

NAPHTALI LEWIS

JUDAH'S BIGAMY

aus: Zeitschrift für Papyrologie und Epigraphik 116 (1997) 152

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Non multa verba. In *ZPE* 109 (1995) 128-32, citing many details of Jewish custom and law, Ranon Katzoff argues in effect that, since Jewish society was—with, granted, a few known exceptions—essentially monogamous in the second century CE, absent evidence to the contrary we should interpret *P. Yadin* 26 and 34 to mean that Judah son of Eleazar Khthousion had divorced his first wife, Miriam, before he married Babatha.

The argument founders on the presence of evidence which, on its face, argues the contrary. It lies in the expression "my and your late husband," μου καί σου ἀνδρὸς ἀπογενομένου, *employed by both women*. In their dispute over rights to Judah's property, it is understandable that Miriam, even if a divorcee, would use that expression putting herself on a par with Babatha; but it is inconceivable that Babatha, if Judah's sole wife at the time of his death, would tolerate such language—in fact, she is the first to use it, and Miriam merely repeats it—blurring the distinction between herself, the lawful wife, and a divorced former wife.

Katzoff is aware of the problem. "Lewis would argue," he writes, "[that] while it would be in Miriam's interest to put herself, though a divorcee, on a par with Babatha in the phrase 'my husband and yours,' why would Babatha use such a phrase? I would answer that..." (p. 128). But what follows is Katzoff's argument from contemporary mores (summarized in the first paragraph, above); the point about the use of the same expression by both women is not discussed at all, but is perhaps dismissed by implication in a remark about "the ambiguity of the evidence" (p. 131). As to that, the simple, unforced sense of μου καί σου ἀνδρὸς ἀπογενομένου is that both women were wives (now widows) of the deceased, not one a wife and the other a divorcee. Therefore the burden of proof—linguistic, not cultural—rests upon those who would argue otherwise, and Katzoff has not discharged that burden.

The circumstances that led Judah to take Babatha as a second wife are not stated in the extant documents, but reading between the lines suggests some possibilities. He may well have regarded her as an attractive prize: she was a young widow and rich (in *P. Yadin* 17 she lends him money). For her the appeal of the marriage would be (*imprimis inter alia?*) the end of her widowhood, an unenviable state. Also, it may be significant that these Jewish families were not living in Judaea, but—in Babatha's case for at least two generations—in an area populated by Nabataeans. Proto-Arabs in the view of some (or most?) scholars, the Nabataeans may well have practised polygamy. We see in the apocryphal Book of Tobit that during the exile in Media Jews, living "far and across an international border from the family home," departed from Jewish marriage custom in violation of the injunction in Numbers 36:6-9. (The quotation is from R. Katzoff, *Classical Studies in Honor of David Sohlberg* [Ramat Gan, 1996], pp. 228-29.) When in Rome, as the saying goes, do as the Romans do. When *apud Nabataeos*...