

elsewhere, 'Josephus takes pains to stress the accomplishments of his biblical heroes by deemphasizing the role of G-d in their actual achievements'), it is not Feldman's fault that Josephus is serving two masters. That is the way it was for Jews who wished to survive in the first century. We should be very grateful to Louis Feldman — for whom 'on the one hand' and 'on the other hand', 'however' and 'to be sure' are among the most common phrases — who has so thoroughly analyzed this difficult material, which pulls in so many directions, and laid it out so clearly.

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Hannah M. Cotton and Ada Yardeni eds., *Aramaic, Hebrew and Greek Documentary Texts from Naḥal Ḥever and Other Sites with an Appendix Containing Alleged Qumran Texts (The Seiyāl Collection II)*, Discoveries in the Judaean Desert XXVII, Oxford: Clarendon Press 1997. xxiii + 381 pp. + 33 figures + 61 plates. ISBN 0-19-82695-3.

The sumptuous and attractive volume under review contains the full publication of several dozen papyri from the Judaean Desert. These are all documentary texts, as the term is used by papyrologists in contradistinction to literary texts. That is to say, they were written to be read by a limited number of potential readers, not for publication. In this volume, specifically, we have mainly legal documents — marriage documents, loans, sales, and the like — as well as a few lists and one or two letters. The explicitly dated Aramaic documents all fall in the narrow range of 131-134/5 CE; those datable by palaeography could range up to two centuries earlier. The dated Greek papyri range from 109 or so to 131 CE. The volume joins two earlier volumes, Discoveries in the Judaean Desert. Volume II: *Les Grottes de Murabba'at*, eds. P. Benoit, O.P., J.T. Milik, and R. de Vaux. O.P. (Oxford 1960) (*P.Mur.*) and *The Documents from the Bar Kokhba Period in the Cave of Letters. Greek Papyri*, ed. Naphtali Lewis. Aramaic and Nabatean Signatures and Subscriptions, eds. Yigael Yadin and Jonas C. Greenfield (Jerusalem 1989) (*P.Yadin*), as the standard publications of papyrus documents from the Judaean Desert.

The editors of this volume must be warmly commended for having made their documents available to the scholarly public, in specialized learned journals and other fora, well in advance of their publication in this volume, and for not having withheld their texts and interpretations until the time-consuming production of the present volume was completed. They have also included here texts, mainly Aramaic, previously published by other scholars. This, then, is not the first publication of the important texts and of most of the interpretations, but rather the definitive one. The great contribution of the present volume is to make the texts easily accessible, and, in the case of Yardeni's contribution, available to the English-reading public. The presentation of the texts in a single volume releases the scholar from the inconvenience of photocopies, and the (nearly) continuous numbering finally makes reference to the texts simple and unambiguous (of which more below). We are further provided with a foreword, two prefaces, several introductions to various groups of texts and a

valuable array of indices. The Hebrew and Aramaic indices nos. 6 and 7 are in fact word-in-context concordances. Special note should be taken of the subject index provided not only for the Greek texts but also for the commentary on them, an unusual feature in papyrological publications. Clear photographs of all the material and hand tracings accompanied by tables of letter-forms for the Aramaic and Hebrew texts round out the volume.

The documents here, in contrast with those of *P.Yadin*, were not found in controlled archaeological excavations. Consequently the uncertainties concerning the provenance of the papyri and the sporadic nature of their earlier publication caused considerable confusion in the nomenclature used to refer to them. The core group of these papyri were acquired in the early 1950s by what is now the Rockefeller Museum, in Jerusalem, then under Jordanian rule, from Bedouins who asserted they found them in Nahal Se'elim (Wadi Seiyâl) in Israel (hence not subject automatically to the ownership of the Jordanian government), and they were so labeled in the museum's collection. In the course of the study of these documents during the last decade it became apparent that some of these documents could only have come from Nahal Hever, indeed from the same Cave of the Letters as the Babatha papyri and some correspondence of Bar Kokhba (*P.Yadin*), and that the same may be true for others as well with a greater or lesser degree of probability. Nonetheless the name *P.Se'elim* stuck to some of them, particularly to the Aramaic documents published in Yardeni's Hebrew volume, and in scholarly reference. As for other documents published separately in various journals over the last half-century, no universally accepted nomenclature emerged, with the result that reference was cumbersome and ambiguous. Scholars were reduced to making up their own makeshift abbreviations (as did the present reviewer in his edition of Gulak, *Hashetarot Batalmud*, p. 215). The Tov-Spann system, in which a number indicating the cave is followed by a symbol for the name of the wadi and a serial number, or letter symbol, for the individual document, yields the unpronounceable (and for those whose word processors do not produce underdots, unprintable) *XH_{ev}/Se* (underdotted H), indicating that neither cave (X) nor wadi (Hev/Se) is known. Fortunately, the *Checklist of Editions of Greek and Latin Papyri*, the standard reference for Greek papyrology, adopted as the notation for this volume the straightforward *P.Hever*, and it is hoped that scholars will now use this notation consistently.

