

Observing the Sabbath in the Roman Empire: a Case Study

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According to sociologists, the distinction between the sacred and the profane is one of the main characteristics of religion. These two spheres can be demarcated in different ways, for example by building temples or altars reserved for cultic activities. Another way of distinguishing the sacred and the profane is temporal segregation, that is, holidays are reserved for religious rituals and not for everyday profane activity.¹

The idea of 'sacred time' is especially strong in the Jewish religion, where the Sabbath is a fundamental institution. The Sabbath gained importance during the Babylonian exile around 500 BCE. Because the Jews had no country of their own, as so often in the course of their history, they found it difficult to create their own sacred space and it became more important to separate sacred time.² The observance of the Sabbath is well attested for the Hellenistic and Roman periods, although there was considerable variation in how it was observed.³ A good example is found on a small papyrus account from the mid-third century BCE Zenon archive. This text lists the number of bricks received over seven days by an apparently Jewish supervisor in the Fayum village of Philadelphia. On the seventh of the month Epeiph, no bricks were received. The word 'Sabbath' appears instead of the usual figure.⁴

On the basis of the Jewish week and the pagan planetary week — also developed after the example of the Jewish week — Christians developed their own week with Sunday as the day of the Lord (*Kyriake*).⁵ The pre-eminence of this day is visible for example in the name Kyriakos given to people born on Sunday.⁶ From the fourth century onwards, the Christian week became an officially recognized unit of time in the Roman Empire. In 321 CE, Constantine made Sunday an official day of rest for judges, people from the city and artisans.⁷ More laws concerning Sunday followed, ensuring that Christians would not have to perform profane activities on the day of the Lord. Of

We are grateful to Erik Aerts for his advice on the statistical calculations.

¹ For this sociological view, see Zerubavel (1981), 101-105.

² Id., 105-110.

³ Goldenberg (1979); McKay (1994); Doering (1999); Weiss (2003).

⁴ *P.Cair.Zen.* IV 59762 = *C.Pap.Jud.* I 10. For a plate, see Clarysse and Vandorpe (1995), 101.

⁵ The first and only monograph devoted to the origins of the week is Colson (1926).

⁶ In Solin (2003), 445-449 the names Cyriacus and Cyriace are listed among the "generelle Bezeichnungen der Götter und Allgott", but in our opinion they rather fit the "kalendarische Namen" indicating days and festivals (1115-1120).

⁷ For the first application of this law in court proceedings, see *P.Oxy.* LIV 3759 ll. 37-39 (AD 325), with discussion on the seven-day week by Llewelyn (2002), 107-118.

special interest for our present purpose is a law from about 370 CE, stipulating that no Christian could be visited by a tax collector on a Sunday.⁸

The official recognition of the week gave the Christians an advantage the Jews never had. They could follow the rules of the Church without fearing that they would get into trouble with the government. The Jews, on the other hand, were in a more difficult position: when they stopped working, the rest of the empire did not. It is the aim of this paper to examine, by means of a limited case study, to what extent Jews managed to observe the Sabbath in an empire that did not.

Previous studies on the Sabbath have relied on ancient texts that either discuss the Sabbath or at least explicitly mention it. For the conflict between observance of the Sabbath and obedience to Roman officials, the two most instructive authors are Philo and Josephus. Philo reports that Roman officials allowed the Jews to collect their quota of grain the next day, if it had been distributed on a Sabbath, thus suggesting openness and understanding.⁹ On the other hand, Philo also relates the disbelief of an Egyptian official when he heard that Jews would observe the Sabbath even in case of a catastrophe such as a dyke breach.¹⁰ Josephus quotes seven Roman laws permitting the Jews to observe the Sabbath, even exempting them from military service and from court appearance on that day.¹¹ Occasional attestations of the Sabbath in other pagan sources confirm that the Jewish habit was indeed well known in the Roman Empire.¹² Numerous people called Sabbataios and Sambathaios, who were probably not all Jewish, attest to the popularity of the Jewish week in Roman Egypt.¹³ In contrast to this image of tolerance, both Plutarch and Cassius Dio depict Roman generals as taking advantage of the unwillingness of Jews to fight on Sabbath when besieging Jerusalem.¹⁴ According to Josephus, the same occurred in confrontations between the Jews and Hellenistic kings.¹⁵

