁵ There are few external textual witnesses, and it does not seem to have been studied extensively in the medieval period.¹⁶ In addition to its lack of textual witnesses, the Yerushalmi is often laconic and obscure; Yaakov Sussman has argued that this is because the Yerushalmi did not undergo a long process of editorial redaction like the Bavli.¹⁷ All of these factors make the interpretation of the Yerushalmi a particularly fraught endeavor.

The Yerushalmi collects the legal discourse and stories of the Palestinian rabbinic movement. The Yerushalmi seems to have been redacted in the second half of the fourth century CE, though none of the evidence for this date is probative.¹⁸ The internal chronology of Palestinian amoraim supports this dating of the text to the latter half of the fourth century CE (and others date

¹⁴ I use the text from Yaakov Sussman, ed., *Talmud Yerushalmi: Yotse Le-or 'al Pi Ketav Yad Skel aliger 3 (Or. 4720) Shebe-Sifriyat Ha-Universitit ab Shel Laiden, 'im Hasblamot V e-Tiknim unim* (Jerusalem: The Academy of Hebrew Language, 2001). The printed edition changed and corrupted the text of the Leiden manuscript, see Abraham Goldberg, "The Palestinian Talmud," in *The Literature of the Sages, Part 1*, ed. Shmuel Safrai (Philadelphia: Fortress Press, 1987), 317–18. The two other major manuscripts of the Yerushalmi are MS Vatican, which is a thirteenth century manuscript that covers Order Zeraim and Tractate Sotah, as well as MS Escorial, a fifteenth century manuscript that covers Order Nezikin. These manuscripts are fundamentally the same as the Leiden manuscript. In addition, there are extensive geniza fragments of the Yerushalmi, some of which have been published in various places over the years.

¹⁵ See discussion of the transmission process in Louis Ginzberg, *The Palestinian Talmud* (New York: The Jewish Theological Seminary of America, 1941).

¹⁶ Indeed, medieval authorities cite passages from the "Yerushalmi", but often these citations derive from midrash collections or medieval texts that were improperly designated as being from the "Yerushalmi", which demonstrates a lack of familiarity with the text, see Moscovitz, "The Formation and Character of the Jerusalem Talmud," 665.

¹⁷ Yaakov Sussman, "Ve-Shuv Li-Yerushalmi Nezikin," in *Talmudic Studies I*, ed. Y. Sussman and D. Rosenthal (Jerusalem: Magnes, 1990), 55–134.

¹⁸ Moscovitz, "The Formation and Character of the Jerusalem Talmud," 665. See also Epstein, *Introduction to Amoraic Literature*, 274. Epstein places this redaction around 410-420 CE or so. The usual terminus ante quem for the Yerushalmi is the end of the Jewish Patriarchate in 425 CE, although the connection of the Patriarchate to the redaction of the Yerushalmi is utterly unknown. For a defense of this claim, see Goldberg, "The Palestinian Talmud," 310–11.

its redaction to the 5th century CE).¹⁹ The external evidence for the Yerushalmi tends to support the same conclusion.²⁰

Exemplarity

In this chapter, I argue that it is productive to understand stories in the Yerushalmi about figures associated with the Second Temple period as exemplary. To make this argument, I employ a modified version of Matthew Roller's definition of exemplary discourse, which consists of (1) an act that can be categorized as exemplifying a moral virtue or vice, (2) recognition of that act by an audience internal to the text itself (and texts can contain multiple audiences), which categorizes this act as exemplary of that specific moral virtue or vice, (3) the commemoration of that act, and (4) the imitation or possibility of imitation of this act.²¹ Exemplary discourse is necessarily characterized by a certain degree of ambiguity, as it is often not clear what is being exemplified and the degree to which an exemplary act is binding legal precedent or supererogatory. Consider, for instance, the exemplary story that we discussed in Chapter 2:

¹⁹ Sussman notes that the latest figures mentioned in the Yerushalmi are sons and relatives of the fifth generation of Palestinian amoraim, which Moscovitz places roughly around 360-370 CE. This would make the final generation of Palestinian amoraim sometime around 400 CE or so, supporting a mid to late fourth century CE redaction, see Sussman, "Ve-Shuv Li-Yerushalmi Nezikin"; Moscovitz, "The Formation and Character of the Jerusalem Talmud." Sussman thinks that the redaction and the latest layer of the Yerushalmi are coterminous; others think that the redaction happened about a generation later.

²⁰ The external evidence for dating the Yerushalmi is as follows. The latest externally attested figure in the Yerushalmi is Ursicinus (magister equitum per orientem from 349-359, magister peditum from 359-360). See Y. Sotah 9.4, Y. Yevamot 16.3, Y. Megillah 3.1. Ammianus Marcellinus also attests to Ursicinus (14.9-11). See also Sacha Stern, "The Talmud Yerushalmi," in *Rabbinic Texts and the History of Late Roman Palestine*, ed. Martin Goodman and Philip Alexander (Oxford: Oxford University Press, 2011), 145-46. On the career of Ursicinus, see Roland Delmaire, "Le Maître de La Milice Ursicinus Dans Le Talmud de Jérusalem," in *Mélanges À La Mémoire de Marcel-Henri Prévost; Droit Biblique, Interprétation Rabbinique, Communautés et Société*. (Paris: Presses Universitaires de France, 1982), 273-81. Moreover, Sussman notes that the Yerushalmi does not record any of the major events that occurred in Palestine during the later fourth century, including Julian's attempted rebuilding of the Jerusalem Temple, the earthquake of 363 CE, and the end of the patriarchate. To Sussman, the absence of references to these events suggests that the Yerushalmi was redacted in the 350s/360s CE. Sacha Stern reviews this evidence, and argues that it is all less conclusive than Sussman thinks, but ultimately concludes that a fifth century date for the Yerushalmi is not justifiable, see Stern, "The Talmud Yerushalmi," 145-47.

²¹ See Roller, "Exemplarity in Roman Culture: The Cases of Horatius Cocles and Cloelia," 3-5. 1. An action held consequential for the Roman community at large—and admitting of ethical categorization. 2. An audience of eyewitnesses who observe the action and place it in a suitable ethical category, and judge it "good" or "bad", in that category... These audiences by their very spectatorship constitute the action as consequential for the community...

מאימתי קורין את שמע בערבים: משעה שהכהנים נכנסים לאכל בתרומתן, עד סוף האשמורת הראשונה, דברי רבי אליעזר. וחכמים אומרים, עד חצות. רבן גמליאל אומר, עד שיעלה עמוד השחר. מעשה שבאו בניו מבית המשתה, אמרו לו, לא קרינו את שמע. אמר להם, אם לא עלה עמוד השחר, מותרין אתם לקרות. ולא זו בלבד, אלא כל שאמרו חכמים עד חצות, מצותן עד שיעלה עמוד השחר.

From when are they reciting the Shema in the evening? From the time when the priests enter to eat their terumah until the end of the first watch. The words of R. Eliezer. But the Sages say: 'Until midnight.' Rabban Gamaliel says: 'Until the dawn rises.' A ma'aseh: his sons once came home [after midnight] from a wedding feast. They said to him, 'We have not recited the Shema.' He said to them, 'If the dawn has not yet risen, you are permitted to recite it. And not this alone, but all the things that the Sages say are "Until midnight," the commandment lasts until dawn'.

Again, at stake here is the time until which the Shema may be recited. This exemplary story of Rabban Gamaliel appears alongside his legal opinion about this matter of recitation, but its halachic significance is characterized by a strong degree of ambiguity. Does the story make Rabban Gamaliel's point of view more valid? In general, the view of the Mishnah is that the view of the majority is the halachic principle, so Gamaliel's point is perhaps to be discarded. Further, is his story meant to be supererogatory, i.e., his sons and he are so pious that even if they might not have said the Shema according to the law of Sages, they will still recite the Shema until the rise of the dawn? Or is it an exception to a rule, only in a case when the commandment is not fulfilled by midnight, then one has until dawn? These sort of core interpretative problems characterize many stories of rabbinic exemplarity—what exactly is being exemplified? As Tzvi Novick notes in his discussion of rabbinic exemplarity, an exemplary act often does not specify its normativity, a problem illuminated by this passage.²² In the next few sections, I work through Roller's categories, putting them in dialogue with scholarship on rabbinic exemplarity.

Following Roller's first criterion, the acts I identify as exemplary in the Yerushalmi are consequential for the community at large and embody crucial social values such as filial piety,

²² Tzvi Novick, *What Is Good, and What God Demands* (Leiden ; Boston: Brill, 2010), 203.

feminine modesty, and luxurious consumption. These are acts that are more or less “moral” as they concern the reproduction of a set of social values. In these stories as well, the moral acts are tightly associated with the fate of the community/state as a whole, as the acts either sustain or degrade the social order. At the same time, the acts of Second Temple exemplars are closely intertwined with the halachic discourse of the Yerushalmi; these stories have a legal function, inasmuch as they express the particular way that some halachic act was performed or failed to be performed.²³ My discussion seeks to distil the social/moral value that is being embodied by a particular figure from the Second Temple period, while paying close attention to the interaction of this exemplary story with the surrounding halachic discourse.

I also employ Roller’s criterion of audience. In the stories themselves, audiences witness the deed, consider it significant, and identify these figures as exemplars. As literary texts, rabbinic stories contain a series of audiences, including an initial audience to a deed, a divine audience, and a rabbinic audience that exists outside the framework of the story, and judges the act and its exemplarity. This aspect of exemplarity is also explored by Moshe Simon-Shoshan who writes about rabbis as exemplars in the Bavli. There he notes that rabbis often perform their halachic acts with a conscious eye to an audience of students, who consider their deeds to be halachically significant. Simon-Shoshan compares this audience to a panopticon, which demands that exemplary figures constantly understand themselves to be under surveillance.²⁴ Further, Simon-Shoshan notes that one feature of rabbinic exemplarity is that such stories are often followed by rabbinic debates about the

²³ Similarly, for the Mishnah, Simon-Shoshan has argued that certain types of stories are exemplary, as they use the actions of rabbinic figures to test and probe the boundaries of law, see Moshe Simon-Shoshan, *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah*, (New York: Oxford University Press, 2012). On stories that serve as halachic examples in the Yerushalmi, see Catherine Hezser, *Form, Function, and Historical Significance of the Rabbinic Story in Yerushalmi Neziqin* (Tubingen: Mohr Siebeck, 1993), 305.

²⁴ Moshe Simon-Shoshan, “““ People Talking Without Speaking ””: The Semiotics of the Rabbinic Legal Exemplum as Reflected in Bavli Berakhot 11a,” *Law and Literature* 25, no. 3 (2013): 446–65.

exemplarity of an act, a feature that is also found in the stories I consider.²⁵ The audience and its discussions of the act are part of the process by which an act becomes exemplary; it needs to be recognized and evaluated by an audience.²⁶ As I will detail below, one distinguishing feature of virtuous Second Temple exemplars is their deliberate avoidance of audiences, preferring to perform their exemplary deeds privately and not consciously acknowledge that their act is exemplary. Only with divine intervention do their exemplary acts come to be known.

Roller defines commemoration as the production of a monument that calls the deed to mind. This chapter argues that the production of exemplary stories constitutes a form of commemoration, as I show how figures represented in Second Temple sources and in earlier rabbinic literature are transformed into exemplars in the Yerushalmi and the Palestinian amoraic midrash tradition. Such exemplary stories are rooted in broader commemorative notices of historical (for the most part) figures from the Second Temple period. Each section traces the transformation of these figures from brief commemorative notices into exemplary stories, noting as well that the Bavli does not consider these figures to be exemplars.

Finally, Roller's last category is imitation, or the degree to which an exemplar is imitating other exemplars and inspires imitators. Exemplary acts are often related so as to provide a set of examples to imitate; in his account of Jewish education in *Contra Apionem*, Josephus understands the narrative parts of the Bible as a set of examples to follow and reinforce the laws.²⁷ However, as Tzvi Novick has argued for tannaitic literature, the exemplarity of an act does not specify the moral force of a norm—are exemplars moral outliers or prescriptive examples?²⁸ For tannaitic literature, Novick

²⁵ Ibid.

²⁶ And it may be best to think of this in a literary sense, not in a discursive sense. I am not trying to understand the "reading audience" of these stories, but instead, the internal audience of these stories.

²⁷ CA 2.204.

²⁸ Novick, *What Is Good, and What God Demands*, 203.

argues that exemplarity supports norms with quasi-legal force (and the tannaim primarily focus on areas such as prayer and kingship, which the Bible describes, but does not promulgate a specific rule set about).²⁹ For the Second Temple figures that I interrogate, the degree to which these figures do or do not invite imitation varies, reflecting their surrounding halachic context. Further, the degree to which these individuals invite imitation has a great deal to do with the rabbinic sense of the historical distance of the Second Temple past from the rabbinic present. Except in the last story which seems to explicitly thematize how this exemplary story relates to contemporary rabbinic courts, the rabbis consider these exemplary virtues to be connected to the Temple, and are thus, emblematic of some distant and glorious past.

Filial Piety and Dama ben Netinah

This first section focuses on a story in Yerushalmi Peah 1.1/Kiddushin 1.7, which concerns the deed of filial piety (henceforth, *kibbud av v'em*) that was undertaken by a non-Jew in Ashkelon, Dama ben Netinah. Exodus 20.11 commands *kibbud av v'em* (and it is restated in Leviticus 19.3, which emphasizes fear, rather than honor).³⁰ *Kibbud av v'em* is often connected with some sort of divine reward, a theme that plays out in the story of Dama, who is presented as an exemplar of this virtue.

Y. Kiddushin 1.7	Y. Peah 1.1
עד איכן הוא כיבוד אב ואם אמר להן ולי אתם שואלין לכו שאלו לדמה בן נתינה דמה בן נתינה ראש פטר בולי הוה פעם אחת היתה אמו מסטרתו לפני בולי שלו ונפל קורדקסין שלה והושיט לה כדי שלא תצטער א"ר חזקיה הגוי האשקלוני היה וראש כל פטר בולי היה ואבן שישב עליה אביו לא ישב עליה מימיו וכיון שמת עשה אותה יראה	רבי אבהו בשם רבי יוחנן. שאלו את רבי אליעזר. עד היכן הוא כיבוד אב ואם. אמר להן. ולי אתם שואלין. לכו ושאלו דמה בן נתינה. [דמה בן נתינה] ראש פטר בולי היה. פעם אחת הי(ה) [תה אמו] מסטרתו בפני כל בולי שלי! ונפל קורדקון שלה [מ]י[ד]ה (והסתירו) [והושיטו] לה שלא תצטאר. אמר רבי חזקיה. גוי אשקלוני היה וראש פטר [ב]ולי

²⁹ Ibid., 199–203.

³⁰ “Honor thy father and thy mother, so that you will lengthen your days on the land that the Lord your God gave to you” (Exodus 20.11). “Every man shall fear his mother and his father” (Leviticus 19.3).

<p>משלו פעם אחת אבדה ישפה של בנימין אמרין מאן דאית ליה טבא דכוותה אמרין דאית לדמה בן נתינה אזלון לגביה ופסקו ליה עימיה במאה דינרין סליק בעא מייתיתא להון ואשכח לאבוי דמך ואית דאמרין מפתחא דתיבותא הוה יהיב גוא אצבעיה דאבוה ואית דאמרין ריגליה הוות פשיטא על תיבותא נחת לגביהון אמר לון לא יכילית מייתיתא לכון אמרין דילמא דהוא בעי פריטין תובן אסקיניה למאתים אסקיניה לאלף כיון דאיתעיר אביו מן שינתיה סלק ואייתיתא להון בעו מיתן ליה כד פסקו לה לאחרייא ולא קביל אמר מה אנא מזבנא לכון איקרא דאבהתי בפריטין איני נהנה מכיבוד אבותיי כלום מה פרע לו הקב"ה שכר אמר רבי יוסי בי רבי בון בו בלילה ילדה פרתו אדומה ושקלו לו ישראל משקלה זהב ושקלוה א"ר שבתי כתיב (איוב לז) ומשפט ורב צדקה לא יענה אין הקב"ה משהא מתן שכרן של עושה מצות בגוים</p>	<p>היה. ואבן שישב עליה אביו לא ישב עליה מימיו. וכיון שמת אביו עשה אותה יראה שלו. פעם אחת אבדה ישפה שלבנימן. אמרו. מאן דאת ליה טבא דכוותה. אמרו אית לדמה בן נתינה. אזלון לגביה ופסקו [ו] [לונה] עמיה במאה דינרין. [סליק] בעי מייתה להו ואשכח אבוה דמיך. ואית דאמרין. מפתחא דתיבותא הוה [יהיב] גו אצבעתיה דאבוי. ואית דמרין. ריגליה [דאבוה] הוות פשיטא על תיבותא. נחת לגבון אמר לון. לא יכילית מייתותיה לכון. אמרו. דילמא [דו] בעי פריטין [טובן] אסקיניה למאתים אסקיניה לאלף. כיון דאיתעיר אבוה מן שינתיה סלק ואייתותיה לון. בעו מייתון ליה בפסיקוליה אחרייא ולא קביל עלוי. אמר. מה אנא מזבין לכון איקרא דאבהתי בפריטין איני נהנה מכבוד אבותיי כלום מה פרע ליה הקב"ה שכר א"ר יוסי בי רבי בון בו בלילה ילדה פרתו אדומה ושקלו לו כל ישראל משקלה זהב ונטלוה א"ר [ש]בתי כתיב (איוב לז) ומשפט ורב צדקה לא יענה אין הקב"ה משהא מתן שכרן של עושי מצות בגוים</p>
<p>“How far does the duty of honoring one’s father and mother go?” He replied, “You ask me! Go and ask Dama ben Netinah. Dama ben Netinah was the head of the patrobouloi. Once his mother slapped him in the face with her shoe before his council and her shoe fell and he picked it up for her so that she should not be troubled. ...said: “He was a Gentile (goy) in Ashkelon and he was the head of the patrobouloi.³¹ The stone upon which his father sat, Dama did not sit on this stone for the entire life of his father. And when his father died, he made</p>	<p>“Rabbi Abbahu in the name of Rabbi Yochanan: they asked Rabbi Eliezer, “How far does the duty of honoring one’s father and mother go?” Rabbi Eliezer replied, “You ask me! Instead, go and ask Dama ben Netinah. Dama ben Netinah was the head of the patrobouloi. Once his mother slapped him in the face with her shoe before his council and her shoe fell and he picked it up for her so that she should not be troubled. Rabbi Hezekiah said: “He was a Gentile (goy) in Ashkelon and he was the head of patrobouloi. The stone upon which his father was wont to sit, Dama did not sit</p>

³¹ ראש may be a gloss on פטר, i.e. πατήρ, which would just make this πατρόβουλος, according to Shamma Friedman, “History and Agadah: The Enigma of Dama Ben Netina,” in *Higayon Le-Yonab: Kovei Mevot arim Li-Khevodo Shel Profesor Yonab Frenkel*, ed. Joshua Levinson, Ya’akov Elbaum, and Galit Hasan-Rokem (Jerusalem: Y.L. Magnes, 2006), 99. However, there is no strong manuscript evidence for this claim. Thus, I follow the translation of Isidore Levy, “Les Πατροβουλοι Dans L’Epigraphie Grecque et La Littérature Tamudique,” *Revue de Philologie, de Littérature et d’Histoire Anciennes* 26, no. 3 (1902): 272–78, “the head of the patrobouloi.” The potential title that is being recalled here is either πατρόβουλος or πατήρ βουλή, and there is some epigraphic evidence for both. A πατρόβουλος is a son of a member of the boule who will be on the council because his father was; he is designated to succeed his father on the boule (this was the interpretation of Levy, but see also Marc Kleijwegt, *Ancient Youth* (Amsterdam: J.C. Gieben, 1991), 262–69. Πατήρ βουλή is a rather rare honorific, probably in part because the Greek city tended not to go in for paternal metaphors, far more common was the son of the city (υἱός πόλεως), see Filippo De Rossi, *Filius Publicus* (Roma: Herder, 2007). The use of πατρόβουλος is much more widely attested, see the evidence collected in Louis Robert, *Documents de l’Asie Mineure Méridionale, Inscriptions, Monnaies et Géographie* (Paris: Minard, 1966), 86–91. Finally, πατρόβουλος makes sense in a story about filial piety, as it emphasizes an aspect of a filial relationship. I thank John Ma for his guidance in working on an appropriate translation for this title.

it into an idol (הארת)³² for himself.” Once the jasper stone of Benjamin [on the high priestly breastplate] was lost. They said, “Who has precious things such as this?” They said, “Dama ben Netinah has such things.” They went to him and they offered him 100 denarii [for the jewel]. He went and intended to bring [the jewel] to them and he found his father sleeping. There are those who say the key to the chest was under his father’s finger. And there are those who say the foot of his father was stretched out on the chest. He went to them and said, “I cannot bring this to you.” They said, “Perhaps he wants more money.” They raised it to 200; they raised it to 1000. When his father woke up, he went and brought the jewel to them. When they wished to give him what they had pledged him later, he refused. He said, “What, am I to sell you the honor of my father? I will not at all benefit from it.” How did the Holy One repay him? Rabbi Yose in the name of Rabbi Bun said, “That same night, his cow bore a red heifer and Israel weighed out the heifer’s weight in gold and bore it away. Rabbi Sabbatai said: ‘Just and great in righteousness, he does not torment’ (Job 37.23), the Holy One does not delay the reward of non-Jews who fulfill commandments.

on this stone for his entire life. And when his father died, he made it into an idol (הארת) for himself.” Once the jasper stone of Benjamin [on the high priestly breastplate] was lost. They said, “Who has precious things such as this?” They said, “Dama ben Netinah has such things.” They went to him and they offered him 100 denarii [for the jewel]. He went and intended to bring the jewel to them and he found his father sleeping. There are those who say the key to the chest was under his father’s finger. And there are those who say the foot of his father was stretched out on the chest. He went to them and said, “I cannot bring this to you.” They said, “Perhaps he wants more money.” They raised it to 200; they raised it to 1000. When his father woke up, he went and brought the jewel to them. When they wished to give him what they had pledged him later, he refused. He said, “What, am I to sell you the honor of my father? I will not at all benefit from it.” How did the Holy One repay him? Rabbi Yose in the name of Rabbi Bun said, “That same night, his cow bore a red heifer and all of Israel weighed out the heifer’s weight in gold and bore it away. Rabbi Sabbatai said: ‘Just and great in righteousness, he does not torment’ (Job 37.23), the Holy One does not delay the reward of non-Jews who fulfill commandments.

Dama as exemplar

The story identifies Dama as a goy (a non-Jew), a council member, and an Ashkelonite. As Dama’s story also takes place in a time when the Temple stood. To briefly provide some context for the significance of these different identifications, in calling Dama a goy, the rabbis identify him as fundamentally “Other.”³³ The goy is a dangerous figure in rabbinic literature, portrayed as violent,

³² For this usage, see B. Sanhedrin 106a, Mekhilta Bo 13, and Mekhilta B’shallah 1.

³³ Ishay Rosen-Zvi and Adi Ophir, “Goy: Towards A Genealogy,” *Dine Israel* 28 (2011): 79.

sexually transgressive, and constantly engaged in idolatry.³⁴ As a council member, Dama is also fully embedded in the institutions of the Greco-Roman city. His status as an Ashkelonite is potentially another means to signify his otherness.³⁵ These different identities present Dama as fundamentally “other” to his rabbinic audience.

Yet, Y. Peah 1.1 and Y. Kiddushin 1.7 identify Dama as an exemplar. Both Rabbi Eliezer and the anonymous figure who introduce Dama in Y. Kiddushin 1.7 present his act as the fulfillment of *kibbud av v'em*. The question that is posed is to what extent does the obligation of honoring one’s parents go, and Dama is produced as an example to follow. In his retort to the question, Rabbi Eliezer defies the possibility of prescriptive accounts of obligations, and instead opts for a story to illustrate the extent of this obligation, producing Dama as an exemplar. The broader halachic context of Y. Kiddushin 1.7 discusses the obligations of children to their parents, presenting Dama as an example of the degree to which these obligations extend.³⁶ The halachic context of Y. Peah 1.1 concerns the explication of Mishnah Peah 1.1, which states concerning *kibbud av v'em*:

אלו דברים שאין להם שיעור--הפיאה, והביכורים, והריאיון, וגמילות חסדים, ותלמוד תורה. ואלו דברים שאדם אוכל מפירותיהן בעולם הזה, והקרן קיימת לו לעולם הבא--כיבוד אב ואם, וגמילות חסדים, והבאת שלום בין אדם לחברו; ותלמוד תורה כנגד כולם.

These are things that have no limit: Peah, first fruits, the festival offering, deeds of loving-kindness and the study of the law. These are things whose fruits a man enjoys in this world while the capital is laid up for him in the world to come: honoring father and mother, deeds of loving-kindness, making peace between a man and his fellow; and the study of the law is equal to them all.³⁷

³⁴ On the goy, see Christine Hayes, “The ‘Other’ in Rabbinic Literature,” in *The Cambridge Companion to Talmud and Rabbinics*, ed. Martin Jaffee and Charlotte Elisheva Fonrobert (Cambridge: Cambridge University Press, 2007), 243–69.

³⁵ See Friedman, “History and Agadah: The Enigma of Dama Ben Netina,” 122; Nachman Levine, “Dama Ben Netinah’s Weighted Transaction in Ashkelon: A Literary and Archaeological Reading,” *Jewish Studies Quarterly* 20 (2013): 187–88. Nachman Levine has suggested that Ashkelon functions as an opposite of Jerusalem, both historically and in rabbinic literature, although this seems to be an overreading of the evidence. I think that Ashkelon is just a convenient city, as it has already been established that he is part of a pagan civic context, based on the use of the term *boule*.

³⁶ M. Kiddushin 1.7 והנשים פטורות על האב--האנשים חייבין, והנשים פטורות, which concerns sons in particular.

³⁷ Translation drawn from Danby, *The Mishnah*. On the formation of this passage and its potential relationship to Qumran texts, see Aharon Shemesh, “The History of the Creation of Measurements between Qumran and the

The Mishnah sets up two categories: things without limit and things that one derives reward from in this world and continues to derive reward from them in the world to come. Hence, M. Peah 1.1 suggests that acts of *kibbud av v'em*, *gemilut hasadim* (probably something like showing benevolence),³⁸ and bringing peace between a man and his fellow (as well as the study of Torah) have some sort of influence on one's life both in this world and in the world to come. Given the importance of *kibbud av v'em* in this telling, it makes sense that Y. Peah 1.1 would employ exemplary stories as a means of describing how this virtue could be performed.

As an exemplar, Dama is identified with three acts, and in each of these acts, Dama prioritizes his filial obligation over his social, religious, or economic life. This prioritization of his relationship with his parents is what makes his actions exemplary. Yet, as Nachman Levine has noted, there is a fair amount of ambiguity about Dama's actions; are readers of this text to laud Dama for turning his father into an idol?³⁹ The coda to the story also seems to express a bit of ambivalence about Dama's act, limiting the degree to which he is an exemplar. Dama's identity as the consummate outsider suggests some elements of ambivalence and critique. My reading of Dama's story constantly asks how he is being commemorated and considered an exemplar, and what exactly his act is supposed to inspire in his audience.

In the first story, Dama's mother hits him in the face with her sandal before his *boule*.⁴⁰

Indeed, Dama is a leading figure on the *boule*, according to the story, which identifies him as head

Mishnah," in *Rabbinic Literature and the Dead Sea Scrolls*, ed. Steven Fraade, Aharon Shemesh, and Ruth Clements (Leiden; Boston: Brill, 2006), 147–74.

³⁸See Tzvi Novick, "Charity and Reciprocity: Structures of Benevolence in Rabbinic Literature," *Harvard Theological Review* 105, no. 01 (2012): 34–35.

³⁹Levine, "Dama Ben Netinah's Weighted Transaction in Ashkelon: A Literary and Archaeological Reading," 196.

⁴⁰As noted by Shamma Friedman, a similar story is told about Solomon and Bathsheva in *Leviticus Rabbah*. In this story, Solomon slept late on the day of the Temple's dedication (and the keys were under his pillow), as he had spent the night drinking and carousing with the daughter of Pharaoh. In that context, the beating of Solomon by his mother is presented as an appropriate shaming of Solomon. This parallel supports my claim that the rabbis considered this act to be a source of shame for Dama, see *Leviticus Rabbah* 12.5.

of the patrobouloi.⁴¹ When he is publicly shamed before his colleagues, he allows his mother to preempt his social power as a city councilor. The story suggests that Dama permits his mother to beat him, emphasizing his agency, as it notes that he returns her fallen shoe to her. Dama's fellow council members are the primary audience of this act, as they see him publicly beaten. They quite literally fail to comprehend the ethical and moral significance of his act. The bouletic audience probably sees his act as eccentric, whereas the rabbis see it as an expression of filial piety. While the council witnesses the act, Rabbi Eliezer is a secondary rabbinic audience to this deed and categorizes it as virtuous.⁴² As an actor, Dama's deed is surveilled and categorized, but the story presents him as evincing no awareness of his exemplarity.

The second story is introduced by Rabbi Hezekiah, who states that Dama avoided the rock that his father sat on. After his father dies, he makes the rock a *ידאָה* (an idol),⁴³ literally “a(n object of) fear/awe”, as he transfers his filial veneration to the rock. Just as Dama feared the rock because of its relationship with his father, now he quite literally fears the rock as an idol. Friedman notes this odd rabbinic praise of idol worship, especially as the prohibition of idolatry is one of the seven Noahide laws, which rabbinic literature claims are to govern the behavior of Gentiles.⁴⁴ Yonah Fraenkel and Nachman Levine read this story as evidence of Dama's sinfulness, which limits the

⁴¹ Dama is the rosh paterboule, the head of the patrobouloi, a title that is not well attested to, but here seems to play a more thematic role as it evokes one of the main themes of the story. On the linguistic argument for the inclusion of patroboulos, see Yonah Fraenkel, *Eyinum Bi-Olamoh Ha-Rubani Shel Sipur Ha-Agadah* (Tel Aviv: HaKibbutz Hameuchad Publishing House, 1980), 144. Patroboulos appears to mean one who inherits their status on the boule from their father, see Sviatoslav Dmitriev, *City Government in Hellenistic and Roman Asia Minor* (Oxford: Oxford University Press, 2005), 170.

⁴² Shamma Friedman argues that this story of Dama and his mother is to be compared with the subsequent story in Y. Peah 1.1/Y. Kiddushin 1.7 of Rabbi Ishmael and his mother, who wishes to drink the water that her son washed his feet in when he returned from the house of assembly, so as to honor him. Rabbi Ishmael hesitates, whereas Dama, who is being beaten and shamed (rather than honored) does not. According to Friedman, this demonstrates the superiority of Dama as an exemplar of *kibbud av v'em*, see Friedman, “History and Agadah: The Enigma of Dama Ben Netina,” 93.

⁴³ Marcus Jastrow, *Dictionary of the Targumim, Talmud Bavli, Talmud Yerushalmi and Midrashic Literature* (New York: Judaica Press), 593.

⁴⁴ See T. Avodah Zarah (Zuckerman edition) 8.4 On the development of the Noahide laws, see David Novak, *The Image of the Non-Jew in Judaism* (Oxford; Portland: The Littman Library of Jewish Civilization, 2011).

degree to which Dama can serve as an exemplar.⁴⁵ Yet as Friedman notes, this is aggadic material, and it can be inconsistent with halachah: however odd it may be, this story considers Dama's act positively.⁴⁶ Rabbi Hezekiah's introduction to the story again presents Dama as an exemplar of filial piety, as he provides this story for the rabbinic audience that asked Rabbi Eleazar about what constitutes filial piety. However, is this an act to be imitated by the rabbinic audience? I think the answer is probably not; it serves as an illustration of how far the honoring of parents can go, but the rabbis may be ambivalent about this particular act. In this story, Dama shows no awareness of how his deed is to be understood nor does he seem to perform for a rabbinic audience. As above, Dama's *kibbud av v'em* interferes with his normal social roles; here too, it controls his religious life. He so fully articulates *kibbud av v'em*, that he worships his dead father, rather than the gods. Both are forms of idolatry, but Dama's filial piety is such that it trumps his status as an idolater.

The third story concerns the relationship between Dama's *kibbud av v'em* and his economic life. It begins with the loss of the jasper stone that represents Benjamin on the high priestly breastplate. Benjamin is the son to whom Jacob is the most devoted, and perhaps Dama's story purposefully invokes Benjamin as it is a story of the devotion of a son to a father.⁴⁷ As Fraenkel notes, this loss of the jasper stone would invalidate the high priestly service, and thus, the central rites of the Temple.⁴⁸ Hence, this was a crucial transaction for the Temple officials. They arrive in Ashkelon to buy a replacement from Dama, offering to pay 100 denarii, which he accepts. However, he cannot retrieve the stone without waking his father, which he refuses to do. In this moment, his

⁴⁵ Fraenkel, *Eyinum Bi-Olamoh Ha-Rubani Shel Sipur Ha-Agadab*, 144; Levine, "Dama Ben Netinah's Weighted Transaction in Ashkelon: A Literary and Archaeological Reading."

⁴⁶ Friedman, "History and Agadah: The Enigma of Dama Ben Netina," 94.

⁴⁷ Genesis 42.4, 36-38.

⁴⁸ Fraenkel, *Eyinum Bi-Olamoh Ha-Rubani Shel Sipur Ha-Agadab*, 142. Fraenkel notes T. Menahot 6.11, which states the stones hinder each other (i.e. make the breastplate unable to be used), and that different parts of the high priestly clothing hinder each other from use (all are required for the performance of sacrifices by the high priest).

father and the jewel are quite literally intertwined, as his father's limbs are spread across or over the chest.

The Temple officials misconstrue his refusal for a negotiating tactic and offer him a larger sum (first 200 and then 1000 denarii). When his father wakes up, Dama brings out the stone. The Temple officials pay him the higher price, which Dama refuses, because the difference between the first and second price assigns a discrete monetary value to his father's honor. For Dama, *kibbud av v'em* necessarily requires that he not allow the economic transaction to interfere with his relationship to his father. He separates his connection to his parent from any potential economic gain to himself. Dama's primary acts of honoring his father are not waking him up and not taking any money for doing this deed.

In the hierarchy of Dama's acts, this act is considered to be the most important, as he receives a divine reward at the end. Yet, as an exemplary act, it actually seems rather limited, for Dama foregoes some potential gain and does not wake his father up. Far more demonstrative forms of devotion include Dama's own beating by his mother, and the other stories of rabbis who perform devotional acts to mothers that are paired with Dama's story.⁴⁹ At least in those settings, the relationship is one of shame, whereas this story focuses on Dama's honor, perhaps creating a hierarchical relationship between these types of relationships, active honor of parents is more meritorious than enduring shame on their behalf, and fathers are to be honored, whereas mothers are sources of shame.