Purists may object to this notation on the ground that we do not have certain knowledge about where some of the documents were found. One document (no. 50) certainly comes from Wadi Murabba'at; two others (nos. 9 and 69) probably come not from the cave usually associated with Nahal Hever documents, the Cave of the Letters, but from the Sela Cave (Cave of the Tetradrachm) in the upper reaches of Nahal Hever, some 12 kilometers west of the former cave. Another group of eighteen very fragmentary documents were labeled in the museum as coming from Qumran Cave 4. Being documentary rather than literary they have little in common with anything else known from Qumran. On the other hand, the connection to Nahal Hever is very tenuous. It rests on nothing more than the association of one of the alleged Qumran fragments (4Q347) and one of the 'Seyal' documents (no. 32), an association no doubt more readily apparent in the originals than in the photograph on

plate XXI. The dates of the documents in this group — estimated mainly on palaeographical grounds; the results of carbon-14 testing are not consistent — are far earlier than those of Nahal Hever. (One of the more intriguing of these documents, no. 348, contains a reference to a High Priest. H. Eshel, *Zion* 64 [1999], pp. 499-500, identifies the man, and suggests that the document is dated by his tenure as High Priest, for which, we may add, there is much Hellenistic precedent.) Such purists may be consoled by accepting that the notation *P.Hever* is not supposed to be an indication of where the papyri were for the last two millennia but is a short-hand notation for the title of the volume in which they are published.

The copy-editors of Oxford University Press did not perform their task perfectly. Readily observable lapses range from a false entry in the Bibliography for 'Dobson' rather than Hobson, as appears correctly in its proper place. They continue in two inconsistent sets of sigla for the Aramaic texts, on pages xxvii and 345 respectively. The first set is incomprehensible (two different notations for 'scribal deletion', this in addition to 'word crossed out' and 'erasure' on the one hand, and 'modern editor's addition' on the other); the second set seems to be the one actually used on pages 36 and 122. The worst lapse is on page 157, where instead of an important statement by the late Professor Wasserstein we receive a repetition of the last eight lines of page 156.

Someone should have reined in Yardeni's enthusiasm for every little scrap. On *P.Hever* 8, though for interpretation she makes do with referring the reader to Broshi and Qimron's original publication in *IEJ*, Yardeni does add an additional five pages of fragments, three of which pages are useless. A whole page is devoted to *P.Hever* 18, whose entire text is as follows:

]...[

The prize, however, goes to *P.Hever* 39:

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This is nearly as far as you can go with the Law of Diminishing Returns.

The volume is about equally divided between the Hebrew and Aramaic texts on the one hand and the Greek texts on the other, the first part prepared by Yardeni, the second part by Cotton. Each has its own character, in accordance with the interests of its author.

The Aramaic and Hebrew part is essentially a partially revised translation of Yardeni's Hebrew volume '*Nahal Se'elim*' *Documents* (1995). The translation is generally satisfactory. (An unfortunately placed howler on the last line of page 9, 'In the "simple" documents ... it is difficult to point to any clear intent' should be corrected to 'any clear pattern'.) Yardeni's interests lie in palaeography, in which she is a leading specialist, and in language. Her commentary, then, provides great detail on these two aspects of the documents, but relatively little on the legal or historical interest of their content. The detailed juxtaposition of linguistic parallels in the papyri for nearly every word and phrase is of great value, and is summarised in an important chapter of her introduction (pages 13-17). Yardeni wavers between stressing the

'frozen expressions characteristic of conservative legal language' and 'the freedom allowed at that time in writing legal documents', but concludes sensibly that 'a picture emerges of a unified and well established structure ... evidence of an accepted tradition' (p. 13). Lawrence Schiffman, in a paper forthcoming in the proceedings of a conference on law in the documents from the Judaean Desert, has put this to good use by showing that there is perfect continuity between what appears in these documents and in rabbinic literature. For Schiffman this shows that the rabbis incorporated what people did into the law. It is probably equally true that people did in such matters what the law recognised. Law gives effect to what people do; people do what the law gives effect to.

