

upon these wretched, and on the good fortune of the Romans; for these tyrants did now wholly deprive themselves of the security they had in their own power, and came down from those very towers of their own accord, wherein they could have never been taken by force, nor indeed by any other way than by famine. (400) And thus did the Romans, when they had taken such great pains about weaker walls, get by good fortune what they could never have gotten by their engines; for three of these towers were too strong for all mechanical engines whatsoever; concerning which we have treated of before.

5. (401) So they now left these towers of themselves, or rather they were ejected out of them by God himself, and fled immediately to that valley which was under Siloam, where they again recovered themselves out of the dread they were in for a while, and ran violently against that part of the Roman wall which lay on that side; (402) but as their courage was too much depressed to make their attacks with sufficient force, and their power was now broken with fear and affliction, they were repulsed by the guards, and dispersing themselves at distances from each other, went down into the subterranean caverns. (403) So the Romans being now become masters of the walls, they both placed their ensigns upon the towers, and made joyful acclamations for the victory they had gained, as having found the end of this war much lighter than its beginning; for when they had gotten upon the last wall, without any bloodshed, they could hardly believe what they found to be true; but seeing nobody to oppose them, they stood in doubt what such an unusual solitude could mean. (404) But when they went in numbers into the lanes of the city, with their swords drawn, they slew those whom they overtook, without mercy, and set fire to the houses whither the Jews were fled, and burnt every soul in them, and laid waste a great many of the rest; (405) and when they were come to the houses to plunder them, they found in them entire families of dead men, and the upper rooms full of dead corpses, that is of such as died by the famine; they then stood in a horror at this sight, and went out without touching anything. (406) But although they had this commiseration for such as were destroyed in that manner, yet had they not the same for those that were still alive, but they ran every one through whom they met with, and obstructed the very lanes with their dead bodies, and made the whole city run down with blood, to such a degree indeed that the fire of many of the houses was quenched with these men's blood. (407) And truly so it happened, that though the slayers left off at the evening, yet did the fire greatly prevail in the night; and as all was burning, came that eighth day of the month Gorpheus [Elul] upon Jerusalem: (408) a city that had been liable to so many miseries during the siege, that, had it always enjoyed as

much happiness from its first foundation, it would certainly have been the envy of the world. Nor did it on any other account so much deserve these sore misfortunes, as by producing such a generation of men as were the occasions of this its overthrow.

CHAPTER 9

WHAT INJUNCTIONS CAESAR GAVE WHEN HE WAS COME WITHIN THE CITY. THE NUMBER OF THE CAPTIVES, AND OF THOSE THAT PERISHED IN THE SIEGE; AS ALSO CONCERNING THOSE THAT ESCAPED INTO THE SUBTERRANEAN CAVERNS, AMONG WHOM WERE THE TYRANTS SIMON AND JOHN THEMSELVES.

1. (409) Now, when Titus was come into this [upper] city, he admired not only some other places of strength in it, but particularly those strong towers which the tyrants, in their mad conduct, had relinquished; (410) for when he saw their solid altitude, and the largeness of their several stones, and the exactness of their joints, as also how great was their breadth, and how extensive their length, he expressed himself after the manner following:—(411) "We have certainly had God for our assistant in this war, and it was no other than God who ejected the Jews out of these fortifications; for what could the hands of men, or any machines, do towards overthrowing these towers!" (412) At which time he had many such discourses to his friends; he also let such go free as had been bound by the tyrants, and were left in the prisons. (413) To conclude, when he entirely demolished the rest of the city, and overthrew its walls, he left these towers as a monument of his good fortune, which had proved his auxiliaries, and enabled him to take what could not otherwise have been taken by him.

2. (414) And now, since his soldiers were already quite tired with killing men, and yet there appeared to be a vast multitude still remaining alive, Caesar gave orders that they should kill none, but those that were in arms, and opposed them, but should take the rest alive. (415) But, together with those whom they had orders to slay, they slew the aged and the infirm; and for those that were in their flourishing age, and who might be useful to them, they drove them together into the temple, and shut them up within the walls of the court of the women; (416) over which Caesar set one of his freed men, as also Fronto, one of his own friends; which last was to determine every one's fate, according to his merits. (417) So this Fronto slew all those that had been seditious and robbers, who were impeached one by another; but of the young men he chose out the tallest and most beautiful, and reserved them for the triumph; (418) and as for the rest of the multitude that were above seventeen years old, he put them into

bonds, and sent them to the Egyptian mines.^a Titus also sent a great number into the provinces, as a present to them, that they might be destroyed upon their theaters, by the sword and by the wild beasts; but those that were under seventeen years of age were sold for slaves. (419) Now during the days wherein Fronto was distinguishing these men, there perished, for want of food, eleven thousand; some of whom did not taste any food, through the hatred their guards bore to them; and others would not take in any when it was given them. The multitude also was so very great, that they were in want even of corn for their sustenance.