The story requires a certain amount of ambiguity and lack of knowledge to work as a narrative. The immediate audience of Dama's act, the Temple officials, are unable to perceive exactly why Dama does not bring them the stone. Just like the council, they cannot evaluate the ethical

⁴⁹ See the stories of Rabbi Tarfon and Rabbi Ishmael in Y. Peah 1.1.

significance of Dama's act or his motivation. Instead, as Fraenkel suggests, they might assume that this non-Jew is trying to extort money from them.⁵⁰ Only at the end when he refuses the extra money do they become aware of the role of his father in this negotiation process. Dama's exemplarity is only made known to the reader and the rabbinic audience, not the audience of Temple officials in the story. Indeed, what seems to make Dama's act exemplary is his seeming lack of self-awareness that his acts have exemplary significance. He does his duty, but feels no need to inform his audience of the deed. Compared to the acts of Roman exemplars or some of the rabbinic stories on exemplarity surveyed by Moshe Simon-Shoshan, Dama evinces no sense that he is an exemplar whose behavior has ethical and practical significance for those who come after him.⁵¹ I argue that this sort of anti-exemplarity is typical of virtuous exemplars from the Second Temple period.

While Dama's refusal to take the extra money is one of means of making clear his motivation, the categorization of this deed as exemplary comes after the story, primarily from God. An anonymously asked question, "and what was his reward?" responds to Dama's deed, as the Yerushalmi's redactional voice recognizes that this act was exemplary and expects God to repay Dama.⁵² Using audience in the heuristic sense as a respondent in the text, this anonymous voice constitutes the first audience to Dama's deed. God, another audience of the deed, causes Dama's cow to bear a red heifer. The birth of the red heifer makes Dama's exemplarity visible for all Israel to see. God causes an audience to witness Dama's act; Dama does not create this audience on his own. All Israel goes down to Ashkelon and purchases his red heifer, weighing out its worth to him,

⁵⁰ Ibid.

⁵¹ Simon-Shoshan, "“People Talking Without Speaking”": The Semiotics of the Rabbinic Legal Exemplum as Reflected in Bavli Berakhot 11a."

⁵² Somewhat ironically, the verse from Job 37.23 *לא יענה ומשפט ורב-צדקה*, appears in a long digression about the inscrutable nature of divine justice and reciprocity.

and then returning to Jerusalem. The final stage of the process is the story in Peah/Kiddushin, which commemorates Dama as the epitome of *kibbud av v'em*.

While the Yerushalmi treats Dama through an exemplary lens, making his acts of *kibbud av v'em* morally relevant to the readers of the Yerushalmi, its use of Dama as an exemplar presents the Temple as a mediating institution between Jews and non-Jews that allows Jews to recognize non-Jewish piety in the Temple. That is, the Temple mediates between Dama and Israel--it allows Dama's pious act to be recognized, but keeps Dama at a distance by separating him from Israel. Indeed, Dama articulates his exemplarity through his influence on the Temple.⁵³ His piety produces a necessary component for the red heifer ritual, a rather rare, though highly important, ritual of the Temple in rabbinic memory that is a means of removing corpse impurity.⁵⁴ The Temple is the main narrative and institutional force for the set of transactions between Israel and Dama in the story; the Temple officials come to Dama in the first place in order to purchase the stone for the Temple breastplate. It is only through the Temple and its service that Dama's exemplary filial piety comes to be recognized by Israel; he would have no audience for his deed otherwise. An implicit assumption of this story is that the possibility of such interactions and exemplary deeds by non-Jews is only possible in the time that the Temple stood.

Commemorating Dama as an exemplar

⁵³ On sacrifices by non-Jews in the Temple, see Schurer, *The History of the Jewish People in the Age of Jesus Christ*, 310–13; Daniel Schwartz, "On Sacrifice by Gentiles in the Temple of Jerusalem," in *Studies in the Jewish Background of Christianity*, ed. Daniel Schwartz (Tubingen: J.C.B. Mohr (Paul Siebeck), 1992), 102–16. M. Shekalim 1.5 states that non-Jews are only allowed to sacrifice non-obligatory sacrifices in the Temple, such as a vow offering or a freewill offering. The Dama story is a sort of reversal of what one generally expects from non-Jewish sacrifices in the Temple, for in these accounts, Gentiles offer optional sacrifices for God, whereas here, God causes the Jews to acquire a sacrifice from a Gentile, forcing them to recognize his piety.

⁵⁴ M. Parah 3.5 (discussed in Chapter 2) records that the red heifer sacrifice was performed very few times. See also Numbers 19.

Shamma Friedman has analyzed the sources of this story extensively and makes a strong case for connecting Dama to a story in Tosefta Parah of an anonymous man in Sidon who sold a red heifer to the Temple. Friedman points out that Dama's reward of the red heifer appears to be the earliest part of the story, whereas the story of Dama and his mother draws on other stories from rabbinic literature.⁵⁵ The second story (of Dama's father and his rock), Friedman suggests, is also much later, as Rabbi Hezekiah is a fifth generation Palestinian amora, so this pericope was added after the original story took shape.⁵⁶ Hence, Friedman argues that the original story consisted of the question to Rabbi Eliezer and the third story.⁵⁷

The tannaitic source for Dama's story comes from T. Parah 2.1, which records the following anecdote about the purchase of a red heifer:

ר' אליעזר אומר אין ניקחת מן הגויים אמרו לו מעשה ולקחיה מבין הגויים בצידן ודומא היתה
בקראת.⁵⁸

Rabbi Eliezer said, "It is forbidden to purchase a red heifer from non-Jews." They said to him, "Once they acquired a red heifer from non-Jews in Sidon and [the red heifer] was called Duma.

This text is from Lieberman's edition of the Tosefta (based on the Vienna manuscript) and is a corrected reading, which identifies the cow as being named Duma. In the printed edition of the Tosefta, Duma is the name of the cow's owner. Friedman suggests that this confusion between the name of the cow and the name of the seller may go back to the Tosefta and that this confusion may have been the inspiration for the name Dama in the Yerushalmi story.

⁵⁵ Friedman, "History and Agadah: The Enigma of Dama Ben Netina."

⁵⁶ Ibid., 90–91.

⁵⁷ Friedman argues that Rabbi Eliezer's inclusion in Dama's story has two causes: first, in M. and T. Parah, Rabbi Eliezer rules on the acceptability of red heifer sacrifices from Gentiles, and second, his evasive style of answering questions. See for instance T. Yevamot 3.1.

⁵⁸ Paralleled in Sifre Zuta (Horovitz), Pg. 300, although this concerns a red heifer that was bought from the Arabs.

Friedman argues that the aggadic creators of this story sought to explain why the red heifer was born to this non-Jew. Thus, they turned him into an exemplar of *kibbud av v'em*. Finally, in Rabbi Eliezer's presentation of Dama as an exemplar, the composers of this story suggest that Dama's actualization of *kibbud av v'em* was such that even Rabbi Eliezer, who objects to purchasing red heifers from non-Jews in T. Parah 2.1, thought that it was permitted to purchase the red heifer from someone as worthy as Dama. The composers of the Yerushalmi developed this story to explain a laconic tannaitic text. We can see the process of exemplification of figures from the Second Temple period at work here. Although Dama is not a known historical figure, and indeed, probably did not exist, the same model applies, as the rabbis take someone who was commemorated in tannaitic literature and constructed an exemplary story to explain Dama's importance and the retention of his memory. Hence, the story shows the interactions between the commemoration of figures from the Second Temple past and the broader memorial bias of the Yerushalmi, which adapts these memories into exemplary stories

Moreover, the exemplarity of Dama is undermined in the Bavli's version of the story. The Yerushalmi's coda expressed some ambivalence about Dama's act, suggesting that it was precisely because of his status as a non-Jew that he received this specific reward (as God gives non-Jews their reward in this world). Indeed, it seems to draw on the language of M. Peah 1.1, arguing that the good of a deed for a non-Jew is only realized in this world, not in the world to come. The Bavli, however, has a far more negative opinion of Dama and his exemplarity.⁵⁹

⁵⁹ B. Kiddushin 31a. Note the parallel in B. Avodah Zarah 23b-24a (brought up to refute the position of Rabbi Eliezer that they do not purchase red heifers from non-Jews):
 והאמר רב יהודה אמר שמואל שאלו את ר"א עד היכן כיבוד אב ואם אמר להם צאו וראו מה עשה גוי אחד לאביו באשקלון ודמא בן נתינה שמו פעם אחת בקשו ממנו אבנים טובים לאפוד בששים רבוא שכר [רב כהנא מתני בשמונים רבוא] והיו מפתחות [מונחות] תחת מראשותיו של אביו ולא צערו אבני שהם הפסיק הענין והא אבני מלואים כתיב דהדר ערביה ועוד קתני סיפא לשנה אחרת גולדה לו פרה אדומה בעדרו נכנסו חכמי ישראל אצלו אמר להם יודע אני בכם שאם אני אבקש מכם כל ממון שבעולם אתם נותנין לי אלא איני מבקש מכם אלא אותו ממון שהפסדתי בשביל כבוד אבא התם על ידי תגרי ישראל זבון

בעו מיניה מרב עולא עד היכן כיבוד אב ואם אמר להם צאו וראו מה עשה גוי אחד לאביו באשקלון ודמא בן נתינה שמו] פעם אחת בקשו חכמים פרקמטיא בששים ריבוא שכר והיה מפתח מונח תחת מראשותיו של אביו ולא ציערו אמר רב יהודה אמר שמואל שאלו את ר' אליעזר עד היכן כיבוד אב ואם אמר להם צאו וראו מה עשה גוי אחד לאביו באשקלון ודמא בן נתינה שמו⁶⁰ בקשו ממנו [חכמים] אבנים לאפוד בששים ריבוא שכר ורב כהנא מתני בשמונים ריבוא והיה מפתח מונח תחת מראשותיו של אביו ולא ציערו לשנה האחרת נתן הקב"ה שכרו שנולדה לו פרה אדומה בעדרו נכנסו חכמי ישראל אצלו אמר להם יודע אני בכם שאם אני מבקש מכם כל ממון שבעולם אתם נותנין לי אלא עכשין אין אני מבקש מכם אלא אותו ממון שהפסדתי בשביל כבוד אבא וא"ר חנינא ומה מי שאינו מצווה ועושה כך מצווה ועושה עאכו"כ דאר"ח גדול מצווה ועושה ממי שאינו מצווה ועושה.

It was asked of Rav Ulla: How far does the honor of parents [extend]? He said to them: “Go and see what a certain goy, Dama son of Netina was his name, did for his father in Ashkelon.” [The Sages once desired goods from him, in which there was a six hundred thousand [gold denarii] profit, but the key was lying under the pillow of his father, and so he did not trouble him. Rab Judah said in the name of Samuel: They asked R. Eliezer: How far does the honor of parents [extend]? He said, “Go and see what a certain goy, Dama son of Netina by name, did in Ashkelon.”] The Sages sought stones for the ephod from him, at a profit of six hundred thousand [gold denarii]. Rav Kahana taught: at a profit of eight hundred thousand, and the key was lying under his father's pillow, and he did not trouble him. The following year, God gave him his reward. A red heifer was born to him in his herd. When the Sages of Israel went to him [to buy it], he said to them, “I know you, that [even] if I asked you for all the money in the world you would pay me. But now I ask of you only the money which I lost through my father's honor.’ Now, R. Hanina observed thereon, If one who is not commanded [to honor his parents], yet does so, is thus [rewarded], how much more so one who is commanded and does so! For R. Hanina said: He who is commanded and fulfils [the command], is greater than he who fulfils it though not commanded.⁶¹

In the Bavli, the central Jewish actors are specified as rabbis (which follows the general tendency of the Bavli to make the rabbis the central figures in stories of the Second Temple period).

⁶² In both cases, the presence of Dama’s father impedes this transaction and prevents the rabbis from obtaining what they set out to acquire. Unlike the Yerushalmi, the rabbis never obtain the stone that they need, which shows that the transaction was never completed—perhaps highlighting Dama’s bad faith. Furthermore, the Yerushalmi distanced Dama’s monetary reward from his respect of his father’s honor, whereas in the Bavli, Dama explicitly asks to be given the money that he lost because he honored his father. Such a request presents Dama as transactional and insincere in his filial piety. Dama performs his exemplary action in the hope of gaining a reward and presents

⁶⁰ Things in parentheses are not found in MS Munich 95. I have used the printed text with corrections from MS Munich 95.

⁶¹ My adaptation and correction of Isidore Epstein, ed., *The Babylonian Talmud* (London: The Soncino Press, 1978).

⁶² See Richard Kalmin, *Jewish Babylonia Between Persia and Roman Palestine* (Oxford: Oxford University Press, 2006), 37–60.

himself as self-aware of his own exemplarity. Finally, Rabbi Hanina's statement about the superiority of those who are commanded and perform good deeds, over those who are not commanded and perform good deeds, undermines Dama's exemplarity. Although the story began with a command to go and see the deed of Dama ben Netinah, Rabbi Hanina's statement states that while Dama's act of *kibbud av v'em* might have merit, it is far less meritorious than the *kibbud av v'em* of a Jew. The Bavli's version of this story emphasizes Dama's unsuitability as an exemplar and denies the merit of his deed. Although Dama's story has its roots in tannaitic literature, his exemplarity is a specific discourse of the Yerushalmi.

Kimhit the Modest

Modesty is one of the paradigmatic virtues associated with women in rabbinic literature.⁶³ According to Mishnah Ketubot, one key marker of modesty was hair covering. Such hair covering was presented as a particular form of *dat yehudit*, Jewish custom.⁶⁴ Thus, Mishnah Ketubot 7.6:⁶⁵

אלו יוצאות שלא בכתובה--העוברת על דת משה, ויהודית. איזו היא דת משה--מאכילתו שאינו מעושר, ומשמשו נידה, ולא קוצה לה חלה, ונודרת ואינה מקיימת. איזו היא דת יהודית--יוצאה וראשה פרוע, וטווה בשוק, ומדברת עם כל אדם.

These are they that are put away without their ketubah: a wife that transgresses the Law of Moses and Jewish custom. What [are transgressions] of the Law of Moses? If she gives her husband untithed food, or has intercourse with him in her uncleanness, or does not set apart the hallah offering, or utters a vow and does not fulfil it. And what are transgressions of Jewish custom? If she goes out with her hair uncovered, or spins in the street, or speaks with any man.

This passage from Mishnah Ketubot describes a series of conditions in which a married woman would not receive the monetary value from her ketubah, as her acts had violated the terms

⁶³ Bronner has noted that rabbinic portraits of biblical women often portray them as exemplars of modesty, see Leila Leah Bronner, *From Eve to Esther: Rabbinic Reconstructions of Biblical Women* (Louisville, KY: Westminster John Knox Press, 1994), 5–6.

⁶⁴Note L. Bronner, "From Veil to Wig: Jewish Women's Hair Covering," *Judaism* 42, no. 4 (1993): 468. Note also Genesis Rabbah 17.8, which interprets hair covering as a historical punishment for Eve's seduction of Adam.

⁶⁵ Paralleled in T. Ketubot 7.6.

of the marriage document. The woman receives the ketubah at her wedding but receives the sum stipulated in it when the marriage ends.⁶⁶ This passage lists two sets of transgressions, those of the Law of Moses and those of Jewish custom. As Cynthia Baker notes, the first set of transgressions are biblical, whereas the second are extrabiblical and primarily concern gestures of sexual autonomy.⁶⁷ One such condition, according to Jewish custom, is to go out with her head uncovered.⁶⁸ Therefore, tannaitic literature presents hair covering as a normative part of Jewish women's life.⁶⁹ The relationship of this prescriptive discussion of hair covering to the social reality of Roman Palestine is complex, for it is difficult to know the degree to which this is prescriptive (and scholarship on clothing has often accepted prescriptive rabbinic statements at face value).⁷⁰ As Baker notes, the rabbinic ideology of the shuk (marketplace) imagines it as a public space, where the presence of women was to be curtailed and controlled, yet at the same time, rabbinic texts understand women to be normative participants in marketing.⁷¹ We should extend similar skepticism to women's hair covering in rabbinic literature. Regardless of its social reality, the rabbis imagined hair covering as one performative act by which married women could demonstrate their modesty.

Kimhit's story of extreme modesty could constitute a response to the significance of hair covering in tannaitic literature. Tzvi Novick has suggested that exemplarity is often used to

⁶⁶ On the ketubah, see Michael Satlow, *Jewish Marriage in Antiquity* (Princeton: Princeton University Press, 2001).

⁶⁷ Cynthia Baker, "When Jews Were Women," *History of Religions* 45, no. 2 (2005): 120.

⁶⁸ Notably, a similar phraseology appears in the Babatha papyri. See discussion of this formula in Michael Satlow, *Jewish Marriage in Antiquity* (Princeton: Princeton University Press, 2001). Further, Hayim Lapin, "The Law of Moses and the Jews: Rabbis, Ethnic Marking, and Romanization," in *Jews, Christians, and the Roman Empire: The Poetics of Power*, ed. Natalie Dohrmann and Annette Yoshiko Reed (Philadelphia: University of Pennsylvania Press, 2013), 79–92. On Babatha and the rabbis, see Hannah M Cotton, "The Rabbis and the Documents," in *Jews in a Graeco-Roman World*, ed. Martin Goodman (Oxford; New York: Oxford University Press, 1998), 167–79.

⁶⁹ For other discussions of hair covering, see M. Baba Kamma 8.6, M. Shabbat 6.1, M. Sotah 1.5. Note also Tertullian, *De Corona* 4.2, "Apud Iudaeos tam sollemne est feminis eorum uelamen capitis ut inde noscantur."

⁷⁰ See Dafna Shlezinger-Katsman, "Clothing," in *The Oxford Handbook of Jewish Daily Life in Roman Palestine*, ed. Catherine Hezser (Oxford: Oxford University Press, 2010), 372–73. Shlezinger-Katsman states that some form of hair covering was more or less widespread in the Roman Empire. See also Ramsay Macmullen, "Women in Public in the Roman Empire," *Historia: Zeitschrift Für Alte Geschichte* 29, no. 2 (1980): 208–18.

⁷¹ Cynthia Baker, *Rebuilding the House of Israel: Architectures of Gender in Jewish Antiquity* (Stanford: Stanford University Press, 2002), 77–107.

constitute extralegal norms, and this could be a story that helps to create such an extralegal norm around hair covering.⁷² Kimhit's behavior constitutes a more extreme version of tannaic discussions of hair covering, and could be viewed as serving as a sort of moral outlier that gives force to the norm of hair covering. Her outlier status shows the importance of this act, but it does not make such an extreme approach normative, especially because the specific mechanisms of Kimhit's exemplary modesty are tied up with the Temple and the priesthood, and are thus, relegated to the past. I think Kimhit is an exemplar of a present rabbinic ideal of modesty, but one whose exact deed cannot necessarily be imitated in the rabbinic present:⁷³

Y. Yoma 1.1	Y. Megillah 1.9	Y. Horayot 3.4
מעשה בשמעון בן קמחית שיצא לדבר עם המלך ערבי [יום הכפורים] ונתזה צינורה של רוק מפיו על בגדיו וטימתו ונכנס יהודה אחיו ושימש תחתיו בכהונה גדולה וראת אימן שני בניה כהנים גדולים ביום אחד שבעה בנים היו לה לקמחית וכולן שימשו בכהונה גדולה שלחו חכמים ואמרו לה מה מעשים טובים יש בידך אמרה להן יבא עלי אם ראו קורות ביתי שערות ראשי [ואימרת חלוקי] מימי אמרון כל קימחא קמח וקמחא דקמחית סולת וקרונ עלה (תהילים מה) כל כבודה בת מלך פנימה ממשבצות זהב לבושה	מעשה בשמעון בן קמחית שיצא עם מלך ערבי [ערב יום כפורים עם חשיכה] ונתזה צינורה של רוק מפיו על בגדיו וטימתו ונכנס יהודה אחיו ושימש תחתיו בכהונה וראת אימן שני בניה כהנים גדולים ביום אחד. שבעה בנים היו לקמחית וכולהם שימשו בכהונה גדולה שלחו חכמים ואמרו לה מה מעשים טובים יש בידך אמרה להן יבוא עלי אם ראו קורות ביתי שערות ראשי ואימרת חלוקי מימי. אמרון כל קמחא קמח וקימחא דקימחית סולת וקרונ עלה (תהילים מה) כל כבודה בת מלך פנימה ממשבצות זהב לבושה	מעשה בשמעון בן קמחית שיצא לטייל עם המלך ערב יום הכיפורים עם חשיכה ונתזה צינורה של רוק מפיו על בגדיו וטימתו ונכנס יהודה אחיו ושימש תחתיו אותו היום ראת אימן שני בניה כהנים גדולים. שבעה בנים היו לה לקמחית וכולן שימשו בכהונה גדולה שלחו ואמרו לקמחית מה מעשים טובים יש בידך אמרה להן יבוא עלי אם ראו קורות ביתי שערות ראשי ואימרת חלוקי מימי אמרין כל קמחיא קימחין וקימחא דקימחית סולת קראו עליה הפסוק הזה כל כבודה בת מלך פנימה ממשבצות זהב לבושה.
A story of Shimon ben Kimhit, who went out to speak ⁷⁴ with the king ⁷⁵ on the evening of Yom Kippur	A story of Shimon ben Kimhit, who went out to speak with the Arab king on the evening of Yom Kippur	A story of Shimon ben Kimhit, who went out to walk with the king on the evening of Yom Kippur

⁷² Novick, *What Is Good, and What God Demands*.

⁷³ The story appears in Y. Horayot 3.4, Avot deRabbi Natan (ADRN) A 35, Leviticus Rabbah 20.11, B. Yoma 47A, Y. Yoma 1.1, Y. Yoma 6.2, PDRK 26, Y. Megillah 1.9.

⁷⁴ לטייל in Y. Horayot 3.4

⁷⁵ Other versions have the Arab King, or King of the Arabs. On the confusion between Arab and evening, see Saul Lieberman, ed., *Tosefta Ki-Feshutā ab, Volume 4* (New York: Jewish Theological Seminary of America, 1955).

<p>[before sunset].⁷⁶ A drop of spittle fell out of his mouth onto Shimon's clothes and he was made impure. And his brother Judah⁷⁷ came and served in his place as high priest. And their mother saw two of her sons serve as high priests on one day. She had seven sons and all of them served as high priests. The sages sent and said to her, 'What good deeds do you have?' She said to them, 'May I be cursed if the walls of my house saw the hairs of my head and the borders of my garments in all my days.' They said, 'All flour is flour, but the flour of Kimhit is fine flour.' And they applied the verse to her, 'All glorious is the king's daughter within the palace, her clothing is of checker work inwrought with gold (Psalms 45:14)'</p>	<p>[before sunset]. A drop of spittle fell out of his mouth onto Shimon's clothes and he was made impure. And his brother Judah came and served in his place as high priest. And their mother saw two of her sons serve as high priests on one day. She had seven sons and all of them served as high priests. The sages sent and said to her, 'What good deeds do you have?' She said to them, 'May I be cursed if the walls of my house saw the hairs of my head and the borders of my garments in all my days.' They said, 'All flour is flour, but the flour of Kimhit is fine flour.' And they applied the verse to her, 'All glorious is the king's daughter within the palace, her clothing is of checker work inwrought with gold (Psalms 45:14)'''</p>	<p>[before sunset]. A drop of spittle fell out of his mouth onto Shimon's clothes and he was made impure. And his brother Judah came and served in his place as high priest. And their mother saw two of her sons serve as high priests on one day. She had seven sons and all of them served as high priests. The sages sent and said to her, 'What good deeds do you have?' She said to them, 'May I be cursed if the walls of my house saw the hairs of my head and the borders of my garments in all my days.' They said, 'All flour is flour, but the flour of Kimhit is fine flour.' And they applied the verse to her, 'All glorious is the king's daughter within the palace, her clothing is of checker work inwrought with gold (Psalms 45:14)'''</p>
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Kimhit as exemplar

Kimhit functions as an exemplar in the context of the rabbinic discussion of hair covering. The story implies that Kimhit's sons all served as high priest (and two even served as high priest on the same day!) because of her exemplary modesty, covering her hair even when in her own house. Hence, while the M. Ketubot passage critiqued women who went into the marketplace (a public

⁷⁶ ADRN A 35, 43A has להסיח עם הגמון אחד

⁷⁷ ADRN A 35, 43A lacks Judah

space) without covering their hair, Kimhit is praised for covering her hair even in her own house. Kimhit constantly embodied the virtue of modesty.

Kimhit's story is focused on a surprising act that occurs in the Temple and the attempt by the sages to understand this deed. Seeing Kimhit's high priestly sons in the Temple, they understand that this act was caused by Kimhit's modesty. Her exemplarity is highlighted through a series of parallels. Bodies connect the act of Kimhit and her son; the virtues of Kimhit's hidden body are made manifest in the public body of her son, the high priest, whose body is controlled, molded, and displayed during the course of the Yom Kippur ritual.⁷⁸ Yet, despite Kimhit's influence on the Temple, she is never seen. In deliberate parallelism, Kimhit *sees* two of her sons as high priests on one day, yet the walls never *see* the hairs of her head. Finally, the exemplary act that she does in her house, *בית*, is made known and significant in the Temple, the *בית מקדש*. There is a certain irony in Kimhit's exemplarity, as the modesty of Kimhit effaces her identity and makes her invisible, yet her sons make her act visible to all.

Kimhit's act occurs before a complex set of audiences. From a temporal perspective, Kimhit's first audience is the walls of her house (or in other versions, beams of her ceiling), which do not "see" her hair. The house observes her absence. It seems likely that the story is suggesting that God observed her exemplary modesty, and made it known before the Temple audience. Therefore, the Temple audience viewed this wondrous replacement of brother with brother, and the sages (or the Temple officials) thought that there was some hidden merit (or good deeds) of the mother, and thus sought her out. They represent the final audience, who are able to observe and

⁷⁸ On the high priest as functionary, see Naftali Cohn, *The Memory of the Temple and the Making of the Rabbis* (Philadelphia: University of Pennsylvania Press, 2012), 42–43.

judge her deed, and apply a verse to her. Finally, in including her story in rabbinic literature, they commemorate and publicize her exemplary modesty.

Kimhit's deed makes for a strange sort of exemplarity, as exemplary deeds (at least in Roller's telling) are visible and knowable. Part of their appeal is their clarity to surrounding audiences, which offer the opportunity for them to be judged, seen, and imitated. Kimhit, however, performs an act of self-effacement, which conceals her, and this self-effacement constitutes the exemplary act. Furthermore, only through God's intervention does an audience come to see and understand the nature of her deed. Like Dama, Kimhit's exemplary act is not declarative or obvious to audiences; one theme of these rabbinic exemplary stories is that exemplars should not be public about their deeds. True exemplarity consists of both exemplary deeds and waiting for some recognition for these deeds to occur, rather than seeking it out.

In general, this story has been read as a rabbinic male fantasy about women. Molly Myerowitz Levine has argued that hair covering in the ancient Mediterranean symbolized the domestication of female sexuality.⁷⁹ Levine compares Kimhit with the *sotah* (the suspected adulteress who undergoes a trial by ordeal), whose hair is uncovered to signify her shame. Kimhit, on the other hand, always has her hair covered, so her sexuality is always controlled and concealed. Levine claims that control of Kimhit's sexuality is channeled into her extraordinary fertility, as shown by her seven sons. For Levine, Kimhit functions as the ideal rabbinic woman, as she is controlled, domesticated, and molded for the male rabbinic purposes. In the same vein, Cynthia Baker has argued that Kimhit's house is a panopticon, an all seeing entity of surveillance, which

⁷⁹ Molly Myerowitz Levine, "The Gendered Grammar of Ancient Mediterranean Hair," in *Off With Her Head! The Denial of Women's Identity in Myth, Religion, and Culture*, ed. Howard Eilberg-Schwartz and Wendy Doniger (Berkeley: University of California Press, 1995), 76–130.

constantly enforces the male ideal of modesty.⁸⁰ Baker has also analyzed the relationship between house and wife in rabbinic literature, arguing that term house is a euphemism for wife, and that house and wife symbolized private space in rabbinic literature. As Baker notes, one rabbinic discursive practice (not reflected necessarily in the houses of Galilee) was the ideal of women's confinement to houses, to private space.⁸¹ Kimhit is significant, then, in the way she treats her private space as a public space.⁸² Both Levine and Baker argue that this story embodies a rabbinic discourse of how women ought to behave.

However, Kimhit's sense of agency in the story is what makes her an exemplar. It is possible to view Kimhit's modesty as a social performance (which coincides with the rabbinic ideal of modesty), rather than solely articulating rabbinic male control.⁸³ Kimhit makes a series of intentional choices that allow her to perform modesty. Wilkinson argues that modesty was a form of agency, and indeed, the sages recognize Kimhit's act and turn her into an exemplar because of her agency.

Punning on Kimhit's name קמחית, the Sages state that all flour (קמח) is flour, but that the flour of Kimhit is especially fine (סלת). Fine flour (סלת) was offered during the daily sacrifices in the Temple, and thus, this signifies that Kimhit's flour produced fine flour, which is worthy of being offered in the Temple, i.e. worthy of her sons, the high priests.⁸⁴ In the same vein, the verse from Psalms that is applied to Kimhit is often associated with modesty. The Korban ha-Edah, the eighteenth century commentator on the Yerushalmi, read this verse as stating that a modest woman deserves a son who wears golden cloths, i.e. who is high priest. Cynthia Baker notes that the first

⁸⁰ Baker, *Rebuilding the House of Israel: Architectures of Gender in Jewish Antiquity*; Rachel Neis, *The Sense of Sight in Rabbinic Culture: Jewish Ways of Seeing in Late Antiquity* (Cambridge: Cambridge University, 2013); Tal Ilan, *Mine and Yours Are Hers: Retrieving Women's History from Rabbinic Literature* (Leiden: Brill, 1997), 286; Tal Ilan, *Silencing the Queen* (Tubingen: Mohr Siebeck, 2006), 252–53.

⁸¹ Baker, *Rebuilding the House of Israel: Architectures of Gender in Jewish Antiquity*, 48–60. On house and wife, see M. Yoma 1.1,

⁸²As Baker states, “Kimhit's bringing of the policing gaze from outside into her house is, in essence, a bringing into herself of the policing that the gaze represents.” *Ibid.*, 70.

⁸³ Cf. Kate Wilkinson, *Woman and Modesty in Late Antiquity* (Cambridge: Cambridge University Press, 2015).

⁸⁴ See, for instance, Exodus 29.40 ועשרן סלת בלול בשמן כתיית, רבע ההין, ונסך, רביעת ההין יין--לכבש, האחד

phrase of the verse stresses the value of a woman's clothing, whereas the second places an emphasis on an anonymous within (פנימה) which may refer the interior of the house or the woman herself as an exemplar.⁸⁵ Both the verse and the pun recap the central thematic arc of the story, which presents Kimhit as an exemplar of modesty, whose virtue is displayed through the Temple service.

Does Kimhit's act invite imitation? The rabbis identify her act as worthy and causal, and although Marjorie Lehman's recent reading of this story has argued that the rabbis consider her and her sons unworthy. I think to reach this conclusion, it is necessary to intensely read this story against the grain.⁸⁶ Indeed, to find a negative trace in this story requires seeing very basic details as somehow innately critical, and as implicitly in conflict with rabbis; by imagining a priestly-rabbinic conflict, it is possible to see this story as somehow engaged in that work (a point I have dealt with in more detail in my introduction). However, the rabbis clearly see this as a wondrous event, which seems to have great virtue as its proximate cause. It is hard to find any notes of ambiguity here, and in praising Kimhit and applying the verse to her, the rabbis open the possibility of imitation by other women.

I argue that Kimhit's exemplarity is connected to her role as a figure of the Second Temple past. The story claims that as a mother of high priests, Kimhit's moral acts are highly consequential. Her modesty maintains the Temple service and suppresses conflict and potential violence between high priests in the Temple, making one brother succeed the other. Kimhit's exemplary virtue of modesty is transformed into a feature of the Temple service, which specifically honors her as a woman and a mother. The impurity of her son becomes the venue through which her pious modesty is displayed and recognized by all. As in the story of Dama, the Temple serves as a site of divine transaction and reward for pious deeds.

⁸⁵ Baker, *Rebuilding the House of Israel: Architectures of Gender in Jewish Antiquity*, 68–69.

⁸⁶ Marjorie Lehman, "Kimhit's Head Covering: Between Rabbis and Priests," *TheGemara.com* (2016).

In its halachic context, Kimhit's exemplarity resolves tensions in the masculine system of the high priesthood.⁸⁷ In Y. Yoma 1.1, Y. Megillah 1.9, and Horayot 3.4, Kimhit's story is connected to the laws of substitute high priests, who are designated to perform the Yom Kippur ceremony should the high priest be rendered impure).⁸⁸ This section of the Yerushalmi expresses anxiety about the relationship between the high priest and his substitute, lest the substitute replace or kill the current high priest. Kimhit's story, in contrast, details a seamless transition from one high priest to the other. Kimhit's story also appears in Leviticus Rabbah 20.11/PDRK 26.10 in a pericope which asks, how were the biblical priests Eleazar and Itamar able to serve while Aaron was still alive? Eleazar and Itamar received the high priesthood when Aaron was made impure, allowing them to serve, but not impugning Aaron's honor. Kimhit's story is employed as a model to demonstrate how these three biblical figures could all have been high priests at the same time. Again, modesty resolves tensions between high priests.

In the Yerushalmi, Kimhit is paired with Ben Elem, a Sepphorite substitute high priest who had replaced the current high priest, because he had had a nocturnal emission the night before Yom Kippur.⁸⁹

⁸⁷ A contrasting exemplary portrayal of Kimhit is found ADRN A 35 43a: עשרה נסים נעשו לאבותינו בבית המקדש מעולם לא ראה זכוב בבית המטבחים. ולא אירע קרי לכהן גדול ביום הכפורים חוץ מרבי ישמעאל בן קמחית. שיצא להסיה עם הגמון אחד ונתזה צינורא מפיו ונפלה על בגדיו ונכנס אחיו ושמש בכהונה גדולה תחתיו וראתה אותן אמן בו ביום שני כהנים גדולים. ראוה חכמים ואמרו מה זכות היה מתקינין לו כהן אחר תחתיו שמא יארע בו פסול. מה מייחדין ליה עימיה א"ר חגיגי מש[ם] דאין, the passage lists ten miracles that were done in the Temple. Kimhit's act causes the one exception to the general rule that no high priest ever had a seminal emission before performing the Yom Kippur service. One way to understand this act is that Kimhit's modesty was of such merit that it caused this accident to occur, overriding the miracles of the Temple, at least in the context of the passage.

⁸⁸ See M. Yoma 1.1, Y. Yoma 1.1, יוחנן מפני איבה עבר זה ושימש זה הראשון כל קדושת כהונה עליו השני אינו כשר לא לכה"ג ולא לכהן הדיוט א"ר יוחנן עבר ועבד עבודתו כשירה. עבודתו משל מי נישמעניה מן הדא מעשה בבן אילם מציפורין שאירע קרי לכהן גדול ביום הכפורים ונכנס בן אילם ושימש תחתיו בכהונה גדולה וכשיצא אמר למלך אדוני המלך פר ושעיר של יום הכפורים משלי הן קריבין או משל כהן גדול וידע המלך מה הוא שואלו אמר לו בן אילם אילו לא דיך אלא ששימשתה שעה אחת לפני מי שאמר והיה העולם וידע בן אילם שהוסע מכהונה גדולה. This is mostly paralleled in Y. Horayot 3.4 and Y. Megillah 1.9.

⁸⁹ See Y. Megillah 1.9, Y. Yoma 1.1, and Y. Horayot 3.4. This text is also found in T. Yoma 1.4 and B. Yoma 12b, B. Megillah 9b and B. Horayot 12b. Josephus states that a Josephus ben Ellemos replaced Mattathias son of Theophilus as high priest for the service of Yom Kippur, see AJ 17.165-167. See discussion of these passages in Kalmin, *Jewish Babylonia Between Persia and Roman Palestine*, 38–42.