The first document presented, *P.Hever* 7, is a sale of a house and premises. Exceptionally, it is written on skin rather than on papyrus, which may be the reason for the relative brevity and absence of some of the boilerplate found in other documents of this type. The seller is one El'azar son of Levi, the wineseller, of whom it is further said that he is *בן בני ישראל*, which Yardeni, assuming a metathesis, translates 'of the children of Israel', and that he resides somewhere (no longer legible). Yardeni speculates briefly on the possibility of a Levite with an Israelite father, a most remarkable matter considering the interest in recent years in the so-called patrilineal/matrilineal issue. Now, as for the term *בן לוי*, though we expect at this point not a status indication but a patronymic, the term *בן לוי* does occur often enough in rabbinic literature as an indication of levitic status; and though dozens of individuals named Levi appear in rabbinic literature, it is true that, except perhaps for *P.Hever* 12.6, in the documentary material the name only appears as 'son of Levi'. However, *בן ישראל* (rather than *ישראל*) is never used to distinguish an Israelite from a *kohen* or Levite,¹ but only to distinguish a gentile. In any case, as Yardeni herself notes, what is needed here is not a status indicator but the *origo*, official residence, followed as it is by the phrase *דיתה בכפר* ..., 'now residing in the village ...'. Left as it is *ישראל* is a fine-sounding theophoric name, vocalized something like 'Yirashel', and *Bnai Yirashel* (for the form, compare *Bnai Berak*) should probably be added to the list of toponyms.

P.Hever 8 is the 'House Sale Deed from Kfar Baru' published by Broshi and Qimron in 1986, remarkable for having its inner copy in Aramaic and its outer copy in Hebrew. *P.Hever* 8a is another deed of the same sort, written during the same month (Adar of the third year of the Bar Kokhba revolt) and presumably in the same place, here called Kfar Baryu (as against the earlier reading, Kfar Babayu). The two transactions, however, are quite separate, and the documents should have been given completely separate publication numbers to avoid confusion. The latter document was published as early as 1954 and consequently has received much scholarly attention. Yardeni has made a valuable contribution by a fresh and convincing restoration of lines 8 and 9 which contain the statement of the borders. The result is that the object of the sale is not a house but a single room in a multi-room dwelling. The room had opened to the north to the seller's courtyard, but that opening will now be

¹ *בן ישראל* in b. Gittin 30b is no exception. The passage refers to a man who wishes to dispose of tithes his father, an Israelite, had tithed.

sealed (or, at any rate, the buyer is denied any right to enter the seller's courtyard) and a new opening will be made from the room to the buyer's courtyard on the south. Slightly differently from Yardeni, we may imagine the seller's plot, schematically, as a square, with the room which is being sold in the southeast corner, more rooms in the southwest corner and perhaps northeast corner, and the courtyard taking up much of the northern side starting from the east. The buyer's adjoining plot on the south would have the same layout. The price, 8 zuz, is low, as Amit and Eshel observe.² During the revolt cash is dear, and people are wary of buying real-estate. The price is perfectly proportionate to that of *P.Hever* 8, 36 zuz for a complete two-story dwelling with at least three rooms and a courtyard.

P.Hever 9 is the sale of a field. Dated palaeographically to the beginning of the first century CE, it is one of the earliest Aramaic published documents in a useful state of preservation. Amit and Eshel suggest that the document was found in the Cave of the Tetradrachm (Me'arat Hasela) in the upper reaches of Nahal Hever, not far from the site of Yakim, where it was written. Two more sales of land, less well preserved, are *P.Hever* 21 and *P.Hever* 50, of which *P.Mur.* 26 is the lower part. *P.Hever* 10 is a fragmentary document, perhaps a receipt, notable for what appears to be a transliteration of the Greek word ἀπόφασις. *P.Hever* 12 is a receipt for dates written in the name of the same Salome daughter of Levi who figures prominently in the Greek documents.

P.Hever 13, the most widely discussed of the papyri published in the last decade and a half, was written in 134 or 135 CE for a woman of Engedi asserting to her former husband that she has no claim on him subsequent to their divorce. Presumably whatever obligations remained after the breakup of the marriage had been discharged in one way or another. There is no way of telling what the obligations would have been; dowry and *ketubba* are after all only part of the story. The most problematic part is in lines 6-7, in what according to this transcription is a subordinate clause modifying 'husband', 'הוא לך מנה גט [י]ד, 'there was (or is) a bill of divorce to you from him (or her, or me)'. But from whom to whom, and when? Who speaks these lines, and to whom? The text is of course unvocalized and unpunctuated, and familiar orthographic conventions are not observed here, so that the pronouns are cruelly ambiguous as to gender and person. Even the transcription, particularly of the ך at the beginning of the phrase, is not free of doubt. What gives this obscure line its interest is that if it should be taken to mean that the divorce bill was given by the wife to the husband it would evidence a variance diametrically opposed to a basic rule of the Jewish law on divorce, that the divorce must proceed from the husband to the wife, a rule which, as applied today by rabbinic courts, both in Israel and in the United States, is now the subject of very heated controversy arising especially from women's movements. Just that was asserted by Milik, when referring to this document, then unpublished, in the 1950s and in 1961, and repeated subsequently by several scholars in heated debate. However, when Yardeni and the late Jonas

² Hanan Eshel and David Amit, *Refuge Caves of the Bar Kokhba Revolt* (Tel Aviv 1998) 200 (Hebrew).