3. (420) Now the number^b of those that were carried captive during this whole war was collected to be ninety-seven thousand; as was the number of those that perished during the whole siege eleven hundred thousand, (421) the greater part of whom were indeed of the same nation [with the citizens of Jerusalem], but not belonging to the city itself; for they were come up from all the country to the feast of unleavened bread, and were on a sudden shut up by an army, which, at the very first, occasioned so great a traitness among them that there came a pestilential destruction upon them, and soon afterward such a famine, as destroyed them more suddenly. (422) And that this city could contain so many people in it is manifest by that number of them which was taken under Cestius, who being desirous of informing Nero of the power of the city, who otherwise was disposed to condemn that nation, entreated the high priests, if the thing were possible, to take the number of their whole multitude. (423) So these high priests, upon the coming of their feast which is called the Passover, when they slay their sacrifices, from the ninth hour till the eleventh, but so that a company not less than ten^c belong to every sacrifice (for it

^a See the several predictions that the Jews, if they became obstinate in their idolatry and wickedness, should be sent again, or sold into Egypt, for their punishment, Deut. 28:68; Jer. 44:7; Hos. 8:13; 9:3; 11:35; 2 Esd. 15:10-14, with Authentic Records, part. 1:49,121, and Reland Palestina, tom. 2:715.

^b The whole multitude of the Jews that were destroyed during the entire seven years before this time, in all the countries of and bordering on Judea, is summed up by Archbishop Usher, from Lipsius, out of Josephus, at the year of Christ 70, and amounts to 1,337,490. Nor could there have been that number of Jews in Jerusalem to be destroyed in this siege, as will be presently set down by Josephus; but that both Jews and proselytes of justice were just then come up out of the other countries of Galilee, Samaria, Judea, and Perea, and other remoter regions, to the Passover, in vast numbers, and therein cooped up, as in a prison, by the Roman army, as Josephus himself well observes, in this and the next section, and is exactly related elsewhere, 5:3:1, and 13:7.

^c This number of a company for one paschal lamb, between ten and twenty, agrees exactly with the number thirteen, at our Savior's last passover. As to the whole number of the Jews that used to come up to the Passover,

is not lawful for them to feast singly by themselves), and many of us are twenty in a company, (424) found the number of sacrifices was two hundred and fifty-six thousand five hundred; (425) which, upon the allowance of no more than ten that feast together, amounts to two million seven hundred thousand and two hundred persons that were pure and holy; (426) for as to those that have the leprosy, or the gonorrhoea, or women that have their monthly courses, or such as are otherwise polluted, it is not lawful for them to be partakers of this sacrifice (427); nor indeed for any foreigners either, who come hither to worship.

4. (428) Now this vast multitude is indeed collected out of remote places, but the entire nation was now shut up by fate as in a prison, and the Roman army encompassed the city when it was crowded with inhabitants. (429) Accordingly the multitude of those that therein perished exceeded all the destructions that either men or God ever brought upon the world; for, to speak only of what was publicly known, the Romans slew some of them, some they carried captives, and others they made search for under ground, and when they found where they were, they broke up the ground and slew all they met with. (430) There were also found slain there above two thousand persons, partly by their own hands, and partly by one another, but chiefly destroyed by the famine; (431) but then, the ill savor of the dead bodies was most offensive to those that lighted upon them, insomuch that some were obliged to get away immediately, while others were so greedy of gain, that they would go in among the dead bodies that lay in heaps, and tread upon them; (432) for a great deal of treasure was found in these caverns, and the hope of gain made every way of getting it to be esteemed lawful. Many also of those that had been put in prison by the tyrants were now brought out; for they did not leave off their barbarous cruelty at the very last; (433) yet did God avenge himself upon them both, in a manner agreeable to justice. As for John, he wanted food, together with his brethren, in these caverns, and begged that the Romans would now give him their right hand for his security, which he had often proudly rejected before; but for Simon, he struggled

