

THE ISRAEL ACADEMY OF SCIENCES AND HUMANITIES

PROCEEDINGS • VOLUME II No. 4

*Class-Status and Leadership
in the World of the
Palestinian Sages*

by

EPHRAIM E. URBACH

Jerusalem 1966

© The Israel Academy of Sciences and Humanities, Jerusalem
English translation by I. Abrahams, Capetown

Printed in Israel
At the Central Press, Jerusalem

CLASS-STATUS AND LEADERSHIP
IN THE WORLD OF THE
PALESTINIAN SAGES

by

EPHRAIM E. URBACH

WHAT WAS the class-status of the Sages in the Jewish society of Palestine in the period of the Second Temple down to the time of the compilation of the Mishna, and what were the form and methods of their leadership?

From talmudic literature there emerges in general the picture of a society that was not indeed homogeneous, or even free from the throes of struggle between different strata and classes, but yet was a community at whose head Sages always stood: the Men of the Great Assembly, the Pairs, the Sanhedrin, Patriarchs and Heads of Academies. Only from incidental observations and the overtones of dicta and tales can we discern cracks and breaches, which continue to grow wider in the measure in which external sources are available to us.

Just as we should have known almost nothing, on the basis of the internal sources in our possession, of the wars, activities and struggles of the Hasmonean kings, of the fantasies and writings of the apocalyptic circles, or of the order and mode of life of various sects and groups, so we should have known nothing substantial regarding the world of the Sages if we had had to depend on Josephus or on the anonymous authors of the apocryphal and sectarian literature. Total invalidation of one type of the aforementioned sources, or disregard of one of them in describing the historic reality, not only impairs the completeness of the picture, but also suppresses the specific and characteristic features of each group, sect and class. Comparative study shows that not every idea or doctrine that appears in the writings of a given sect is an original concept peculiar to it. Sometimes it is only part of older traditions that have been appropriated with a specific aim in view. In rabbinic sources, too, there are to be found beliefs and opinions that first burgeoned and became current in entirely other circles. There are laws that originated not in the rabbinic school-

house but in 'state laws',¹ in the priestly courts, and in the Sanhedrins whose composition did not have the approval of the Sages. Only in the course of time were the doctrines and laws, the beliefs and concepts integrated into the pattern of the general tradition. Some received the hallmark of an unbroken chain of tradition, whilst others were attributed to the first or last transmitter, as R. Yoḥanan stated: 'If you can trace a tradition back to Moses, do so; if not, cite either the very first or very last [traditionist]' (*TP. Qiddushin* 1, 7, 61a). This is not the place to give the grounds for these submissions, but I deem it necessary to emphasize them at the beginning of my essay, because, on the one hand, they enable us to view the social status and leadership of the Sages in the light of the phases of the nation's development and against the general realities of the national life, and, on the other, the discussion of the sources bearing on our subject appears to reinforce the submissions themselves.

R. Yoḥanan's dictum, 'Israel did not go into exile until they were splintered into twenty-four heretical sects' (*TP. Sanhedrin* x, 29c), evidences the numerous schisms that existed at the close of the Second Temple period. The books of the ordinances of the Sadducees and others disappeared, and the works of the sectarians were suppressed. The Sages were triumphant, and determined the pattern of the people's life and the national image. But we are obliged to ask: What course did the struggle take and what was the nature of the victory? Were the Sages at the beginning of the Second Temple era and in the period of the Hasmoneans an elite that exercised dominant leadership, whilst all the other sects represented defectors and heretics against whom the Sages fought victoriously? Was there no 'changing of the guard', and was the position of the Sages subject to no fluctuations? Or have we perhaps here a phenomenon similar to that which we are inclined to detect in the Catholic Church: the Great Church was that 'heresy' (ἁρεσις) which was most successful and succeeded in overcoming all its opponents?²

Josephus testifies that, already in the time of John Hyrcanus, the Pharisees held great sway with the masses, 'so that even if they [the Pharisees] speak against the king or the high priest, they [the multitude] immediately believe them' (*Ant.* XIII, 288). Josephus does not reveal the nature of this influence, but it is clear that it did not flow from any power of rulership.

- 1 See my observations in my article 'The Derasha as a Basis of the Halakha and the Problem of the Soferim', *Tarbiz*, xxvii (1958), pp. 169 f. This view also finds expression in the article by I. BAER, 'The Historical Foundations of the Halakha', *Zion*, xvii (1952), pp. 24 f.
- 2 W. BAUER, *Rechtgläubigkeit und Ketzerei im ältesten Christentum*, Tübingen 1934; J. G. BLUM, *Tradition und Sukzession*, Berlin-Hamburg 1963, p. 13.