Greenfield published it³ they presented it as a receipt ('Quittance' would be more accurate, as is שובר), and interpreted the line under discussion to mean 'you (the wife) received from him (the husband) a bill of divorce'. The line, they proposed, constitutes the words of the scribe speaking in his own person to the wife, following line 6, which contains the words of the scribe speaking in his own person to the husband. Tal Ilan immediately challenged this by resurrecting Milik's interpretation that the document was itself a divorce bill given by the wife to the husband.⁴ Though hardly convincing, she did succeed in provoking (her stated aim) sharp responses. Hannah Cotton and Elisha Qimron, while rejecting the notion that this document was itself a bill of divorce, interpreted the problematic line 7 as referring to an earlier bill of divorce which was given by the wife to the husband (reading מני for מנה).⁵ On the other hand, Adiel Schremer,⁶ Robert Brody,⁷ and Joseph A. Fitzmyer⁸ have all weighed in with solutions which eliminated the variance from rabbinic tradition. Schremer suggests that the line is the words of the husband preceded at the end of line 6 not by [י] but by [אמרת]; Brody suggests that the phrase reflects the language of the divorce bill and that 'from me' said by the wife depends not on 'bill' but on 'divorce'; Fitzmyer supports Yardeni and Greenfield. Personally I find the Yardeni and Greenfield interpretation satisfactory. The nearly contemporary rabbinic literature displays unannounced shifts of point of view of speaker and addressee (e.g. ברוך אשר קדשנו ... אתה with its switch from second to third person), and in particular does not maintain a strict distinction between direct and indirect discourse.⁹ Perhaps the modern convention would be to introduce quotation marks at various points, and assign parts to various speakers according to the context as we must do when using manuscripts of ancient drama. Of particular importance is the argument raised by Schremer in the Hebrew version of his study of this document that, when all is said

³ Ada Yardeni and Jonas C. Greenfield, 'A Receipt for a Ketubba', in Isaiah M. Gafni, Aharon Oppenheimer, and Daniel R. Schwartz, eds., *The Jews in the Hellenistic-Roman World. Studies in Memory of Menahem Stern* (Jerusalem 1996) 197-208 (Hebrew), presumably written earlier than the version which appears in Yardeni's Hebrew '*Nahal Se'elim*' *Documents* (1995).

⁴ Tal Ilan, 'Notes and Observations on a Newly Published Divorce Bill from the Judaean Desert', *Harvard Theological Review* 89 (1996) 195-202; and eadem, 'The Provocative Approach Once Again: A Response to Adiel Schremer', *Harvard Theological Review* 91 (1998) 203-4.

⁵ Hannah M. Cotton and Elisha Qimron, 'XHev/Se ar 13 of 134 or 135 CE: A Wife's Renunciation of Claims', *Journal of Jewish Studies* 49 (1998) 108-118.

⁶ Adiel Schremer, 'Divorce in Papyrus Se'elim 13 Once Again: A Reply to Tal Ilan', *Harvard Theological Review* 91 (1998) 193-202; and Adiel Schremer, 'Papyrus Se'elim 13 and the Question of Divorce Initiated by Women in Ancient Jewish Halakha', *Zion* 63.4 (1998) 377-390 (Hebrew).

⁷ Robert Brody, 'Evidence for Divorce by Jewish Women', *Journal of Jewish Studies* 50.2 (1999) 230-234.

⁸ Joseph A. Fitzmyer, S.J., 'The So-called Aramaic Divorce Text from Wadi Seiyâl', *Eretz-Israel* 26 (1999) 16*-22*.

⁹ M.Z. Segal, *Dikduk Leshon Hamishna* (Grammar of Mishnaic Hebrew) (Tel Aviv 1936) 224-225.

and done, there is no other evidence that 'plain' Jews (in contradistinction to the Herodian royal family, whose behavior can hardly be thought to reflect any normative Jewish tradition at all) ever had a practice by which a divorce bill could emanate from the wife. Rabbinic literature is unambiguous that only the husband had the power (as distinguished from the 'right' in Hohfeldian terms) to divorce, and that failure to observe this rule would have the most dire results a generation later; yet there is not a hint — no apologies, no polemics — that anyone disputed this. To overturn this view we would need incontrovertible evidence. *P.Hever* 13, with its ambiguities of reading and interpretation, does not provide that evidence. Yardeni wisely puts these ambiguities forward in her introduction and translation. The jury is still out on this one.