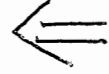
and eat of it at Jerusalem, see the note on 2:14:3. This number ought to be here indeed just ten times the number of the lambs, or just 2,565,000, by Josephus's own reasoning; whereas it is, in his present copies, no less than 2,700,000, which last number is, however, nearest the other number in the place now cited, which is 3,000,000. But what is here chiefly remarkable is this, that no foreign nation ever came thus to destroy the Jews at any of their solemn festivals, from the days of Moses till this time, but came now upon their apostasy from God, and from obedience to him. Nor is it possible, in the nature of things, that in any other nation such vast numbers should be gotten together, and perish in the siege of any one city whatsoever as now happened in Jerusalem.

eastern diaspora—Ammon, Moav, Egypt, and Babylonia—while locations in the western diaspora were apparently not on the halakhic radar screen of the author of the *Mishnah*.

A fourth indication relates to the manner in which the western diaspora is referred to in Rabbinic sources. At the beginning of this study we mentioned the fact that scholars generally equate the relationship between the Rabbis and the two diasporas. This equation is based on the fact that the western diaspora is mentioned in Rabbinic literature. From both a qualitative and quantitative perspective, however, there is no comparison between the references to the eastern diaspora and the western diaspora. In fact, the Rabbinic sources that mention the western diaspora actually demonstrate the weakness of the connection between the center in Israel and the Greek diaspora. We will examine a number of those sources below. Before doing so, however, we bring a quote from S. Safrai, one of the experts on the Jewish diaspora who ascribes to the reading of the sources that equates the two diasporas. In his article entitled ‘The Land of Israel and the Jewish Diaspora’, Safrai deals with the connection between the leadership in Israel and the diaspora communities following the destruction of the Temple, a period of significant growth in the diaspora both because of emigration from Israel and a wave of conversion:

The oral law did not coalesce and was not recorded in books of *Halakhah*, *Mishnah*, and *Aggadah* until the end of the tannaitic and the amoraic periods. The prayer book and the regular reading of the Torah were set during the period of the *tannaim*, while the Hebrew calendar was set during the amoraic period. There are many similar phenomena. The matters that were innovated in the Land of Israel, particularly in the council chambers or the High Court when it was located in Yavneh, and subsequently in the cities of the Galilee, were transmitted and accepted in the Jewish diaspora. The *Mishnah*, which was redacted in the end of the second century and the beginning of the third century, became the foundation of the oral law and of Jewish law both in the Land of Israel and the Babylonian diaspora. Similarly, the approach of *Mishnah Halachah*, formulated in the academies of R. Yishmael and R. Akiva became the basis for Midrashic study for generations in Israel and Babylonia.

301) disagreed with him, demonstrating in detail that this thesis has no basis. Sanders agrees that perhaps in the sabbatical year, Jews sent more donations to Israel in order to support the farmers that could not work the land. However, it is logical to assume that this *Mishnah* presents only a romantic description of the nature of the relationship with the diaspora. In light of his comments, the sense is strengthened that even in this ‘romantic’ picture, the western diaspora does not appear as a potential source of support for the community in the Land of Israel.



The life style that was established after the destruction in Israel, such as the holidays, fasts, and the remembrance of the siege of Jerusalem and the destruction of the Temple, and the laws in general that were formulated in Israel, became the law for all of Israel to the far reaches of the diaspora. Most of the sources on this matter are from Babylonian Jewry, but one can assume that this was the reality, at least in principle, in the other diasporas.²⁵

Thus, 'we know' for certain with regard to the Babylonian community, while 'we can assume' with regard to the western diaspora. We question whether this is really so. Is there any basis in the sources to support Satri's conjecture that the knowledge that we have about Babylonia is true of the western diaspora? Let us examine the sources upon which the scholars base their opinion on this matter.