The image emerging from these ancient works is that the attitude of the Roman officials varied from respect and accommodation to misunderstanding and even abuse. One wonders which reaction prevailed in daily life. In narrative sources, it is difficult to distinguish between the ideals of the learned author and the practice of the community. Documents, for example papyri, better reflect daily practice. For instance, some texts from Palestine show that even there Jews were involved in economic activity on the Sabbath.¹⁶

This paper will examine how a small Jewish community in Edfu in the south of Egypt practiced the Sabbath from the reign of Vespasian until that of Trajan (69-117 CE). It focuses on a ubiquitous demonstration of imperial power, namely taxation. The tax system of Roman Egypt is fairly well known, mainly thanks to the discovery of thousands of receipts, written on *ostraca*, which were given for each payment. At first

⁸ *Codex Theodosianus* 8.8.1.

⁹ Philo, *Legatio ad Gaium* 155-158.

¹⁰ Philo, *De somniis* 2.123-124.

¹¹ *Antiquitates* 14.10.12, 20, 21, 23, 25, 16.6.2 and 4. See Goldenberg (1979), 415-418.

¹² See Goldenberg (1979), 430-436.

¹³ *C.Pap.Jud.* III 481-499. For the name in demotic sources, see Quaegebeur (1982), 217-218.

¹⁴ Plutarch, *De superstitione* 8; Cassius Dio 37.16, 49.22, 66.7.

¹⁵ Josephus, *Contra Apionem* 1.22, *Antiquitates* 14.10.2.

¹⁶ Doering (1999); 387-397.

sight, tax receipts on potsherds contain no information on the Sabbath. These receipts usually give the exact date of payment, the name of the tax(es) and of the tax payer, and the sum paid. Since most receipts stem from illegal excavations, their exact provenance is unknown. In 1937-1939, however, an official French-Polish expedition in Edfu unearthed a few hundreds of *ostraca* and, at least for the Greek *ostraca*, carefully recorded the findspot.¹⁷ One group, found in houses not far from the famous Ptolemaic temple, belonged to a few Jewish families. They were republished with an English translation by Tcherikover and Fuks in *C.Pap.Jud.* II 160-408. Henceforth, all text numbers will refer to this edition. Since the new publication, only a few new tax receipts from this community have been published by Nachtergaele (referred to by their *Sammelbuch*-number).¹⁸

The Jews of Edfu paid the usual capitation taxes (*laographia* at 16 drachmas, dyke tax at 6 drachmas 4 obols, bath tax at 1 drachma and some police taxes). Since only few *ostraca* deal with grain taxes on land and none with trade taxes, we do not know how the Edfu Jews made their living. After the fall of Jerusalem in 69 CE, they also paid the Jewish tax, until 117 CE, when the Jewish community of Edfu was decimated as a result of the Jewish revolt. The Jewish tax amounted to two *denarii*, i.e. eight drachmas, to which an agio of two obols was added, and often also a first fruit levy (*aparche*), which brought the total payment to nine drachmas two obols a year.¹⁹

Most of the receipts were dated precisely.²⁰ This is the key to our study, for it is possible to calculate for each date on which day of the week it fell. The seven-day cycle of the Roman period can be determined by simply counting back from modern times. By comparing modern calculations to ancient dates, for example late antique Easter dates²¹ or occurrences of dated weekdays in funerary inscriptions and documents,²² it has been ascertained that no weekdays were skipped or added. The following list shows for each dated receipt from 69 to 117 CE on which day of the week it was issued.

<i>Sunday</i> (19):	167, 170, 173, 195, 228, 229, 237, 246, 255, 264, 266, 301, 302, 311, 314, 322, 333, 344, SB XXII 15508
<i>Monday</i> (32):	171, 172, 174, 177, 182, 187, 193(a), 204, 216, 220, 227, 253, 254, 257, 258, 260, 263, 273, 274a, 287, 310, 325b, 330, 334, 346, 349, 350, 352, 355, 363, 369, SB XXII 15504
<i>Tuesday</i> (30):	164, 165, 166, 175, 176, 179, 181, 192, 196, 209, 212, 213, 223, 225, 238, 248, 259, 270, 274b, 275, 290, 316, 325a, 328a, 329, 340, 347, 351, 361, SB XXII 15507

¹⁷ For the *editio princeps* of the Greek *ostraca*, see Manteuffel, Michalowski *et al.* (1937-1950).