The signature of the woman in *P.Hever* 13 is curious, at lines 11-12: שלמציין ברת | יהוסף על נפשה שאלה כתב | מתת בר שמעון ממרה. Following a suggestion by Cotton, who cites a third-century Palmyrene inscription in which a person says he 'lent' his handwriting to another because the other was illiterate, Yardeni translates 'Shelamsion etc. borrows the writing. Mattat son of Shim'on, at her word'. This 'borrowing the writing' is outlandish, and leaves the second sentence without a predicate verb. Much more straightforward would be to translate 'Shelamsion etc. asked; Mattat wrote what she said'. This would parallel the expression found in a document from the same cave, albeit in Greek, *P.Yadin* 15.35, 'I, Eleazar, having been asked, wrote for her'. The verb כתב, then, is the predicate verb whose subject is the following name, Mattat. That must be the case in *P.Hever* 8a.14-15, כתב | אלעזר בר מתת ממרה, as Yardeni herself translates, since the name preceding the verb is feminine. The last word of the expression is translated by Yardeni in each papyrus in which it appears as an adverbial expression 'at his word', which requires her to restore or construe an additional מ prefix each time the word appears. Much simpler would be to take it as a nominal expression, the object of the verb wrote, 'what she said'.¹⁰

P.Hever 30 is remarkable for being one of the only letters extant addressed to, rather than from, Bar Kokhba. Written in Hebrew, it is too fragmentary for any continuous sense to be recovered. Line 7 may contain an intriguing reference to a disaster.

P.Hever 49 is a promissory note (which would be called a *ὀμολογία* in Greek), written on skin, in Hebrew, and dated to 133 CE. It was published twice by Broshi and Qimron, first in Hebrew,¹¹ and again in English,¹² revised in its essential points in line with an important study by Peretz Segal.¹³ In the present volume the text and translation are given according to the second version, without comment. I would

¹⁰ K. Beyer, *Die aramäischen Texte vom Toten Meer. Ergänzungsband* (Göttingen 1994) 192, 321, got it mostly right.

¹¹ M. Broshi and E. Qimron, 'I.O.U. Note from the Time of the Bar Kokhba Revolt', *Eretz Israel* 20 (1989) 256-61.

¹² Magen Broshi and Elisha Qimron, 'A Hebrew I.O.U. Note from the Second Year of the Bar Kokhba Revolt', *Journal of Jewish Studies* 45 (1994) 286-294.

¹³ Peretz Segal, 'The Hebrew I.O.U. Note from the Time of the Bar Kokhba Period', *Tarbiz* 60 (1991) 113-118 (Hebrew).

probably have stuck with the first version. The main issue is as follows. The body of the text opens with the word אִיתוֹרִי, 'acknowledged', followed by the name of the subject of that verb (lines 3-4). Immediately following is the word 'with me' and a second name. *Prima facie*, the obvious sense is that the first person acknowledges a debt to the second. Yet at the end of the document the first signature is that of the second person, whom we expected to be the creditor, and the signature of the first person, who we thought was the debtor, is either last or not present at all. An exact parallel to this structure is *P. Mur.* 18. Ever since that document was published scholars have been bedeviled by the problem of why the creditor rather than the debtor should have signed on the document, and various attempts have been made to exchange the roles represented by the two names. Segal's solution is to take אִיתוֹרִי to be the passive of הוֹדָה, 'acknowledged', and to argue that its subject is the creditor, with the sense of 'received an acknowledgement'. Segal deploys a very impressive array of arguments, and some other parts of the text fall neatly into place, but he has not to my mind overcome the main obstacle, that is, that אִיתוֹרִי is not passive. First, the verb was in common use both in biblical and in rabbinic Hebrew in an active sense, and no one seems to have come up with an instance of passive use. (It obviously will not do to cite *P. Mur.* 18.) Second, if it were passive, the subject would not be the person to whom the acknowledgement was made, but the content of the acknowledgement.¹⁴ Third, I have yet to see a ὁμολογία phrased as an action of the creditor rather than of the debtor. Perhaps the solution lies rather in a fine point of Jewish law. We should notice that *P. Hever* 49, like *P. Mur.* 18, is not an acknowledgement of debt by writing, but an attested written record of an oral acknowledgement. Now such an oral acknowledgement has the weakness that the defendant when charged can oppose the defence that 'I said that so as to make myself not seem well-off'. ('I wish I could help you, dear cousin, but I already owe the bank a million'. Witnesses report this to the bank. Can the bank sue for a million on the strength of such testimony? No.) This defence will not, however, avail the defendant if the acknowledgement was made in the presence of the acknowledged creditor. It is crucial, then, in such a case that the presence of the creditor be established. Hence his declaration, as I suggest taking it, in line 5, 'with me Yehosef', and his signature at the end.¹⁵