(1) There are a number of sources in which Rabban Gamliel of Yavneh traveled to other communities in order to answer Jewish legal questions:²⁶

R. Yehudah said: 'There was an event in which Savion, the head of the synagogue in Achziv purchased a vineyard in its fourth year of growth from Gamliel who was passing from place to place [whether the produce of that field is liable to the restriction of the fourth year]. He said to him: 'Wait until we can dwell upon the law'.²⁷

R. Yehudah said: 'Even though both of its witnesses are Samaritans, it is valid'. R. Yehudah said: 'There was an incident in which they brought before Rabban Gamliel in Kfar Orenai the writ of divorce of a woman, and its witnesses were Samaritans, and he declared it valid'. R. Akiva declares valid in the case of all [documents], and the sages declare invalid...²⁸

There are also sources in which we find Rabban Gamliel in Tiberias and Lod. Yet, we do not see from these sources that Rabban Gamliel traveled overseas.²⁹ In fact, the opposite is the case. All of the locations mentioned

25. Satri 1994: 1, 294 (bold emphasis added). Satri's article was written in 1982, but it appears that he later softened his position on this matter. He wrote the following in a 1996 article: 'While during the Temple period until the Jewish war in the days of Trajan in 115-117 C.E., the primary contact was with the Hellenistic diaspora, after that time, the primary contact was with the eastern diaspora, the Jewish community of Babylonia' (Satri 1996: 26).

26. See Alon 1977: 1, 146-47; Mantel 1969: 214; in general Satri 1994: 1, 294-310. 27. *Tosefia Terumot* 2.13. According to tradition, the immigrants from Babylonia occupied the land almost to Achziv, and it is therefore beyond the borders of the Land of Israel, just north of the border. See *Mishnah Shevi'it* 6.1; *Demai* 1.3. 28. *Tosefia Gitin* 1.4, Kfar Orenai is situated near Megiddo. 29. For Gamliel's circuits in the Land of Israel, see Oppenheimer 2005: 145-55.

Our Rabbis taught: *Justice, justice shalt thou follow*, means, Thou shalt follow an eminent Beth din, as for example, [follow] R. Eliezer [b. Hyrkanus] to Lydda,¹ or R. Johanan b. Zakkai to Beror Hail.² It has been taught: The noise of grindstones at Burni³ [announced] a circumcision⁴ [was being performed]; and the light of a candle [by day, and many candles by night] at Beror Hail, showed that a feast [was being celebrated] there.⁵

Our Rabbis taught: *Justice, justice shalt thou follow*: this means, Follow the scholars to their academies, e.g., R. Eliezer to Lydda, R. Johanan b. Zakkai to Beror Hail,⁶ R. Joshua to Peki'in,⁷ Rabban Gamaliel [III] to Jabneh,⁸ R. Akiba to Benai Berak,⁹ R. Mathia to Rome,¹⁰ R. Hanania b. Teradion to Sikni,¹¹ R. Jose [b. Halafra] to Sepphoris, R. Judah b. Bathyra to Nisibis,¹² R.

- (1) A city in Palestine, twelve miles from Jaffa on the road to Jerusalem. Was famous as a seat of Jewish scholarship after the destruction of the Temple.
- (2) Seat of R. Johanan b. Zakkai's College, near Jabneh (Iastr.). [Klein, S., תורתו ודעותיו, I, 46, identifies it with the village Burer, west of Beth Gubrin (Eleutheropolis).] (3) A place near Lydda. 'The noise of grinding' was an indication that some ingredients were being ground for the purpose of treating the circumcision wound. (4) *לִישְׁבוֹת הַבֵּן לִי*, 'the week of the son' (*bis*), v. B.B. (Sonc. ed.) p. 246, n. 8. (5) *בֵּית*: This was (a) during the time of Hadrian, the Emperor, who forbade the observance of the law and the rite of circumcision. Such were the signs by which Jews were invited to celebrate the solemn occasions. [V. Graetz, *Geschichte*, IV, p. 158, who however regards these announcements as words of denunciation by the spies of the Roman Government on noticing these signs. Or (b) during the persecutions under Antiochus, Klein, *op. cit.*, 40ff.] (6) [Where he spent the last years of his life, v. Derenbourg, *MGGWJ*, 1893, 304.] (7) Or Beki'in, a small town in Palestine, between Jabneh and Lydda. A seat of a Talmudic School during the patriarchate of Gamaliel II. (8) A small town on the N.W. borders of Judea, identified with Jabneel of Natfali (Iosh. XIX, 33). Seat of the celebrated school after the destruction of Jerusalem, which locality it replaced as the seat of the Sanhedrin. Scholars (Weiss, Graetz, Halevy) disagree as to the exact authority it possessed. (9) One of the cities of the tribe of Dan (Iosh. XIX, 45) identified with the modern Benai Berak, a flourishing Jewish Colony. (10) [He left Palestine at the same time as Judah b. Bathyra and R. Hananiah, the nephew of R. Joshua b. Hananiah (v. *infra*) shortly before the Bar Kochba war, and making his way to Rome he there established a school, v. Bacher, *AT.*, I, 380.] (11) *סִכְנִי* or Sogana (v. Josephus, *Vita* 51), North of Jotapata in Galilee. (12) Nisibis, city in North-eastern Mesopotamia, in the ancient province of Migdona.