מעשה בבן אילם מציפורין שאירע קרי לכהן גדול ביום הכפורים ונכנס בן אילם ושימש תחתיו
בכהונה גדולה וכשיצא אמר למלך אדוני המלך פר ושעיר של יום הכפורים משלי הן קריבין או משל כהן גדול
וידע המלך מה הוא שואלו אמר לו בן אילם אילו לא דיך אלא ששימשתה שעה אחת לפני מי שאמר והיה
העולם וידע בן אילם שהוסע מכהונה גדולה

A story of Ben Elem from Zippori. The high priest had a nocturnal emission on Yom Kippur and Ben Elem came and served in his place as high priest. And when he went forth, he said to the king, “My Lord King, the bullock and the goat of Yom Kippur, are they from me or from the high priest?” And the king knew what he was asking. He said to him, “Ben Elem, is it not enough for you that you served for an hour before the One who spoke and the world was?” And Ben Elem knew that he had been removed from the high priesthood.

After conducting the Yom Kippur service, Ben Elem asked the king to appoint him high priest. He asked in a roundabout manner, as the high priest was obligated to pay for the daily meal offering and bullock offered on Yom Kippur.⁹⁰ The king refused, but the story illustrates how a substitute high priest might try to replace the original high priest. Kimhit’s story intentionally contrasts with Ben Elem. While Ben Elem becomes high priest due to the previous high priest’s nocturnal emissions (a means of impurity that comes from inside the system—and perhaps a symbol of unworthiness),⁹¹ an outside source, the spittle of a non-Jew, renders Shimon ben Kimhit impure.⁹² The seamless transfer of the high priesthood among the sons of Kimhit contrasts with Ben Elem, who wishes to replace the real high priest. In her halachic context, Kimhit’s modesty maintained proper ritual procedures and kept the high priestly office from devolving to internecine conflict, as exemplified by Ben Elem. Kimhit’s body is thus tied up with the functioning of the state; her modest act maintains the proper ritual order and allows it to continue. Kimhit’s story presents the wearing of hair covering by women as an act of profound political significance. However, such

⁹⁰Stuart Miller, *Studies in the History and Traditions of Sepphoris* (Leiden: E.J. Brill, 1984), 65.

⁹¹See ADRN A 35, 43A

⁹² This seems to be because in rabbinic literature, Gentiles cause impurity like zavim (those who have undergone a seminal emission), and like zavim, their spittle makes one impure. See Christine Hayes, *Gentile Impurities and Jewish Identities* (Oxford: Oxford University Press, 2002), 123–26. According to Hayes, Gentile impurity has no basis in Torah law, but comes from rabbinic law, see Sifra Zavim 1.1 and T. Zavim 2.1.

extreme behavior is relegated to the past, for the mechanism for its recognition and reward no longer exists.

Commemorating Kimhit

The story of Kimhit has some basis in the history of the Second Temple period. According to Josephus, Simon son of Camith was a high priest who served from 17-18 CE.⁹³ This figure is probably mentioned in Tosefta Yoma 3.20:

מעשה בשמעון בן קמחית שיצא לדבר עם המלך ערבית ונתזה צנורא מפיו ונפלה על בגדיו נכנס אחיו ושמם תחתיו בכהונה גדולה ראת אמן של אילו שני כהנים גדולים בו ביום.

“A story of Shimon⁹⁴ ben Kimhit who went out to speak with the king on the evening [of Yom Kippur], and a drop of spittle came from the king’s mouth and fell on his clothes. His brother came and served as high priest in his place. The mother of these two saw both her sons as high priests on the same day.”⁹⁵

Here, the story of Shimon is an example of high priestly behavior on Yom Kippur. A drop of spittle fell from the king’s mouth and on to Shimon, causing him to become impure, and be replaced by his brother. In tannaitic literature, this story is merely noted, and the mother of these two sons is mentioned as a means of pointing out that Shimon’s brother replaced him. This brief commemorative notice is expanded, as the Yerushalmi and other midrash collections present the commemoration of the mother in the Tosefta as intentional, making her the cause of her sons’ service as high priests. The broader point here is that this historical person is recalled, but their memory is transformed into that of an exemplar, as a means of explaining why this figure was recalled. This process shows how historical individuals were recalled and reimagined to fit the needs of the Yerushalmi.

⁹³ See AJ 18.34-35, another high priest from this family may have been Joseph son of Camei, who served from 45-48 CE, although the confusion of the manuscript tradition in this passage does not allow for any certainty about his name. See AJ 20.16 and discussion in VanderKam, *From Joshua to Caiaphas: High Priests after the Exile*, 453–55.

⁹⁴ The Erfurt manuscript has Ishmael, Vienna and London both have Shimon.

⁹⁵ T. Yoma 3.20.

B. Yoma 47a rejects Kimhit's exemplarity:

אמרו עליו על רבי ישמעאל בן קמחית פעם אחת יצא וסיפר עם ערבי אחד בשוק ונתזה צינורא מפיו על בגדיו ונכנס ישבב אחיו ושמש תחתיו וראתה אמן שני בניה כהנים גדולים ביום אחד [ושוב]⁹⁶ אמרו עליו על [רבי] ישמעאל בן קמחית פעם אחת יצא וסיפר עם הגמון אחד בשוק ונתזה צינורא מפיו על בגדיו ונכנס יוסף אחיו ושמש תחתיו וראתה אמן שני כהנים גדולים ביום אחד ת"ר שבעה בנים היו לה לקמחית וכולן שמשו בכהונה גדולה אמרו לה [חכמים] מה עשית שזכית לכך אמרה להם מימי לא ראו קוריות ביתי קלעי שערי אמרו לה הרבה עשו כן ולא הועילו.

It is said about R. Ishmael b. Kimhit that one time he spoke in the market place with a certain Arab, and spittle from the Arab's mouth fell on to his clothes, and his brother Jeshebab entered and served in his place. Thus their mother saw two of her sons as high priests on one day. Furthermore, it is said about [R.] Ishmael b. Kimhit that he went out and spoke with a certain hegemon⁹⁷ in the marketplace, and spittle from his mouth fell onto his clothes, thus Joseph his brother entered into the high priesthood and served in his place so that their mother saw two high priests on one day. Our rabbis taught, "Kimhit had seven sons and all of them served as high priest." [The Sages] said to her, "What have you done to merit this? She said to them: In my days, the beams of my house have not seen the plaits of my hair." They said to her: "There were many who did likewise and they were not elevated."⁹⁸

This story is a doubled version of the Kimhit story, recalling the substitution of Yeshebab and Yosef for Ishmael when he was made impure on two separate occasions. The agents of his impurity are again non-Jewish grandees, the *hegemon* (governor) and the king. In the Bavli, the rabbis reject Kimhit's exemplarity, stating that many had tried to imitate her, and they were not exalted. They sever the connection between the double service of her sons as high priests and her own modesty, arguing that she had no influence or impact on the process. They deny any role for imitation here; there is nothing particularly special or notable about Kimhit and her act. For the Bavli, Kimhit does not serve as an exemplar, as the rabbinic audience does not consider her deed ethically significant. The denial of Kimhit's exemplarity in the Bavli, and its development from tannaitic stories, suggests that Kimhit's exemplarity is primarily presented in the Yerushalmi (and Palestinian aggadic midrash collections). This point suggests that the exemplarity of these figures

⁹⁶ Things in parentheses are not found in MS Munich 95.

⁹⁷ Probably best translated as governor.

⁹⁸ Translation (with my emendations) drawn from Epstein, *The Babylonian Talmud*.

from the Second Temple period and the generally positive attitude of Palestinian amoraic texts to these figures is a specific commemorative bias of the Yerushalmi.

The Women of Jerusalem: Negative Exemplars of Luxury

In contrast to Kimhit, the aristocratic women of Jerusalem—Marta bat Boethus⁹⁹ and the daughter of Naqdimon ben Gurion (she is named Miriam in Y/ER, but I use the daughter of Naqdimon ben Gurion designation to be consistent)—serve as exemplars of greed and immodesty, a set of vices that can be collected under the broader rubric of luxury and its corrupting influence. The stories of these women present models to be avoided. Burton Visotzky, Naomi Cohen, and Ofra Meir have analyzed the stories of these women, tracing their different versions and transformations.¹⁰⁰ This scholarship has mostly focused on detailing the relationships between the different versions of this story, grouping them based on their association with the verses Song of Songs 1.8/Deuteronomy 28.56 or the presence of Rabban Yohannan ben Zakkai/ Rabbi Eleazar bar R. Tzadok in the story. Beyond the attempt to map the relationship of these different stories, most treatments of Marta bat Boethus have focused on the Bavli version of the story, which presents Marta bat Boethus as a pathetic figure, not a castigated one.¹⁰¹ This focus on the Bavli story has not fully taken into account the pejorative accounts of Marta and the daughter of Naqdimon ben Gurion in Palestinian literature and their role as negative exemplars. Only in the Yerushalmi and ER is the story of Marta bat Boethus conflated with the story of the daughter of Naqdimon ben Gurion. I

⁹⁹ Many scholars connect the woman in Josephus BJ 6.193-98 to Marta bat Boethus. The motifs are similar, particularly to B. Gittin 56a. See Burton Visotzky, “Most Tender and Fairest of Women: A Study in the Transmission of Aggada,” *The Harvard Theological Review* 76, no. 4 (1983): 403–18.

¹⁰⁰ See Ofra Meir, “The Story as a Hermeneutic Device,” *AJS Review* 7 (1982): 231–62; Visotzky, “Most Tender and Fairest of Women: A Study in the Transmission of Aggada”; Naomi G. Cohen, “The Theological Stratum of the Martha B. Boethus Tradition,” *The Harvard Theological Review* 69, no. 1 (1976): 187–95.

¹⁰¹ See for instance, the excellent reading of the Bavli version of this story in Julia Watts Belser, “Opulence and Oblivion: Talmudic Feasting, Famine, and the Social Politics of Disaster,” *AJS Review* 38, no. 1 (2014): 89–107.

argue that in Y/ER, the rabbis characterize both Marta and the daughter of Naqdimon ben Gurion as negative exemplars of luxurious consumption.¹⁰²

Some ancient writers used luxury to explain the decline or decadence of states, and they considered women to be particularly susceptible to its influence. Moreover, women often served as a symbol for the political body, and their luxurious consumption foreshadowed the state's corruption by luxury.¹⁰³ The biblical prophetic tradition castigated women awash in luxury for their idolatry, often explicitly comparing them with the political body of Judah/Jerusalem.¹⁰⁴ Some Roman writers also identified luxury as a cause of political decline. They too connected this vice to women, portraying them as having uncontrollable desires for luxury goods.¹⁰⁵ A similar complex of ideas concerning luxury, women, and the decline of the state appears in these stories of the women of Jerusalem.

Eichah Rabbah 1.47-1.49 ¹⁰⁶	Y. Ketubot 5.9
על אלה אני בוכיה מעשה במרתא בת בויתוס שקדשה יהושע בן גמלה ומינהו מלך להיות כהן גדול, וכנסה, פעם אחת אמרה אלך ואראה אותו כשקורא בתורה ביום הכפורים בבית המקדש, היציעו לה טפיטאות מפתח ביתה עד פתח בית המקדש, כדי שלא ניתחפו רגליה, ואעפ"כ ניתחפו רגליה, וכשמת [יהושע בעלה] פסקו לה חכמים סאתים יין בכל יום והא תאני אין פוסקין יין לאשה,	יין אין לה שאין ענייות ישראל שותות יין...

¹⁰²On the generally negative treatment of these women in rabbinic literature, see Anthony Saldarini, "Good from Evil," in *The First Jewish Revolt: Archaeology, History, and Ideology*, ed. Andrea Berlin and J. Andrew Overman (London; New York: Routledge, 2002), 221–36.

¹⁰³ One could perhaps make reference here to the famous Iudaea Capta coins. But note also the equivalence drawn between the female figure of Lamentations 1 and 2, and Israel, see Todd Linafelt, *Surviving Lamentations* (Chicago: University of Chicago Press, 2000). This is also noted for the depiction of Marta bat Boethus in the Bavli by Julia Watts Belser, "Opulence and Oblivion: Talmudic Feasting, Famine, and the Social Politics of Disaster," 97–98.

¹⁰⁴ See for example, Ezekiel 23, Isaiah 3.16-25.

¹⁰⁵ Romans considered the repeal of the Oppian law in 195 BCE, a law that limited conspicuous consumption by Roman women, to be a turning point in Roman Republican history, because women acquired luxuries. These writers argued that luxury then spread through and weakened Roman society. On the repeal of the Oppian Law, see Valerius Maximus 9.3. See also the infamous speech of Cato in Livy, *Ab Urbe Condita*, 34.1-38.3. On the role of luxury in the Roman mind, see Christopher Berry, *The Idea of Luxury* (Cambridge: Cambridge University Press, 1994), 77. Note the excellent discussion of luxury in Emanuela Zanda, *Fighting Hydra-Like Luxury* (London: Bristol Classical Press, 2011), 7–26.

¹⁰⁶ Text is drawn from Zvi Rabinovitz, *Ginze Midrash* (Tel Aviv: The Chaim Rosenberg School for Jewish Studies, Tel Aviv University, 1976). This geniza fragment is a more accurate version of the text.

<p>ר' חזקיה ור' אבהו בשם ר' יוחנן לתבשיליה, רבי חייא בר אבא אמר על שם זנות ויין ותירוש יקח לב (הושע ד יא), ותנן אם היתה מניקה פוחתין לה ממעשה ידיה ומוסיפין לה על מזונותיה, מה הוא מזונותיה ר' יהושע בן לוי אמר יין מרבה את החלב, א"ר אלעזר בר צדוק אראה בנחמה אם לא ראיתה שקשרו שערה בזנבות סוסים והיו מריצין בה מירושלים ועד לוד וקראתי עליה המקרא הזה, "הרכה בך והענוגה אשר לא נסתה כף רגלה הצג על הארץ מהתענג ומרוך (דברים כח ט)" מעשה במרים בתו של נקדימון שפסקו לה חכמים חמש מאות דינרי זהב לקופת בסמים בכל יום [שנה], ושומרת יבם היית, אף היא קיללה אותם, ואמרה להם כך תהו פוסקין לבנותיכם, א"ר אחא אף אנו ענינו אחריה אמן, א"ר אלעזר בר צדוק אראה בנחמה אם לא ראיתה שהיתה מלקטת שעורים מתחת טלפי סוסים בעכו, וקראתי עליה המקרא הזה, "אם לא תדעי לך היפה בנשים צאי לך בעקבי הצאן וראי את גדיותיך" (שה"ש א ח), אל תקרי גדיותיך אלא גויותיך.</p>	
<p>Concerning these things, I weep. "A story of Marta bat Boethus who was betrothed to Yeshua ben Gamla and the king appointed him high priest and he wed her. One time, she said "I will go and see how he reads from the Torah on Yom Kippur." What did they do for her, they brought out carpets, from the door of her house to the door of the Temple, so that her feet would not get cold, and even so her feet were cold. And when her husband died, the sages apportioned two seahs of wines [in court]. But was it not taught there that they do not apportion wine to a woman in the court? And why do they not apportion wine to a woman in the court? Rabbi Hiyya bar Abba said, "On account of this verse, 'harlotry, wine and new wine take away the heart' (Hosea 4.11)." And why did they apportion wine to her? Rabbi Hezekiah and Rabbi Abbahu in the name of Rabbi Yochanan said, "For cooking." And we also taught, "If she was nursing, they lessen the work of her hands, and they add to the work of her hands in the case of harlotry." Rabbi Joshua ben Levi said, "They increase the wine available to her so that she increases the</p>	<p>[in a discussion of the maintenance of wives by their husbands]..there is no wine for her, as the poor Israelite [Jewish] women do not drink. But the rich women do drink [wine]. And it was taught, a story of Marta bat Boethus. The sages apportioned two seahs of wines [in court]. And does a court apportion wine to a woman? Rabbi Hiyya bar Abba said, "On account of this verse, 'harlotry, wine and new wine take away the heart' (Hosea 4.11)." And we also taught, "If she was nursing, they lessen the work of her hands, and they add to the work of her hands in the case of harlotry." And what do they add? Rabbi Joshua ben Levi said, "They increase the wine available to her so that she increases the amount of milk she produces." Rabbi Hezekiah and Rabbi Abbahu in the name of Rabbi Yochanan said, "For cooking." And even so she cursed them and said to them, "thus may you give to your daughters." Rabbi Aha said, "And we answered after her, 'Amen.'" Rabbi Eliezer bar R. Tzadok said, "May I see consolation if I did not see her when she was picking barley from below the</p>

<p>amount of milk she produces.” Rabbi Eliezer bar R. Tzadok said, “May I see consolation if I did not see her hair connected to the tails of the horses and they were forcing her to run and I applied the following verse to her, “The tender and delicate woman among you, who would not venture to set the sole of her foot on the ground for delicateness and tenderness, her eye shall be evil against the husband of her bosom, and against her son, and against her daughter. And against her afterbirth that comes out from between her feet, and against her children whom she shall bear; for she shall eat them for want of all things secretly... (Deuteronomy 28.56-57). And it was taught: a story of Miriam bat Naqdimon to whom the Sages apportioned five hundred gold denarii for a spice box every day. Even so she cursed them, saying, “Thus should you give to your daughters.” Rabbi Aha said, “And we answered after her, ‘Amen.’” Rabbi Eliezer bar R. Tzadok said, “May I see consolation if I did not see her when she was picking barley from below the hooves of the horses in Akko, and I applied the following verse to her, ‘If you do not know, O fairest of women, go forth by the footsteps of the flock and feed your kids, besides the shepherd’s tents’ (Song of Songs 1.8) Do not read kids, but rather corpses.”</p>	<p>hooves of the horses in Akko, and I applied the following verse to her, ‘If you do not know, O fairest of women, go forth by the footsteps of the flock and feed your kids, besides the shepherd’s tents’ (Song of Songs 1.8) Do not read kids, but rather corpses.” And it was taught: a story of Miriam the daughter of Shimon ben Gurion to whom the Sages apportioned five hundred gold denarii for a spice box every day. And she was only awaiting her yebam. Even so, she cursed them and said to them, “Thus may you give to your daughters.” Rabbi Aha said, “And we answered after her, ‘Amen.’” Rabbi Eliezer bar R. Tzadok said, “May I see consolation if I did not see her hair connected to the tails of the horses in Akko and I applied the following verse to her, ‘The tender and delicate woman among you, who would not venture to set the sole of her foot on the ground for delicateness and tenderness, her eye shall be evil against the husband of her bosom, and against her son, and against her daughter. And against her afterbirth that comes out from between her feet, and against her children whom she shall bear; for she shall eat them for want of all things secretly... (Deuteronomy 28.56-57).</p>
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Marta bat Boethus/ The daughter of Naqdimon ben Gurion as exemplars¹⁰⁷

Before examining the halachic context of these stories, I briefly discuss the legal status of these women. Both Marta bat Boethus and the daughter of Naqdimon ben Gurion appear before a rabbinic court to receive stipends from their husbands’ estates as they await either levirate marriage or halitzah (halitzah frees a woman from the obligation to marry the levir). According to T.

¹⁰⁷ It is worth pointing out that there seems to be some confusion in Y. Ketubot 5.9 and ER 1.47-1.49. I will speak to this issue below, but in my reading of the story, I argue that ER 1.47-1.49 is probably closer to correct, as I suggest that the apportionment of luxury goods in the first part of these narratives is connected to their fate in the Roman camp.

Yebamot 6.7, this process was to last three months.¹⁰⁸ In this liminal state, the levir could not possess the women's property, so they were under the court's jurisdiction.¹⁰⁹ The sages grant them large daily apportionments of wine and spices, yet Marta and the daughter of Naqdimon ben Gurion consider such apportionments insulting, and curse the sages.

In the context of Eichah Rabbah, these two episodes appear in a larger group of tragic stories of Jerusalemites, which responds to the verse Eichah 1.16, which states, "For these things, I weep." Like Eichah, ER uses individuals to embody the central narratives themes of the text, describing the tragedy of the destruction through the fates of individuals.¹¹⁰ In ER, the stories of Marta and the daughter of Naqdimon ben Gurion articulate the grandeur of Jerusalem and the horror of its destruction.¹¹¹ These women embody the fate of the Jews, as their wealth is destroyed and they are reduced to want in the Roman camp.¹¹²

¹⁰⁸ See the discussion of their legal status in Meir, "The Story as a Hermeneutic Device," 236; Ilan, *Mine and Yours Are Hers: Retrieving Women's History from Rabbinic Literature*, 199–200; Louis Epstein, *Marriage Laws in the Bible and Talmud* (Cambridge: Harvard University Press, 1942), 125–26.

¹⁰⁹ See Judith Romney Wegner, *Chattel or Person?* (New York; Oxford: Oxford University Press, 1988), 110.

¹¹⁰ Alan Mintz, *Hurban: Responses to Catastrophe in Hebrew Literature* (New York: Columbia University Press, 1984); Linafelt, *Surviving Lamentations*.

¹¹¹ Shaye Cohen, "The Destruction: From Scripture to Midrash," *Prooftexts* 2, no. 1 (1982): 18–39.

¹¹² This interpretation is supported by the story of the daughter of Naqdimon ben Gurion (or in the Mekhilta, an anonymous woman), in tannaitic midrash collections and Avot DeRabbi Natan (scholars have argued that this text is tannaitic, amoraic, and post-amoraic), which explicitly identifies her as a symbol for Israel. Sifre Devarim 305 adduces this story as evidence of the youth and inexperience of Israel. See also ADRN A 17.5-9, which pairs its story of the daughter of Naqdimon ben Gurion with a prologue about Moses, who tells Joshua that the people of Israel are like young kids. ADRN's story of the daughter of Naqdimon ben Gurion is a means of highlighting Israel's lack of guidance, and Yohanan ben Zakkai explicitly compares her to Israel, see פעם אחת היה רבי יוחנן בן זכאי מהלך בשוק ראה ריבה א' שמלקטת שעורים מתחת רגלי בהמתן של ערביים. אמר לה בתי מי את. שתקה. שוב אמר לה בתי מי את. שתקה. אמרה לו המתן לי. נתעטפה בשערה וישבה לפניו אמרה לו רבי בתו של נקדימון בן גוריון אני. אמר לה בתי וממון של [בית] אביך היכן הוא. אמרה לו רבי לאו כדין מתלא מתלין בירושלים מלח ממון חסר. ואמרי לה חסד. אמר לה של בית חמיך היכן הוא. אמרה לו רבי בא זה ואבד זה. באותה שעה אמר להן רבן יוחנן בן זכאי לתלמידיו כל ימי הייתי קורא מקרא הזה אם לא תדעי לך היפה בנשים צאי לך בעקבי הצאן ולא למדתי מה שכתוב בו עד שבאתי היום ולמדתי מה שכתב שנתחייבו ישראל לאומה שפלה שבאומות ולא לאומה שפלה בלבד אלא לגלילי בהמתן. שוב אמרה לו רבי זכור אתה כשחתמת על כתובתי. אמר לה הן. אמר לתלמידיו העבודה אני חתמתי על כתובתה של ריבה זו והיו קורין בה אלף אלפים דגרי זהב בדיגרי The Mekhilta context is thematically different, as it cites the Song of Songs verse, but the significance here is that if Israel refuses to serve God, they will serve their enemies, presenting the story of Yohanan ben Zakkai encountering the anonymous maiden, and seeing her as an illustration of the verse. Then, the Mekhilta describes a series of transgressions of Israel, and their measure for measure punishment in that the Roman state is now forcing them to do such things. Thus, Israel did not want to fix the roads for pilgrims to Jerusalem, and now they fix up the towers (burgus/πύργος) for those up who go up the fortresses. כבר היה רבן יוחנן בן זכאי עולה למעון יהודה; ראה ריבה אחת מלקטת שעורים מתחת גלילי הסוס, אמר להם רבן יוחנן בן זכאי, ראייתם ריבה זו מה היא, אמרו לו, עברית, סוס זה של מי הוא, אמרו לו, של פרש ערבי אחד. אמר להם רבי יוחנן בן זכאי לתלמידיו, כל

What do these women exemplify? The most prominent feature of these women is their luxurious consumption and their desire for wine and spices, prestigious luxury goods. They are apportioned unreasonably large amounts of luxury goods (the daughter of Naqdimon ben Gurion, more so than Marta, although her wine maintenance is around 14 liters a day).¹¹³ These luxurious acts of consumption are presented as sinful because the luxury of these women is connected to their fates in the Roman camp (I make this argument on the basis of the story in ER). Marta, the recipient of a daily stipend of wine, now has her hair connected to the horses, evoking Rabbi Hiyya bar Abba's statement about the connection between wine and harlotry. Exposed hair signifies shameful, open sexuality, as in the case of the *sotah* (in contrast to Kimhit).¹¹⁴ Marta's exposed hair is a punishment for her rejection of the wine stipend. For the daughter of Naqdimon ben Gurion, the pleasing smell of her apportionment of spices contrasts with her current means of maintenance, the acquisition of barley from under the horses' hooves. As Ishay Rosen-Zvi has argued in the context of the Sotah ritual, particularly in regards to women, rabbinic punishments often match the crime.¹¹⁵ The story presents luxury, greed, and consumption as the fundamental features of these two women.

The stories move between two different audiences, one pre-70 CE and one post-70 CE. In Jerusalem, Marta makes the entire city into an audience for her splendor, as she publically visits the Temple to see her husband during his vigil before Yom Kippur. To avoid the cold she covers the entire way with carpets; her act may be pious, but her manner is ostentatious. In pre-70 CE

ימי הייתי מצטער על הפסוק הזה, והייתי קורא אותו ולא הייתי יודע מה הוא. אם לא תדעי לך היפה בנשים. לא רציתם להשתעבד לשמים, הרי אתם משועבדים לפגומי גוים ערביים; לא רציתם לשקול לשמים בקע לגולגולת, הרי אתם שוקלים חמשה עשר שקלים במלכות אויביכם; לא רציתם לתקן הדרכים והרחובות לעולי רגלים, הרי אתם מתקנין את הבורגסין ואת הבורגנין לעולי לכרכי מלכים. וכן הוא אומר, תחת אשר לא עבדת את ה' אלהיך באהבה, ועבדת את אויביך בשנאה; תחת אשר לא עבדת את ה' אלהיך בשובע, ועבדת את אויביך ברעב ובצמא; [תחת אשר לא עבדת את ה' אלהיך מלובש, ועבדת את אויביך בעירום; תחת אשר לא עבדת את ה' אלהיך מרוב כל, ועבדת את אויביך בחוסר כל]; מהו בחוסר כל, שניטלה דעת מהם. - ד"א ובחוסר כל, שיהו חסרים מתלמוד תורה.

¹¹³ Approximately 19 bottles of wine (750 ml bottles).

¹¹⁴ Molly Myerowitz Levine, "The Gendered Grammar of Ancient Mediterranean Hair."

¹¹⁵ For measure for measure as a principle of rabbinic punishment, see Ishay Rosen-Zvi, "Measure for Measure as a Hermeneutical Tool in Early Rabbinic Literature: The Case of Tosefta Sotah," *Journal of Jewish Studies* 57, no. 2 (2006): 269–86.

Jerusalem, Marta and the daughter of Naqdimon ben Gurion also display their corruption by luxury before the rabbinic court. Through their rejection of their stipends, the stories present these women as unwilling to accept any limits on their luxurious consumption. This interchange with the court is found in ER 1.47-1.9/Y. Ketubot 5.9 (as well as in the Tosefta), and it serves to play up the degree to which these women have been corrupted by luxury. The final audience to the acts of these women is Rabbi Eliezer bar R. Tzadok, who witnesses the fates of Marta and the daughter of Naqdimon ben Gurion in the Roman camp. Having witnessed their luxury in Jerusalem, he finds them in Roman captivity and applies verses to them. He makes them comprehensible as symbols of luxury, connecting their prewar grandeur to their postwar fate.

One other aspect of their negative exemplarity is to note how self-aware these women are of the exemplarity of their own actions, and the very public nature of their acts. Unlike Kimhit and Dama, whose private virtues come to be exposed publicly, these women present their wealth and consumption in public. Marta covers the path to the Temple in carpets, showing off her wealth for all to see. Similarly, both Marta and the daughter of Naqdimon ben Gurion show off their wealth and corruption by luxury to rabbinic courts, publicly performing their vice. The retort, “May you thus apportion to your daughters” manifests some understanding that they have an exemplary legal role and are able to be imitated. Even in the Roman camp, in some versions of these stories, these women seek to be recognized by rabbinic figures; they seek to be categorized and understood as exemplars. They want audiences to see and comprehend their deeds; they are overtly aware of their own exemplarity, which seems to be another aspect of their role as negative exemplars. In contrast, Dama and Kimhit exhibit an explicitly hidden set of virtues that only emerge through divine recognition.

In Y. Ketubot 5.9, the stories of Marta/the daughter of Naqdimon ben Gurion are cautionary tales, which inform the Yerushalmi's discussion of husbands' obligations to maintain their wives. Y. Ketubot 5.9 comments on Mishnah Ketubot 5.9, which sets a minimum amount of money that a husband must give to a wife (which varies regionally) and describes the work that a wife should do:

וּנֹתֵן לָהּ מַעָה כֶּסֶף לְצָרְכֶיהָ, וְהִיא אוֹכֶלֶת עִימוֹ מִלִּילֵי שַׁבַּת לְלִילֵי שַׁבַּת; וְאִם אֵין נֹתֵן לָהּ מַעָה כֶּסֶף לְצָרְכֶיהָ, מַעֲשֵׂה יָדֶיהָ שְׁלָהּ. וּמָה הִיא עוֹשֶׂה לוֹ--מִשְׁקָל חֲמֵשׁ סְלָעִים שְׁתֵּי בִיהוּדָה, שֶׁהֵן עֹשֶׂר סְלָעִים בְּגַלִּיל, אוֹ מִשְׁקָל עֹשֶׂר סְלָעִים עֶרֶב בִּיהוּדָה, שֶׁהֵן עֹשֶׂרִים סְלָעִים בְּגַלִּיל. אִם הֵייתָה מְנִיקָה--פּוֹחַחֲתִין לָהּ מִמַּעֲשֵׂה יָדֶיהָ, וּמוֹסִיפִין לָהּ עַל מְזוֹנוֹתֶיהָ. בְּמָה דְבָרִים אֲמוֹרִים, בְּעַנֵּי שְׁבִי־שָׂרָא; אֲבָל בְּמִכּוֹבֵד, הַכּוֹל לְפִי כְבוֹדוֹ.

He gives her a silver ma'ah for her needs, and she eats with him on the night of every Sabbath. And if he does not give her a silver ma'ah for her needs, her handiwork is her own. And how much work must she do for him? She must spin for him five selas weight of warp in Judah (which is ten selas in Galilee) or ten selas weight of woof, (which is twenty selas in Galilee). If she is nursing, they lessen her handiwork and they add to her maintenance. What do these things concern? The poor of Israel, but with the noble, all is according to honor.¹¹⁶

The Mishnah describes a set of minimum apportionments for the wife, and then clarifies that this concerns the poor in Israel.¹¹⁷ However, concerning the maintenance of elite (lit. honored) wives, the Mishnah states that "all is according to honor." T. Ketubot 5.9-10 states that wives do not descend in honor, however, they do rise up to their husband's honor, meaning a high status wife must be maintained according to her original state.¹¹⁸ In Y. Ketubot 5.9, Marta's story is introduced as part of the discussion of apportionment of wine to wealthy women. As the Yerushalmi states, the specific context of a wine apportionment concerns wealthy women, as they are the only ones who drink wine. Y. Ketubot 5.9 questions whether a court would apportion wine, quoting a verse from Hosea. The Yerushalmi then quotes a Mishnah, which describes nursing as a time in which they

¹¹⁶ Adapted translation from Herbert Danby. *The Mishnah*. Oxford: Oxford University Press, 1933.

¹¹⁷ As Hayim Lapin notes, the maintenance of wives by their husbands takes for granted that the wives labor. If the husband does not maintain her, the products of the wife's labor revert back to her, see Hayim Lapin, "Maintenance of Wives and Children in Early Rabbinic and Documentary Texts from Roman Palestine," in *Rabbinic Law in Its Roman and Near Eastern Context*, ed. Catherine Hezser (Tubingen: Mohr Siebeck, 2003), 185.

¹¹⁸ Leonie Archer, *Her Price Is Beyond Rubies* (Sheffield: Sheffield Academic Press, 1990), 236–237, see T. Ketubot 5.9 and B. Ketubot 48a.

lessen her work and add to her maintenance, and Rabbi Joshua ben Levi suggests that wine is the addition to her maintenance. The text also notes that a court might apportion wine for cooking. For the rabbis, nursing and cooking are domestic duties of a wife, and thus, wine is not allocated for personal consumption, but to make a wife a better contributor to the household.¹¹⁹ In their legal context, Marta (and the daughter of Naqdimon ben Gurion) are introduced as examples of those who were not satisfied with their apportionments of luxury goods. These exemplary stories of luxury are addressed internally, connecting the court's failure to limit luxury with the fate of these negative exemplars. In their halachic context, these stories function as a historical example of why luxury goods should not be allocated to women, arguing for rabbinic control of luxury, lest these acts be imitated.

The stories of Marta and the daughter of Naqdimon ben Gurion stand for the threat that luxury can pose to the social body. These stories of the women of Jerusalem are the direct opposite of the story of Kimhit.¹²⁰ Kimhit was the mother of a high priest, whereas Marta is the wife of a high priest. Whereas Kimhit's modesty maintained the high priesthood and the system of the Temple, Marta's insistence on luxury infected the city and the political system of Jerusalem. Kimhit waited for recognition to come to her through her sons' service in the Temple, and Marta went out to see her husband read on Yom Kippur, covering the way there with carpets. Kimhit's virtue seamlessly caused one high priest to replace the other, whereas Marta's luxurious behavior is sinful, and is equated with the sins that led to the fall of Jerusalem (explicitly so in Sifre Devarim/ADRN, and implicitly so in ER 1.47-1.49/ Y. Ketubot 5.9). In placing these exemplary stories in the Second Temple period and connecting them to the destruction, ER 1.47-1.49 and Y. Ketubot 5.9 articulate

¹¹⁹See the list in M. Ketubot 5.5. On labor and marriage, see Gail Labovitz, "The Scholarly Life—The Laboring Wife: Gender, Torah, and the Family Economy in Rabbinic Culture," *Nashim: A Journal of Jewish Women's Studies & Gender Issues* 13, no. 13 (2007): 8–48; Gail Labovitz, "These Are the Labors': Constructions of the Woman Nursing Her Child in the Mishnah and Tosefta," *Nashim: A Journal of Jewish Women's Studies & Gender Issues* 3 (2000): 15–42.

¹²⁰ Lehman, "Dressing and Undressing the High Priest: A View of Talmudic Mothers."

the severe consequences of luxury. Although ER 1.47-1.49/Y. Ketubot 5.9 draw on these stories as examples of luxurious consumption, with continuing moral relevance of the present (particularly in the halachic context of the Yerushalmi), it is precisely the rabbinic sense of the historical distance of the Second Temple past from the rabbinic present that makes these stories compelling as exemplary stories, as the acts of these women could and did influence the state.