¹⁸ Nachtergaele (1994), 39-53, esp. 45-49 (nos. 4-10).

¹⁹ For this tax, see Salvaterra (2000).

²⁰ Note that the editors of *C.Pap.Jud.* II made some mistakes with the conversion of the Egyptian calendar to Julian dates. For the correct date, always check the database of the *Heidelberger Gesamtverzeichnis*.

²¹ A list of Easter dates — always Sundays of course — can be found in Grumel (1958), 41, 266-277.

²² This comparison is made by Worp (1991), 221-230.

<i>Wednesday (22):</i>	161, 162, 163, 178, 191, 207, 211, 215, 251, 252, 268, 285, 305, 312, 320, 321, 337, 338, 341, 343, 364, SB XVIII 14009
<i>Thursday (23):</i>	180, 183, 183a, 184, 186, 193(b), 194, 201, 205, 208, 219, 239, 242, 244, 245, 262, 281, 324, 335, 336, 356, 360, SB XXII 15510
<i>Friday (20):</i>	169, 185, 206, 217, 218, 241a, 243, 256, 271, 272, 279, 296, 323, 331, 332, 339, 353, 362, 365, SB XXII 15509
<i>Sabbath (18):</i>	168, 200, 236, 261, 265, 269, 286, 292, 298, 299, 300, 304, 307, 308, 309, 313, 326, 348

From these figures it is clear that Jews in Edfu did pay taxes on Sabbath. This had nothing to do with a due date, as there was no fixed date on which taxes had to be paid. The receipts are spread evenly over the year. Also among those paid on a Sabbath, there are receipts for almost every month. It is not certain whether people had to bring the money to the tax collector's office or whether the collector visited them at home. If the collector visited the homes of the taxpayers, he did not refrain from doing so on the Sabbath irrespective of Jewish religious practice. If the tax had to be paid at the collector's office, then this suggests that the Jews themselves did not observe the Sabbath strictly. It is possible that they made the payment in the evening after sunset, when the new day had started according to the Jewish calendar but not according to the Roman calendar, yet the idea that all eighteen receipts were written at night is not convincing.

The above list includes payments for all types of taxes, often several types paid at the same time. The Jewish tax, however, is only exceptionally combined with other taxes²³. It is usually found on separate receipts (texts 160-229). The fact that it was paid separately suggests that different collectors were responsible. Therefore, it is worthwhile to repeat the analysis presented above for the Jewish tax only.

<i>Sunday (6):</i>	167, 170, 173, 195, 228, 229
<i>Monday (11):</i>	171, 172, 174, 177, 182, 187, 193(a), 204, 216, 220, 227
<i>Tuesday (14):</i>	164, 165, 166, 175, 176, 179, 181, 192, 196, 209, 212, 213, 223, 225
<i>Wednesday (9):</i>	161, 162, 163, 178, 191, 207, 211, 215, SB XVIII 14009
<i>Thursday (11):</i>	180, 183, 183a, 184, 186, 193(b), 194, 201, 205, 208, 219
<i>Friday (6):</i>	169, 185, 206, 217, 218, SB XXII 15509
<i>Sabbath (1 or 2):</i>	168, 200 (?)

There are only two receipts from a Sabbath. In the fragmentary *C.Pap.Jud.* II 200 (ll. 3-4: (ἐ)τους) η | [Φα]ωφ[ι] η), the original figure could have been [1]8 instead of 8. This

²³ Exceptions are texts 183, 202, 203 and 217. Text 183 (May 18, 85 CE) is a receipt for Josephos, son of Aischylos, whose father Aischylos, son of Josephos is known as a tax collector from text 240 (70-71 CE). The best explanation for the different taxes in 183 is that the son paid directly to his father, if he was still collecting taxes in 85 CE. Since Josephos is still attested in 101 CE (text 309), he was a relatively young man in 85 CE.