Joshua¹ to the Exile,² Rabbi to Beth She'arim,³ or the Sages⁴ to the chamber of hewn stones.⁵

CIVIL SUITS MAY BE OPENED EITHER FOR ACQUITTAL etc. What is said?⁶—Rab Judah said: We speak thus to them:⁷ Who can tell that it is as ye say?⁸ Ulla objected: But do we not thereby shut their lips?⁹—Then let them be shut! Has it not been taught: R. Simeon b. Eliezer said: The witnesses are moved from place to place,¹⁰ that they¹¹ may become confused, and withdraw [their evidence].¹² What comparison is there! In that case, they are *automatically* repelled, whereas here, we repel them by our own act!—But, said Ulla: We say thus: Have you [sc. the defendant] any witnesses to refute them?¹³ Rabbah demurred: Can we then open the defence of one in a manner which involves the condemnation of another?¹⁴—But does this really involve his condemnation? Have we not learnt: Witnesses declared *Zomemim* are not executed unless the verdict has [already] been given!¹⁵—I mean this: Should the defendant remain silent until the verdict is given, and then produce witnesses and refute the others, it involves their condemnation?¹⁶

- (1) Read: Haninah (nephew of R. Joshua) about whose journey to Babylon, v. Ber. 67a. V. marginal note. (2) [He established a school in Nehar Pekod, west of Nehardea, v. Bacher, *op. cit.*, 389.] (3) A city identified with El Shajerah, south of Sepphoris. (Neubauer, *Géographie*, p. 200.) One of the stations the Sanhedrin were destined to pass in its ten exiles during the period 30-170 C.E. V. R. H. 31b; Keth. 107b. (4) The Great Sanhedrin (Rashi). (5) *לְשֹׁבוֹת הַבֵּן*, the chamber of hewn stones in the inner court of the Temple which was the home of the Great Sanhedrin. [On the refutation of Schürer's view that it was the chamber 'close to the Xystus' on the western border of the Temple Mount, v. Krauss, *J.E.*, XII, 576.] (6) In opening the case for the defence. (7) Sc. the witnesses for prosecution. (8) I.e., perhaps your evidence is false (9) I.e., discourage them from giving further evidence. (10) Rashi: When they came to give evidence, the Court would decline to hear it in that place, but appoint another and at the second place, they found some reason for moving to a third and so on. (11) Lit., 'their minds'. (12) Tosef. Sanh. IX. (13) The accusing witnesses, and prove them *Zomemim*. (14) For in a capital charge, witnesses proved *Zomemim* are liable to death. (15) And unless before it was carried out, they had been proved *Zomemim*. Consequently, if the accused is invited to produce witnesses to refute the other at this early stage of the proceedings, no question of condemnation arises. (16) Hence at the very outset, he must not be invited to prove the accusing witnesses *Zomemim*.

this inscription possibly came in their aftermath. It is unusual to see a Greek (or Latin) name together with a Hebrew (or Semitic) one, although the same phenomenon occurs in nearby Stobi as well. Nevertheless, each of these names is attested elsewhere for Jews.³³ An early third-century inscription from Intercisa (Hungary) mentions one Cosmus, a customs official who likewise contributed to a synagogue. Finally, the formula "Blessing to . . ." appears in other Jewish inscriptions, as, for example, ones from Italy, Syracuse, Aegina, and Bet She'arim.³⁴

The second inscription, which is fragmentary and very poorly preserved ("made the arrangement and the decoration"), was found at the foot of the mosaic menorah, on either side of its base, and is dated to the fourth century. By the next century, the synagogue was no longer in use.

Stobi

Located in Macedonia, about 160 kilometers north of Salonika, the ancient town of Stobi was excavated extensively between the years 1924 and 1934.³⁵ Amid a cluster of buildings along one of the main streets between the Roman bridge and a church, a structure was identified as a synagogue on the basis of a monumental Greek inscription found therein.³⁶ However, excavations soon made clear that the building functioned as a church from sometime in the fifth or sixth century. The column on which the synagogue inscription appears was clearly in secondary usage.