These are stories of the failure of the court, and the exemplary lesson here is for rabbinic judges who adjudicate laws concerning apportionment of luxury goods. In that sense, even though the narrative is set in the past, it provides a lesson for rabbis of the consequences of their judgement. It explicitly ties this consequence to a tragedy, and allows them to place a specific set of consequences on it. While a moral exemplar like Kimhit is limited as a model, as she specifically performs her act in the context of the past, the acts of these women become morally relevant to the present through the persistence of rabbinic courts, which seek to apportion luxury goods. It is the specific invocation of rabbis and rabbinic courts that invites imitation, and allows them to learn from these acts.

One further point of clarification. My argument above concerned the greatness of the Second Temple past and it is entirely possible to for a past to be great and for figures to act negatively in that context. So Marta and the daughter of Naqdimon ben Gurion represent some of the materially superior aspects of the past, but also a sense of its corruption. A great past is not positive or negative; it is morally complex. One can perhaps think of the continuing reception of the Homeric past; plenty of Greeks considered the Trojan Wars to be a time of greatness while still considering Achilles to be a psychopath.¹²¹ I think a too strong focus on positive/negative

¹²¹ Grethlein, "Homer and Heroic History."

treatments of the past and of figures can conceal some of the broader dynamics at play in a particular past.

Commemorating Marta and the daughter of Naqdimon ben Gurion

As in the story of Kimhit, Marta bat Boethus and the daughter of Naqdimon ben Gurion recall individuals who are attested in Second Temple period sources. Marta's name is reminiscent of the high priestly house of Boethus, four of whose members served as high priests. The first high priest was Simon son of Boethus, who was appointed by Herod in 24-22 BCE (and served until 5 BCE).¹²² According to amoraic literature, Naqdimon ben Gurion, the father of one protagonist of ER 1.47-1.49/Y. Keubot 5.9 was one of the wealthiest men in pre-70 CE Jerusalem.¹²³ Rabbinic literature may be recalling several different figures (or perhaps a family) that are mentioned in the works of Josephus. The Second Temple figure with the most plausible connection to Naqdimon ben Gurion is a certain Gorion son of Nicodemus (basically the same name as Naqdimon), who is mentioned by Josephus as part of the delegation to the Romans besieged in the Antonia during the outbreak of the revolt in 66 CE.¹²⁴ He has the same name as Naqdimon ben Gurion, but reversed, so Richard Bauckham suggests that he may have been the son of Naqdimon ben Gurion.¹²⁵ Alternatively, the rabbis could have confused the order of the names. Two other figures, Joseph son of Gurion and Gurion son of Joseph, may possibly have some connection to Naqdimon ben Gurion (because they also have the name Gurion).¹²⁶ According to Josephus, Joseph son of Gurion was the

¹²² VanderKam, *From Joshua to Caiaphas: High Priests after the Exile*. Herod wished to marry Simon's daughter, Mariamme (II), and Simon's promotion to high priest was a means of making Simon's family worthy of marriage to Herod, according to Josephus, see AJ 15.320,322. Note also Tal Ilan, "The Attraction of Aristocratic Women to Pharisaism during the Second Temple Period," *The Harvard Theological Review* 88, no. 1 (1995): 16.

¹²³ Y. Taanit 4.2, Genesis Rabbah 41.1, 98.8, Eichah Rabbah 1.31, ADRN A 6, B 13.

¹²⁴ BJ 2.451. See on this topic, Zeev Safrai, "Nakdimon B. Guryon: A Galilean Aristocrat in Jerusalem," in *The Beginnings of Christianity*, ed. Jack Pastor and Menahem Mor (Jerusalem: Yad Ben-Zvi, 2005), 297–314; Richard Bauckham, "Nicodemus and the Gurion Family," *The Journal of Theological Studies* 47, no. 1 (1996): 1–37.

¹²⁵ *Ibid.*, 18–19.

¹²⁶ Mentioned in BJ 2.563 and BJ 4.159, 358 respectively.

military commander of the Jewish rebels in 66 CE, alongside Ananus, the former high priest. Similarly, Gurion son of Joseph sought to organize resistance to the Zealots in late 67.¹²⁷ Although we cannot connect Naqdimon to these figures with any certainty, he may be a rabbinic misremembering of one of these figures or composite figure, who recalls this aristocratic family. These stories of the women of Jerusalem are based in some form of memory of Second Temple Jerusalem.

ER 1.47-49/Y. Ketubot 5.9 developed from tannaitic stories about Marta bat Boethus and the daughter of Naqdimon ben Gurion. Although these stories draw on earlier traditions about the daughter of Naqdimon ben Gurion, it is only in the Yerushami/ER versions that both of these women function as exemplars for luxury. Mishnah Yevamot 6.4 states that Marta bat Boethus was a widow betrothed to Jesus ben Gamla, who later became high priest.¹²⁸

כהן גדול לא ישא אלמנה...אירס את האלמנה ונתמנה להיות כהן גדול יכנס ומעשה ביהושע בן גמלא שקידש את מרתא בת ביתוס ומינהו המלך להיות כהן גדול וכנסה.

A high priest may not marry a widow...If he had betrothed a widow and was appointed to be high priest, he may consummate the union. It once happened that Joshua ben Gamla betrothed Marta bat Boethus and he married her after the king appointed him high priest.¹²⁹

The high priest was forbidden from marrying a widow, although priests were permitted to marry widows. Thus, the Mishnah clarifies how this prohibition interacts with the appointment of a

¹²⁷ This was probably the same Gurion who was executed in 68 CE by the Zealots.

¹²⁸ On Jesus ben Gamla, a contemporary of Josephus and a political actor in Jerusalem during the revolt, see Josephus BJ 4:238-70. An almost identical story is told in Sifra Leviticus Emor 2.6. In Sifrei Devarim 281, Marta is remembered as the paradigmatic wealthy woman, in response to a caution to not seize the pledge of a widow, even if she is as rich as Marta bat Boethus. T. Yoma 14 remembers a son of Marta bat Boethus, who performed his own (rather expensive) private sacrifice in a highly idiosyncratic manner, *מעשה בבניה של מרתה בת בויתוס שהיה אחד מהן נוטל שתי יריכות בשתי* אצבעותיו משורר לקוחה באלף דינרין והיה מהלך עקב בצד גודל ומעלה אותן לגבי מזבה. This priestly lineage is usually connected to the sectarian group mentioned in rabbinic literature, the Boethusians, although, as demonstrated in Raymond Harari's dissertation, we actually know rather little about them (and rabbinic sources connect the Boethusians to the time of Antigonus of Sokho, not the first century BCE high priest Simon), see Raymond Harari, "Rabbinic Perceptions of the Boethusians" (New York University, 1995).

¹²⁹ Translation drawn from Danby, *The Mishnah*, with my additions.

priest as high priest, who was already engaged to marry a widow.¹³⁰ In the Mishnah, Marta is mentioned in this brief legal case.

The daughter of Naqdimon ben Gurion appears in Tosefta Ketubot 5.9-10:

העשיר עולה עמו העני אין יורדת עמו מעשה בבתו של נקדמון בן גוריון שפסקו לה חכמים חמש מאות דינרי זהב בכל יום לקופת בשמים ולא היתה אלא שומרת יבם אף היא קיללה ואמ' להם כך תתנו לבנותיכם אמ' ר' לעזר בר' צדוק אראה בנחמה אם לא ראיתיה שמלקטת שעורים מתחת טלפי סוסים בעכו 'קראתי עליה המקרא הזה אם לא תדעי לך היפה בנשים וגו'

The rich woman rises in status with her husband and she does not go down with the poor man. A story of the daughter of Naqdimon ben Gurion to whom the sages apportioned five hundred gold denarii each day for a spice box. And she was only awaiting her yebam. Even so she cursed them and said to them, thus may you give to your daughters. Rabbi Eliezer bar R. Tzadok said, “May I see consolation if I did not see her when she was picking barley from below the hooves of the horses in Akko. And I applied to her this verse, if you do not know, o fairest of women...”

In the halachic context of the Tosefta, the daughter of Naqdimon ben Gurion’s story is cited as a paradigmatic example of a rich wife. The Tosefta is the basis for later traditions about these women—indeed, the story of the daughter of Naqdimon ben Gurion hardly changes at all in later texts.

Sifre Devarim 305 is an intermediate version that only concerns the daughter of Naqdimon ben Gurion. Although this story resembles Y. Ketubot 5.9/ER 1.47-49, it does not assert that all the aristocratic women of Jerusalem are exemplars of luxury. It also lacks the rabbinic court, which serves as an important thematic exchange in articulating the theme of luxury.

ומעשה ברבן יוחנן בן זכיי שהיה רוכב על גבי החמור והיו תלמידיו מהלכים אחריו וראה ריבה אחת מלקטת שעורים מתחת רגלי בהמתם של ערביים כיון שראתה את רבן יוחנן בן זכיי נתעטפה בשערה ועמדה לפניו ואמרה לו רבי פרנסני אמר לה בת מי את אמרה לו בתו של נקדימון בן גוריון אני אמרה לו רבי זכור אתה כשחתמת בכתובתי אמר להם רבן יוחנן בן זכיי לתלמידיו אני חתמתי על כתובתה של זו והייתי קורא בה אלף אלפים דינרי זהב של בית חמיה ושל בית ריבה זו לא היו נכנסים להשתחוות בהר הבית עד שהיו פורסים להם כלי מילת תחת רגליהם נכנסים ומשתחווים וחוזרים לבתיהם בשמחה וכל ימי בקשתי מקרא זה ומצאתיו +ש"ש א ה+ אם לא תדעי לך היפה בנשים צאי לך בעקבי הצאן ורעי את גדיותיך על משכנות הרועים אל

¹³⁰ Since the Bible assumes that high priests served for life, such situations would not arise to the same degree, and the Mishnah is legislating based on the remembered changes that Herod made to the high priesthood, when he turned it into an appointed office.

תהי קורא גדויתך אלא גויתך שכל זמן שישראל עושים רצונו של מקום אין כל אומה ומלכות שולטת בהם וכשאינן ישראל עושים רצונו של מקום מוסרם ביד אומה שפלה ולא ביד אומה שפלה אלא תחת רגלי בהמתם של אומה שפלה.

“A story of Rabban Yohanan ben Zakkai, who was riding on an ass and his students were walking behind him. He saw a maiden who was picking up barley from under the feet of the beasts of the Arabs. When she saw Rabban Yohanan ben Zakkai, she covered her hair and said, “Rabbi, provide for me.” He said, “Whose daughter are you?” She said to him, “I am the daughter of Naqdimon ben Gurion. Rabbi, remember when you signed my ketubah?” Rabban Yohanan ben Zakkai said to his students, “I signed her ketubah and I read in it a million gold denarii from the family of her husband. The bride’s family did not go to the Temple Mount to worship unless they spread cloaks of fine wool under their feet and they prayed and returned to their homes in joy. All my days I inquired into the meaning of this verse and now I have found it, ‘If thou know not, O fairest of women, go forth by the footsteps of the flock and feed your kids, besides the shepherd’s tents’ (Song of Songs 1.8). Do not read kids, but rather your corpses, for whenever Israel does the will of the Lord, no nation or kingdom rules them. And when Israel does not do the will of God, he hands them over to the lowest nation. And not into the hand of the lowest nation, but under the feet of the beasts of the lowest nation.”

In this story, the daughter of Naqdimon ben Gurion represents Israel. Her fate provides Yohanan ben Zakkai with the meaning of the verse from Song of Songs. According to Ofra Meir, he parses the verse as a conditional, suggesting that Israel’s failure to know led to their subjugation. She literally follows the flock to feed herself.¹³¹ Yohanan ben Zakkai equates the luxury of the daughter of Naqdimon ben Gurion with sin, drawing a connection between her expensive ketubah, her ostentatious wealth, and Israel disobeying God’s will. This interpretative framework of luxury, women, and the destruction of Jerusalem played an important role in the ER 1.47-49/Y. Ketubot 5.9 version of the text. So in these stories as well, we see how memories of individuals from Second Temple Jerusalem are reworked, reimagined, and recreated so as to be stories of women who exemplify luxury and its attendant vices.

The Bavli’s account of Naqdimon ben Gurion’s daughter resembles these other accounts, but it only concerns her.¹³² The story is presented not necessarily as a caution about luxury and

¹³¹ Meir, “The Story as a Hermeneutic Device,” 246–47.

¹³² See B. Ketubot 66a-b.

women, but as a discussion of the groom's apportionment of the *kuppata shel besamim* (lit. spice box) to his bride, which is said to be a specific marriage custom of Jerusalemite.¹³³ The Bavli's discussion of *Marta bat Boethus* presents her as part of its discussion of Jerusalem's fall in B. Gittin 55b-56b. As Julia Watts Belser argues, the Bavli presents *Marta* as a figure worthy of pity.¹³⁴

מרתא בת בייתוס עתירתא דירושלים הויא שדרתה לשלוחה ואמרה ליה זיל אייתי לי סמידא אדאזל איזדבן אתא אמר לה סמידא ליכא חיותא איכא אמרה ליה זיל אייתי לי אדאזל אזדבן אתא ואמר לה חיותא ליכא גושקרא איכא א"ל זיל אייתי לי אדאזל אזדבן אתא ואמר לה גושקרא ליכא קימחא דשערי איכא אמרה ליה זיל אייתי לי אדאזל איזדבן הוה שליפא מסאנא אמרה איפוק ואחזי אי משכחנא מידי למיכל איתב לה פרתא בכרעא ומתה קרי עלה רבן יוחנן בן זכאי (דברים כח) הרכה בך והענוגה אשר לא נסתה כף רגלה.

Marta bat Boethus, a rich woman of Jerusalem, sent to her servant and said to him, 'go and bring me the finest flour.' By the time he went, it was sold out. He came and said, 'there is no fine flour, but there is white flour.' She said to him, 'Go and bring it to me.' By the time he went, it was sold out. He came and said to her, 'there is no white flour, but there is dark flour.' She said to him, 'Go and bring it to me.' By the time he went it was sold out. He came and said to her, 'there is no dark flour, but there is barley flour.' She said, 'Go and bring it to me.' By the time he went it was sold out. She untied her shoe and said, 'I will go out and see if I can find something to eat.' She put her foot in excrement and died. Rabban Yohanan ben Zakkai applied the verse to her, 'The tender and delicate woman among you, who would not venture to set the sole of her foot on the ground for delicateness and tenderness, her eye shall be evil against the husband of her bosom, and against her son, and against her daughter' (Deuteronomy 28.56).

Watts Belser highlights the pathos of her body and its elite sensitivity, particularly to lower class food. *Marta's* elite delicacy is her undoing; she cannot survive the siege of Jerusalem.¹³⁵ The emphasis on her elite delicacy reflects the verse Deuteronomy 28.56, which describes "the most tender and fair of women." Indeed, the pathos of *Marta* contrasts with the more censorious tone towards these women in ER 1.47-49/Y. Ketubot 5.9, which treats them as sinners. In the Bavli, *Marta's* elite status is highly specific to her, whereas the depictions in ER 1.47-49/Y. Ketubot 5.9

¹³³ It is specifically invoked in B. Ketubot 66b to provide an example of the process by which the *kuppa shel besamim* was provided to brides only in Jerusalem. This responds to the reference to a *kuppah* to which a groom is to pledge ten denarii in M. Ketubot 6.2 and paralleled in T. Ketubot 6.4, where it is called a *kuppata besamim*.

¹³⁴ Belser, "Opulence and Oblivion: Talmudic Feasting, Famine, and the Social Politics of Disaster," 100.

¹³⁵ *Ibid.*, 101.

use her elite status to shed light on the greatness and grandeur of the city, as well as critique the luxurious behavior of the past.¹³⁶ This story is far more interested in Marta's pathos, rather than presenting her as an example to be avoided.

The stories in ER/Y systematically apply the motifs that were focused on the daughter of Naqdimon ben Gurion in tannaitic texts to Marta bat Boethus. The tannaitic texts preserved the memory of these women as individuals, but the Palestinian amoraic sources view them in aggregate as exemplars of luxury.¹³⁷ Indeed, as Tal Ilan has argued, amoraic treatments of Marta are significantly more negative.¹³⁸ Further evidence comes for this in the confusion between them in ER 1.47-1.49/Y. Ketubot 5.9, which considers their names to be interchangeable. These texts tell functionally the same story about both women. While the Tosefta and the tannaitic midrashic stories have the same framework as the Palestinian amoraic stories, ER and Y. Ketubot develop and extend this motif of luxurious consumption, making it the central focus of these stories. This use of luxury is a specific feature of the Palestinian amoraic versions of this story and only there are both Marta and the daughter of Naqdimon ben Gurion portrayed as sinful exemplars of luxury. This aspect of the story also conveys some of the narrative stakes for late antique Palestinian rabbis who were invested in a particular vision of the glorious Jewish Second Temple past.

Conclusion

This chapter has argued that one way that the Yerushalmi and amoraic midrash collections recalls figures from the Second Temple period is to present them as exemplars. I have argued that

¹³⁶ Other mentions of Marta in the Bavli include B. Yoma 18a (and B. Sukkah 61a), where Marta provides a basket of dinars to King Yannai to appoint Yeshua ben Gamla. B. Sukkah 52b mention the son of Marta bat Boethus who was prohibited from his own idiosyncratic (and self-glorifying) form of sacrifice. See also B. Ketubot 104a, which discusses her wealth.

¹³⁷ Tal Ilan theorizes that the Palestinian amoraic texts have a negative reaction to Marta's wealth, see Ilan, *Mine and Yours Are Hers: Retrieving Women's History from Rabbinic Literature*, 96.

¹³⁸ Ilan, "The Attraction of Aristocratic Women to Pharisaism during the Second Temple Period," 17.

each of these four figures was an exemplar, and have suggested that the exemplarity of the Second Temple past is a specific discourse of the Yerushalmi and amoraic midrash collections, rather than the Bavli or tannaitic sources. This represents a specific bias of the Yerushalmi, which continues to remember historical individuals from the Second Temple period, but turns them into exemplars. The Yerushalmi's narrative bias is to craft exemplary figures from the memories of the Second Temple past, which functions as one explanation for why these memories are retained by the late antique Palestinian rabbis.

Eichah Rabbah and the “Romanization” of the Second Temple past

The last chapter argued that in the Yerushalmi and other Palestinian amoraic texts, individuals from the Second Temple past served as moral exemplars, which functioned as one means of articulating the “greatness” of the Second Temple period in rabbinic memory. This same framework carries over into this chapter, as I argue that this particular set of rabbinic memories treats the Second Temple past in the same manner. However, while the previous chapter focused on exemplarity as a means of commemorating the Second Temple period, this chapter argues that one particular means of commemorating the Second Temple past was by means of displaced anachronism, or what I term, the “Romanization” of the Second Temple past. This discourse is found in the Yerushalmi, but is predominantly concentrated in Eichah Rabbah (henceforth ER), a fifth-sixth century midrashic commentary on the biblical book of Lamentations. This chapter argues that these stories from the Yerushalmi and ER draw on a series of Roman institutions in order to describe the greatness of Second Temple Palestine and Jerusalem. This chapter engages in close analysis of the late Roman/early Byzantine context of these institutions to understand ER’s use of these motifs. Like the previous chapter, this chapter is focused on the Second Temple past, rather than the Temple in particular.

My use of the term Romanization in this chapter requires some brief explanation. Romanization is generally associated with the process by which a provincial population or subgroup, becomes “Roman,” a necessarily loaded and unidirectional set of cultural assumptions. Many scholars of the provincial Roman world have sought to abandon this term. They critique it for its one sided account of cultural change, its associations with British imperialist conceptions of a Roman civilizing mission, its focus on the cultural and social world of elite provincials, and its construction of a dichotomy between Romans and natives. However, I think that it still has a useful

function.¹ These critiques of Romanization react to the tendency in scholarship on Roman provincial life to view everything from a Roman perspective, rather than provide a more provincial focused account of Roman rule (something that is really not possible in the Western Roman Empire, as there are very limited sources for provincial culture there). Furthermore, as Andrew Wallace-Hadrill argues, the meaning and identity of Romans was in the process of formation as the empire was being expanded.² These different critiques of the scholarly use of Romanization are correct, but they do not mean that the term is analytically useless. Indeed, one of the main ways to correctly use Romanization is to provide a somewhat more complex model of how it functioned and what it signified. In his study of the rabbinic movement, Hayim Lapin has argued that Romanization can be understood in three distinct, yet overlapping ways: first, as the embeddedness of subjects within a Roman empire, and attempts to participate in social, religious, economic, and political fabric of that empire, second, the ideological legitimization of that system or the identification of one's persona with that system, and third, the adoption of a set of "imported" and culturally Roman practices.³

¹ Critiques of Romanization have always followed the use of the term. Invented by Francis Haverfield in a 1905 lecture, Romanization has often been the subject of critique. See discussion of the term in Richard Hingley, "The 'Legacy' of Rome: The Rise, Decline, and Fall of the Theory of Romanization," in *Roman Imperialism*, ed. Jane Webster and Nicholas Cooper (Leicester: University of Leicester, 1994), 35–48. The modern study of Romanization was ushered in by Martin Millett, *The Romanization of Britain* (Cambridge; New York: Cambridge University Press, 1990). For case studies of Romanization, the classic study remains Greg Woolf, *Becoming Roman: The Origins of Provincial Civilization in Gaul* (Cambridge; New York: Cambridge University Press, 1998). But see also Leonard Cuchin, *The Romanization of Central Spain: Complexity, Diversity, and Change in a Provincial Hinterland* (London; New York: Routledge, 2004). For the east, see Warwick Ball, *Rome in the East* (New York and London: Routledge, 2000) and Nathanael Andrade, *Syrian Identity in the Greco-Roman World* (Cambridge: Cambridge University Press, 2013). For critiques of Romanization, see David Mattingly, "Vulgar and Weak 'Romanization', or Time for a Paradigm Shift?," *Journal of Roman Archaeology* 15 (2002): 536–40; Jane Webster, "Creolizing the Roman Provinces," *American Journal of Archaeology* 105, no. 2 (2001): 209–25; Andrew Gardner, "Thinking about Roman Imperialism: Postcolonialism, Globalisation and Beyond?," *Britannia* 44 (2013): 1–25; Jane Webster, "Necessary Comparisons: A Post-Colonial Approach to Religious Syncretism in the Roman Provinces," *World Archaeology* 28, no. 3 (1997): 324–38. On the recent turn towards globalization in the study of the Roman Empire, see programmatically, Richard Hingley, "Post-Colonial and Global Rome: The Genealogy of Empire," in *Globalisation and the Roman World. World History, Connectivity, and Material Culture*, ed. Martin Pitts and Miguel Versluys (New York: Cambridge University Press, 2015), 32–46; Martin Pitts and Miguel John Versluys, "Globalisation and the Roman World: Perspectives and Opportunities," in *Globalisation and the Roman World. World History, Connectivity, and Material Culture*, ed. Martin Pitts and Miguel Versluys (New York: Cambridge University Press, 2015), 3–31.

² Andrew Wallace-Hadrill, *Rome's Cultural Revolution* (Cambridge: Cambridge University Press, 2008).

³ This is a rough paraphrase of Hayim Lapin, *Rabbis as Romans: The Rabbinic Movement in Palestine, 100-400 CE* (Oxford: Oxford University Press, 2012), 6.

Lapin's definition navigates some of the critiques of Romanization as a discourse, as he is able to speak to the broad range of possible actions and standpoints that Romanization and its cultural baggage might entail. I employ this broad definition here. In making my argument about the rabbinic Romanization of the Second Temple period, I suggest that the rabbis recalled and imagined a form of Jewish greatness and unity in the Second Temple past as an act of cultural resistance. However, in the construction of this resistance, the rabbis draw on the very order in which they are embedded (Lapin's first form of Romanization), as well as culturally "Roman" practices (Lapin's third form of Romanization) to articulate this act of resistance. Lapin's model of Romanization allows for an explanation of how the rabbis could be both highly Romanized and highly resistant to Roman rule, which explains the rabbinic use of Roman institutions to commemorate the Second Temple past.

The first section of this chapter discusses a passage from ER 2.2/Y. Taanit 4.6 that describes the villages and regions of Jewish settlement in Second Temple Palestine (and their destruction). I argue that this passage is an anachronistic map of Second Temple Palestine, which draws on the later urban Roman provincial landscape. That is, the villages in this passage are presented as precursors to cities of Roman Palestine when this text was composed.

In the second section, I examine ER's description of Jerusalemite dining customs. These customs are presented as typical of the Jerusalemite civic community, and the breakdown of these customs leads to the destruction of the city. This description of dining customs recalls the Roman *convivium*, which was widespread in the early Roman Empire.⁴ The rabbis adapted the *convivium* in a fairly straightforward manner, and early rabbinic compositions such as the Tosefta describe

⁴ On the *convivium* and patronage, see John D'Arms, "Control, Companionship, and Clientelia," *Echos Du Monde Classique* 3 (1984): 327–48.

convivial meals in much the same manner as Roman sources.⁵ However, by the time of ER's composition, the convivium was practiced almost exclusively by the most elite members of the Eastern Roman aristocracy (whereas before, it had been practiced primarily by the elite and some middling figures—rabbis, at least, tell stories about convivial meals).⁶ Hence, I argue that ER's recollection of the Jerusalemite convivial meal does not reflect current rabbinic convivial practices, but rather a projection of the late antique *convivium* onto Second Temple Jerusalem. I argue that in its late antique context, ER's discussion of Jerusalemite convivial customs symbolized the wealth and power of Jerusalem, as the *convivium* was almost exclusively associated with elites and the emperor in late antiquity.

As before, a core issue that needs to be explained in this set of passages is the surprising historicity of rabbinic recollection of the past. In its account of the villages and sites of the Second Temple past, this passage commemorates villages that did exist in the Second Temple period, but repurposes their memory so as to express a particular view of the Jewish past and selects villages that are connected to Roman provincial cities. So there's a complex process of interaction between the historicity of the Second Temple past, the Roman province of Palestine, and rabbinic attempts to commemorate the Second Temple period. Although less embedded in the historical realities of the Second Temple period, the rabbis commemorate actual elite convivial practices, yet displace this memory onto the Second Temple period as an emblem of its significance. This chapter is concerned

⁵See especially T. Berachot 5.5-10. On the convivium in rabbinic literature, see Seth Schwartz, "No Dialogue at the Symposium? Conviviality in Ben Sira and the Palestinian Talmud," in *The End of Dialogue in Antiquity*, ed. Simon Goldhill (Cambridge: Cambridge University Press, 2008), 193–216. Also discussed in Jordan Rosenblum, *Food and Identity in Early Rabbinic Judaism* (Cambridge: Cambridge University Press, 2010).

⁶Katherine Dunbabin, *The Roman Banquet: Images of Conviviality* (Cambridge: Cambridge University Press, 2003); Simon Malmberg, "Dazzling Dining: Banquets as an Expression of Imperial Legitimacy," in *Eat, Drink, and Be Merry--Food and Wine in Byzantium*, ed. Leslie Brubaker and Kalliroe Linardou (Burlington, VT: Ashgate, 2007), 75–92; Simon Malmberg, "Visualizing Hierarchy at the Imperial Banquet," in *Feast, Fast or Famine: Food and Drink in Byzantium*, ed. W. Mayer and S. Trzcionka (Brisbane: Byzantina Australiensia, 2005), 11–24.

with unpacking these different commemorative strands and biases, and showing how each of these different strands operates in these passages from ER/Y.

Eichah Rabbah as Anthology

Since ER is the primary focus of this chapter, I want to briefly describe the text, as I have a slightly different take on the nature of the text than most previous scholarship on ER. As noted above, Eichah Rabbah (ER), is a fifth/sixth century CE commentary on the biblical book of Lamentations.⁷ The main body of the text is an exegetical commentary on the five chapters of Lamentations, which grows increasingly concise in the third, fourth, and fifth chapters of ER.⁸ ER begins with a series of 36 exegetical *petihta'ot* (proems), which connect other biblical verses to the

⁷ Leopold Zunz thought that the midrash was written in the fourth century, but that it was redacted in the seventh century, based on a reference to the empires that included Ishmael. However, Buber's manuscript refers to Seiris, not Ishmael (not that this is ultimately all that helpful in disproving Zunz's point (what empire is Seiris?); Buber thought that it represented Arab dominance of Palestine before Islam). Buber placed it in the early fourth century, see Salomon Buber, *Midrash Ekhav Rabah: 'al Pi Ketav Yad Ha-Ganuz Be-Otsar Ha-Sefarim Be-Romi* (Vilna: Druck u. Verlag von Wittwe & Gebrüder Romm, 1899). Moshe David Herr argued that it was redacted at the end of the fifth century CE, since it draws on the Talmud Yerushalmi, Leviticus Rabbah, and Genesis Rabbah, and served as a source for Ruth Rabbah and the Pesikhta de Rav Kahana, see M.D. Herr, "Lamentations Rabbah," *Encyclopedia Judaica*, Volume 12: 451-452. Stemberger placed it in the fifth century, see H.L. Strack and Gunter Stemberger, *Introduction to Talmud and Midrash* (Edinburgh: T&T Clark, 1991), based on its usage by Leviticus Rabbah and Ruth Rabbah. The fact that these two scholars cannot agree on which texts are earlier or later than ER shows the complex nature of rabbinic textual composition, such that it is often difficult to determine the relationships between texts. Paul Mandel has argued that the text reflects the fifth century, see Paul Mandel, "Midrash Lamentations Rabbati: Prolegomenon, and a Critical Edition to the Third Parsha" (Hebrew University of Jerusalem, 1997), 36. Two potential dating markers include a reference to the seventh century Persian conquest of Jerusalem and the recollection of the city of Antipatris as an inhabited site, which was destroyed after the earthquake of 363 CE, perhaps indicating a fourth century date. As these two points show, there are multiple ways of dating ER, and in this chapter, I follow the consensus that ER reflected the fifth century. This is not a serious or particularly thorough argument, but the stories in ER that tend to be unique to it suggest a fifth/sixth century CE date. Hence, the use of the *convivium* in ER makes the most sense in a late antique context. Further, ER 1.1 concerns dialogues between Athenians and Jerusalemites, which seems to reflect Athens' transformation from real place into a symbol of wisdom. So it might be that the earlier parts of ER are those that are paralleled in Y, whereas the parts that are unique to ER (which often seem late antique in their sensibility) might be later.

⁸ The text of ER is preserved in two major recensions, one that was transmitted through Babylonia and the other through Byzantium. The Byzantine tradition, which is represented in the Ashkenazi manuscript tradition, is a more accurate reflection of the Palestinian midrashic tradition, whereas the Babylonian tradition (represented in the Sephardi tradition) underwent Babylonization, as some of its stories were translated into Babbylonian Aramaic. Hence, in this chapter, all references are to Solomon Buber's edition of ER, which reflects the Ashkenazi manuscript tradition. See on this topic, Paul Mandel, "Midrash Lamentations Rabbati: Prolegomenon, and a Critical Edition to the Third Parsha" (Hebrew University of Jerusalem, 1997), 160 and Buber, *Midrash Ekhav Rabah: 'al Pi Ketav Yad Ha-Ganuz Be-Otsar Ha-Sefarim Be-Romi*. I do not cite the printed edition. I also use the Geniza fragments from ER where relevant. On these, see Rabinovitz, *Ginze Midrash*. These Geniza fragments show the least amount of "Babylonization", and often constitute the best text.

first few verses of ER through exegesis, moving from the first verse to a target verse (in the case of ER's petihta'ot either "eichah" or "How lonely sits the city (Eichah 1:1)").⁹ Scholars have often understood the petihta as a performance, which plays on the audience's expectation of reaching a particular target verse and their interest in how the connection between the first verse and the target verse is made.¹⁰ Having outlined ER's main formal features, I turn to its themes.

In contrast to other classical Palestinian midrash collections, scholars have often identified ER as thematically coherent.¹¹ Scholars have primarily understood this thematic coherence to be a form of Deuteronomic theodicy, i.e. the destruction(s) of Jerusalem and the Temple (as well as other disasters) were caused by God, who punished the Jews for their sins.¹² This theodicy is best articulated in the formulaic phraseology of the proems, "Because they sinned, they were exiled; because they were exiled, Jeremiah (traditionally considered to be the author of Lamentations) began to lament over them, 'Eichah.'" ¹³ Many scholars have claimed that ER justifies the destruction of Jerusalem by arguing that it was caused by the sins of the Jews. Yet, even after the destruction, God is still just and will maintain the covenant with the Jews.¹⁴ In that vein, Jacob Neusner identifies the

⁹The petihta'ot are later than body of ER, as they draw on the body. The numbering of the petihta'ot is a matter of some controversy, as different textual traditions have different numbers—36 in Buber's edition, and 34 in the printed edition. Buber noticed that petihta 2 and 31 contain two proems, and, further in support of this claim, the number 36 corresponds to the numerical value of the letters in "Eicha." Evidence from the Geniza suggests that the 36 petihta'ot postdate the rabbinic period (the extra proems may have been created, rather than be "original" to the rabbinic composition). See Carl Astor, "The Petihta'ot of Eicha Rabba" (The Jewish Theological Seminary of America, 1995), 82–83.

¹⁰The petihta was discussed extensively by Joseph Heinemann, and he considered it a specific type of homiletic performance in the synagogue. The petihta begins with an obscure verse, and ends on a specific target verse. On this, see Joseph Heinemann, "The Proem in Aggadic Midrashim," *Scripta Hierosolymitana* 22 (1971): 100–122. See also Mintz, *Hurban: Responses to Catastrophe in Hebrew Literature*, 53. Carl Astor argues that these petihta'ot were performed on the evening of Tisha b'Av, see Astor, "The Petihta'ot of Eicha Rabba."

¹¹ David Stern, *Parables in Midrash* (Cambridge; London: Harvard University Press, 1991), 163.

¹² James Crenshaw, "Theodicy," *The Anchor Bible Dictionary* (Doubleday, 1992).

¹³ This distillation of ER's Deuteronomic theodicy is presented in Hasan-Rokem, *Web of Life: Folklore and Midrash in Rabbinic Literature*, 13.

¹⁴ Deuteronomic theodicy was called into question by apocalyptic literature composed right after the destruction of 70 CE. Robert Kirschner compares ER with 4 Ezra and 2 Baruch (apocalyptic texts written right after the destruction in 70 CE), arguing that all three reflect formal theological responses to the destruction of Jerusalem. Kirschner claims that while the apocalypses present transcendent visions of God, and thus cannot justify the destruction of the Temple, ER presents a vision of divine identification with Israel (God weeps for Jerusalem's destruction, God goes into exile with Israel), which is a means for ER to incorporate the tragedy of 70 CE into its narrative of divine justice, arguing for the

persistence of the covenant as the main theme of ER.¹⁵ Similarly, Alan Mintz identifies the imposition of Deuteronomic theodicy on the biblical book of Lamentations as one of ER's main purposes.¹⁶

A brief overview of Lamentations is therefore necessary to understand ER (and the scholarship that identifies its thematic message as Deuteronomic theodicy). The scholarly consensus is that Lamentations was probably composed between 587 and 540 BCE as a response to the destruction of Jerusalem by the Babylonians.¹⁷ Lamentations consists of five poetic laments that are cries for mercy from God. Throughout Lamentations, God remains silent, and the laments detail God's wrath against the city. Earlier scholarship on Lamentations tended to emphasize Lamentations 3, which concludes with a message of hope and redemption, advancing a form of Deuteronomic theodicy.¹⁸ However, biblical scholars increasingly view Lamentations 3 as a later addition, which downplays the horror of the destruction and God's abandonment of the Judahites.¹⁹ By decentering Lamentations 3, Todd Linafelt and F.W. Dobbs-Allsopp, anticipated by Alan Mintz, have emphasized the trauma described in Lamentations; they argue that Lamentations suggests that Deuteronomic theodicy has shattered in light of Jerusalem's destruction.²⁰ According to Mintz, ER responds to the powerful theological challenge of Lamentations. While Lamentations does not detail

persistence of God's covenantal relationship with Israel. See Robert Kirschner, "Apocalyptic and Rabbinic Responses to the Destruction," *The Harvard Theological Review* 78, no. 1 (1985): 27–46.