Class-Status and Leadership in the World of the Palestinian Sages

The world of the Sages in the period of the Second Temple had a distinctive typological character, but those who belonged to it were not alike in all respects.³ The Sages undoubtedly originated in the 'Assembly of the Ḥassidim [Pietists]', whose alliance with the Maccabeans at the time of the revolt is specially emphasized. They were also the first to seek peace as soon as the slightest opportunity in that direction presented itself (I Maccabees ii : 29; vii : 13), and the attitude of the early generations foreshadowed that of their successors. Readiness for self-sacrifice and war for the sake of their faith on the one hand, and, on the other, the love and pursuit of peace without any aspiration to rule were common to all of them. But they differed in their ways and in the emphasis which they laid on certain matters. There were among them men who by their conduct and deeds resembled not a little the early biblical prophets; they included modest pietists, who were punctilious in the observance of the commandments and extremely scrupulous in all human relationships, going even beyond the strict letter of the law; there were God-fearing men, who avoided anything that was liable to be a stumbling-block to them or cause them to sin; and there were those who in any instance of doubt were prepared to purify themselves and to seek atonement by offering sacrifices. Some were scholar-scribes who considered their primary task to be the study and teaching of Torah; others were affiliated to groups which undertook to be meticulously strict in the observance of the laws of heave-offering and tithes, and practised the rules of impurity and purity with particular care; there were others among them, again, who were devotees of mysticism and belonged to those who delved into the mysteries of the 'Divine Chariot' and occupied themselves with the study of 'The Work of Creation'.

The early 'pietists' and 'men of good deeds' [or: 'workers of miracles'] the 'associates' and the Sages as a whole did not form any organization or sect. It was never their aim to seclude or isolate themselves, and even less to go into the wilderness. This fact and the absence of the worship of saints prevented the rise of an intellectual, mystic, aristocracy. So, too, it seems that the class of the Sages was not characterized by noble lineage, or by monetary position, in a dual sense—that is, neither wealth nor poverty was a determining factor in its membership. Undoubtedly there were among them people who were poor and received relief, as is attested by the ancient enactment concerning the distribution of the tithes, which is to be ascribed to the time of John Hyrcanus: 'At first the tithe was divided into three parts—a third to friends among the

3 See A. BÜCHLER, *Types of Jewish-Palestinian Piety*, London 1922; E. E. URBACH, 'Ascesis and Suffering in Talmudic and Midrashic Sources', *Isaac Baer Jubilee Volume*, Jerusalem 1961.

priests and Levites, a third to the Treasury Store, and a third to the poor and "associates" who were in Jerusalem' (*TP. Ma'aser Sheni* v, 9, 56d).⁴ The associates are mentioned together with the poor, but there were also scholars who were landworkers or craftsmen, and our information on the subject, relative to a later period when the position had already changed, is even more applicable to the earlier epoch. Most of them lived simply and modestly, but they did not regard poverty as an ideal. Yosé b. Yoḥanan, of Jerusalem, who said, 'Let your house be opened wide, and let the poor be members of your household' (*M. Avoth* 1 : 5), was not a poor man. His colleague, Yosé b. Yo'ezer, of Zereda, the author of the exclusive dictum, 'Let your house be a meeting place for scholars' (*ibid.*, 4), was 'the most pious in the priesthood' (*M. Hagiga* 2 : 7), and he was certainly not the only one in the circle of the Sages who came from the priestly class, or from a well-born and wealthy family. At the same time, there were individuals among the scholars who carried out functions in the administrative and governmental institutions, without buttressing their scholarship with the influence of riches or family connections. I am inclined to regard the 'Pairs' as Sages who at some time rose to be influential members of the Sanhedrin; that is all. Although their division into Patriarchs and Presidents of the *Beth Din* [Court] is only a projection of the position at Usha and an attempt to legitimize it, it does appear that some of them, like Yosé b. Yo'ezer and Shim'on b. Shetaḥ, presided at different periods over the Sanhedrin.⁵ It seems that the Mishna that speaks of the 'מופלא' [an expert assessor] of the *Beth Din*' (*Horayoth* 1 : 4) also refers to the presence of a Pharisaic Sage at the Sanhedrin. It was he who transposed, interpreted, defined and clarified the law. מופלא is the same as פרוש [literally: separated, i.e., Pharisee]; compare the Aramaic rendering of והפליתי [E.V.: and I will set apart] (*Ex.* viii : 18), ואפריש [and I will separate]; this explains the *var. lec.* found in the sources: מופלא – מופלג [removed].⁶ These scholars injected the governmental and administrative affairs with a measure of their spirit and ideals, but we are unable to determine how far they remained unswervingly faithful to those ideals, or to what extent they were compelled to compromise with existing circumstances, which were at variance with, and opposed to, these principles.⁷

4 See my observations in *Zion*, xvi (1951), p. 11. Now see, also, I. BAER, *Zion*, xxvii (1962), p. 150.

5 On the different theories concerning the 'Pairs', see now: HUGO MANTEL, *Studies in the History of the Sanhedrin*, Cambridge, Mass. 1961, pp. 13–18, 105–107.