For decades since the excavation of this building in 1931, the only evidence for a synagogue was this very impressive and informative inscription, arguably the most important one found to date in any Diaspora synagogue setting (fig. 52):

The year 311 [?]: Claudius Tiberius Polycharmos, also named Achyrios, father [pater] of the synagogue at Stobi, having lived my whole life according to Judaism, have, in fulfillment of a vow, [given] the buildings to the holy place, and the *tridinium*, together with the *tetrastoon*, with my own means, without in the least touching the sacred [funds]. But the ownership and disposition of all the upper chambers shall be retained by me, Claudius Tiberius Polycharmos, and my heirs for life. Whoever seeks in any way to alter any of these dispositions of mine shall pay the Patriarch 250,000 denarii. For thus have I resolved. But the repair of the roof tiles of the upper chambers shall be carried out by me and my heirs.³⁷

33. On the name "Joseph" in Jewish inscriptions, see Noy, *JWE*, I, nos. 70, 79.

34. *Ibid.*, 203.

35. Kitzinger, "Survey of Early Christian Town of Stobi," 81-161; Marmorstein, "Synagogue of Claudius Tiberius Polycharmos," 373-84; Kraabel, "Diaspora Synagogue," 494-97; White, *Social Origins, Art and Archaeology—Diaspora*, 63-67, 231-33, 410. See also Moe, "Cross and Menorah," 148-57.

36. See, for example, Wischnitzer, *Architecture of European Synagogue*, 7-9.

37. Translation generally follows White, *Social Origins*, 352-56. See also Kitzinger, "Survey of Early Christian Town of Stobi," 141-42; Hengel, "Synagogenschrift von Stobi"; Feldman, "Diaspora Synagogues," 62.

heads:—Some legislators have permitted their governments to be under monarchies, others put them under oligarchies, and others under a republican form; (165) but our legislator had no regard to any of these forms, but he obtained our government to be what, by a strained expression, may be termed a Theocracy, ^u by ascribing the authority and the power to God, (166) and by persuading all the people to have a regard to him, as the author of all the good things enjoyed either in common by all mankind, or by each one in particular, and of all that they themselves obtained by praying to him in their greatest difficulties. He informed them that it was impossible to escape God's observation, either in any of our outward actions, or in any of our inward thoughts. (167) Moreover, he represented God as unbegotten, ^v and immutable, through all eternity, superior to all mortal conceptions in pulchritude; and, though known to us by his power, yet unknown to us as to his essence. (168) I do not now explain how these notions of God are the sentiments of the wisest among the Grecians, and how they were taught them upon

^u This expression itself, *theokratia* *apoteixe* to *polituma* that "Moses ordained the Jewish government to be a Theocracy," may be illustrated by that parallel expression in the *Antiq.* 3.8.9, that "Moses left it to God to be present at his sacrifices when he pleased; and when he pleased, to be absent." Both ways of speaking sound harsh in the ears of Jews and Christians, as do several others which Josephus uses to the heathens; but still they were not very improper in him, when he all along thought fit to accommodate himself, both in his *Antiquities*, and in these books *Against Apion*, all written for the use of the Greeks and Romans, to their notions and language, and this as far as ever truth would give him leave; though it is very observable withal, that he never uses such expressions in his books of the *War*, written originally for the Jews beyond Euphrates, and in their language, in all these cases. However, Josephus directly supposes the Jewish settlement, under Moses, to be a divine settlement, and indeed no other than a real Theocracy.

^v This excellent account of the divine attributes, and that God is not to be at all known in his essence, as also some other clear expressions about the resurrection of the dead, and the state of departed souls, etc., in this late work of Josephus, look more like the exalted notions of the Essenes, or rather Ebionite Christians, than those of a mere Jew or Pharisee. The following large accounts also of the laws of Moses, seem to me to show a regard to the higher interpretations and improvements of Moses's laws, derived from Jesus Christ, than to the bare letter of them in the Old Testament, whence alone Josephus took them when he wrote his *Antiquities*; nor, as I think, can some of these laws, though generally excellent in their kind, be properly now found either in the copies of the Jewish Pentateuch, or in Philo, or in Josephus himself, before he became a Nazarene or Ebionite Christian; nor even all of them among the laws of Catholic Christianity themselves. I desire, therefore, the learned reader to consider, whether some of these improvements or interpretations might not be peculiar to the Essenes among the Jews, or rather to the Nazarenes or Ebionites among the Christians, though we have indeed but imperfect accounts of those Nazarenes or Ebionite Christians transmitted down to us at this day.

strated the law to be the best and the most necessary instruction of all others, permitting the people to leave off their other employments, and to assemble together for the hearing of the law, and learning it exactly, and this not once or twice, or oftener, but every week; which thing all the other legislators seem to have neglected.