¹⁵ Jacob Neusner, *The Midrash Compilations of the Sixth and Seventh Centuries: Volume One, Lamentations Rabbah* (Atlanta: Scholars Press, 1989), 173.

¹⁶ Mintz, *Hurban: Responses to Catastrophe in Hebrew Literature*, 77.

¹⁷ Arguments for 587 BCE primarily cite the traumatized tone of Lamentations. Arguments for 550-539 BCE point to the inclusion of what seems to be a dependency on Lamentations in Deutero-Isaiah, see R.B. Salters, *A Critical and Exegetical Commentary on Lamentations* (London: T&T Clark, 2010); Delbert Hillers, *The Anchor Bible Lamentations* (Garden City, New York: Doubleday, 1972); Heath Thomas, *Poetry and Theology in the Book of Lamentations* (Sheffield: Sheffield Phoenix Press, 2013), 8.

¹⁸ Norman Gottwald, *Studies in the Book of Lamentations* (London: SCM Press, 1954).

¹⁹ Claus Westermann, *Lamentations: Issues and Interpretations* (Minneapolis: Fortress Press, 1994).

²⁰ Robin Parry, *Lamentations* (Grand Rapids, MI: Eerdmans, 2010); F.W. Dobbs-Allsopp, "Tragedy, Tradition, and Theology in the Book of Lamentations," *Journal for the Study of the Old Testament* 74 (1997): 29–60; Linafelt, *Surviving Lamentations*.

the sins of the Jews and Jerusalem, ER does, and ER's detailed description of the sins of the Jerusalemites demonstrates that the city's destruction was justified.²¹ Mintz further argued that the destruction in ER has a redemptive quality: the victims become righteous and ennobled after the city is destroyed, and God turns from a pitiless adversary to weeping for Jerusalem.²² The destruction restored the covenant.

Reacting to this Deuteronomic account of ER, Galit Hasan-Rokem argues that there are two discourses in ER, one elite, rabbinic, and Deuteronomic and one folkloric. This folkloric discourse is less straightforward and more critical in its treatment of the destruction, undermining the systematic theological claims of this elite discourse.²³ Hasan-Rokem considers the non-Deuteronomic discourse to be folkloric, because she thinks that the folk tales in ER reflect the wider cultural world of Jews at this time, which seems a bit romantic. Hasan-Rokem argues that the strong Deuteronomic theodicy of the proems (with their constant invocation of the mantra of sin, punishment, and exile) responds to this ambiguity and conflicting discourses in the body of ER. Adam Gregerman also sees two main discourses in ER: one Deuteronomic and one apologetic, which challenges God's justice and claims that the Jews were righteous, and the destruction of Jerusalem was not justified.²⁴ As Hasan-Rokem and Gregerman show, scholars of ER have increasingly pointed to different and contrary discourses in ER, which does not undermine the Deuteronomic nature of ER, but rather, suggest that we need a more complex model for ER. I argue that it should be viewed as an anthology, like other classical

²¹ Mintz, *Hurban: Responses to Catastrophe in Hebrew Literature*, 53.

²² *Ibid.*, 62–63.

²³ Hasan-Rokem, *Web of Life: Folklore and Midrash in Rabbinic Literature*, 13.

²⁴ Adam Gregerman, "'Have You Despised Jerusalem and Zion after You Had Chosen Them?': The Destruction of Jerusalem and the Temple in Jewish and Christian Writings from the Land of Israel in Late Antiquity" (Columbia University, 2007). Gregerman places this claim in the context of Christian polemics against Jews, which seems a bit speculative, as the time frame between ER and the Christian writers (Eusebius, Justin Martyr, and Origen) that he uses does not match up. These Christian writers are significantly earlier. Nor does an apologetic focus in ER necessarily reflect Jewish-Christian polemics. ER could have developed apologetics for its own literary or internalist reasons. Cf. also Cohen, "The Destruction: From Scripture to Midrash."

midrash collections.²⁵ That is, it is a bit simplistic to characterize the project of ER as “deuteronomizing” Lamentations. Rather, ER collects stories around specific topics and verses in an anthological manner. I argue that ER has a variety of purposes and discourses, one of which was presenting a form of Deuteronomic theodicy. Scholars have tended to assume that ER is more thematically coherent than other midrash collections, and this is probably because Lamentations is one of the most thematically coherent biblical books (Song of Songs is also thematically coherent, but its reception as an allegorical work did not lend itself to such thematic interpretation). Hence, a rabbinic anthology on Lamentations might be like a modern collection of traditional Jewish sources on Yom Kippur or Rosh Hashanah; they might be drawn from radically different contexts and have slightly different emphases, but this anthology would appear highly thematically coherent. Despite this, it is still an anthology. ER’s nature as an anthology means that attempts to approach the text need to focus on sets of stories (and then in aggregate, the document), rather than assuming that the redactors of ER were articulating some unified message or theme. Following this argument, this chapter focuses on two stories that are in ER—one about the topography of the land of Israel and the second about the convivial meal. Noting that ER is an anthology, I claim that one of the themes in ER (and in other Palestinian amoraic texts) is the “Romanization” of the Second Temple past as a means of arguing for its greatness.²⁶

Remembering the Land in Y. Taanit 4.6/ER 2.2

ER 2.2/Y. Taanit 4.6 describe the glories of a series of villages in Second Temple Palestine and their destruction in the Jewish War. This passage follows the stories of Bar Kokhba, and

²⁵ See most importantly David Stern, “Anthology and Polysemy in Classical Midrash,” in *The Anthology in Jewish Literature*, ed. David Stern (Oxford: Oxford University Press, 2004), 108–39. Burton Visotzky has characterized Leviticus Rabbah as a miscellany, which is essentially the same thing, see Burton Visotzky, *Golden Bells and Pomegranates: Studies in Midrash Leviticus Rabbah* (Leiden: Paul Mohr Verlag, 2003), 38–40.

²⁶ The greatness of Jerusalem is identified as a theme in Cohen, “The Destruction: From Scripture to Midrash.”

previous scholarly treatments have primarily mined this text as a means of reconstructing the scope and scale of Bar Kokhba revolt.²⁷ Treating it as a text, I argue that the listing of villages in ER 2.2/Y. Taanit 4.6 should be read as an historical map of Second Temple Palestine, which describes its glory. In contrast to the other halachic maps in rabbinic literature, I argue that this map interacts with the Roman provincial landscape of Palestine in two discrete ways: (1) the imagination of a historical unity between the various areas of Jewish settlement in Palestine and (2) the construction of the Second Temple past through the current urban Roman provincial landscape.²⁸ I will argue that this passage recalls Jewish settlement in three areas, the historically (post-135 CE, the Jewish population was quite small) Jewish district of Judaea, the Darom (South), and Galilee. In its account of Judaea, this passage treats it as a legendary area characterized by massive Jewish settlement in the past. The Darom and Galilee are places that Jews lived in the time that this text was composed. J.B. Harley has argued that one of the main functions of maps is the construction of an idea of unity, arguing that maps aided the creation of national identity. This textual map of Second Temple Palestine presents an historical unity between the various regions of Jewish settlement in the past, presenting the (in fact divided) Jews of late antique Palestine as a unified group. In the passage's recollection of Galilee and the South, ER 2.2/Y. Taanit 4.6 anachronistically projects the major cities of these regions in the time when the rabbis composed this passage onto the Second Temple period. The passage claims that the villages of Kabul, Shikhin, and Magdala (which correspond to Ptolemais, Sephphoris, and Tiberias respectively) were the major villages of Second Temple Galilee, while in the south, all three villages that are recalled are near Beth Guvrin-Eleutheropolis, the main administrative center

²⁷ See the extensive discussion of the pitfalls of this approach in Peter Schäfer, *Der Bar Kokhba-Aufstand* (Tübingen: J.C.B. Mohr (Paul Siebeck), 1981).

²⁸ In general, the maps in rabbinic literature describe the land of Israel through Jewish ritual practices. M. Sheviit 6.1 is a typical example, which discusses the geographical regions in which the prohibition against the working the land during the sabbatical year must be carried out. As Yaakov Sussman has argued, this map is not a political map, but rather an ideological and halachic one. Sussman's view reflects a careful, skeptical treatment of these maps, which looks to them for ideology, rather than history or demography. See Yaakov Sussman, "A Halakhic Inscription from the Beth Shean Valley," *Tarbiz* 43 (1974): 88–158.

of southern Judaea. ER 2.2/Y. Taanit 4.6 selects villages based on their proximity to later Roman cities. Hence, even when the rabbis try to imagine a Second Temple Palestine before Roman rule, they are implicitly imagining the Roman Empire.

ER 53a/2.2	Y. Taanit 4.6
<p>שני ארזים היו בהר המשחה, ותחת אחד מהם היו ארבעים חנויות של מוכרי טהרות, ותחת השני היה מוציא מ' סאין של גוזלות בכל חדש וחדש, ומהן היו מביאין לכל ישראל לקינייהן עשרת אלפים עיירות היו בהר המלך, ולר' אלעזר בן חרסום היו אלף מהם, וכנגדן היו לו אלף ספינות בים טור שמעון הוה מפיק תלת מאון דגרבין דמרקע לקייטא כל ערובת שובא. ולמה חרב יש אומרים מפני הזנות ויש אומרים שהיו משחקין בכדור. עשרת אלפים עיירות היו בהר המלך ולר' אלעזר בן חרסום אלף מכולם וכנגדן אלף ספינות בים וכלהם חרבו. שלש עיירות היה קטמוס שלהן עולה לירושלם בעגלה. כבול ושיחין ומגדול צבעיאי. ושלשתן חרבו כבול מפני המחלוקת שיחין מפני כשפים ומגדל צבעיאי מפני הזנות.</p> <p>שלש עיירות היו בדרום, והיה כל אחד ואחד מוציאה כפלים כיוצאי מצרים, ואלו הן: כפר ביש, וכפר שחלים, ובית דכרין, ולמה קורין אותו כפר ביש, דהווי בישין לאכסנאין, למה קורין אותו כפר שחלים, שהיו מרבים בניהם כאילין [תחלטייא], ולמה קורין לו בית דכרין, דכל נשייא דתמן הווי ילדין דכרין, וכל חדא מנהון דהוות בעיא דתליד נקבה הוה נפקה לה לבר מן קרתא, ותמן ילדה נקבה, וכל איתתא אוחרנתא לבר מן תמן, דהות בעיא לתלידה דכר, הות עלת לתמן וילדה דכרן. וכדון אין תבעין יתהון קניין, לא נסבא להון. א"ר חנינא קפצה לה ארץ ישראל, א"ר יוחנן אימר היתה קטנה שבמשמרות והיתה מוציאה שמונים אלף פרחי כהונה. א"ר יוחנן מגבת ועד אנטיפרס ששים רבוא עיירות, ואין לך עיר קטן בהם יותר מבית שמש, וכתוב ויך באנשי בית שמש כי ראו בארון ה' ויך בעם שבעים [איש חמשים] אלף איש (שמואל א' ו יט)</p> <p>א"ר יוחנן שמונים חנויות של אורגי פלגס היו במגדל [צבעיאי. א"ר חייא בר בא שמונים חנויות של מוכרי טהרות היו בכפר אימרא. רבי זעירה בשם רבי חייא בר בא שמונים שידות של מתכת היו בשיחין אמר ר' ינאי שידה לא היתה בימינו. רבי זעירה בשם רב חונא אימר היא היתה קטנה שבמשמרות והיא היתה מוציאה שמונים וחמשה אלף פירחי כהונה</p>	<p>שני ארזים היו בהר המשחה בתחת אחד מהן היו מוכרין ארבע חנויות טה(ו)רות והאחד היו מוציאין ממנו ארבעים סאה גוזלות בכל חדש וחדש ומהן היו מספיקין קינים לכל ישראל</p> <p>טור שמעון הוה מפיק תלת מאון דגרבין דמרקע לקייטא כל ערובת שובא. ולמה חרב יש אומרים מפני הזנות ויש אומרים שהיו משחקין בכדור. עשרת אלפים עיירות היו בהר המלך ולר' אלעזר בן חרסום אלף מכולם וכנגדן אלף ספינות בים וכלהם חרבו. שלש עיירות היה קטמוס שלהן עולה לירושלם בעגלה. כבול ושיחין ומגדול צבעיאי. ושלשתן חרבו כבול מפני המחלוקת שיחין מפני כשפים ומגדל צבעיאי מפני הזנות.</p> <p>שלשה כפרים כל אחד ואחד היה מוציא כפליים כיוצאי מצרים כפר ביש וכפר שיחלייא וכפר דיכרייא. ולמה הוא קרי לון כפר ביש דלא הוון מקבלין לעבורא ולמה הוא קרי לון כפר שיחלייא דהוון מרביין ביניהון כאילין תחלוסייא ולמה הוא קרי לון כפר דיכריא דהוון כל נשיהון ילדין דיכרין. אי לא הוות חדא מינהון נפקא מן תמן לא הוות ילדה נוקבה.</p> <p>א"ר יוחנן שמונים זוגים אחים כהנים נישאו לשמונים זוגות אחיות כהנות בלילה אחד בהדא גופנא חוץ מאחים בלא אחיות מאחיות בלא אחים חוץ מלויים חוץ מישראל.</p> <p>אמר ר' יוחנן שמונים חנויות של אורגי פלגס היו במגדל צבעיאי אמר רבי חייא בר בא שמונים חנויות של מוכרי טהרות היו בכפר אימרא. רבי ירמיה בשם רבי חייא בר בא שמונים שידות של מתכת היו בשיחין אמר ר' ינאי שידה לא היתה בימינו. רבי זעירה בשם רב חונא אימר היא היתה קטנה שבמשמרות והיא היתה מוציאה שמונים וחמשה אלף פירחי כהונה</p>

There were two cedars on the Mount of Olives. Forty stores for the sellers of pure things were under the first cedar and under the second cedar, forty seahs of pigeons were brought out each and every month, and from these, they brought to all Israel their bird offerings. There were ten thousand villages on King's Mountain and Rabbi Eleazar ben Harsom owned a thousand of them, and he had a thousand ships on the sea, one for each village. Mount Simon distributed three hundred kegs of cakes every Sabbath eve as gleanings. And why was it destroyed? If you say it was on account of prostitution, was there not one prostitute there, and they expelled her? And why was it destroyed? Rabbi Huna said, "Since they played with a ball on Shabbat."

There were three towns of the mishmarot [in Galilee], Kabul, Shikhin and Magdala. And the three of them were destroyed, Kabul on account of dissension, Shikhin on account of sorcery, and Magdala on account of prostitution.

There were three towns in the south, and each one was inhabited by double the number of those who went out from Egypt [600,000]. These are the towns: Kefar Bish, Kefar Shakhlim, and Bet Dikhrin. And why did they call the town Kefar Bish? Since they were evil to strangers. And why did they call the town Kefar Shakhlim, since they raised their children like watercress. And why was it called Bet Dikhrin? Since every woman that was there bore sons. Every woman who wanted to bear a daughter would go outside the town, and there she would bear a daughter. And every woman who was not from there, who wanted to bear a son, she went there and bore a son. But now, if you were to search them [all these villages] for reeds, you would not find them. Rabbi Hanina said, "The land of Israel has contracted [since the destruction]. Rabbi Yohanan said, "Imar was the smallest of the watches and it had eighty thousand young priests."

Rabbi Yohanan said, "From Gvat to Antipatris, there were sixty thousand villages, and there was (lit. there is not to you) no

There were two cedars on the Mount of Olives. Four stores for the sellers of pure things were under the first cedar and under the second cedar, forty seahs of pigeons were brought out each and every month, and these were sufficient for the bird offerings of all Israel. Mount Simon distributed three hundred kegs of thin cakes to the poor as gleanings every Sabbath eve. And why was it destroyed? There are those who say it was on account of prostitution and there are those who say they played with a ball. There were ten thousand villages on King's Mountain and Rabbi Eleazar ben Harsom owned a thousand of them, and he had a thousand ships on the sea, one for each village, and all of them were destroyed.

There were three towns [in Galilee] whose census scrolls went up to Jerusalem in a wagon [because they were so heavy], Kabul, Shikhin and Magdala of the Weavers. And the three of them were destroyed, Kabul on account of dissension, Shikhin on account of sorcery, and Magdala of the Weavers on account of prostitution.

There were three towns and each one was inhabited by double the number of those who went out from Egypt [600,000], and these are the towns: Kefar Bish, Kefar Shikhaliya, and Kefar Dikhariya. And why did they call the town Kefar Bish? Since they were not receiving travellers. And why did they call the town Kefar Shihalyya (Seelim), since they raised their children like watercress. And why was it called Kefar Dikharya? Since all their women bore sons. If one of the women [of this town] did not go out from there, she would not bear a daughter.

Rabbi Yohanan said, "Eighty pairs of brothers who were priests married eighty pairs of sisters who were priests on the same night in Gophna, apart from the brothers without sisters, and the sisters without brothers, and the Levites, and the Israelites." Rabbi Yohanan said, "There were eighty stores of curtain weavers in Magdala of the Dyers." Rabbi Hiyya bar Ba said, "There were eighty stores of sellers of pure things in Kefar Imra." Rabbi Jeremiah in

<p>smaller city in them than Beth Shemesh. For it is written, “[God] struck the men of Beth Shemesh, for they looked in to the ark of God, and God struck down among the people seventy men and fifty thousand men”(1 Samuel 6:19). Rabbi Yohanan said, “There were eighty stores of curtain weavers in Magdala of the Dyers.” Rabbi Hiyya bar Ba, “There were eighty stores of sellers of pure things in Kefar Imra.” Rabbi Zeira in the name of Rav Huna said, “Immer was the smallest of the priestly watches had eighty five thousand young priests.” Rabbi Yohanan said, “Eighty pairs of brothers who were priests married eighty pairs of sisters who were priests on the same night in Gophna, apart from the brothers without sisters, and the sisters without brothers, and the Levites, and the Israelites.</p>	<p>the name of Rabbi Hiyya bar Ba said, “There were eighty metal chests in Shikhin.” Rabbi Yanni said, “No such chest existed in my day.” Rabbi Zeira in the name of Rav Huna said, “Immer was the smallest of the priestly watches, and it had eighty five thousand young priests.”</p>
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Though this passage may contain earlier sources, I will treat it on a redactional level, since I am concerned with how the different elements of this text create a cohesive message about Second Temple Palestine. First, the various statements in this passage display a certain thematic coherence, as each statement describes the greatness of a destroyed village of the Second Temple period. Second, Peter Schäfer noted that the statements in this passage are connected by a series of numeric and thematic associative relationships.²⁹ Schäfer argues that the two brothers of Kfar Haruba recall the two trees of the Mountain of Olives, the Mountain of Olives recalls King’s Mountain and Mount Shimon, and the ten thousand villages of King’s Mountain lead to the recollection of the three villages of Galilee. The number eighty is also repeated here multiple times: the eighty sellers of pure things, the eighty priestly pairs, the eighty thousand young priests, and the eighty *shiddot*. Schäfer’s explanation makes sense of the seemingly random connections between these villages, particularly

²⁹ Ibid., 162.

towards the end of the passage. For these various reasons, I argue that we can treat this passage as a cohesive unit.

This set of stories appears in Y. Taanit 4.6 because the corresponding chapter of the Mishnah commemorates the fall of Betar, the stronghold of the Bar Kochba revolt in rabbinic literature.³⁰ ER 2.2 introduces these stories, following the verse from Lamentations, “The Lord has swallowed up unsparingly all the habitations of Jacob,” describing the destruction of these “habitations” in detail. In both ER 2.2 and in Y. Taanit 4.6, this passage is preceded by a series of stories that concern the Bar Kochba revolt.³¹ Both texts describe the destruction of Betar and narrate the story of two brothers in Kfar Haruba who went out to fight Hadrian, and were killed because they rejected the help of God (this almost directly parallels the earlier narrative of the death of Bar Kokhba). This passage on the destruction of the villages of the land of Israel appears in a long narrative of the Jewish revolts and their consequences.

The Temple in the periphery

I argue that this passage primarily concerns the Second Temple past, in contrast to other scholarship on this topic. Due to its connection to this Bar Kokhba narrative, this passage has often been read as reflecting the Bar Kokhba rebellion of 132-135 CE, and especially as evidence of Galilean participation in the rebellion.³² However, such an interpretation appears unlikely, as there is limited evidence for Galilean participation in the Bar Kokhba revolt, whereas the sites mentioned in

³⁰M. Taanit 4.6 חמשה דברים אירעו את אבותינו בשבעה עשר בתמוז וחמשה בתשעה באב בשבעה עשר בתמוז נשתברו הלוחות ובטל התמיד והובקעה העיר ושרף אפוסטמוס את התורה והעמיד צלם בהיכל בתשעה באב נגזר על אבותינו שלא יכנסו לארץ וחרב הבית בראשונה ובשניה ונלכדה ביתר ונחרשה העיר משנכנס אב ממעטין בשמחה.

³¹ On the development of this narrative, and the movement of rabbinic memory of the Temple into the periphery, see Paul Mandel, “The Loss of Center: Changing Attitudes towards the Temple in Aggadic Literature,” *The Harvard Theological Review* 99, no. 1 (2006): 17–35.

³² Menahem Mor, *The Second Jewish Revolt* (Leiden: Brill, 2016). Though note the destruction of the Galilean site Khirbet Wadi Hammam, which was excavated by Uzi Leibner. See Uzi Leibner, “Excavations at Khirbet Wadi Hamam,” *Journal of Roman Archaeology* 23 (2010): 221–37.

Galilee (Asochis-Shikhin, Kabul, and Magdala-Taricheae) were all active in the first Jewish War on the side of Josephus.

In its broader aggadic context, ER 2.2/Y. Taanit 4.6 is a narrative of the greatness of the Second Temple past, this passage documents the greatness of the villages of the Second Temple period. This passage uses objects and groups associated with the Jerusalem Temple, such as pure food, sacrifices, Temple curtains, and priests, to present these sites as great. At the same time, these various Temple focused objects signify the piety of these villages. These concerns also demonstrate that this passage concerns the Second Temple period, not some other period of time.

The passage begins outside of Jerusalem, identifying the Mountain of Olives (הר המושחה) as connected to the Temple and its sacrifices. The two cedars of the Mountain each contain stores that support different aspects of the Temple: one sells food in a state of cultic purity, while the other raises pigeons for bird sacrifices.³³ The word טהרות, in this context, primarily signifies non-consecrated food prepared or consumed in a state of cultic purity. The consumption of non-consecrated food in a state of cultic purity was a means of exhibiting one's piety (and it recalls the priesthood of the Temple, who did have to consume their tithes in a state of cultic (i.e., levitical) purity).³⁴ This issue, particularly focused on the exact significance of consumption of non-

³³ T. Menahot 9.13 mentions that bird sacrifices are raised on King's Mountain. Schäfer argues that originally the tradition related to the Mount of Olives was connected to King's Mountain, a claim that is supported by B. Berakhot 44a, which discusses King's Mountain in the same terms as this Mountain of Olives passage, see Schäfer, *Der Bar Kokhba-Aufstand*, 182.

³⁴ See T. Demai 2.2, which connects it to one's status as a haver, one who is scrupulous in matters of ritual purity. The scholarship on this issue is vast (and controversial). On Biblical purity and its transformation in the Mishnah, see Leviticus 11-15/Numbers 19 and the discussion in Mira Balberg, *Purity, Body, and Self in Early Rabbinic Literature* (Berkeley; Los Angeles; London: University of California Press, 2014), 17–47. On the association with the priesthood and the Temple, see Gedaliah Alon, "The Bounds of the Laws of Levitical Cleanness," in *Jews, Judaism, and the Classical World*, ed. Israel Abrahams (Jerusalem: Magnes Press, 1977), 190–234. This argument is expanded on in E.P. Sanders, *Jewish Law from Jesus to the Mishnah* (London: SCM Press, 1990). See also the arguments against Sanders and Alon (the minimalist view of purity) by John C Poirier, "Purity beyond the Temple in the Second Temple Era," *Journal of Biblical Literature* 122, no. 2 (2003): 247–65. The point that is being made by Poirier is that the practices of purity were widely practiced outside of the Temple (however, such practices might still recall the Temple). Poirier's observation is entirely correct, and is based on the increasing archaeological evidence of purity practices (stone vessels and *miqvaot*), although one should be wary of treating every material find as evidence of purity. Stone vessels in the district of Judaea can be convincingly

consecrated food in a state of cultic purity is the subject of much scholarly controversy, but for my purposes, it is clearly a symbol of Jewish piety, which may have been associated with the Temple, as most people who consumed pure foods were likely to have been priests (at least in the Second Temple period). Another way to understand the deployment of purity here is as a symbol of the past, as rabbinic literature often treats concerns for purity as a distinguishing feature of the Second Temple period.³⁵ ER 2.2/Y. Taanit 4.6 describes the Mountain of Olives through its connection to offerings in the Temple and the observance of purity laws.

ER 2.2/Y. Taanit 4.6 then turns to King's Mountain. One measure of King's Mountain's size is the thousand villages and ships of Rabbi Eleazar ben Harsom.³⁶ According to rabbinic

connected to changing technologies; their existence in Galilee could a souvenir of a trip to Jerusalem (or even imports). On stone vessels, see Yitzhak Magen, *The Stone Vessel Industry in the Second Temple Period* (Jerusalem: Israel Exploration Society, 2002). Similarly, miqvaot exist, but there is a tendency to treat even cisterns as miqvaot, on miqvaot, see Amit and Adler, "The Observance of Ritual Purity after 70 C.E.,"; Hanan Eshel, "A Note On 'miqvaot' at Sepphoris," in *Archaeology and the Galilee; Texts and Contexts in the Graeco-Roman and Byzantine Periods*, ed. Douglas R. Edwards and C. Thomas McCollough (Atlanta: Scholars, 1997), 131–33; Stuart Miller, "Stepped Pools and the Non-Existent Monolithic 'Miqveh,'" in *The Archaeology of Difference: Gender, Ethnicity, Class, and the "Other" in Antiquity*, ed. Douglas Edwards and C. Thomas McCollough (Boston: American Schools of Oriental Research, 2007), 215–34. Poirier's article is a good example of this expansive reading of miqvaot, as he states that almost all Diaspora synagogues have water facilities or are near the sea/river, for the purpose of purification (something that we have no evidence for!). He is not wrong that this is often the case, but this should not be treated as self-evidently about purification.

³⁵ Note Tosefta Shabbat 1.14, Y. Yoma 1.1. Although Adler argues that T. Shabbat 1.14 refers to the early tannaitic era, the archaeological evidence that he collects actually makes a stronger case for the pre-70 era, suggesting that purity was understood as typical of pre-70 Jerusalem, see Yonatan Adler, "Tosefta Shabbat 1:14--'Come and See the Extent to Which Purity Had Spread,'" in *Talmuda de-Eretz Israel*, ed. Steven Fine and Aaron Koller (Berlin; Boston: De Gruyter, 2014), 63–82. The birds mentioned in this passage would have been used for sin offerings in the Temple. Bird sacrifices have a different significance. The Torah assigns bird sacrifices for a variety of purposes, including: a woman who gave birth, but cannot afford a lamb, a person purified from a skin disease, a man or woman rendered impure because of a genital discharge, a defiled nazirite, and someone who took an oath hastily, but cannot afford a lamb sacrifice, see Dalia Marx, *Tractates Tamid, Middot, and Qinnim* (Tubingen: Mohr Siebeck, 2013), 167. Marx also notes that many columbaria have been found around Jerusalem. See also E.P. Sanders, *Judaism: Practice and Belief, 63 BCE-66 CE* (Philadelphia: Trinity Press International, 1992), 108–9.

³⁶ And thus, cannot be used to reconstruct the history of the Second Temple period, as is done by David Fiensy, *Christian Origins and the Ancient Economy* (Eugene: Cascade Books, 2014), 107–8. Fiensy's broader point is that Eleazar ben Harsom is one piece of evidence that can support his thesis that there were large estates in first century Galilee, however, he does not deal with the fact that Eleazar ben Harsom is a fictitious character, and he assumes that the one thousand villages include the next part of the passage (specifically the villages of Shikhin, Kabul, and Magdala), which is a misreading of the text. Fiensy's claim is that local grandees often owned villages in the Second Temple period, and I cannot evaluate that claim here, but Eleazar ben Harsom is not evidence for it. This discussion of Eleazar ben Harsom's ships has been understood, rather fancifully, as referring to a sort of Jewish navy in the Bar Kochba revolt, as there are some trophies for maritime victories that were awarded to Roman soldiers: see Shimon Applebaum, *Prolegomena to the Study of the Second Jewish Revolt* (Oxford: British Archaeological Reports, 1976), 24.

sources, Eleazar was a high priest, although Second Temple sources do not confirm this claim.³⁷

Rabbinic literature identifies him as an immensely wealthy figure, whose mother made him a tunic worth twenty thousand *manehs* for his service in the Temple.³⁸ Another baraita in the Bavli presents him as one of the few good high priests of the Second Temple period, who served longer than the rest of the high priests because of his virtue. This baraita recalls him alongside the legendary (in rabbinic eyes) high priests Shimon the Righteous, Yohanan the High Priest, and Ishmael ben Phiabi.

³⁹ Eleazar ben Harsom was fabulously wealthy, but he was also a high priest.

From Judaea, the text moves to Galilee and the villages of Kabul, Shikhin, and Magdala. As Eichah Rabbah 2.2 notes, these were villages of the mishmarot, or the twenty four priestly courses (clans).⁴⁰ The mishmarot are first mentioned in 1 Chronicles, which describes their weekly service in the Temple.⁴¹ Evidence for the continuation of the mishmarot into the Second Temple period exists, as some individuals priests are identified with a specific mishmar.⁴² Drawing on piyyut from the Byzantine period, which identified the twenty four mishmarot with particular villages and cities in Galilee, Shmuel Klein argued that the mishmarot left Judaea after the destruction and moved to

³⁷ On Second Temple high priests, see VanderKam, *From Joshua to Caiaphas: High Priests after the Exile*.

³⁸ T. Yoma 1.21-22, “מעשה בר' אלעזר בן חרסום שעשתה לו אמו כתנת משתי רבוא והיה עומד ומקריב על גבי המזבה והורידוהו אחיו” Y. Yoma 3.6, B. Yoma 35b. This story describes his sheer clothing, which made him appear to be naked—and he was thus hindered from performing his priestly duties. On this clothing, see Lehman, “Dressing and Undressing the High Priest: A View of Talmudic Mothers.”

³⁹ See the extensive discussion of the rabbinic memory of high priests in Chapter 2, focused on M. Parah 3.5. This text comes from B. Yoma 9a, שעמד ארבע, ששמש יוחנן כהן גדול, עשר ששמש ישמעאל בן מאות ועשר שנים ולא שמשו בו אלא שמונה עשר כהנים גדולים, ושנות רשעים תקצרנה, יראת ה' תוסיף ימים - זה מקדש ראשון, שעמד ארבע מאות ועשרים שנה, פאבי, ואמרי לה אחת עשרה שמש רבי אלעזר בן חרסום - מכאן ואילך צא וחשוב: כל אחד ואחד לא הוציא שנתו.

⁴⁰ Found in about half of the ER manuscripts and in the Yerushalmi, see Dalia Trifon, “Did the Priestly Courses (Mishmarot) Transfer from Judaea to Galilee after the Bar Kokhba Revolt?” *Tarbiz* 59, no. 1 (1980): 82.. This identification is corroborated by the discovered priestly course inscriptions.

⁴¹ See 1 Chronicles 24.7-18, which is where the courses are first mentioned. See the discussion of the courses in Josephus, *Contra Apionem*, 2.108. See also Tuvia Kahane, “The Priestly Courses and Their Geographic Settlements,” *Tarbiz* 48 (1979): 9–29.

⁴² See Matthew Grey, “Jewish Priests and the Social History of Post-70 Palestine” (University of North Carolina, 2011), 324. Thus, 2 Maccabees 3.4 identifies Simon with the course of Balgea, 1 Maccabees 2.1 claims that the Hasmoneans were from the mishmar of Jehoiarib, and Luke 1.5, 8-9, claims that Zacharias, the father of John the Baptist, came from the mishmar of Abia. Obviously, these genealogies could be literary fictions. Note also Josephus’ discussion of the current existence of four mishmarot in *Contra Apionem* 2.108.

Galilee (much like the legendary movement of the Sanhedrin).⁴³ This list of mishmarot was also discovered in synagogue mosaics in Caesarea, Yemen, Ashkelon, Rehov, Nazareth, and Kissufim (in the Negev).⁴⁴ Dahlia Trifon and Uzi Leibner have argued that the movement of these priestly courses to Galilee was an invented tradition, rather than an historical migration (in a response, Zeev Safrai claimed that it was an actual migration to Galilee).⁴⁵ Elchanan Reiner thinks that the mishmarot were a local Galilean tradition, which was developed by local Galilean priestly families (although not all of these sites were settled by Jews).⁴⁶ More convincingly, Oded Irshai suggests that the mishmarot are a means of validating the worship that goes on in the synagogue, arguing that it is somehow equivalent to the Temple service.⁴⁷

ER 2.2/Y. Taanit 4.6 can contribute to this discussion about the mishmarot's function as a form of historical memory. Rather than reflecting any of the previous interpretations, this passage states that these three villages of the mishmarot were destroyed during the Jewish War (because of their sins), suggesting that they were already settled in Galilee. This reading of the passage undermines attempts to isolate a movement from Judaea to Galilee, and supports the scholars that

⁴³ See Shmuel Klein, *Galilee* (Jerusalem: Mossad HaRav Kook, 1967). On the mishmarot in the piyyut, see Ezra Fleischer, "On the Mishmarot in the Piyyut," *Sinai* 62 (1968): 13–40, 142–62.

⁴⁴ This literature and evidence is surveyed in Grey, "Jewish Priests and the Social History of Post-70 Palestine," 317–28.