The Greek part of the volume, by Hannah Cotton, has a vastly different character. Eight texts are in a reasonable state of preservation. These include a tax (or rent) receipt, two land declarations, a quittance, a gift, a loan, and two marriage contracts. Of the last, *P. Hever* 69 is cancelled out, clearly implying that the marriage had come

¹⁴ אִיתוֹרִי according to Segal would be the passive of the qal form הוֹדָה, hence its subject would be the direct object of הוֹדָה. In rabbinic literature, at least, the person to whom the acknowledgement is made is always placed as an indirect object with -ל, and when there is a direct object it is the content of the acknowledgement, usually a noun clause such as 'that he owes'. However, Professor Kadari draws my attention to such biblical passages as Genesis 29:8 and Psalms 145:10.

¹⁵ References in *Legal Documents of the Talmud in Light of Greek Papyri and Greek and Roman Law*, by A. Gulak (translation of A. Gulak, *Das Urkundenwesen im Talmud im Lichte der griechisch-ägyptischen Papyri und des griechischen und römischen Rechts*), edited with supplementary notes by R. Katzoff (Jerusalem 1994) 15-16 (Hebrew).

to an end and the obligations in the document had been discharged. The other, *P. Hever* 65, is a re-edition of *P. Yadin* 37, with a significant change in restoration and hence in interpretation. Whereas in the Aramaic part there do not appear to be any interconnections between the texts, of the Greek documents six, and one Aramaic as well, seem to relate to a single family, that of Salome Komaise, daughter of Levi. It is reasonable to call this group an archive, but Cotton adds the caveat that we do not know that they were found bundled together, as were the documents of the Babatha archive, and it is not easy to imagine what would account for these particular documents being together.

In contrast with the Aramaic part, Cotton provides the Greek texts with extremely rich commentaries in the form of very extensive notes and an elaborate array of introductions. There are short and long essays on all aspects of these papyri, including archaeological context, language, diplomatics such as double documents, witnesses and subscriptions, matters of dating, geographical divisions and provincial administration, marriage documents, inheritance law, and the general character of the Jewish community reflected in the documents. There are few volumes of this type where one can learn so much on such a variety of subjects.

Most impressive is the massive number of parallels which Cotton brings to bear on nearly every phrase and point in these documents. The parallels are drawn from documentary material, papyri and inscriptions, found all over the hellenized East, mostly, of course, in Egypt, but also in Syria and Mesopotamia. The result is hard evidence for a very broad band of continuity between nearly every one of these documents and the Greek diplomatic tradition all over the hellenized world. Cotton demonstrates conclusively that it is not just an impressionistic conclusion that when the writers of these documents wished to write up their transactions in Greek they utilized to the full the Greek modes of doing so. The one notable exception is *P. Hever* 64, a gift of land, which Cotton shows to be a Greek version of an essentially Aramaic prototype. Particularly charming in this document is seeing the writer struggle to express in Greek the notion of 'week', which did not exist in Greek at that time.

In matters touching on law the footing is somewhat less sure. Greek and Roman law are occasionally reported inaccurately. The views of Wolff and Modrzejewski on *ekdosis* are presented backwards (265): it was the meaning and significance which remained, and the form which, except in a few documents from Oxyrhynchus, disappeared. The Latin expression *donatio ante nuptias in dotem redacta* is offered as if such an arrangement would have been actionable in Roman law in the second century CE (268); it was not until centuries later. On pages 204-206 Cotton repeats an attempt to spin out a law of succession from the information on gifts, based on the assumption that every gift, whether *inter vivos* or *mortis causa*, is an attempt to evade laws on succession and therefore provides evidence on who does not inherit, or in other words, that no parent ever gives a married child a gift unless that child could not inherit on the donor's death. That assumption is obviously wrong, and Cotton herself has withdrawn from that position.