19. (176) And indeed, the greatest part of mankind are so far from living according to their own laws, that they hardly know them; but when they have sinned they learn from others that they have transgressed the law. (177) Those also who are in the highest and principal posts of the government, confess they are not acquainted with those laws, and are obliged to take such persons for their assessors in public administrations as profess to have skill in those laws; (178) but for our people, if any body do but ask any one of them about our laws, he will more readily tell them all than he will tell his own name, and this in consequence of our having learned them immediately as soon as ever we became sensible of anything, and of our having them, as it were engraven on our souls. Our transgressors of them are but few; and it is impossible, when any do offend, to escape punishment.

20. (179) And this very thing it is that principally creates such a wonderful agreement of minds amongst us all; for this entire agreement of ours in all our notions concerning God, and our having no difference in our course of life and manners, procures among us the most excellent concord of these our manners that is anywhere among mankind; (180) for no other people but we Jews have avoided all discourses about God that any way contradict one another, which yet are frequent amongst other nations; and this is true not only among ordinary persons, according as every one is affected, but some of the philosophers have been insolent enough to indulge such contradictions, while some of them have undertaken to use such words as entirely take away the nature of God, as others of them have taken away his providence over mankind. (181) Nor can anyone perceive amongst us any difference in the conduct of our lives; but all our works are common to us all. We have one sort of discourse concerning God, which is conformable to our law, and affirms that he sees all things; as also, we have but one way of speaking concerning the conduct of our lives, that all other things ought to have piety for their end; and this anybody may hear from our women, and servants themselves.

21. (182) Hence hath arisen that accusation which some make against us, that we have not produced men that have been the inventors of new operations, or of new ways of speaking; for others think it a fine thing to persevere in nothing that has been delivered down from their forefathers, and these testify it to be an instance of the sharpest wisdom when these men venture to transgress

those traditions; (183) whereas we, on the contrary, suppose it to be our only wisdom and virtue to admit no actions nor supposals that are contrary to our original laws; which procedure of ours is a just and sure sign that our law is admirably constituted; for such laws as are not thus well made, are convicted upon trial to want amendment.

22. (184) But while we are ourselves persuaded that our law was made agreeably to the will of God, it would be impious for us not to observe the same, for what is there in it that anybody would change! and what can be invented better! or what can we take out of other people's laws that will exceed it! Perhaps some would have the entire settlement of our government altered. (185) And where shall we find a better or more righteous constitution than ours, while this makes us esteem God to be the governor of the universe, and permits the priests in general to be the administrators of the principal affairs, and withal intrusts the government over the other priests to the chief high priest himself! (186) which priests our legislator, at their first appointment, did not advance to that dignity for their riches, or any abundance of other possessions, or any plenty they had as the gifts of fortune; but he intrusted the principal management of divine worship to those that exceeded others in an ability to persuade men, and in prudence of conduct. (187) These men had the main care of the law and of the other parts of the people's conduct committed to them; for they were the priests who were ordained to be the inspectors of all, and the judges in doubtful cases, and the punishers of those that were condemned to suffer punishment.

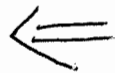
23. (188) What form of government then can be more holy than this! what more worthy kind of worship can be paid to God than we pay, where the entire body of the people are prepared for religion, where an extraordinary degree of care is required in the priests, and where the whole polity is so ordered as if it were a certain religious solemnity! (189) For what things foreigners, when they solemnize such festivals, are not able to observe for a few days' time, and call them Mysteries and Sacred Ceremonies, we observe with great pleasure and an unshaken resolution during our whole lives. (190) What are the things then that we are commanded or forbidden?—They are simply and easily known. The first command is concerning God, and affirms that God contains all things, and is a being every way perfect and happy, sufficient, and supplying all other beings; the beginning, the middle, and the end of all things. He is manifest in his works and benefits, and more conspicuous than any other being whatsoever, but as to his form and magnitude, he is most obscure. (191) All materials, let them be ever so costly, are unworthy to compose an image for him; and all arts are unartful to express the notion we ought to have of him. We can neither see nor think of anything

in Spain than in Germany. It is possible to see the first signs of the arrival of Rabbinic literature in Europe in the writings of Agobard on the Jews. It appears that he had some familiarity with this literature, if not from reading it himself, then at least from his discussions from local Jews or from hearsay (Merchavia 1970: 71-84; J. Cohen 1999: 130). An even earlier reference to the *Mishnah* (*dueteras*) is found in the Novella of Justinian in 553 CE, which was written in Greek-speaking Byzantium several decades prior to the Councils of Toledo. These two references are like a drop in the ocean in comparison to the activity in the same locations several centuries later, corresponding to the appearance and proliferation of Rabbinic literature in Europe, apparently arriving with waves of immigration from the east.