⁴⁵ Trifon, "Did the Priestly Courses (Mishmarot) Transfer from Judaea to Galilee after the Bar Kokhba Revolt?"; Kahane, "The Priestly Courses and Their Geographic Settlements"; Leibner, *Settlement and History in Hellenistic, Roman, and Byzantine Galilee*; Zeev Safrai, "Did the Priestly Courses Transfer from Judaea to Galilee after the Bar Kokhba Revolt?," *Tarbiz* 62 (1993): 287–92. Trifon connects the association of the mishmarot with Galilean villages to the appearance of priests from Babylonia in Galilee in the third century CE, who invented a tradition of movement to Galilee from Judaea (a view that is also speculative). In a similarly speculative vein, Leibner argues that the recollection of the mishmarot is a sort of utopianizing Galilean Jewish historical memory of the Hasmonean period, as each settlement on the list was founded in the Hasmonean period, see Leibner, *Settlement and History in Hellenistic, Roman, and Byzantine Galilee*, 415–18. In a similar vein, see Stuart Miller, *At the Intersection of Texts and Material Finds: Stepped Pools, Stone Vessels, and Ritual Purity among the Jews of Galilee* (Gottingen: Vandenhoeck & Ruprecht, 2015), 251–79. Matthew Grey sees the development of the mishmarot as a later third-fourth century development of priestly circles, who were looking for legitimization (and perhaps in competition with rabbinic circles), see Grey, "Jewish Priests and the Social History of Post-70 Palestine," 327.

⁴⁶ See the brief discussion in Elchanan Reiner, "From Joshua to Jesus," in *Sharing the Sacred: Religious Conflicts and Contacts in the Holy Land*, ed. Aryeh Kofsky and Guy Stroumsa (Jerusalem: Yad Izhak Ben-Zvi, 1998), 242–45.

⁴⁷ Oded Irshai, "The Priesthood in Jewish Society of Late Antiquity," in *Continuity and Renewal*, ed. Lee Levine (Jerusalem: Yad Izhak Ben-Zvi, 2004), 67–105. This claim, I think, makes sense of the inscriptions and the piyyut, though I wonder, why Galilean villages and cities? Why not just list the mishmarot?

claim that the identification of the 24 mishmarot with Galilean villages was a complex, much later process. My refinement vis-à-vis the scholarship discussed above, is that the identification of the mishmarot with Galilean sites probably cannot be tied to one specific historical or ideological moment, and that we cannot assign one single meaning to the mishmarot, as we lack sufficient evidence to treat it as a single phenomenon. This argument is supported by the significance of the mishmarot in ER 2.2/Y. Taanit 4.6. In both the description of the Galilean villages and in the statement of Rabbi Yohanan/Rabbi Zeira, which claims that Immer, the smallest of the mishmarot was 80,000 young priests (literally פרחי כהונה), the description of the mishmarot is a means of asserting the great population size of the Jews in Second Temple Palestine.⁴⁸ The evidence for the size of these Galilean villages is a wagon to Jerusalem in Y. Taanit 4.6 (קטמוס is the word). This wagon, according to the text, seems to be filled with tributes/census scrolls (read as both census and *tomos*). Schäfer, following Buchler, argues that the wagon contained tributes for the Temple.⁴⁹ Klein has argued that this wagon contained the lists of voluntary donations made to the Temple (reading the term as τῶμος), and that the lists of pledged donations of the village were so extensive that they needed their own wagon.⁵⁰ Regardless of what is specifically intended in the passage (and the word is difficult to parse), the point is that the population and wealth of these villages was such that they sent their own wagon up to Jerusalem. This text presents the mishmarot as a specific feature associated with Jerusalem and the Temple, presenting their massive size and tributes paid to Jerusalem as a broader reflection of the prosperity of the Jews in the Second Temple period. Here, the mishmarot function as a symbolic representation of the great population size of the Jews in the Second Temple period, suggesting that we see evocations of the mishmarot as highly dependent on

⁴⁸ The text is a bit confused here, and it includes the following two statements: א"ר חייא בר בא שמונים חנויות של מוכרי טהרות היו בכפר אימרא. רבי זעירה בשם רב הונא אימר היא היתה קטנה שבמשמרות והיא היתה מוציאה שמונים וחמשה אלף פרחי כהונה: א"ר יוחנן אימר היתה קטנה שבמשמרות והיתה מוציאה שמונים אלף פרחי כהונה:

⁴⁹ Schäfer, *Der Bar Kokhba-Aufstand*, 187.

⁵⁰ Klein, *Galilee*, 51–52.

the agendas of the particular sources in which they are transmitted. At the same time, this use of the mishmarot also places this passage securely in an imagined Second Temple period.

ER 2.2/Y. Taanit 4.6 also identifies the Galilean towns of Shikhin, Magdala of the Dyers and Kefar Imra (Nimra) through the existence of *shiddot*, curtain weavers, and merchants of pure things, respectively.⁵¹ I will briefly describe each of these, then look at its significance. Shikhin and Magdala have been discussed above, but Kefar Imra is a village (called Kefar Nimrin) to the west of the Sea of Galilee, slightly north of the road between Sepphoris and Tiberias.⁵² Magdala of the Weavers' פלגס is often associated with special priestly clothing. However, Schäfer suggests that we read פלגס as פלנס, which comes from the Latin word *paenula* (Greek *φαινόληξ*), meaning travel cloak, and thus, he connects it to pilgrimage to Jerusalem.⁵³ This interpretation seems a bit forced, as it is unclear what exactly this cloak would signify and why it would imply pilgrimage. B. Ketubot 106a uses the same verb, אורגי, but instead of פלגס, it has curtains, פרוכות.⁵⁴ Klein has argued, based on this parallel, that the correct interpretation of פלגס here is curtains (פרכות), particularly for the Temple.⁵⁵ The mention of these weavers of curtains in this passage uses a Temple object to present the size and significance of Magdala of the Weavers.

⁵¹ ER 2.2. א"ר יוחנן שמונים חנויות של אורגי פלגס היו במגדל צבעי. א"ר חייא בר בא שמונים חנויות של מוכרי טהרות היו בכפר אימרא. Y. Taanit 4.6. אמר ר' יוחנן שמונים חנויות של אורגי פלגס היו במגדל צבעי. אמר רבי חייא בר בא שמונים חנויות של מוכרי טהרות היו בכפר אימרא. In B. Gittin 57b, רבי ירמיה בשם רבי חייא בר בא שמונים שידות של מתכת היו בשיחין אמר ר' ינאי שידה לא היתה בימינו שדה, שדה, demon.

⁵² Schäfer, *Der Bar Kokhba-Aufstand*, 188. See also Gottfried Reeg, *Die Ortsnamen Israels Nach Der Rabbinischen Literatur* (Wiesbaden: Dr. Ludwig Reichert Verlag, 1989), 353–54. Leibner rejects this identification, as Nimra is a scribal error, and hence Imra has nothing to do with Nimrin, see Leibner, *Settlement and History in Hellenistic, Roman, and Byzantine Galilee*, 278. This seems arbitrary.

⁵³ Schäfer, *Der Bar Kokhba-Aufstand*, 189. Further, Sperber equates *paenula* with פלניס in Y. Hagigah 1.7, but does not discuss פלגס, which suggests that these are probably not the same word, see Daniel Sperber, *Material Culture in Eretz-Israel during the Talmudic Period* (Jerusalem: Yad Izhak Ben-Zvi, 1993), 132–40.

⁵⁴ A similar usage is found in Y. Shekalim 5.1 (אלעזר על הפרוכת: שהיה ממונה על אורגי פרוכות), which comments on a figure in M. Shekalim 5.1 who is charge of the curtains. Similarly, see B. Shabbat 74b and 96b, which uses the ארג for curtains (אורגי יריעות). On the significance of the Temple curtains, see Gurtner, *The Torn Veil*.

⁵⁵ “אמר רב נחמן אמר רבי: נשים האורגות בפרכות, נוטלות שכרן מתרומת הלשכה.” See Klein, *Galilee*, 52.

Kefar Imra is notable for its merchants of pure things. Merchants of pure things sell food in a state of cultic purity, and were mentioned above regarding the Mountain of Olives. Schäfer connects the selling of this food to Temple pilgrimage, allowing pilgrims to purify themselves on their journey to the Temple.⁵⁶ Klein thinks that these pure foods were sold to priests and those who ate *bullin* on account of the purity of the Temple.⁵⁷ As before, the consumption of such food recalls the Temple and the purity laws of the priests, and its existence in Kefar Imra is a means of showing off the size and significance of the site, drawing on a form of piety that typified the past. The *shiddot* in Shikhin are less clear in their significance. In the Mishnah, the *shiddab* is a chest, which is on legs and has a handle.⁵⁸ Based on its context, the *shiddab* (a chest) debatably has some connection to the Temple. Büchler suggests that they were a means to transfer taxes to the Temple.⁵⁹ However, this use for the *shiddab* is never attested in rabbinic literature; Büchler seems to imagine this function from the context of Y. Taanit 4.6. It does not seem to have any real connection to the Temple, although its context would suggest some sort of Temple/priestly connection.

Shmuel Klein interprets these different passages as homilies, suggesting that the intent of listing all these villages is to show that even these pious villages (such that they consumed food in a state of purity) were destroyed on account of their sins.⁶⁰ While this line of argument is convincing, my interest is mainly in the role that the Temple plays in these various passages. I argue that the priesthood, and various Temple-focused merchandise are again a means of signifying the piety and

⁵⁶ Schäfer, *Der Bar Kokhba-Aufstand*, 188.

⁵⁷ Klein, *Galilee*, 52. Such a practice is an important aspect of the Haverim, whose meals are described in Mishnah Demai 2.2-3, Tosefta Demai 2.2-14.

⁵⁸ See Karen Kirshenbaum, *Furniture of the Home in the Mishnah* (Ramat Gan: Bar Ilan University, 2013), 267–68. See M. Kelim 12.2 and 18.1. M. Kelim 18.1 states that the *shidab* has legs and a handle (לזבזין), which Kirshenbaum, following Krauss, interprets as λαβίς (handle).

⁵⁹ See Adolf Büchler, “Die Schauplätze Des Bar-Kochbakraieges Und Die Auf Diesen Bezogenen Jüdischen Nachrichten,” *The Jewish Quarterly Review* 16, no. 1 (1903): 193. Schäfer thinks it might be a play on the word שיחין, see Schäfer, *Der Bar Kokhba-Aufstand*. In B. Gittin 68a, this word is understood as demon (another meaning of שידה, even in Palestinian amoraic literature, thus, see Vayikra Rabbah 5.1/Bereshit Rabbah 36.9.

⁶⁰ Klein, *Galilee*, 52.

significance of the villages of Second Temple Palestine. This passage understands the time that the Temple stood as a symbol of Jewish greatness, and transfers aspects of the Temple out into these different villages. This set of features in these villages reflects the broader Second Temple past setting in which this passage takes place. Having argued that this passage reflects the Second Temple period, I now turn to a brief analysis of the late antique province of Palestine, and then look at how this passage use the structure of the province of Palestine to make its argument about the Second Temple period.

The late antique province of Palaestina

In the reign of Diocletian, the province of Palestine was reorganized.⁶¹ Diocletian created a *dux Palaestinae*, who was placed in charge of the military affairs of the province. He seems to have added part of *Provincia Arabia* to Palestine, mainly the Negev and the Nabatean cities of Aila and Petra.⁶² Traditionally, it has been argued that in 358 CE (on the basis of Libanius' Letter 337), southern Palestine was split off and became *Palaestina Salutaris*, with a capital at Elusa (and later, Petra).⁶³ However, Philip Mayerson has shown that the evidence of these letters cannot support the claims that have been made on their basis.⁶⁴ According to Walter Ward, the earliest conclusive evidence for *Palaestina Salutaris* is Jerome, who mentions this province in 390.⁶⁵ By approximately 400 CE, northern Palestine had been split into two provinces, *Palaestina Prima* and *Palaestina*

⁶¹ Yoram Tsafrir, Leah DiSegni, and Judith Green, *Tabula Imperii Romani: Iudaea Palaestina* (Jerusalem: The Israel Academy of Sciences and Humanities, 1994), 16.

⁶² Günter Stemberger, *Jews and Christians in the Holy Land* (Edinburgh: T&T Clark, 2000), 7.

⁶³ Michael Avi-Yonah, *The Holy Land: From the Persian Conquest to the Arab Conquest* (Grand Rapids, MI: Baker Book House, 1966), 120–21. Gutwein argues that *Palaestina Salutaris* had been established by the time of the Council of Nicaea, see Kenneth Gutwein, *Third Palestine* (Washington, DC: University Press of America, 1981), 7.

⁶⁴ Philip Mayerson, "Libanius and the Administration of Palestine," *Zeitschrift Für Papyrologie Und Epigraphik* 69 (1987): 251–60.

⁶⁵ Walter David Ward, "From *Provincia Arabia* to *Palaestina Tertia*" (University of California, Berkeley, 2008), 89–90. See Jerome, *Quaestiones in Genesis* 21.30 "Sed in Geraris: ubi et Bersabee usque hodie oppidum est. quae provincia ante non grande tempus ex divisione praesidium *Palaestinae salutaris* est dicta." *Palaestina Salutaris* is also mentioned in the *Notitia Dignatum*.

Secunda.⁶⁶ Prima included Judaea, Samaria, Perea, and the coast, and was governed from Caesarea; Secunda included the Jezreel valley, some cities of the Decapolis, lower Galilee, and the Golan Heights and was governed from Beth Shean-Scythopolis.⁶⁷ Over the course of the fifth century, Palaestina Salutaris became Tertia, following the naming practices of the other two Palestines.

These divisions were primarily motivated by administrative policies, which created provinces that were easier to govern. However, a byproduct of this administrative division was the splitting of the major Jewish areas of settlement, which we can know something about based on the location of synagogues (helpfully summarized in the map in *Tabula Imperii Romani*).⁶⁸ Palaestina Secunda included the largest areas of Jewish settlement, Galilee and Golan. Palaestina Prima included the second major area of Jewish settlement, the southern edges of Judaea and the Shepelah (Idumea, in the Second Temple period). Based on the distribution of synagogue remains, Palaestina Tertia seems not to have had many Jewish inhabitants.⁶⁹ Hence, by 400 CE, the Jews of Palestine lived in two separate provinces. It seems unlikely that this separation of Jews was the intentional policy of the Roman state. However, as Clifford Ando notes in an early imperial context, "...the imposition of the province as a regional structure between city and empire fractured prior conceptions of the geographic distribution of peoples."⁷⁰ Although Palestine had never been a wholly Jewish province, the different Jewish areas of Palestine had been in the same province. As I will argue, ER 2.2/Y. Taanit 4.6 presents Galilee and the Darom as a historical unity, despite their existence in different provinces. ER 2.2/Y. Taanit 4.6 presented an alternative rabbinic geography of Palestine, yet in

⁶⁶ The terminus ante quem for the split into Three Palestines is 409 CE, as CTh. 7.4.30 names all three, "...per primam, secundam ac tertiam palaestinam..."

⁶⁷ Tsafir, DiSegni, and Green, *Tabula Imperii Romani: Iudaea Palaestina*, 16–17.

⁶⁸ Tsafir, DiSegni, and Green, *Tabula Imperii Romani: Iudaea Palaestina*.

⁶⁹ Ibid.

⁷⁰ Clifford Ando, "Imperial Identities," in *Local Knowledge and Microidentities in the Imperial Greek World*, ed. Tim Whitmarsh (Oxford: Oxford University Press, 2010), 34.

doing so, it projects the current Roman provincial landscape onto this map of Second Temple Palestine.

Provincializing the Second Temple Period: ER 2.2/Y. Taanit 4.6 between history and memory

This section considers the villages and regions that are remembered in ER 2.2/Y. Taanit 4.6. My discussion of these sites looks first at the evidence for them in the Second Temple period. Then, I look at the evidence for these sites in rabbinic literature, archaeology, and other sources to understand the nature of these sites when ER 2.2/Y. Taanit 4.6 was composed. My readings focus on the interactions between the historicity of these sites and the rabbinic commemoration of them.

I begin with sites in the historical district of Judaea. This passage treats the district of Judaea as one of the largest areas of Jewish settlement in the Second Temple period, but was now wholly destroyed and abandoned. Judaea is presented in exaggerated terms, recalling it as characterized by a massive Jewish population. ER 2.2/Y. Taanit 4.6 first mention King's Mountain, a site with 10,000 villages on it. The exact location of King's Mountain is unknown, but the most convincing arguments place it in the northern hills of Judaea.⁷¹ Beginning with the Yerushalmi, the rabbis seem to suggest that it was no longer predominantly settled by Jews. Y. Demai 5.9 records that because Jews no longer lived there, the inhabitants [presumably] asked to annul the collection of tithes from this region.⁷² Hayim Lapin argues that this reflects a rabbinic understanding of the territory as

⁷¹ Shmuel Klein, *Sefer Ha-Yishuv* (Jerusalem: Dvir Co, 1939), 39. Confirmed, to a certain degree, by the rather convincing arguments (in some respects) of Zeev Safrai, "Har haMelech Is Still a Puzzle," *Mekberi Yebuda viShomron* 19 (2010): 69–82; Michael Avi-Yonah, *The Holy Land: From the Persian to the Arab Conquest* (Grand Rapids, MI: Baker Books, 1976), 95. This district is mentioned in Josephus, BJ 3.54–55 and Pliny, NH v.70. Schäfer suggests that it was an old Hasmonean estate, see Schäfer, *Der Bar Kokhba-Aufstand*, 183. Yuval Shahar, on the basis of rabbinic literature, has argued that King's Mountain was located in western Samaria, although the basis for this argument is problematic, as Zeev Safrai has noted. See Yuval Shahar, "Har Hamelekh--A New Solution to an Old Puzzle," *Zion* 65 (2000): 275–306. See also the discussion in Rafael Yankelevitch, "Herodium: Har Ha-Melekh," *Cathedra* 20 (1981): 23–28.

⁷² "בימי רבי הושעיה ביקשו להימנות על הר המלך לפוטרו מן המעשרות"

primarily populated by non-Jews, a point that is supported by a story in the Yerushalmi.⁷³ Drawing on this and other sources on King's Mountain, Joshua Schwartz argues that Jewish settlement declined in this region during the third century CE.⁷⁴ Therefore, in treating King's Mountain as a historically Jewish district in the mountains of Judaea, with thousands of Jewish villages, ER 2.2/Y. Taanit 4.6 presents a highly exaggerated, ideological imagination of the past. These villages were destroyed, and although in the past Jews had inhabited this district, rabbinic literature understands this area as no longer settled by Jews, reflecting the general rabbinic sense of Jewish absence from the district of Judaea.

Mount Shimon also exemplifies the great size of Jewish settlement in the district of Second Temple period Judaea. Boaz Zissu has argued that Mount Shimon is Horvat Tura (Khirbet Samuniya), a Hellenistic/early Roman hillfort in the western Judean hills.⁷⁵ Zissu suggests that the Arabic name preserves the original name of the site because of its use of the root שמעון. Zissu argues that this was a Hasmonean fort, which seems to have gone out of use in the early Roman period.⁷⁶ Based on Mount Shimon's contextual connection to King's Mountain, it makes sense to locate it, as Zissu does, in Judaea.⁷⁷ There is no way to know why Mount Shimon was recalled in rabbinic literature, as it only appears in ER 2.2/Y. Taanit 4.6 (and its Bavli parallel). Nevertheless, like King's

⁷³ Hayim Lapin, *Economy, Geography, and Provincial History* (Tubingen: Mohr Siebeck, 2001), 173. The story is from Y. Demai 6.1/Y. Avodah Zarah 1.9 *ל"ל הברין ואל תשכירם לגוי שאל לריב"ל ושרא ליה*. סבר ריב"ל מקום שאין ישראל מצויין כהדא סוריא (which is prohibited in the land of Israel), and Rabbi Joshua ben Levi permitted him to so, for he considered a place where no Jews lived to be like Syria (and thus, it was permissible there to lease fields to non-Jews)

⁷⁴ Joshua Schwartz, *Jewish Settlement in Judaea: From after the Bar Kochba Rebellion until the Arab Conquest* (Jerusalem: Magnes Press, 1986), 192–193. See also Y. Avodah Zarah 1.8, Y. Demai 5.9, Y. Avodah Zarah 5.3, Y. Shabbat 1.4, and Y. Avodah Zarah 2.6.

⁷⁵ Boaz Zissu, "The Hellenistic Fortress at Horvat Tura and the Identification of Tur Shimon," *Israel Exploration Journal* 58, no. 2 (2008): 171–94. Zissu thinks that the site was named after the third Hasmonean brother Simon, which would be very significant, as such instances of Hasmonean honorific naming are rare.

⁷⁶ On the basis of pottery finds, which are mostly Hellenistic and ER, as well as Byzantine.

⁷⁷ *Ibid.*, 187. Klein placed it near Betar (due to the evocation of this passage next to the notices of the Bar Kokhba revolt) and Avi-Yonah and Yeivin placed it in Samaria, at Turmus Ayya, because of its phonetic similarity to Tur Shimon, see Avi-Yonah, *The Holy Land: From the Persian Conquest to the Arab Conquest*. However, Zissu points out that Turmus Ayya seems to come from *thermae*, because there was a bath there. Further, the site is in a valley, not a mountain. Zissu's claim is clearly speculative, but far more convincing than previous identifications of Mount Shimon.

Mountain, Mount Shimon recalls the wealth of a site in the district of Judaea, and perhaps the connection here is that both sites are named mountains (טור and הר respectively), and thus were remembered together.

The distribution of the three hundred kegs of cakes to the poor on the Sabbath evening signifies the wealth of Mount Shimon.⁷⁸ These cakes function as a more prestigious type of food donation than is commonly distributed to the poor.⁷⁹ Thus, not only was Mount Shimon very wealthy, but it used its wealth in highly pious ways. This form of institutionalized pious charitable distribution seems to have taken place every week, and is juxtaposed against the cause of their destruction, ball playing on the Sabbath (by ER 2.2—this detail is absent from Y. Taanit 4.6). The text creates a parallel between the marker of their wealth and their sin, which both took place on the Sabbath.

Shaye Cohen has suggested that Mount Shimon's destruction because of ball playing is a fragment of a homily, presenting its destruction as a means of raising the stakes surrounding ball playing on the Sabbath during rabbinic times.⁸⁰ And indeed, T. Shabbat 10.10 uses the passage of a ball from a public to a private domain as one of its examples of Sabbath violation.⁸¹ Joshua Schwartz has argued that ball playing was an assimilationist activity, which the rabbis deemed inappropriate generally (and during a time of war in particular).⁸² Yet ball playing seems unlikely to be something

⁷⁸ טור שמעון הוה מפיק תלת מאה גרבין [דמרקועין] בכל ערובא לאילין קייטא, ולמה חרב, אי תימא משום זנות, והלא ריבה אחת (שפחה) היתה והוציאוה משם, ולמה חרב, אמר ר' הונא ע"י שהיו משחקין בכדור בשבת.

⁷⁹ Compare the loaf that is given to the poor man in M. Peah 8.7.

⁸⁰ Cohen, "The Destruction: From Scripture to Midrash," 26–27.

⁸¹ T. Shabbat 10.10.

⁸² See Joshua Schwartz, "Ball-Playing' in Jewish Society and in the Greco-Roman World," *Proceedings of the Eleventh World Congress of Jewish Studies* B, no. 1 (1993): 17–24. Schwartz's conclusion makes some essentialist claims about ball playing and culture, saying "During times of war or stress, it is not customary to engage in cultural and recreational activities popular among the enemy. One strengthens one's own cultural values...According to the Rabbis, the settlement was destroyed as punishment for the cultural, moral and religious assimilation of the inhabitants. They should have been strengthening their own culture and religion."

that the rabbis considered a marker of idolatrous, non-Jewish practice.⁸³ Further, Schwartz's claim contradicts the plain reading of the other evidence collected in his article, which presents ball playing as a normative practice in rabbinic law.⁸⁴

Finally, in a statement that only appears in ER 2.2, Rabbi Yohanan states that from Gvat to Antipatris, there were 60,000 towns, and not one of them was smaller than Beth Shemesh.⁸⁵ This passage also describes the historic district of Judaea, as Gvat to Antipatris is a traditional rabbinic means of marking the borders of Judaea. Antipatris (Aphek) is located on the northern border of Judaea, whereas Gvat is located on its southern border.⁸⁶ Rabbi Yohanan cites 1 Samuel 6.19, which describes how God smote seventy men and fifty thousand men (the passage repeats אִישׁ) at Beth Shemesh, as indicative of the minimum population size of these sixty thousand Judean villages.⁸⁷ As an estimate of the population of Judaea, this is obviously absurd.⁸⁸ This passage, like the other descriptions of sites from Judaea, understands Judaea to have had a massive Jewish population in the past, but no longer in the present.

This text then moves from Judaea to Galilee, listing the three villages of Kabul, Shikhin, and Magdala, which sent tribute to Jerusalem (in a wagon), and were destroyed for the sins of dissension, sorcery, and prostitution respectively.⁸⁹ Kabul⁹⁰ (כבול/χαβωλώ) is a village located near Ptolemais

⁸³ Personal Communication with Loren Spielman.

⁸⁴ Hence, Schwartz cites extensive sources on ball and ball playing, see e.g. M. Kelim 28.1, M. Mikvaot 10.2, Leviticus Rabbah 5.5, B. Sanhedrin 77b.

⁸⁵ א"ר יוחנן מגבת ועד אנטיפרס ששים רבוא עיירות, ואין לך עיר קטן בהם יותר מבית שמש, וכתוב ויך באנשי בית שמש כי ראו בארון ה' ויך בעם שבעים איש חמשים אלף איש (ש"א ו יט)

⁸⁶ Adolph Neubauer, *La Géographie Du Talmud* (Hildesheim: Georg Olms, 1967), 86; Moshe Kochavi, *Aphek--Antipatris: Five Thousand Years of History* (Tel Aviv: HaKibbutz Hameuchad Publishing House, 1989). See also Mishnah Gittin 7.7 on Antipatris.

⁸⁷ There is a certain irony in the citation of this verse, as the men of Beth Shemesh had honored God in a variety of ways, and are still struck down, because they saw the ark. Thus, it might perhaps express a sense that the destruction of Judaea was foreordained, but not deserved.

⁸⁸ I.e., approximately 3 billion people, something like 15 times more people than lived on earth around the year 500 CE.

⁸⁹ שלש עיירות היה קטמוס שלהן עולה לירושלם בעגלה. כבול ושיחין ומגדול צבעייה. ושלשתן חרבו כבול מפני המחלוקת שיחין מפני כשפים ומגדל צבעייה מפני הזנות.

⁹⁰ I use the rabbinic names for these sites to avoid confusion.

(Akko). According to Joshua's narrative of the division of the land among the tribes of Israel, Kabul was on the border between the tribe of Asher and Zebulun.⁹¹ 1 Kings 9.11-13 claims Solomon gave Hiram twenty villages in the land of Kabul for gold and cedars.⁹² Archaeologists have discovered a fortified citadel and village on the site. The biblical site was destroyed in the Assyrian conquest; settlement shifted 500 meters away from Horvat Rosh Zayit to Horvat Beza, the site of Kabul.

The village of Kabul was an important site during the Jewish War. Cestius Gallus destroyed it during his march to Jerusalem in 66 CE.⁹³ However it must have been rebuilt, for Josephus used it as his headquarters when he received the Jerusalemite embassy that sought to replace him.⁹⁴ According to rabbinic literature, the sons of Rabban Gamaliel visited Kabul for a variety of purposes.⁹⁵ One of these traditions states that in Kabul, Rabbi Hanina ben Gamaliel read the passage of Reuben (Genesis 35.22, concerning his sexual activity with Bilhah, his father's concubine) from the Torah scroll and ordered the *meturgeman* to not translate this passage.⁹⁶ Often, this is assumed to be evidence of a synagogue in Kabul, based on the context of Torah reading and the use of a *meturgeman*. However, the passage does not explicitly describe the existence of a synagogue, and its presence cannot be assumed. The infrequent rabbinic mentions of the site suggest that there was a Jewish presence in Kabul, at least in the tannaitic period. Archaeological excavations have been limited to the biblical site.

Kabul was the home of Rabbi Zakkai, a first generation Palestinian amora, who is thought to have lived in the early to mid-third century CE.⁹⁷ Kabul was also identified with the priestly mishmar

⁹¹Joshua 19.27.

⁹²1 Kings 9.13 See also AJ 8.142 and CA 1.110.

⁹³ BJ 2.503.

⁹⁴ Vita 213 describes his arrival in Kabul. See also Vita 227 and 234.

⁹⁵ T. Shabbat 7.17, T. Moed Katan 2.15, Y. Pesachim 4.1, B. Pesachim 51a, B. Megillah 25b.

⁹⁶ T. Megillah 4.35- מעשה ראובן נקרא ולא מיתרגם ומעשה בר' חנינה בן גמליאל שהיה קורא בכבול וילך ראובן וישכב את בלהה וגו' ויהיו בני יעקב שנים עשר ואמ' למתרגם אל תתרגם אלא אחרון

⁹⁷ Mentioned in Y. Megillah 4.1, PDRK 149 B, Kohelet Rabbah 2.2.

Shekhanyahu in the tradition of associating Galilean cities with priestly courses.⁹⁸ In the fourth century, Kabul was the site of an episcopal see, as evidenced by the presence of a Bishop of Chabulon (from Palestine) at the Council of Nicaea.⁹⁹ However, the identification of a bishop at the site does not necessarily mean that the site had become wholly Christian, and we do not know anything about Kabul or the religious identity of its inhabitants in the time that ER 2.2/Y. Taanit 4.6 was composed. ER 2.2/ Y. Taanit 4.6 might confirm the evidence of the records of the Council of Nicaea, remembering Kabul as a Jewish village that was destroyed, which might reflect the contemporary rabbinic experience of the site as no longer inhabited by Jews.

Shikhin (called Asochis by Josephus), is located about 2 km north of the city of Sepphoris.¹⁰⁰ The site is first mentioned in a discussion of Ptolemy Lathryos' campaigns in Galilee in 103 BCE. Josephus relates that Ptolemy captured the village on the Sabbath day, meaning that Jews inhabited the village.¹⁰¹ Shikhin was also a temporary headquarters of Josephus during his time in Galilee.¹⁰² It was probably conquered by the Romans, shortly after Sepphoris went over to the Romans in the spring of 67 CE, as it was essentially a suburb of Sepphoris, although Josephus does not narrate Shikhin's destruction or capture.¹⁰³

⁹⁸ This list of the Galilean home of the mishmarot, a list first attested in the mid third century/early fourth century, see discussion below and in Dalia Trifon, "Did the Priestly Courses (Mishmarot) transfer from Judaea to Galilee After the Bar Kokhba Revolt?" *Tarbiz* 59, no. 1 (1980): 77–93.

⁹⁹ Nom. Patri. Nicaen. 33. See discussion in Roderic Mullen, *The Expansion of Christianity* (Leiden: Brill, 2004), 31. Mullen notes that there are two potential options here, either the bishop of Kabul/Chabulon or the bishop of the traditional tribal area of Zebulun. As this region was primarily in lower Galilee, this area was probably still predominantly Jewish, and there are not really all that many major population centers in this area. I would argue, therefore, that this indicates Kabul.

¹⁰⁰ This identification is corroborated by T. Shabbat 13.9, which relates that there was a fire in the house of Joseph ben Simai, and soldiers from the castra of Sepphoris came down to Shikhin to put out the fire. See also Y. Shabbat 16.7, Y. Yoma 8.5, Y. Nedarim 4.9, B. Shabbat 121a. This text is discussed extensively in Miller, *Studies in the History and Traditions of Sepphoris*.

¹⁰¹ BJ 1.86, AJ 13.337.

¹⁰² Vita 207, 233, 384.

¹⁰³ BJ 3.30-34. The process of Sepphoris' alliance with the Romans and the garrisoning of the city is complex, and this is not the place to provide a detailed discussion of the chronology of these events, but see Vita 373-388, 394-397, Schumer, "The Population of Sepphoris in the Roman period"; Stuart Miller, "Josephus on the Cities of Galilee: Factions, Rivalries, And Alliances in the First Jewish Revolt," *Historia: Zeitschrift Für Alte Geschichte* 50, no. 4 (2001): 453–67.

The village was probably no more than 2.3 hectares with a maximum population of 1000.¹⁰⁴ The excavators have found artifacts that are often associated with Jewish settlement, including stone vessels, *mikvaot*, and the absence of pig bones.¹⁰⁵ Shikhin, both after 70 and before, was a center of pottery production, particularly of the so called Shikhin storage jar.¹⁰⁶ The excavator, James Riley Strange, claims that there was a synagogue in Shikhin in the second century CE, which reused fragments of an earlier villa or public building.¹⁰⁷ Rabbinic literature mentions the site of Shikhin in numerous brief anecdotes.¹⁰⁸ According to the mishmarot tradition, Shikhin was the home of the priestly course Yeshebab. Strange claims that the village was destroyed by the earthquake of 363 CE.¹⁰⁹

Hence, when ER 2.2/Y. Taanit 4.6 was composed, Shikhin was probably no longer inhabited. In this text, the city of Shikhin is said to have been destroyed because of sorcery. Strange suggests that this might refer to a Christian presence there, although there is no evidence to support this claim.¹¹⁰ ER 2.2/Y. Taanit 4.6 presents Shikhin as a prosperous site in the Second Temple period, a claim that is roughly accurate. The rabbis could perhaps have seen evidence in their own literature of Shikhin's pottery production (Strange suggests that the wagon mentioned in ER 2.2/Y. Taanit 4.6 is a

¹⁰⁴James Riley Strange, "Kefar Shikhin," in *Galilee in the Late Second Temple and Mishnaic Period*, ed. David Fiensy and James Riley Strange (Minneapolis: Fortress Press, 2015), 95.

¹⁰⁵ Ibid., 91. It seems likely that most of these remains are pre-70 (as is the case at Sepphoris), however, only further excavations will clarify the exact dating of these remains. On these markers of Jewish identity (primarily treated in the context of the excavations at Sepphoris), see Leonard Victor Rutgers, "Incense Shovels at Sepphoris?," in *Galilee through the Centuries; Confluence of Cultures*, ed. Eric Meyers (Winona Lake, IN: Eisenbrauns, 1999), 177–98; Stuart Miller, *At the Intersection of Texts and Material Finds: Stepped Pools, Stone Vessels, and Ritual Purity among the Jews of Galilee* (Gottingen: Vandenhoeck & Ruprecht, 2015); David Amit and Yonatan Adler, "The Observance of Ritual Purity after 70 C.E.," in *Follow the Wise: Studies in Jewish History and Culture in Honor of Lee I. Levine.*, ed. Zeev Weiss et. al. (Winona Lake, IN: Eisenbrauns, 2010), 121–43. Note also the synthesis on these objects in the archaeology of Sepphoris in Schwartz, *Imperialism and Jewish Society*.

¹⁰⁶ Strange, "Kefar Shikhin," 100; David Adan-Bayewitz, *Common Pottery in Roman Galilee* (Ramat Gan: Bar Ilan University, 1993), 38. This jar is mentioned in as a unit of measurement in T. Terumot 7.14, which Adan-Bayewitz uses to argue for the ubiquity of such storage jars. This pottery is also mentioned in T. Baba Mezia 6.3 and B. Shabbat 120b.

¹⁰⁷ Strange, "Kefar Shikhin," 103–5.

¹⁰⁸ See for instance the discussion of a cave whose mortar was made with human bones in T. Niddah 8.6 or the discussion of mustard grown there in Sifre Devarim 317/Y. Peah 7.4.

¹⁰⁹ Ibid., 103.

¹¹⁰ Ibid., 90. He cites B. Sanhedrin 43a-b for the rabbinic accusation that Jesus was a sorcerer.

misremembering of Shikihin's pottery trade).¹¹¹ Further, as ER 2.2/Y. Taanit 4.6 may have been composed in Sepphoris, the ruins of Shikhin were probably still visible to the rabbis who formulated these traditions. In the time that these traditions were composed, Shikhin's ruins might have symbolized the greatness of the remembered Second Temple period, so this might be the underlying historical reality of this rabbinic memory.