In matters of Jewish law the treatment is not on the same standard as the rest, and the discussion is on occasion insufficiently informed. Sometimes simple errors of fact

mar interpretation and judgement, most noticeably in the discussion of *P.Hever* 65 = *P.Yadin* 37. In Lewis's edition of the papyrus as *P.Yadin* 37, the possibility was raised — I must take responsibility for the suggestion — that the transaction reflected a Jewish practice of provisional marriage for minor orphan girls. Cotton, in rejecting the suggestion, asserts that she 'could not find any rabbinic sources for the custom alleged by Lewis' (p. 227, note 23). Chapter 13 of *Yevamot* is devoted to one aspect of the institution, and references are frequent elsewhere as well.¹⁶ Cotton herself quotes one of these, *m. Ketubot* 6.6, on page 266. Then we are told that we know that Salome, the bride in *P.Hever* 65, was not a minor in 131 CE, because she was married to a different husband in 127 CE. However, legal majority of the bride is not a precondition of marriage in Jewish law.¹⁷

When the argument is more complex it can become muddled. Cotton (p. 229) correctly endorses Wolff's view on the issue of 'written and unwritten marriages', but fails to see the effect his view has on her argument. Wolff's point is that there was no 'institution' of *agraphos gamos*. Indeed the very term is modern. What there was in the society reflected in the Greek papyri from Roman Egypt is a single institution of marriage, and that was usually, but not necessarily, accompanied by a written document. The situation according to rabbinic sources, contrary to Cotton, is not much different. Both *talmudim* distinguish between *כתובה שכותבין כתובה*, where the *ketubba* is written, and *מקום שאין כותבין כתובה*, where the *ketubba* is not (that is not necessarily) written, and even report the view that the latter is the default situation in the Mishna. Cotton (p. 228) confidently asserts that marriage unaccompanied by a written document, *ketubba*, would be contrary to halacha, 'sex out of wedlock'. Her authority for this is a statement by Rabbi Meir that a man may not keep his wife for even one hour without a *ketubba* (*b. B.Qam.* 89a, quoted at second hand). Then in a sort of hyper-orthodoxy, Cotton maintains that *P.Hever* 65 'is not the *ketubba* which would turn "premarital intercourse" into a proper Jewish marriage'. What makes the document halachically unacceptable in Cotton's eyes, to judge from the cross-references in her earlier publications, is 'not only the Greek language but entire ethos and diplomatics of the Greek marriage contract' for which she found parallels in papyri from Egypt.¹⁸ However, what R. Meir had in mind as the *sine qua non* is neither language nor diplomatics, nor even writing, but the obligation of no less than

¹⁶ The institution is not recherché. A quick search of the *Mishna*, *Tosefta* and the two *talmudim* for five inflected forms of one technical term associated with it, *למאן*, yielded 261 hits from 12 different tractates. Most people with a smattering of Talmud will have run into the institution in the fourth chapter of *b. Berachot*, often used as an introductory text, at 27a, quoting *m. Eduyot* 6.1.

¹⁷ The point is elementary, and available in encyclopedia articles, such as by Schereschewsky in *EJ*, s.v. Child Marriage; or in my study, 'Age at Marriage of Jewish Girls During the Talmudic Period', in Mordechai A. Friedman, ed., *Marriage and the Family in Halakha and Jewish Thought = Te'udah* 13 (1997) 9-18 (Hebrew).

¹⁸ The notion that any deviation from a fixed formulary of the *ketubba* is halachically unacceptable did become a staple of orthodox anti-reformist rhetoric in the nineteenth and twentieth centuries, and seems to lie behind the discussion despite the demur at the bottom of page 154.

200 zuz to the wife (*m. Ketubot* 5.1). R. Meir, then, might have found fault with the amount to which the husband is committed in *P.Hever* 65, 96 dinars, if that indeed represented his total commitment, but not with the Greek 'ethos'.

More important, anyone who takes the trouble to look up the reference in *b. B.Qam.* 89a would see that R. Meir's view was not universally held. The cross-references on the printed page of the Talmud lead quickly to *b. Ketubot* 57a, זו דברי רבי מאיר, אבל חכמים אומרים משהא אדם את אשתו שנים בלא כתובה 'That is the opinion of R. Meir; but scholars say a man may keep his wife two or three years without a *ketubba*'. Opponents of R. Meir's view are identified at 56b as Rabbi José and Rabbi Judah. All three, it should be noted, were important disciples of Rabbi Akiva, thus contemporary with the documents under discussion. The lines of continuity with R. Judah are of particular interest, for they are found in other aspects of Judaean Desert documents as well. It is R. Judah who, in opposition to others, says that a gift in contemplation of death is to be phrased as 'from now and after death' (*m. Bava Batra* 8.7; compare *P.Yadin* 19.21-23); that a debtor may require surrender to him of the obligatory document in return for payment (*m. Bava Batra* 10.6; compare *P.Hever* 8.7, *P.Hever* 69, *P.Yadin* 18.57, and other documents listed by Yardeni, p. 17 note 22); that in the financial aspects of a marriage variance from the standard usage is acceptable (בדבר שבממון תנאו קיים) (*b. Ketubot* 56a, and parallels; compare *P.Yadin* 18.59, where the wife seems to be given the right to receive her dowry on demand, unconditioned on divorce or death of the husband).