We wish to strengthen what we said in our first article (Eidrei and Mendels 2007: 127) about the Novella of Justinian, and shed a new light on it, by analyzing the following citation:

Furthermore, those who read the Greek shall use the Septuagint tradition, which is more accurate than all others, and is preferable to the others particularly in reason of what happened while the translation was made. [...] Let all use mainly this translation, but in order that we shall not appear to prohibit them all the other translations, we give permission to use also Agilas' translation, although he was a gentile and in some readings differs not a little from the Septuagint. What they call Mishnah, on the other hand, we prohibit entirely, for it is not included among the Holy Books, nor was it handed down from above by the prophets, but it is an invention of men in their chatter, exclusively of earthly origin and having in it nothing of the divine. (Linder 1987: 66)

Scholars have wondered about the identity of those mentioned by Justinian. It should be emphasized here that we do not view the Novella as a proof of our theory, but rather, we believe that it is explained well by our theory. This interpretation completes the picture regarding the gap between the diasporas that we described. It is important to keep in mind that Justinian ruled in Palestine as well, and that he thus ruled over different types of Jews—on the one hand, Aramaic-speaking Jews in Israel who were committed to the Rabbinic tradition, and on the other hand, Greek-speaking western Jews who were not connected to this tradition. It is thus reasonable to posit that the Novella suggests an attempt by the Jews of the east in the sixth century to bridge the gap and bring Rabbinic literature to the attention of the western Jews. It reflects a conflict between the Jews of the east and the west. The western Jews, who were already cut off from these developments for centuries, were



Apparently, it reflected a hidden debate over the centrality of a legislator because the Greeks and Romans viewed him as a Pagan legislator. (4) The Jewish Rebellion (115–117 CE) might also support our argument. It is a surprising fact that the Jews were divided in their participation in the revolt. While the eastern diaspora from Mesopotamia to Egypt (doubts regarding the community in the Land of Israel as to the 'war of Kitos' are unjustified) actively participated in the rebellion, the western diaspora was completely passive, except for Cyprus and Libya, which were anyhow in close proximity to the east.⁵⁹

We contend that Paul and the first Apostles, and subsequently the Church Fathers, took advantage of the vacuum that developed in the western diaspora as a result of the fact that it was cut off from the hierarchical systems of administration and communication of the eastern Jewish community. They worked toward spreading their beliefs in the western Jewish diaspora. It is a fact that Paul never considered going eastward, and that the only population that he thought might possibly accept his teachings was the Jews of the Greek-speaking diaspora (Mendels 1998: 394–419). Greek-speaking Jews who became part of the western diaspora could easily have perceived Paul, who was a student of R. Gamliel I, as a rabbi who came to teach the Oral Law. The big advantage for Paul, and consequently the Church Fathers, was that they taught in Greek. Paul's ability to enter the public sphere of the Jewish community via the synagogue was related to the fact that these Jews were spiritually cut off from the center in the Land of Israel and from Babylonia:

Now Paul and his company set sail from Paphos, and came to Perga in Pamphylia... [B]ut they passed on from Perga and came to Antioch of Pisidia. And on the Sabbath day they went into the synagogue and sat down. After the reading of the law and the prophets, the rulers of the synagogue sent to them, saying, 'Brethren, if you have any word of exhortation for the people, say it.' So Paul stood up, and motioning with his hand said: 'Men of Israel, and you that fear God...' As they went out, the people begged that these things might be told them the next sabbath. And when the meeting of the synagogue broke up, many Jews and devout converts to Judaism followed Paul and Barnabas, who spoke to them and urged them to continue in the grace of God' (Acts 13.13–43)

59. Regarding the Jewish rebellion of 115–117 CE, see Mendels 1997: 385–86, and Pucci Ben Zeev 2006: 93–104.