I now turn to the final and most prominent village of these three: Magdala¹¹² (ER 2.2)/Magdala of the Weavers (Y. Taanit 4.6). Magdala is also known in Greek and Latin as Taricheae (meaning salted fish),¹¹³ and also referenced in rabbinic literature as מגדל נוניא (Migdal of the fish). These different names may refer to different quarters of the village (and thus, ER 2.2 and Y. Taanit 4.6 discuss the same village). The identification of Magdala with Taricheae was first made by Adolph Neubauer, and despite the recent challenge by Nikos Kokkinos, continues to be convincing.¹¹⁴ The site is approximately 5.5 km north of Tiberias.¹¹⁵ The village seems to have been founded in the Hasmonean period (although we do not know this for certain).¹¹⁶ It was the capital of the toparchy of eastern Galilee.¹¹⁷ Cassius sacked Magdala, following the disastrous defeat of Crassus at Carrhae in 53 BCE.¹¹⁸ Herod Antipas' foundation of Tiberias in 19 CE probably negatively influenced the fortunes of Magdala, as it challenged Magdala's economic dominance of the region and its role as local capital. In the first century CE, Magdala was in the area where the Jesus movement was active;

¹¹¹ Ibid.

¹¹² From מגדל, meaning tower.

¹¹³ Stefano De Luca and Anna Lena, "Magdala/Taricheae," in *Galilee in the Late Second Temple and Mishnaic Period*, ed. David Fiensy and James Riley Strange (Minneapolis: Fortress Press, 2015), 283.

¹¹⁴ Neubauer, *La Géographie Du Talmud*; William Albright, "The Location of Taricheae," *Annual of the American School of Oriental Research in Jerusalem* 2 (1921): 29–46; Nikos Kokkinos, "The Location of Tarichaea: North or South of Tiberias?" *Palestine Exploration Quarterly* 142, no. 1 (2010): 7–23, as well as the detailed rebuttal in De Luca and Lena, "Magdala/Taricheae," 291–99.

¹¹⁵ Vita 157 records that Magdala is 30 stadia away from Tiberias.

¹¹⁶ Ibid., 281.

¹¹⁷ Richard Bauckham and Stefano De Luca, "Magdala As We Now Know It," *Early Christianity* 6, no. 1 (2015): 95.

¹¹⁸ BJ 1.180/AJ 14.120. Note also the letter from Cassius to Cicero, Ad Familiares 12.11, which is sent from in castris Taricheis in 43 BCE, suggesting that the Roman camp in the area persisted long after Cassius' initial governorship of Syria in 53–51 BCE.

it was probably the home of Mary Magdalene.¹¹⁹ Magdala (or some of its inhabitants) seem to have been important supports of Josephus during the Jewish War, providing Josephus with some of his most loyal supporters.¹²⁰ It also served as his headquarters at times.¹²¹ The village was captured in September of 67 CE, and according to Josephus' account, its native inhabitants were spared while the Jewish refugees from the Decapolis/Trachonitis/Gaulanitis, who Josephus identifies as the primary rebel group in the village, were either killed or sold into slavery.¹²² The excavators have found a destruction layer in the village, primarily in the northern area of the village.¹²³

According to the excavators, Magdala is approximately ten hectares in area.¹²⁴ If this claim can be verified, this would make it one of the largest villages (slightly smaller than Sepphoris) in early Roman Galilee.¹²⁵ Its first century remains consist of extensive industrial installations in the northern region, presumably connected to the salting of fish.¹²⁶ According to the excavators, first century CE Magdala had a synagogue, which was probably still being refurbished in 67 CE when the revolt broke out.¹²⁷ Early Roman Magdala also had a bath house (extremely rare in first century Jewish contexts), a quadriporticus, and a harbor, all of which were renovated during the middle and late Roman periods.¹²⁸ The northern part of Magdala seems to have slowly been abandoned over the course of the first/second century CE, which De Luca and Lena attribute to the lasting damage of the Jewish War,

¹¹⁹ See Mathew 15.39, which describes Jesus' arrival in the region of Magdala. Mark 8.10 states that this region is Dalmanoutha, although commentators and readers think that this is Magdala. Mary Magdalene is referred to in Luke 8.2, Matthew 27.56, 61, 28.1, Mark 15.40, 47, 16.1, 9, Luke 24.10, John 19.25, 20.1, 18.

¹²⁰ BJ 2.573 reports that Josephus fortified the town. An incident in Taricheae is narrated in BJ 2.596, 599, 602, 606. The people of Taricheae supported Josephus in his capture of Tiberias (if we are to believe the account of the War), see BJ 5.635, 641. They side with Josephus against Tiberias in Vita 96.

¹²¹ See Vita 404, 406.

¹²² BJ 3.532. The conquest is mentioned briefly in Suetonius, Titus, 4.

¹²³ De Luca and Lena, "Magdala/Taricheae," 313.

¹²⁴ *Ibid.*, 299.

¹²⁵ See Nathan Schumer, "The Population of Sepphoris in the Roman Period."

¹²⁶ *Ibid.*, 309.

¹²⁷ *Ibid.*, 312–15.

¹²⁸ *Ibid.*, 323–26.

while the southern part persisted down to the fourth century CE.¹²⁹ There are some anecdotes about Magdala in rabbinic literature. Pesikhta DeRav Kahana 11.16 mentions that when Shimon bar Yohai traveled through Magdala after purifying Tiberias, he passed in front of its synagogue, although a parallel tradition in Y. Sheviit 9.1 does not mention a synagogue.¹³⁰ Further, in Y. Megillah 3.1, the people of Magdala ask Resh Lakish if the stones of a dilapidated synagogue may be moved from one town to another, which many scholars understand as indicating that such a synagogue existed in Magdala.¹³¹ Two Palestinian amoraim are identified with Magdala, R. Yitzhak of Magdala (2nd generation Palestinian amora) and R. Yudan of Magdala (fourth generation Palestinian amora). Magdala appears as Migdal Nunya in the mishmarot inscription, and is identified as the home of the priestly mishmar Yehezkel.

Magdala went into decline the late Roman period, and was almost totally abandoned after the earthquake of 363 CE.¹³² A fortified Byzantine monastery has been found in the southern part of the site, which probably commemorated Mary Magdalene. Many have connected the sin of prostitution in ER 2.2/Y. Taanit 4.6 to Magdala's role as the home of Mary Magdalene, although the exact significance of this identification is never really spelled out.¹³³ When ER 2.2/Y. Taanit 4.6 was composed, the site was probably no longer settled. As Magdala was rather close to the rabbinic center of Tiberias, its ruins would have been visible to the rabbis who composed these texts. Like Shikhin, it could have been a testament to the destroyed greatness of the Second Temple period.

¹²⁹ Ibid., 328. Contra Leibner, *Settlement and History in Hellenistic, Roman, and Byzantine Galilee*, 215.

¹³⁰ See the positivist discussion of these passages in Ibid., 229–31.

¹³¹ מוגדלאיי שאלון לרשב"ל מהו ליקח אבנים מעיר זו ולבנות בעיר אחרת אמר לון אסור הורי ר' אימי אפי' ממזרחה למערבה אסור מפני חורבן אותו המקום

¹³² De Luca and Lena, "Magdala/Taricheae," 290–91.

¹³³ See discussion in Leibner, *Settlement and History in Hellenistic, Roman, and Byzantine Galilee*, 232.

This list of villages has been explained in a variety of ways; as noted already, many have suggested that it reflects Galilean participation in the Bar Kokhba revolt.¹³⁴ Stefano De Luca has suggested that the list reflects the process of the Roman conquest of Galilee in 67 CE, moving from west to east.¹³⁵ In contrast, I argue that the inclusion of these three villages reflects their proximity to the major cities of Roman Galilee. That is, the remembered rabbinic Second Temple villages of Galilee are Kabul, Shikhin, and Magdala, which are near Akko-Ptolemais, Sepphoris, and Tiberias respectively.¹³⁶ These cities (Akko-Ptolemais, Sepphoris, and Tiberias) were the major urban and administrative centers of Galilee. Each of these villages was in (or in the case of Kabul, bordering¹³⁷) their respective territory. The rabbis projected the significance of these provincial cities onto the past, identifying Kabul, Shikhin, and Magdala as important sites in the Second Temple period based on the rabbinic experience of the Roman provincial urban landscape. This rabbinic map of the great Galilean villages of the Second Temple period reproduces the Roman provincial map. Yet there is an intriguing degree to which the rabbis were correct; as discussed above, these villages were indeed important sites in the Second Temple period. The composers of this text also seem to have been drawn to a set of villages that might not have been inhabited by Jews (Kabul) or that were abandoned (Shikhin and Magdala). Again, there is a complex interrelationship between rabbinic memory of the Second Temple period and the underlying historical realities of the past.

¹³⁴ See the refutations of this position in Schäfer, *Der Bar Kokhba-Aufstand*, 141.

¹³⁵ De Luca and Lena, “Magdala/Taricheae,” 297.

¹³⁶ It is important to point out that although Akko-Ptolemais was in the province of Syria for much of this period, it was an important port in and out of Palestine, and appears prominently in rabbinic literature, including M. Avodah Zarah 3.4, Genesis Rabbah 78.5, Y. Sheviit 6.1, T. Moed Qatan 2.15, and many, many, others. On Akko in rabbinic literature, see Reeg, *Die Ortsnamen Israels Nach Der Rabbinischen Literatur*, 489–91. It was close enough that rabbis visited it and it was probably understood by the composer of this text to be one of the local, influential provincial cities. On the city of Akko-Ptolemais’ history and its Jewish inhabitants, see Leo Kadman, *The Coins of Akko-Ptolemais* (Jerusalem: Schocken Publishing House, 1961).

¹³⁷ Kabul was on the border of the civic territory of Akko-Ptolemais, see BJ 2.503. On the civic territory of Akko-Ptolemais, see Shimon Applebaum, “The Roman Colony of Ptolemais-Akko and Its Territory,” in *Judaea in Hellenistic and Roman Times*, ed. Shimon Applebaum (Leiden: E.J. Brill, 1989), 70–96.

Turning to the rabbinic discussion of the Darom (south), ER 2.2/Y. Taanit 4.6 presents its population in a hyperbolic manner, claiming that each of three villages' population was double the number of those who had left Egypt (traditionally 600,000 people).¹³⁸ The region, known as the Darom in rabbinic literature and Eusebius' Onomasticon, included parts of Judaea and Idumea. Archaeological evidence for Jewish settlement in this region includes synagogues, as well as Jewish graveyards at Beth Guvrin-Eleutheropolis and Zoar.¹³⁹ Christian writers also attest to the Jewish presence in southern Palestine.¹⁴⁰

On the basis of rabbinic literature, Joshua Schwartz has argued that the Darom was an important rabbinic center.¹⁴¹ Schwartz points out that the term Darom is ambiguous in rabbinic literature; it signifies a) Judaea (presumably also Idumea at this point), b) the southern Mount Hebron region (which is referred to as Daroma by Eusebius in the Onomasticon, by this, Schwartz means the area around Beth Guvrin-Eleutheropolis¹⁴²), or c) the area around Lod (Lydda).¹⁴³ This terminological confusion between a) and c) is probably because Lod was the only rabbinic center in the Darom, as

¹³⁸ Y. Taanit 4.6: שלשה כפרים כל אחד ואחד היה מוציא כפליים כיוצאי מצרים כפר ביש וכפר שיחלייא וכפר דיכרייא. ולמה הוא קרי לון כפר ביש דלא הוון מקבלין לעבורא ולמה הוא קרי לון כפר שיחלייא דהוון מרביין ביניהון כאילין תחלוסייא ולמה הוא קרי לון כפר דיכרייא דהוון כל נשיהון ילדן דיכרין. אי לא הוון חדא מינהון נפקא מן תמן לא הוון ילדה נוקבה

שלש עיירות היו בדרום, והיה כל אחד ואחד מוציאה כפלים כיוצאי מצרים, ואלו הן: כפר ביש, וכפר שחלים, ובית דכרין, ולמה ER 2.2: קורין אותו כפר ביש, דהו בישין לאכסנאין, למה קורין אותו כפר שחלים, שהיו מרבים בניהם כאילין [תחלוסייא], ולמה קורין לו בית דכרין, דכל נשייא דתמן הו ילדין דכרין, וכל חדא מנהון דהוות בעיא דתליד נקבה הוה נפקה לה לבר מן קרתא, ותמן ילדה נקבה, וכל איתתא אוחרנתא לבר מן תמן, דהוות בעיא למילדה דכר, הוות עלת לתמן וילדה דכרן

¹³⁹ Steven Werlin, *Ancient Synagogues of Southern Palestine, 300-800 CE* (Leiden: Brill, 2015); Gideon Avni, Uzi Dahari, and Amos Kloner, *The Necropolis of Bet Guvrin-Eleutheropolis* (Jerusalem: Israel Antiquities Authority, 2008). On Zoar, see Yael Wilfand, "Aramaic Tombstones from Zoar and Jewish Conceptions of the Afterlife," *Journal for the Study of Judaism* 40, no. 4 (2009): 510–39.

¹⁴⁰ Eusebius, Onomasticon. See discussion of these sites in Schwartz, *Jewish Settlement in Judaea: From after the Bar Kochba Rebellion until the Arab Conquest*, 98–99. Vita Epiphanius 1.2 records that Epiphanius grew up in Besandouke, a village, outside of Beth Guvrin-Eleutheropolis and his teacher was a Jew named Tarfon. Eusebius, *Martyrs of Palestine*, 29, records that Diocaesarea was full of Jews, and the Roman governor Firmilianus came there to execute Christian martyrs, during the Diocletianic persecution. Most readers of this passage assume that Eusebius intended Lod-Diospolis, not Diocaesarea-Sepphoris. See Gedaliah Alon, *The Jews in Their Land in the Talmudic Age*, ed. Gershon Levi (Jerusalem: Magnes Press, 1980), 752. On Jerome and the Jews of the Darom, see Schwartz, *Jewish Settlement in Judaea: From after the Bar Kochba Rebellion until the Arab Conquest*, 195–200; Hillel Newman, "Jerome and the Jews" (Hebrew University of Jerusalem, 1997).

¹⁴¹ Schwartz, *Jewish Settlement in Judaea: From after the Bar Kochba Rebellion until the Arab Conquest*.

¹⁴² *Ibid.*, 98.

¹⁴³ Joshua Schwartz, "Southern Judaea and Babylonia," *The Jewish Quarterly Review* 72, no. 3 (1982): 189.

noted by Ben-Zion Rosenfeld.¹⁴⁴ However, as Rosenfeld's survey shows (somewhat unintentionally), the rabbinic presence in Lod is very ephemeral, and vanishes completely in the generation after the Bar Kokhba revolt and in the mid fourth century.¹⁴⁵ Drawing on Schwartz, I suggest that we understand the passage on the Darom in ER 2.2/Y. Taanit 4.6 as referring to the area around Beth Guvrin-Eleutheropolis (since all three of these cities are in that area) and there is no reference to Lod here (and the district of Judaea was discussed previously in the passage). The ephemerality of the rabbinic presence in the Darom probably explains the differences between this passage and the earlier discussion of Galilee, which merely describes cities in Galilee and identifies sins for them. This part of ER 2.2/Y. Taanit 4.6 refers to real places in the Darom, but uses their names to conjure imaginary sins/magical practices as a means of explaining their destruction, suggesting that the rabbis who composed this text had little specific knowledge of these three villages as actual places; their only knowledge of these villages came from their names.

The explanation of Kefar Bish's destruction puns on the Aramaic word כּיִשׁ, which means evil. Hence, the evil village was evil to guests or, in Y. Taanit 4.6, did not receive travelers. Kefar Bish is usually identified with Capharabis, a site mentioned by Josephus. The Roman legionary commander Sextus Cerealis captured Capharabis in 69 CE.¹⁴⁶ Capharabis has been connected to Kh. el Biss (as the name is identical), however, Zissu and Ganor connect the site to Horvat Burgin, about 2.5 km south of Kh. el Biss.¹⁴⁷ Their main argument for this identification is that Kh. el Biss is a mere 0.3 hectare,

¹⁴⁴ Ben-Zion Rosenfeld, *Torah Centers and Rabbinic Activity in Palestine, 70-400 CE* (Leiden: Brill, 2010).

¹⁴⁵ Ibid., 41–56. Rosenfeld's survey shows that the presence of a rabbi in a particular southern Palestinian village or city did not reflect the existence of a larger institutional framework, but just a solitary individual. Thus, for instance, R. Judaea b. Jacob of Beth Guvrin is attested once in T. Ahilot 18.16. These are the types of evidence that exist for rabbinic sites that are not Lod, suggesting that the rabbinic movement in the villages and cities of the Darom was fairly ephemeral.

¹⁴⁶ BJ 4.552-553, Josephus states that this site is in upper Idumea. He describes the walls of the village, saying πάνυ δ' ἦν ἰσχυρόν τὸ τεῖχος, καὶ τριψέσθαι προσδοκῶντι πλείω χρόνον αἰφνιδίως ἀνοίγουσιν οἱ ἔνδον τὰς πύλας καὶ μεθ' ἱκετηριῶν προελθόντες ἑαυτοὺς παρέδοσαν.

¹⁴⁷ On Kh. el Biss, see Tsafir, DiSegni, and Green, *Tabula Imperii Romani: Iudaea Palaestina*, 97.

and thus, was probably too small to be Kefar Bish/Capharabis, as Josephus states that the wall of this town was very strong, and such a small village would be unlikely to have had such fortifications. Further, they point out that the Arabic name of Horvat Burgin is Umm Burj, Arabic for “mother of fortresses”, which may reflect the site’s fortifications.¹⁴⁸ Horvat Burgin is about 7.5 km northeast of Beth Guvrin/Eleutheropolis and 17 km southwest of Hebron. Boaz Zissu and Amir Ganor have excavated the site, discovering that it was settled in the Hellenistic period.¹⁴⁹ Burial caves discovered at the site in the early Roman period suggest that its inhabitants were Jews.¹⁵⁰ The excavators assume that the site was destroyed in the Bar Kokhba revolt. They claim that the late Roman burial caves suggest that the inhabitants of the site were pagans, and on the basis of crosses in the Byzantine burial sites, assume that by the Byzantine period, there was a Christian settlement in Horvat Burgin. Later excavators have discovered two Byzantine churches at the site, although their discoveries have not been published yet.¹⁵¹ As was the case for the villages in Galilee, Kefar Bish was originally a Jewish village, but it had become Christian by the time that ER 2.2/Y. Taanit 4.6 was composed. This site clearly did not have 1.2 million inhabitants (it is about 3 hectares).¹⁵² Yet, for the rabbis, this site was emblematic of the historic Jewish population of the South; it is not entirely clear why they remembered this site in particular (as is generally true for all of these southern cities).

The village of Shakhalm/Shikhaliya¹⁵³ is presented here as a great city in which “they reared their children like watercress.”¹⁵⁴ This is also a pun on the name of the village שחלים, which means watercress (as does the Aramaic word תחלוסיא). In his translation of ER 2.2, Schäfer suggests that

¹⁴⁸ Boaz Zissu et al., “New Discoveries at Horvat Burgin in the Judean Shephelah: Tombs, Hiding Complexes, and Graffiti,” *Palestine Exploration Quarterly* 145, no. 1 (2013): 49–50.

¹⁴⁹ Zissu et al., “New Discoveries at Horvat Burgin in the Judean Shephelah: Tombs, Hiding Complexes, and Graffiti.”

¹⁵⁰ Evidence for the Jewish ethnicity of the inhabitants comes from the use of burial *kokhim*, *ossilegium* niches, and fragments of ossuaries, see *Ibid.*, 41.

¹⁵¹ *Ibid.*, 50.

¹⁵² *Ibid.*, 129.

¹⁵³ Σααλειμ, see Eusebius, *Onomasticon*, 160.9.

¹⁵⁴ Eusebius’s *Onomasticon* identifies Saalim with the village Saul passed through in 1 Samuel 9.4.

description signifies that they had many sons, as watercress grows very easily.¹⁵⁵ According to Immanuel Löw, watercress grew wild in ancient Palestine, which might support Schäfer's claim.¹⁵⁶ Y. Taanit 4.6 instead states that "they reared their children on watercress", connecting the food they fed their children to the name of the site.¹⁵⁷ Saalim is where the Jewish rebel army retreated, after their failed attack on Ashkelon in 66 CE; Josephus calls it a small town in Idumea.¹⁵⁸ This town is mentioned in Eusebius' Onomasticon, which states that Shakhlim/Saalim is about seven miles from Beth Guvrin-Eleutheropolis. The site is only known through literary sources; no archaeological site has been identified.

The final village is Bet Dikhrin/Kefar Dikhrin, which the passage interprets as meaning that only male children were born here. This plays off of the Aramaic word דכר, meaning male, so the site's name means village of men. The midrash also notes that if one wished to have a daughter, the inhabitants of the village would leave its boundaries. This village has been identified with two sites near Beth Guvrin-Eleutheropolis.¹⁵⁹ The first site is Tel Zakariya, which is about 12 km northeast of Beth Guvrin-Eleutheropolis and the second is Horvat Dikhrin, which is about 6 km northwest of Beth Guvrin-Eleutheropolis, near the main road between the city and Ashkelon.¹⁶⁰ The issue here is that זכר, as in Tel Zachariya (also known as Azekah), is the Hebrew form of the Aramaic word דכר, which also means male. Hence, both names are linguistically identical with the village from ER 2.2/Y.

¹⁵⁵ Schäfer, *Der Bar Kokhba-Aufstand*, 150.

¹⁵⁶ Immanuel Löw, *Die Flora Der Juden* (Vienna and Leipzig: R. Lowit Verlag, 1929), 506–10.

¹⁵⁷ Schäfer, *Der Bar Kokhba-Aufstand*, 141. On watercress, see Pliny, *Natural History*, 20.247, 22.84. B. Berachot 44a records this as the people of this town made their living on watercress.

¹⁵⁸ BJ 3.20. Niese's text has χαλλις, but the other manuscripts all have Σάλλις, supporting this identification with Shakhlim.

¹⁵⁹ Another possibility, though it seems unlikely, is Horvat Zikhrin, a site on the edge of the Samarian hills, overlooking the coast (5.5 km south of Antipatris and 13 km northwest of Lod). Unlike almost all the previous sites in ER 2.2/Y. Taanit 4.6, this Horvat Zikhrin was not occupied during the Second Temple period. However, the rabbis could have assumed that this Christian village had previously been a Jewish village. This site is also much further north than the rest of the sites in the south. On this site, see Itamar Taxel, "Identifying Social Hierarchy through House Planning in the Villages of Late Antique Palestine: The Case of Horvat Zikhrin," *Antiquite Tardive* 21 (2013): 149–66.

¹⁶⁰ See discussion in Yoram Tsafrir, "The Maps Used by Theodosius: On the Pilgrim Maps of the Holy Land and Jerusalem in the Sixth Century CE," *Dumbarton Oaks Papers* 40 (1986): 130–31.

Taanit 4.6. There is no real way to know which village is intended, but for my purposes, both of these sites are near Beth Guvrin-Eleutheropolis.¹⁶¹

ER 2.2 sums up the fates of these villages, saying that they were destroyed and that not even reeds could be found where they had once stood. The reed is part of the ark during the narrative of the flood in Genesis 6.14.¹⁶² Hence, the failure to find reeds here might symbolize the total destruction of these sites, connecting them to the flood narrative. Reed is also a common building material, and Yehuda Feliks suggests that cutting reeds was low paid work, drawing on B. Sanhedrin 33a's conception of "a cutter of reeds" as a person of low worth. The low pay for this act suggests that reeds occurred naturally, and it was one of the most basic forms of agricultural work.¹⁶³ Hence, the symbolic point of the discussion of reeds in this passage is to show that these sites were so wholly destroyed that not even reeds, perhaps one of the most basic indications of settlement and agriculture, could be found in these places.

Unlike the Galilean villages, the rabbis do not assign specific sins to the three villages of the Darom. Instead, the descriptions of the villages of the Darom derive from their names. Kefar Bish's hatred of strangers seems like a negative trait, while the distinguishing features of Kefar Shakhlim and Kefar Dikhrin seem more wondrous or positive, relating to the watercress and the fact that only sons were born in Kefar Dikhrin. This list is not even thematically coherent. This midrashic interpretation of their names further suggests, as mentioned already, that the rabbis who composed ER 2.2/Y. Taanit 4.6 knew very little about these sites.

¹⁶¹ See Tsafir, DiSegni, and Green, *Tabula Imperii Romani: Iudaea Palestina*, 99–100. See also Reeg, *Die Ortsnamen Israels Nach Der Rabbinischen Literatur*, 337–38. On Tel Zachariya, see Ephraim Stern, "Azekah," *The New Encyclopedia of Archaeological Excavations in the Holy Land* (The Israel Exploration Society & Carta, 1993), 123–124.

¹⁶² See Genesis 6.14. On reed in Genesis 6.14 and its use in Noah's ark, see John Day, "Rooms or Reeds in Noah's Ark?: קנין in Genesis 6.14," in *Visions of Life in Biblical Times*, ed. Claire Gottlieb, Chaim Cohen, and Mayer Gruber (Sheffield: Sheffield Phoenix Press, 2015), 47–57.

¹⁶³ Yehuda Feliks, "Reed," *Encyclopedia Judaica, Volume 17* (Macmillan Reference, 2007). See also the discussion of the symbolism of reed in Jenny Labendz, *Socratic Torah* (Oxford: Oxford University Press, 2013), 110–13.

Previous interpreters of this passage on the south have suggested that it recalls important centers in the Bar Kochba rebellion.¹⁶⁴ Again this all seems speculative. In contrast, I argue that the common thread that unites these villages is their proximity to Beth Guvrin-Eleutheropolis.¹⁶⁵ Indeed, these villages are all within 12 kilometers of Beth Guvrin-Eleutheropolis, the main administrative center of southern Palaestina Prima.¹⁶⁶ As A.H.M. Jones noted, Beth Guvrin-Eleutheropolis had a massive territory, stretching from central Judaea to the coast.¹⁶⁷ Hence, when the rabbis imagine the villages of the south in the Second Temple period, they recall a set of sites that surrounded the current administrative center; they project the present Roman provincial landscape back onto the Second Temple past. This text is nostalgic for the Second Temple period, but it is a displaced nostalgia, as the rabbis use their Roman urban context to describe Second Temple Palestine.

In focusing on Galilee and the Darom, ER 2.2/Y. Taanit 4.6's map of Second Temple Palestine recalls regions of Jewish settlement in the Second Temple period on the basis of where Jews lived in late antique Palestine. The rabbis also knew that the district of Judaea was once wholly Jewish. Indeed, as noted above, their recollection of Judaea treats presents as having had a massive population before its destruction by the Romans. Therefore, I argue that one function of this passage is to present these three different regions of historical settlement as unified. That is, the rabbinic discussion of the Jewish settlement in the Darom, Galilee, and Judaea imagines these lands as historically connected. This text's construction of Second Temple Palestine's various regions as historically unified presents Second Temple Palestine as typified by a form of Jewish solidarity, all of the different regions of Jewish settlement had the same experience of destruction by the Romans. This map of Second Temple Palestine provided an alternative rabbinic geography of the land, which insisted on its unity and

¹⁶⁴ Schäfer, *Der Bar Kokhba-Aufstand*, 187–88.

¹⁶⁵ Schwartz, *Jewish Settlement in Judaea: From after the Bar Kochba Rebellion until the Arab Conquest*, 92.

¹⁶⁶ Avni, Dahari, and Kloner, *The Necropolis of Bet Guvrin-Eleutheropolis*, 1.

¹⁶⁷ A.H.M. Jones, *The Cities of the Eastern Roman Provinces* (Oxford: Clarendon Press, 1937), 279.

connection. At the time that this text was composed, these separate areas of Jewish settlement would have been in separate provinces, whereas before, they had been in one province. ER 2.2/Y. Taanit 4.6 focuses on the regions that Jews currently lived in when the text was composed. Hence, the very imagination of Jewish historical unity in this passage is shaped by the Roman provincial order.

Convivial Meals in Second Temple Jerusalem

ER 4.2 describes the practices of Jerusalemite commensality. The description of these commensal practices differs dramatically from the earlier, more practical rabbinic discussions of dining, which detail exactly how a meal is to take place.¹⁶⁸ I account for this disjuncture by suggesting that the rabbis probably no longer practiced convivial dining when ER was composed, as the convivium moved from a widespread practice in the early Roman period to an almost solely elite practice in the fifth and sixth centuries CE.¹⁶⁹ Therefore, I argue that the Jerusalemite dining customs recounted in ER as a symbol of the great wealth and power of Jerusalem, for in the time when ER was composed, partaking in the convivium symbolized one's elite status. Moreover, ER projects the convivial meal onto the Second Temple period, using this Roman institution to signify and describe the greatness of Second Temple Jerusalem.

This passage responds to Lamentations 4:2, "The precious children of Zion":¹⁷⁰

דבר אחר מה היה יקרותרם, שלא היה אחד מהם הולך לסעודה עד שהיה יודע עם מי סעד, ולא חותרם עד

¹⁶⁸ On eating in tannaitic literature, see Rosenblum, *Food and Identity in Early Rabbinic Judaism*.

¹⁶⁹ Since this story is only in ER, it makes sense to speak of the fifth/sixth century CE context of this passage.

¹⁷⁰ This passage is paralleled in a fragment from Rabinovitz, *Ginze Midrash*. In what follows, I primarily follow this text and supplement it with the Buber edition.

Another interpretation: The precious children of Zion—how great was their worth? Not one Jerusalemite would go to a meal until he knew who would be dining with him... And no Jerusalemite sealed a document, until he knew the identity of those who were sealing the document with him, as it says, “You shall not join hands with the wicked” (Exodus 23:1). Another interpretation: The precious children of Zion—when a Jerusalemite was invited to a meal, he would turn his brooch/fibula to the left¹⁷¹, so that if another should come to invite him to a meal, that one would know that he had been invited to a meal and thus he would not cause that one to bear a gratuitous burden. Another interpretation: The precious children of Zion—what was their worth? No Jerusalemite would only go to a banquet when he was invited. Rabbi Shimon ben Gamaliel taught (in a tannaitic teaching): there was a great custom in Jerusalem, when one of them held a meal, they spread a towel over the door.¹⁷² When the towel was spread over the door, the guests entered, and when the towel was removed, they could only enter up to the third appetizers. They had another custom in Jerusalem. Each time that a Jerusalemite made a meal, he handed over the meal to the cook, so that if a part of the meal was ruined, they would punish the cook, and all was according to the honor of the host and of the guests. Another interpretation: The precious children of Zion—when a Jerusalemite prepared a banquet, he would surround all the delicacies of the banquet with bread¹⁷³ on account of the delicacy [of other Jerusalemites],¹⁷⁴ so that no Jerusalemite would eat something noxious to him.

ER 4.2 draws together and codifies earlier rabbinic traditions that describe the dining habits of Jerusalemites. In T. Berachot 4.8, Rabban Shimon ben Gamaliel recalls two of the dining practices of Jerusalemites: the tradition of the host spreading a napkin over the entrance and the handing over of responsibility for the meal to the cook. Similarly, Y. Demai 4.4 includes a baraita, which states that when the Jerusalemites had already received an invitation to a meal or were too busy to attend a meal, they moved their fibula from the left to the right.¹⁷⁵ This process continues in

¹⁷¹ Following the argument of Sperber, *Material Culture in Eretz-Israel during the Talmudic Period*, 128–29.

¹⁷² Buber has מפה

¹⁷³ Buber has מפה

¹⁷⁴ In the sense of eliteness or delicacy, often associated with particular people who refrained from certain customs or from fasting, see Y. Berachot 8.2, Y. Yoma 8.1.

¹⁷⁵ This passage is set in the broader context of the baraita, which states, “One should not urge his neighbor to be his guest (in the context of commensality), knowing that he will not accept. Nor should one make many gifts for someone, knowing that he will not accept them. What are gifts? He knows that he is bathing and he prepares a meal on his account. In Jerusalem, they moved their fibula from left to right.” The parallel in Y. Avodah Zarah 1.3 is almost identical.

the Bavli.¹⁷⁶ ER 4.2 draws on previous rabbinic traditions about Jerusalemite commensality and presents them in a much more extensive and detailed manner.

ER 4.2 draws an explicit connection between the worth (יקר) of Jerusalemites and their dining customs. יקר is perhaps better understood as honor, suggesting that this is the fundamental concern of this passage.¹⁷⁷ This discussion of Jerusalemite honor and dining practices is channeled through the Roman convivium. These convivia (or in Greek, symposia) were structured meals that were often described in Greek and Roman literature.¹⁷⁸ The symposium was originally a Greek institution that was adapted by the Romans. As ideal types, the Greek symposium assumed a certain equality between the diners, whereas the Roman convivium enforced hierarchy and displayed relationships of power and clientage.¹⁷⁹ I will primarily focus on the Roman convivium here.

Convivial meals occupied an important space between public and private life, as the meal codified one's public role in a private context.¹⁸⁰ Perhaps the most famous depiction of a *convivium* is the section of Petronius' *Satyricon* that depicts the dinner of Trimalchio in the *Satyricon*, in which a fabulously wealthy (and in the eyes of the narrator, boorish) freedman displays his riches to a captive audience. These dinners occurred in rooms called triclinia (lit. three couches), where participants reclined and were situated according to their status. Ancient literature on the symposium often

¹⁷⁶ Rabban Shimon ben Gamaliel states in B. Baba Batra 93b that Jerusalemites assigned the costs of shame (בושת) from a damaged banquet to the person whom the banquet was handed over to. B. Sanhedrin 23a refers to the Jerusalemite custom of knowing the identity of other guests at the symposium in its discussion of the practice of sealing documents.

¹⁷⁷ Jastrow, *Dictionary of the Targumim, Talmud Bavli, Talmud Yerushalmi and Midrashic Literature*, 593.

¹⁷⁸ Jason König, *Saints and Symposiasts: The Literature of Food and the Symposium in Greco-Roman and Early Christian Culture* (Cambridge: Cambridge University Press, 2012).

¹⁷⁹ John D'Arms, "Performing Culture: Roman Spectacle and the Banquets of the Powerful," in *The Art of Ancient Spectacle*, ed. Bettina Bergmann and Christine Kondoleon (Washington: National Gallery of Art, 1999), 301–20. See also the analysis of different types of meals in Matthias Klinghardt, "A Typology of the Communal Meal," in *Meals in the Early Christian World: Social Formation, Experimentation, and Conflict at the Table*, ed. Dennis Smith and Hal Taussig (New York: Palgrave MacMillan, 2012), 9–22. Generally, early Christian meals are thought to have emphasized the equality of the participants, yet this form of meal fellowship seems to have come to an end as the Church became a more institutionalized part of the social order, see Malmberg, "Visualizing Hierarchy at the Imperial Banquet," 16.