No small part of the problematic nature of the discussion is that the questions are not posed subtly enough. Both in the general discussion of 'Jewish Law and Society' (at pp. 154-5) and in the more particular discussion of marriage contracts (especially at p. 274) the question is whether a document, or part of a document, is or is not Jewish. Yes or no. The standard for acceptance as 'Jewish' is set impossibly high. To pass as 'Jewish' a practice must either be uniquely Jewish or be explicitly incorporated into halacha. Mere implicit acceptance will not suffice. Anything which fails these tests reveals 'the remarkable degree of integration of Jewish society into its environment'. Cotton then takes the very bold position that there was no halacha in the period under discussion, for before the end of the second century CE it had not yet received its 'final form'. (Another bit of hyper-orthodoxy there. As the 'final form' should we think of the Shulchan Aruch, or the Mishna Berura, or Sinai?) By way of support for this position we are offered only references to studies by Cotton on the Jewish law of marriage (see above), of succession (which she has retracted), and on guardianship (in which the fact that the city council of Petra in Arabia appointed male guardians somehow proved that Jews did not observe the halacha, which allowed for either male or female guardians); and one article by H. Lapin.¹⁹ A better way to approach the issue might have been to examine lines of continuity between the documents and the various relevant traditions of that time, and to allow for the possibility of more than one line of continuity. One would surely find, as Safrai did,²⁰ that the lines of continuity are stronger to the contemporary Jewish tradition in

¹⁹ For an assessment of Lapin's work see Z. Safrai, *Zion* 62 (1997) 289-97.

²⁰ In an article in the proceedings of the conference mentioned above.

the Aramaic documents, and stronger to the Hellenistic tradition in the Greek documents. One would want to ask in the case of an institution with lines of continuity to both Jewish and gentile traditions what the institution would have meant to the particular Jew using it. To answer this sort of question much more serious attention would have to be given to the literary record than has been given so far. And we should be much more ready to say 'we do not know'.

Despite all its occasional quirks and insufficiencies, Cotton and Yardeni's *Documentary Texts from Nahal Hever* is a splendid volume. It will undoubtedly be the basis for all further scholarship on its subjects, and ought to stimulate active discussion of the broad issues raised in it, not least on the issues involved with the self-definition of the Jews who wrote these documents. No shelf with *P.Mur.* and *P.Yadin* will ever be complete without *P.Hever*.

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Judith Lieu, *Image and Reality. The Jews in the World of the Christians in the Second Century*, Edinburgh: T.&T. Clark, 1996. 348 pp. ISBN 0-56-7085295.

This volume presents a series of subtle investigations of the role of Jews and Judaism in the development of a variety of early Christian identities. The reassessment during the last generation of the relationship between Judaism and Christianity in the early centuries of the common era — clearly fueled by the pioneering work of Marcel Simon and the influential studies by John G. Gager and Robert Wilken — has given rise to a significant number of synthetic presentations in recent years.¹ The volume before us stands out notably among these. At once provocatively intelligent and densely researched, Lieu's study offers both an able summation of recent trends in research and a genuine step forward in our appreciation of certain key figures and compositions in the Christian world of the second century.

Though this is not apparent from the title of the book, Lieu very purposefully restricts the scope of discussion to the evidence of authors either directly from Asia Minor themselves (Polycarp of Smyrna, Melito of Sardis) or whose works are presumed to reflect the relationship between Jews and Christians in that area. The rationale for this geographical demarcation is cogent — and carefully expained by the author (5-11) — but not without attendant difficulties. It might well be asked, for example, whether Ignatius of Antioch should have been made the sole representative of that important center of early Christianity. So too, there remains ample room for argument regarding the relevance of both Justin Martyr and the apologist Aristides for the delineation of Christianity in Asia Minor. Furthermore, the relatively thin

¹ J.T. Sanders, *Schismatics, Sectarians, Dissidents, Deviants: The First One Hundred Years of Jewish-Christian Relations* (1993); C.J. Setzer, *Jewish Responses to Early Christians: History and Polemics, 30-150 C.E.* (1994); M.S. Taylor, *Anti-Judaism and Early Christian Identity* (1995); S.G. Wilson, *Related Strangers. Jews and Christians 70-170 CE* (1995).