text should therefore be excluded, as it cannot be considered a certain indication that Jews paid the Jewish tax on a Sabbath. This leaves only a single text, *C.Pap.Jud.* II 168. It would have been helpful if the date could have been checked on the original documents. Unfortunately, the two *ostraca* could not be found in the Warsaw collection.²⁴

Among the receipts of the Jewish tax, the Sabbath is obviously underrepresented. The difference is statistically relevant. If the days of payment were arbitrary (i.e. if paying on any day, including the Sabbath, was equally acceptable), the frequency of payment on a particular day in a sample of 58 *ostraca* could be compared to the chances of obtaining a specific result when throwing a die with seven sides 58 times. The latter is a binomial distribution with $n = 58$ and $p = 1/7$. The chances of a result occurring exactly k times is given by the probability mass function:

$$\Pr(K = k) = \binom{n}{k} p^k (1 - p)^{n-k}$$

For $k = 1$ the probability is 0.001265794. This means that if the day of payment was arbitrary, like throwing a die with seven sides, there was a chance of just over one in a thousand that a supposedly arbitrary result would occur only once in a sample of 58 *ostraca*. In other words: if paying on the Sabbath was perfectly acceptable, the chance that only one of 58 payments occurred on a Sabbath is slim, namely just over one in a thousand. The other results all have a much higher probability: from a little less than two to almost fourteen in a hundred.²⁵ Unlike the result for Sabbath, these are normal results.

Apparently, Jews avoided paying this tax on the Sabbath. The single exception may be due to an error of reading, or due to the difference between the Jewish and Roman definitions of the beginning of the day. The reason why it was possible for the Jews to avoid paying one tax on Sabbath, but not the other taxes, is no doubt linked to the tax collector. Special taxes could be collected by tax-farmers who themselves belonged to the community which had to pay it. The beer tax was, for example, collected by brewers in the Ptolemaic period.²⁶ It is, therefore, likely that the Jewish tax was collected by members of the Jewish community. In two texts, we get a glimpse of such a tax collector. *C.Pap.Jud.* II 181 has a different format than the other receipts. It is actually a letter from the tax collector to a taxpayer, who had sent a third person to pay the tax for him. A specific tax collector, [...]naios son of Kallistratos, was responsible for the Jewish tax: (ll. 1-2) πράκτωρ [Ἰουδαϊκ]οῦ τελέσματος. In *C.Pap.Jud.* II 166, the collector is named Philon. This name was current among Jews, but also among Greeks. The possibility that

²⁴ According to an e-mail letter from Tomasz Derda, August 20, 2009.

²⁵ The probability is 0.113597663 for 6; 0.138365761 for 9; 0.082180876 for 11; and 0.016948551 for 14. The probability of fourteen payments on Tuesday is quite low in comparison to the other results, but if one accepts that the Sabbath was an exceptional day that was avoided, the chance of obtaining a result 14 times ($k = 14$) in the remaining 6 days is a binomial distribution with $n = 57$ and $p = 1/6$, which gives $p = 0.038661392$. The chances that this is the result of a coincidence are thus more than thirty times higher than in the case of one payment on Sabbath.

²⁶ See, for instance, Clarysse (2007).

the tax collector was a Jew may explain why the results for the Jewish tax differ from the general results. Collecting money and writing receipts for it on the Sabbath were of course in contradiction with the rules of Jewish religion.²⁷ As any good Jew would refrain from collecting taxes on a Sabbath, the other Jews automatically avoided paying that tax on the Sabbath.

This case study of a small Jewish community in the Egyptian town Edfu shows that it was not always possible to observe the Sabbath strictly when confronted with the governmental power of the Roman Empire, despite the indications of tolerance found in Philo or Josephus. The Jews from Edfu did pay taxes on the Sabbath. When they could collect the taxes themselves, however, namely in case of the Jewish tax, they took care to observe their religious practices.

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²⁷ Financial interactions were forbidden on Sabbath, see for example Philo, *De migratione Abrahami* 91 (early 1st c. CE). Writing was also prohibited, for example by the Mishnah (ca. 200 CE): *M. Shabbat* 7.2.

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