¹⁸⁰ See David Fredrick, "Grasping the Pangolin: Sensuous Ambiguity in Roman Dining," *Arethusa* 36, no. 3 (2003): 309–43.

presents the viewpoints of middling participants in the convivial meal, who display anxiety about its implicit relations of hierarchy, shame, and deference.¹⁸¹

Jews seem to have unproblematically adapted the practice of convivial meals.¹⁸² Ben Sira, Philo, and the rabbis presented the convivium as a normal part of Jewish life, perhaps self-consciously transforming it or adding Jewish content to the convivium.¹⁸³ In the Tosefta, the customs that governed the convivium are presented as rabbinic law.¹⁸⁴ Yet, since the Roman convivium embodied values of honor and shame, Seth Schwartz has argued that the rabbis of the Yerushalmi used stories of the convivium to critique and challenge these values of honor and deference.¹⁸⁵ Drawing on this thematic function of rabbinic convivial stories, I argue that ER 4.2's depiction of Jerusalemite commensality eliminates the attendant baggage of social hierarchy, shame, and embarrassment that was ubiquitous at the convivium.

It is instructive to compare ER 4.2's discussion of the convivium with the laws of dining in T. Berachot 5:5-10, so as to highlight ER's attempts to avoid issues of honor and shame, rather than structure the meal around them.

כיצד סדר הסב בזמן שהן שתי מטות גדול מסב בראשה של ראשונה שני לו למטה ממנו בזמן שהן שלש מטות גדול מסב בראשה של אמצעית שני לו למעלה ממנו שלישי לו למטה ממנו כך היו מסדירין והולכין סדר נטילת ידים כיצד עד חמשה מתחילין מן הגדול מחמשה ואילך מתחילין מן הקטן סדר מזיגת הכוס כיצד בתוך המזון מתחילין מן הגדול לאחר המזון מתחילין מן המברך רצה לחלוק כבוד לרבו או למי שגדול ממנו הרשות בידו שנים ממתנין זה לזה בקערה שלשה אין ממתנין המברך פושט ראשון רצה לחלוק כבוד לרבו או למי שגדול ממנו הרשות בידו. לא ישוך אדם מן הפרוסה ויחזירנה לקערה מפני סכנת נפשות. לא ישתה אדם מן הכוס ויתנגנו לחבירו לפי שאין דעת בריות שוות. אחד משמש את שנים אוכל עמהן שלשה אין אוכל עמהן אלא אם כן נתנו לו רשות.

¹⁸¹ See most notably Lucian, *De Mercede Conductis*, and Martial, *Epigrams*, 3.60.

¹⁸² Schwartz, "No Dialogue at the Symposium? Conviviality in Ben Sira and the Palestinian Talmud."

¹⁸³ Ibid., 208. Baruch Bokser, *The Origins of the Seder* (New York: Jewish Theological Seminary Press, 2002); Maren R Niehoff, "The Symposium of Philo's Therapeutae: Displaying Jewish Identity in an Increasingly Roman World," *Greek, Roman, and Byzantine Studies* 50 (2010): 95–116.

¹⁸⁴ T. Berachot 5.5-10. Note also Gil Klein, "Torah in Triclinia: The Rabbinic Banquet and the Significance of Architecture," *The Jewish Quarterly Review* 102, no. 3 (2012): 325–70.

¹⁸⁵ Schwartz, "No Dialogue at the Symposium? Conviviality in Ben Sira and the Palestinian Talmud."

What is the order of reclining? When there are two couches, the great man reclines at the head of the first, and the one who is second to him is below him. When there are three couches, the great one reclines at the head of the middle, and the second to him is above him, and the third [in honor] to him is below him. Thus, they would establish the order and carry it out. The order of handwashing, how so? If there are up to five guests, they begin from the greatest. From five and more, they begin from the least distinguished. The order of mixing the cup, how so? In the midst of the meal, they begin with the greatest, after the meal, they begin from the one that blessed. If he [the host] wishes to apportion honor to his teacher, or to one who is greater than him, he may do so. Two wait, one for the other, for the dish. Three do not wait. The one who blessed stretches out his hand first. If he wishes to apportion honor to his teacher, or to one who is greater than him, he may do so. A man should not bite the bread and return it to the dish because of endangerment of life. A man should not drink from the cup and give it to his fellow, since he does not have equal knowledge of his health. One who serves two eats with them. One who serves three, he does not eat with them unless they give him permission.

This passage is a set of rabbinic regulations for the conduct of a convivial meal.¹⁸⁶ These laws describe the proper conduct and the apportionment of honor at the meal. The Tosefta presents the meal as a set of practices focused on honor, which is to be distributed based on the initiative of the host. Indeed, the Tosefta presents a series of actual rules that can be followed; it would be difficult to imagine an actual meal that took place on the basis of ER 4.2. In contrast to ER 4.2, the Tosefta presents a highly realistic vision of the convivial meal in that it regulates concerns about honor and shame, but does not seek to remove them from the meal altogether. Therefore we must look to the late antique context of the *convivium* to understand the exact significance of ER 4.2.

The Late Antique Convivium

ER 4.2's description of the dining customs of Jerusalemites is best viewed as a reflection of the changing late antique culture around dining, particularly the retreat of the *convivium* to the highest echelons of Roman society.¹⁸⁷ Dining practices changed dramatically in late antiquity, as elite

¹⁸⁶ On meals in the early rabbinic movement, see Rosenblum, *Food and Identity in Early Rabbinic Judaism*.

¹⁸⁷ As noted by John D'Arms, the field of sympotic studies often assumes uniformity in dining practices in the classical world, not taking into account the changing significances and practices at the convivial meal, see John D'Arms, "The Culinary Reality of Roman Upper-Class Convivia: Integrating Texts and Images," *Comparative Studies in Society and History* 46, no. 3 (2004): 428–50.

dining moved from the triclinium to the stibadium.¹⁸⁸ The stibadium was a semicircular couch, on which all the participants sat at an equal level.¹⁸⁹ Its adoption as a dining room began in the third century CE, and had become the primary form of dining room by the fourth/fifth century CE.¹⁹⁰ The adoption of the stibadium was an attempt to play down the hierarchical nature of the convivium, featuring a semicircular couch that placed all guests on a nominally equal level. This transition reflected the increasingly elite rank of participants in the convivium in late antiquity, whereas before, the convivium had included different social strata as a means to enforce relationships of patronage.¹⁹¹ Since all the participants in the convivium were elites, the concern for hierarchy could be less overt. The predominance of stibadia is perhaps reflected in ER's silence concerning couches and reclining (in contrast to the Tosefta).¹⁹² However, stibadium dining soon developed its own rigid hierarchy of seating, based on proximity to the host.

Stibadia dining rooms are found in sixth century villas, suggesting that the institution persisted through the sixth century.¹⁹³ According to Jeremy Rossiter, the evidence for the convivium as a widespread practice ceases after the sixth century.¹⁹⁴ Joanita Vroom's survey of the archaeological evidence and artistic evidence shows that representations of the stibadium dining room continue into the early middle ages, while the archaeological evidence for stibadia ceased by

¹⁸⁸ From στῖβάς, meaning mattress or bed. In Latin, it meant a semicircular seat or couch.

¹⁸⁹ Katherine Dunbabin, "Triclinium and Stibadium," in *Dining in a Classical Context*, ed. William Slater (Ann Arbor: University of Michigan Press, 1991), 121–48.

¹⁹⁰ See Katherine Dunbabin, "Convivial Spaces," *Journal of Roman Archaeology* 9 (1996): 66–80. The spread of the stibadium is documented in Katherine Dunbabin, *The Roman Banquet: Images of Conviviality* (Cambridge: Cambridge University Press, 2003); Dunbabin, "Triclinium and Stibadium."

¹⁹¹ Malmberg, "Visualizing Hierarchy at the Imperial Banquet," 15; Nicholas Hudson, "The Archaeology of the Roman Convivium," *American Journal of Archaeology* 114, no. 4 (2010): 663–95.

¹⁹² See T. Berachot 5.5-10

¹⁹³ Jeremy Rossiter, "Convivium and Villa in Late Antiquity," in *Dining in a Classical Context*, ed. William Slater (Ann Arbor: University of Michigan Press, 1991), 208–9.

¹⁹⁴ Rossiter, "Convivium and Villa in Late Antiquity."

the sixth century.¹⁹⁵ Simon Malmberg claims that while the convivium may have ended in other places, it continued in the Byzantine court, arguing that it served as a means of codifying and displaying imperial power.¹⁹⁶ Hence, in the time of ER, convivial dining was primarily a highly elite practice and one that was growing increasingly rare, as demonstrated by its symbolic function at the Byzantine court.

Perhaps because of its elite function, the convivium is often found in hagiographies.¹⁹⁷ Often, as argued by Simon Malmberg, the convivium is a site where elites (or the emperor) invite the holy man or church officials to a convivial meal (attempting to situate him in their hierarchy of status), only to have the holy man's participation in the meal undermine and destroy this hierarchical display of elite superiority.¹⁹⁸ A good example comes from the life of St. Martin by Sulpicius Severus, a late fourth/early fifth century text, which is set in the fourth century. After many attempts, the usurping emperor Maximus convinces Martin to attend his convivium. Martin brings the local presbyter of his church with him, and places the presbyter between the brother and uncle of the emperor, situating the lowly presbyter in the seat of honor. Martin, on other hand, sits on a stool next to the emperor, symbolically refusing to participate in the hierarchy of the convivium. Through his placement of his presbyter, Martin argues for the equivalence (and even the superiority) of the church to the state, a claim that is made more explicit when the emperor offers him the patera (jug from which the wine is poured), as Martin was the most honored guest. Martin drinks his own cup of wine, then offers the patera to his lowly presbyter, symbolically elevating the Church over the

¹⁹⁵ Joanita Vroom, "The Archaeology of Late Antique Dining Habits in the Eastern Mediterranean," in *Objects in Context, Objects in Use: Material Spatiality in Late Antiquity*, ed. Luke Lavan, Ellen Swift, and Toon Putzeys (Leiden; Boston: Brill, 2007), 313–61.

¹⁹⁶ Malmberg, "Visualizing Hierarchy at the Imperial Banquet."

¹⁹⁷ S. Malmberg, "Dazzling Dining: Banquets as an Expression of Imperial Legitimacy," in *Eat, Drink, and Be Merry--Food and Wine in Byzantium*, ed. Leslie Brubaker and Kalliroe Linardou (Burlington, VT: Ashgate, 2007), 75-92.

¹⁹⁸ See discussion of these texts in *Ibid.*

state.¹⁹⁹ Martin asserts that his power comes from outside the normative elite hierarchy of the convivium.²⁰⁰ Indeed, this separation of Church and Emperor persisted in Byzantine imperial banquets, as the Patriarch did not recline, but sat beside the emperor, symbolically disembedding himself from the imperial hierarchy.²⁰¹ These stories and customs point to the continued importance of the banquet in the late antique cultural imaginary, particularly for elite assertions of power and ritualistic assertions of the power of the Church and holy men, which can inform the rabbinic recollection of the banquet in ER 4.2.

The Jerusalemite Convivium

While ER emphasizes the cultural importance of the convivium, it does not use the convivium to construct an alternative structure of power as the Life of Martin does. Rather, ER presents the Jerusalemite convivium as a symbol of remembered glory. ER retrojects the elite late antique convivium on to the *grande*s of Jerusalem, but unlike late antique elites, Jerusalemites

¹⁹⁹ See Sulpicius Severus, *Vita Martini*, 20. (1) Atque ut minora tantis inseram - quamvis, ut est nostrorum aetas temporum, quibus iam depravata omnia atque corrupta sunt, paene praecipuum sit, adulationi regiae sacerdotalem non cessisse constantiam -, cum ad imperatorem Maximum, ferocis ingenii virum et bellorum civilium victoria elatum, plures ei diversis orbis partibus episcopi convenissent et foeda circa principem omnium adulatione notaretur seque degenerere inconstantia regiae clientelae sacerdotalis dignitas subdidisset, in solo Martino apostolica auctoritas permanebat. (2) nam et si pro aliquibus regi supplicandum fuit, imperavit potius quam rogavit, et a convivio eius frequenter rogatus abstinuit, dicens se mensae eius participem esse non posse, qui imperatores unum regno, alterum vita expulisset. (3) postremo, cum Maximus se non sponte sumpsisse imperium affirmaret, sed impositam sibi a militibus divino nutu regni necessitatem armis defendisse, et non alienam ab eo Dei voluntatem videri, penes quem tam incredibili eventu victoria fuisset, nullumque ex adversariis nisi in acie occubuisse, tandem victus vel ratione vel precibus ad convivium venit, mirum in modum gaudente rege, quod id impetrasset. (4) convivae autem aderant, velut ad diem festum evocati, summi atque illustres viri, praefectus idemque consul Euodius, vir quo nihil umquam iustius fuit, comites duo summa potestate praediti, frater regis et patruus: medius inter hos Martini presbyter accubuerat, ipse autem in sellula iuxta regem posita consederat. (5) ad medium fere convivium, ut moris est, pateram regi minister obtulit. ille sancto admodum episcopo potius dari iubet, exspectans atque ambiens, ut ab illius dextera poculum sumeret. (6) sed Martinus ubi ebibit, pateram presbytero suo tradidit, nullum scilicet existimans digniorem, qui post se prior biberet, nec integrum sibi fore, si aut regem ipsum aut eos, qui a rege erant proximi, presbytero praetulisset. (7) quod factum imperator omnesque qui tunc aderant ita admirati sunt, ut hoc ipsum eis, in quo contempti fuerant, placeret. celeberrimumque per omne palatium fuit, fecisse Martinum in regis prandio, quod in infimorum, iudicium conviviis nemo episcoporum fecisset. (8) eidemque Maximo longe ante praedixit futurum ut, si ad Italiam pergeret, quo ire cupiebat, bellum Valentiniano imperatori inferens, sciret se primo quidem impetu futurum esse victorem, sed parvo post tempore esse periturum. (9) quod quidem ita vidimus. nam primo adventu eius Valentinianus in fugam versus est: deinde post annum fere resumptis viribus captum intra Aquileiae muros Maximum interfecit.

²⁰⁰ Food is often used to distinguish the holy man, see Jason Konig, *Saints and Symposiasts: The Literature of Food and the Symposium in Greco-Roman and Early Christian Culture* (Cambridge: Cambridge University Press, 2012).

²⁰¹ Malmberg, "Visualizing Hierarchy at the Imperial Banquet," 19.

practiced these forms of elite grandeur in ways that limited elite competition and elite shame. The centrality of avoidance of shame finds dramatic realization in the story of Kamza, where shame at a dinner party leads to the destruction of Jerusalem. Indeed, in ER, the story of Kamza is a story of social breakdown that is directly connected to the accidental transgression of these customs.²⁰²

At the Jerusalemite convivium, all food was placed on bread, lest anyone accidentally take something that would harm them on account of their delicacy. This practice makes sense in the context of elite banquet practices, where the display of food was a means to overwhelm and confuse the senses of the diners.²⁰³ Trimalchio's dinner party famously contained an array of dishes that defied interpretation, and food in the *Satyricon* displayed the ingenuity and cleverness of the host to the guests. One passage describes the service of faux eggs under birds, which turn out to be little balls of dough that surrounded even smaller eggs.²⁰⁴ Jerusalemites, on the other hand, needed all food to be known and revealed, allowing diners to distinguish and disembed the consumption of food from the spectacle of dining. There is no sensory ambiguity, the entirety of the meal is known and revealed. This custom removes some of the privileged knowledge of the host, and creates equality among the convivial guests. The necessity of discerning different types of food resembles accounts of the delicacy of elites in rabbinic literature.²⁰⁵ Rabbinic literature considers elite consumption of non-elite food perilous, and the careful treatment of food in this passage marks the

²⁰²In the Bavli version, as argued by Richard Kalmin and Jeffrey Rubenstein, emphasizes the seemingly accidental nature of the destruction (as well as rabbinic responsibility for it), see Jeffrey Rubenstein, *Talmudic Stories* (Baltimore: The John Hopkins University Press, 1999), 147–150; Richard Kalmin, “Kings, Priests, and Sages in Rabbinic Literature of Late Antiquity,” in *Neti’ot Ledavid: Jubilee Volume for David Weiss Halivni*, ed. Ephraim Bezael Halivni, Yaakov Elman, and Zvi Arie Steinfeld (Jerusalem: Orhot Press, 2004), 57–92.

²⁰³D’Arms, “Perfoming Culture: Roman Spectacle and the Banquets of the Powerful.”

²⁰⁴*Satyricon* 33.5-8. Discussed in Fredrick, “Grasping the Pangolin: Sensuous Ambiguity in Roman Dining.”

²⁰⁵Julia Watts Belser, “Opulence and Oblivion: Talmudic Feasting, Famine, and the Social Politics of Disaster,” *AJS Review* 38, no. 01 (2014): 89–107.

elite status of the Jerusalemites.²⁰⁶ Hence, Jerusalemite convivial customs foster the equality of the diners, while marking the elite status of all who participate in the banquet.

Jerusalemite dining customs are also highly concerned with avoiding status conscious behaviors that surround invitations to meals and the host's desire to cease entertaining. Thus, the Jerusalemite meal features an elaborate system of silent symbols that avoid these moments. Jerusalemites with convivial engagements move the brooch on their cloak, signifying that they have dinner obligations for the evening, and through this means, they do not have to turn down invitations to a meal.²⁰⁷ Similarly, at a convivium, the host places a napkin over the door when he is prepared to entertain, and when he is done entertaining it is put away, so that no guests enter. The host does not expel diners; he signals that he has finished entertaining. These Jerusalemite customs craft a silent set of signifiers that allow this system of conviviality to function.

These Jerusalemite dining customs characterize the convivium as a fraught moment of peril, risk, and potential vulnerability. In their insistence on avoiding shame, these customs manage the potential risks and anxieties at the banquet. At the Jerusalemite convivium, each guest must know the identity of the other guests and the servants, so that potential quarrels or missteps can be avoided. This custom removes the special privileges of the host as leader and orchestrator of the banquet, and instead diffuses the responsibility onto the guests as a whole.²⁰⁸ The guests are responsible for knowing who is at the meal, rather than letting the host choose. Similarly, the custom of handing the meal over to the cook frees the host from shame, since it displaces the responsibility for the meal (and its reflection on the social standing of the host in the eyes of his

²⁰⁶Alyssa M. Gray, "The Formerly Wealthy Poor: From Empathy to Ambivalence in Rabbinic Literature of Late Antiquity," *AJS Review* 33, no. 01 (2009): 101–33.

²⁰⁷ See the close discussion of this term in Sperber, *Material Culture in Eretz-Israel during the Talmudic Period*, 128–29.

²⁰⁸ On the troubles associated with hosting, see Robin Nadeau, *Les Manieres de Table Dans Le Monde Greco-Romain* (Rennes: Presses Universitaires de Rennes, 2010), 280–81.

guests) on to a third party. The honor of the host and the guests find dramatic realization in the punishment of the cook, as the cook serves as the scapegoat in due proportion to their honor. Finally, in ER 4.2, the host has no special privileges, particularly when compared to the host of the Roman convivium, but also in comparison to the depiction of the host in the Tosefta, who freely assigns honors at the meal. These Jerusalemite customs argue for an almost radical displacement of responsibility, claiming that meals can only take place when all are truly equal. As the Jerusalemite convivium is imaginary, it seems to draw on the ideals of equality that animated late antique dining, without having to deal with the messy realities of actually conducting the meal.

These customs are intended to show how Jerusalemites conducted convivial meals, while avoiding the perils inherent in them. Yet they immediately precede a story that describes convivial failure and the destruction of Jerusalem. I present the first part of the story, and summarize the latter part below.²⁰⁹

ER 4.2 (Geniza fragment)	ER 4.2 (Buber edition)
<p>מעשה באדם אחד מגדולי ירושלים שעשה סעודה והיזמין את ה.. אמר לטלייה זיל ואייתי לי בר כמצא רחמי אזל ואייתי ליה בר כמצורא סניאה אשכחיה דיתיב בין א[ריסטיא] אמר ליה קום פוק לך מן הכה אמר ליה [אל תבישני]... אמר ליה לית אפשר דלא נפקת מן הכא אמר ליה אנר יהב [דמי דסעודתי ולא] תפקון בבוסרון אמר ליה לית אפשר דל[א נפקת מן הכא] אמר ליה אנה יהב בדיפלה ולא תפקין בבוסרון אמר ליה לית אפשר [דלא נפקת] מן הכא והיה שם רבי זכריה בר אבקלס שהיה ספיק בידו למ[חות ולא מיחה] מן דנפיק אמר מה אנה נפק בבוסרון ושביק להון יתבין שליות נחת לית...[קורצא בי] מלכה</p>	<p>מעשה באדם אחד שהיה בירושלים ועשה סעודה, אמר לשלוחו לך הבא לי קימצא ריחמי, אזל ואייתי ליה קימצא שניאה, עאל וישב ליה בין האורחים, עאל ואשכחיה ביני אריסטיטיא א"ל מאן את שנאי ואת יתיב בגו ביתי, מה בעית הכא, קום פוק מגו ביתי, א"ל הואיל ואתאי לא תביישני, ואנא יהיב לך שומי מגוס, א"ל לית את מסובן, א"ל לא תביישני ואנא יהיב פלגא דסעודתך, ולא אוכל ולא אשתי, א"ל לית את מסובן, א"ל כל הדין סעודתא אנא יהיב טימא, א"ל לא, הוה אמר ליה קום לך, נקטיה בידיה ואפקיה, והיה שם ר' זכריה בן אבקולס, והיה ספיק בידו למחות ולא מיחה, מיד נפק ליה, אמר בנפשיה הואיל ואילין רבנן סבייא יתבין בשלוותיהון ולא מיחו ביה, ניחו להו, איזול איכול ביה קורצא ביה מלכא</p>
<p>A story of a certain man from the great ones of Jerusalem who made a meal and invited...He</p>	<p>A story of a certain man in Jerusalem who made a meal. He said to his servant, "Go and</p>

²⁰⁹ A parallel, somewhat different (and debatably more famous) version of this text is found in Bavli Gittin 55b-56a, and it ends with the lesson, because of baseless hatred, the Temple was destroyed. I included both texts because the Geniza fragment is not entirely comprehensible on its own.

<p>said to his slave, “Go, bring me Bar Kamza my friend. He went and brought him Bar Kamzora his enemy. He [the host] found him sitting among the guest and he said to him, “Get up and go from here.” He said to him, “[do not shame me]. The host said to him, “It is not possible that you will not leave.” Bar Kamzora said to him, “I will give you the cost of the meal, if you will not expel me in contempt.” He said to him, “It is not possible that you will not leave.” He said to him, “I will give you the whole cost of the meal, if you do not expel me in contempt.” He said to him, “It is not possible that you will not leave.” He said to him, “I will give you double the cost of the meal, if you do not expel me in contempt.” Rabbi Zechariah ben Avkulos was there, and he was debating whether to intervene or to not intervene. Kamza said to himself, “What? I went out in shame and I will allow them to sit in contentment?” He went to inform on them to the king.</p>	<p>bring me Kamza, my friend. The servant went brought him Kamza, his enemy. He found Kamza sitting among the guests. He said to Kamza, “You who are my enemy, why are you sitting in my house? What do you want here? Get up and get out of my house!” Kamza said to him, “Since I have arrived, do not shame me, and I will give you [the cost] of my plate.” The host said to him, “You will not recline.” Kamza said to him, “Do not shame me, I will give you half of the meal, and I will not eat or drink.” The host said to him, “You will not recline” Kamza said to him, “I will give the price of this whole meal.” The host said to him, “No.” And the host was saying, “Up with you!” And he seized him by his hand and he forced Kamza out. Rabbi Zechariah ben Avkulos was there, and he was debating whether to intervene or to not intervene. Kamza said to himself, “What? I went out in shame and I will allow them to sit in contentment?” He went to inform on them to the king.</p>
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In the second half of the story, Kamza gets his revenge by telling the Roman king that the Jews do not sacrifice the animals that he sends to the Temple.²¹⁰ The king sends a cow as an offering, which Kamza secretly disfigures. The rabbis/priestly officials intend to offer it as a show of good faith, but Zechariah ben Avkulos argues that they should not offer up the disfigured animal, since it is a transgression to sacrifice such an animal. Then, the king comes and destroys the Temple and Jerusalem.

The story is prefaced by the custom that all Jerusalemites only came to banquets when they were invited. However, this event occurs precisely because the wrong Kamza was invited, showing

²¹⁰ On the details of this story, and their resonance with Josephus, see Paul Mandel, “The Loss of Center: Changing Attitudes towards the Temple in Aggadic Literature,” *Harvard Theological Review* 99, no. 1 (2006): 27.

how these customs failed.²¹¹ The narrative of the feast draws on the previous pericope's concern for honor and shame at the convivium. In her treatment of the story's parallel in *Bavli Gittin*, Watts Belser argues that the servant inadvertently formed a relationship between the host and his enemy, causing a social disruption that the host can only remedy by expelling Kamza from his feast.²¹² The host finds Kamza among the legitimate guests and disembeds him from the commensal encounter, shaming him in public and upending all of the Jerusalemite safeguards against this very thing.

The interactions between the host and Kamza play on the complex relationship between public and private space that the banquet occupied. According to David Fredrick, the banquet was a private setting to which the host invited the broader public.²¹³ The convivium has a certain public role, as it shows off the private persona of the host as the host wants to be portrayed. The host sees the meal as a projection of his social life, and his recognition of Kamza as an enemy means that the only possible outcome here is his expulsion from the meal, uniting the host's public and private selves. Kamza's desire not to be shamed in public recognizes the same liminal status of the banquet. Although the setting is a private home, it is quite public; Kamza's forced departure will have a broader public audience.

Commensal relationships of status also shape the series of exchanges between the host and Kamza. The host enters and sees Kamza sitting, not yet engaging in the banquet. Kamza pleads to remain and offers to pay for ever more of the banquet, as he demands treatment that accords to his station and that he not be shamed. In offering to pay for his own meal, then half of the banquet, then the full banquet, Kamza disembeds his participation in the convivium from his host, placing

²¹¹ In a somewhat more speculative reading of the story, Mandel argues that the host found Kamza's presence to be a deliberate affront, whereas Kamza may have thought that he was invited to the banquet for reconciliation, but was instead deliberately shamed. See *Ibid.*, 29.

²¹² Belser, "Opulence and Oblivion: Talmudic Feasting, Famine, and the Social Politics of Disaster," 92.

²¹³ Fredrick, "Grasping the Pangolin: Sensuous Ambiguity in Roman Dining," 338–40.

their relationship in the realm of market exchange, not that of friendship. He offers ever larger sums of money so that he might purchase his honor, ultimately pledging to pay the full price (אמ"ט) of the banquet for his honor (also τιμή). Yet in offering to pay the whole cost of the banquet, Kamza would ultimately displace the host from his place at the head of the commensal order—and in doing so, shame him. The host ultimately expels Kamza when he has nothing left to offer.

As Watts Belser argues, when Kamza leaves, he goes from the food of the banquet to the food of the king, i.e. “eating the corners”, which means to inform.²¹⁴ Just as Kamza’s mistaken invitation to the banquet constitutes a violation of the Jerusalemite convivial traditions, so too Kamza’s infliction of a secret defect on the cow seems to recall the silent signs that signify one’s participation in another banquet that are employed by Jerusalemites. Kamza’s private shame finds its realization in a signifier on an offering made for the public as a whole. Concern for honor and shame at the convivium are the main axes of conflict in this story of Kamza.²¹⁵

Considering the general function of rabbinic convivial stories as a means of critiquing values of honor and shame, this description of Jerusalemite customs imagines a great Jewish past where such concerns were much less pronounced, and indeed overtly guarded against.²¹⁶ The elite Jerusalemite dining customs and Kamza story connect commensality to the Second Temple period, arguing that Jews of Jerusalem behaved like late antique elites. As argued above, in the time that ER was composed, the convivium was associated with elites and the imperial court, making the use of convivia in ER a reflection of the extravagant wealth of Jerusalem. In that sense, these convivial dining customs reflected the glory of Jews and Jerusalem in the Second Temple period, symbolizing

²¹⁴Watts Belser, “Opulence and Oblivion: Talmudic Feasting, Famine, and the Social Politics of Disaster.”

²¹⁵ Rubenstein, *Talmudic Stories*.

²¹⁶ Schwartz, “No Dialogue at the Symposium? Conviviality in Ben Sira and the Palestinian Talmud.”

their wealth, power and elite status.²¹⁷ While in the Yerushalmi, the Temple was a symbol of Jewish wealth and political power in the past, here these motifs are applied to the city of Jerusalem and its inhabitants. ER 4.2 applies this motif of Jewish “greatness” to the city of Jerusalem and its inhabitants.

Conclusion

This chapter has examined two narratives, one in ER 2.2/Y. Taanit 4.6 and the other in ER 4.2. The first narrative concerned Second Temple Palestine, recalling a series of villages in Judaea, the Darom, and Galilee. I have argued that this is a rabbinic account of Second Temple Palestine, remembering that Jews used to live in Judaea (but do not when the text was composed), as well as arguing that the current areas of Jewish settlement, Galilee and the Darom, were inhabited by Jews in the Second Temple period. By imagining all these regions as being settled by Jews in the Second Temple period, the rabbis present them as historically unified, an ethnic unity that transcends current Roman provincial boundaries. At the same time, this very act of memory of the historic land of Palestine is shaped by Roman rule; the villages that are recalled as symbols for Galilee and the Darom seem to correspond to the main cities of the Roman provincial system. Hence, the rabbinic imagination of this historical unity projects the Roman province onto Second Temple Palestine. It serves as evidence of the extent of rabbinic embeddedness of the Roman system, that they specifically imagined their past through the current Roman province. The second part of this chapter turned to a discussion of Jerusalemite dining customs in ER 4.2, and placed them in the late antique context of convivial dining. I argued that late antique dining was primarily the sole practice

²¹⁷ In considering this story in the context of the Bavli, Watts Belser has argued that the Bavli systematically critiques elite aspirations and banquets as a place of elite commensal relations, since Kamza places his wounded honor over the Jewish polity as a collective. Watts Belser argues that these stories respond to the social problems of the late antique Jewish world, confronting and denigrating elite status as detrimental to the community as whole. See Watts Belser, “Opulence and Oblivion: Talmudic Feasting, Famine, and the Social Politics of Disaster,” 107.

of the most elite members of the Roman Empire and the imperial court, and that these discussions of Jerusalemite dining customs were unlikely to reflect any actual rabbinic practices. Given the late antique significance of the convivium, these dining customs was a means of signifying the greatness of the Jews in Second Temple Jerusalem.

Conclusion

This dissertation has traced the changing role of the Temple in rabbinic memory, focusing on the Mishnah, the Yerushalmi and Eichah Rabbah. An explanatory prologue also provided a detailed discussion of the commemorative function of the Temple in the works of Josephus. What I have shown is that at each stage of the Temple, there was a specific set of animating forces that governed the memorialization of the Temple/Second Temple period, which extend beyond the production of rabbinic authority. I argued that the production of rabbinic authority can at times feel unrelated to the specific historical context of rabbinic literature, as the rabbis can always be imagined to be interested in producing and creating authority for themselves. This dissertation attempted to be sensitive to the contours of the texts, focusing on how a particular set of texts or stories think about the Temple or the Second Temple past. This attention to different texts results in a fairly episodic dissertation, as my conclusions and arguments change significantly in each chapter, and I consistently emphasized the way that each rabbinic text has a distinct approach to the Temple and the Second Temple past.

To examine these aspects of rabbinic literature, I have drawn on social memory as a useful a useful tool for helping me make a specific set of arguments about the nature of these texts and their usage of the Temple, as well as for an explanatory mechanism for connecting these depictions of the past to the times when the rabbis composed and wrote these texts. My dissertation tries to parse out some rabbinic approaches to the Temple and the Second Temple past in different rabbinic documents, arguing that each offers a specific interpretation or project in the commemoration of the Temple/Second Temple past that reflects a given historical moment. Indeed, the formulation of Temple/Second Temple past shows the ways that the focus of commemoration in rabbinic literature changes over time.

One major problem with the authority model for explaining the accounts of the psat in rabbinic literature is that it offered no justification for the historicity of rabbinic memory of the Temple. In this dissertation, I argued that social memory also provides a means of accounting for the historicity of rabbinic memories of the Second Temple period, while at the same time noting the particular rabbinic biases that are brought to this material. It provides a heuristic model for the rabbis to include some historical facts, but also allows me to outline how these forms of historical remembrance were changed and transformed based on the needs of the remembering group. Social memory, thus, allows me to account for the dynamism of the past, the changing interplay of historicity and memory, and to show how and why these different historical details about the Second Temple period were retained in rabbinic literature. The rabbis retained historical memories of the Second Temple period, yet the memories of the Second Temple period were reimagined and redeployed to fit the changing memorial needs of the rabbis. My model allows me to account for both the historicity of rabbinic memory and the specific reasons that particular memories of the Temple/Second Temple period were recalled.

Chapter 1 focused on the Temple in the first century CE by examining the descriptions of the Temple in the works of Josephus. I argued that the Temple was treated by many as a commemorative site in the first century CE. The Temple was understood as a commemorative site by both Josephus and other elites, and their dedications and gifts to the Temple served as a means of commemorating themselves. This chapter served as an explanatory prologue to the extensive commemorative aspects of the Temple in the Mishnah, which was the concern of Chapter 2. Chapter 2 focused on the ritual narratives of the Mishnah, arguing that they are a form of commemoration or memorial to the destroyed Jerusalem Temple. In so doing, the Mishnah preserves and extends the commemorative function of the Temple that was already identified in the Second Temple period, adapting it for the post-destruction period. While providing a general

account of the Mishnah's commemorative functions, Chapter 2 dealt extensively with Mishnah Middot as an example, discussing how its spatial tour of the Temple recalled many accurate aspects of the events and history of the Second Temple period. However, I argued through a detailed analysis of Mishnah Middot demonstrated that it functions as a monument and that it transmitted a narrative of the history of the Jews as a group, which ranged from the Babylonian exile down to the first century CE, attesting to the unity of their historical experience in the face of external pressures.

Chapter 3 and Chapter 4 argued that one way that the Talmud Yerushalmi and the classical midrash collections remember the Second Temple period as a time of past Jewish glory. I argue that Palestinian amoraic stories of the Second Temple past tend to characterize it as a particular historical time, shifting away from the Mishnah's focus on the Temple as a monumental space. Some of the features of this past include priestly figures, the centrality of the Temple, the great riches of the Temple and the Jews, and a concern for sacrifices and purity. The rabbis treat the Second Temple past as a sort of mythic age. I argue that rabbinic recollection of the glorious memory of the Second Temple past reminded Jews of their unity and the distinctiveness of their experience. It was to some degree escapist memory, to some degree a basis for the production of a provincial Roman identity. I am making this argument on the basis of analogy to the uses of the Greek past by Greek intellectuals under Roman rule (often called the Second Sophistic).

Chapter 3 and 4 concern different rabbinic strategies for making this argument about the Second Temple period. Chapter 3 concerns the exemplarity of figures of the Second Temple period while Chapter 4 concerns the anachronistic use of Roman institutions to describe the glorious Jewish Second Temple period. These chapters nominally match up with the Yerushalmi and Eichah Rabbah respectively, although there is some slippage and overlap. Chapter 3 argues that figures of the Second Temple period are turned into exemplars, by which I mean the production and creation of moral models from the figures of the past, transforming them into

figures that exemplify or articulate a particular virtue. Chapter 4 turned to another discourse around Second Temple period, its “Romanization”, arguing that these stories use Roman institutions such as the late antique Roman convivial meal and the province of Palestine to describe the Second Temple period and its importance.

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