6 *Shir ha-Shirim Rabba* 3 : 7. Cf. S. LIEBERMAN, *Hellenism in Jewish Palestine*, New York 1950, p. 66, n. 153; *Mishna, Seder Neziqin*, ed. H. ALBECK, Addenda, p. 503; MANTEL, *op. cit.* (above, n. 5), pp. 135–136.

7 See I. BAER, *Israel Among the Nations*, Jerusalem 1955, p. 62.

Class-Status and Leadership in the World of the Palestinian Sages

Ben-Sira describes the situation prevailing in his days as one marked by a tremendous gulf between the workers and the ruling class. After depicting the work of the farmer, the carpenter, the goldsmith and the potter, he continues: 'All these are skilled with their hands and each is expert in his own work. Without them a city cannot be inhabited, and wherever they sojourn they do not hunger. Yet they are not sought out for the council of the people, nor do they attain eminence in the public assembly. They do not sit in the judge's seat, nor do they consider statute and judgment' (xxxviii : 31-33). In contrast, he says of the Sage: 'On the other hand he who devotes himself to the study of the law of the Most High will seek out the wisdom of all the ancients, and will meditate upon prophecies... He will serve among princes and appear before nobles' (*ibid.*, xxxix : 1-4; ed. Segal, p. 252), that means to say, the Sage does not belong to the great men and rulers, but stands and serves among them.

The war of the Maccabees and the establishment of the Hasmonean dynasty resulted in the downfall of distinguished families that belonged to the extreme Hellenizers, and in the rise to power, together with the new rulers, of the families of the loyal fighters. But basically there was no change. Ultimate power was in the hands of the priests, and they also had control of the Temple service and everything connected with it, such as the collection of the priests' gifts, the tithes and the half-sheqel. Also, membership of the Sanhedrin and other high offices⁸ were in the hands of families whose lineage was attested and their fitness to give their daughters in marriage to priests proven, as is evidenced by the Mishna: 'The Chamber of Hewn Stone—there the Great Sanhedrin of Israel used to sit and judge the priesthood' (*Middoth* 5:4); or phrased differently: 'There they used to sit and examine the genealogies of the priests and of the Levites' (*Tos. Hagiga* 2:9).⁹ Josephus emphasizes several times that priests marry only the daughters of priests, and that the priest must ask the archives for his intended's pedigree, and find witnesses who shall attest her family's purity. He states that even priests living in foreign countries used to preserve the register of their weddings. Documents containing the names of the bride and groom and the names of their ancestors were sent to Jerusalem. In times of war and invasion, like those of Antiochus, Pompey, Varus, and more particularly 'in our own days'—Josephus adds—'the surviving priests compile fresh records from the archives' (*Contra Apionem* 1, 7). The Mishna ordains that 'none are quali-

8 See the observations of M. Stern concerning the family that represented Judea to the outside world: *Zion*, xxvi (1961), p. 21.

9 See S. LIEBERMAN, *Tosefta ki-Fshutah, Seder Mo'ed*, New York 1962, p. 1269; cf. *M. Kethuboth* 1 : 5; *TB. ibid.*, 12b.

fied to judge capital cases except priests, Levites and Israelites that may give [their daughters] in marriage into the priestly stock' (*Sanhedrin* 4:2). On this basis, it was ruled that membership of the Sanhedrin was sufficient proof of the purity of a family, and there was no need for further investigation: 'They need not trace descent beyond the Altar or beyond the Platform or beyond the Sanhedrin' (*M. Qiddushin* 4:5).¹⁰ At a later period, the criterion was broadened, as follows: 'and all whose fathers are known to have held office as public officers or almoners may marry into the priestly stock and there is no need to investigate their lineage' (*loc. cit.*).¹¹ For it was manifest that only members of families of pure descent could obtain such appointments, as is stated in a *Baraitha*: '“One from among your brethren you shall set as king over you”—whomever you set over you shall be only from the elect among your brethren' (*TP. Qiddushin* IV, 4, 66a). With regard to the close of the Temple period, there is the testimony of Saul b. Botnith that he and his colleague R. El'azar b. R. Zadoq were 'shop-keepers in Jerusalem all their life' (*Tos. Beza* 3:8). He laments: 'Woe unto me on account of the house of Boëthus... and the house of Qadros... the house of Yishma'el b. Fiabi, who are high priests and their sons are treasurers and their sons-in-law are trustees...' (*Tos. Menahoth* 12:20). 'The sons of the high priests' disputed with Admon and Hanan, two civil judges who were in Jerusalem (*M. Kethuboth* 13:1, 2). R. Yehuda reports that 'letters once came from beyond the sea to the sons of the high priests' (*M. Oholoth* 17:5). When Josephus enumerates those of pure descent, he mentions υἱοὶ δ' ἀρχιερέων (*Wars* VI, 114).¹²

The principle of hereditary rule has its roots in a number of legal and homiletical statements, which, although formulated in a later period, with the addition of the qualifications suited to it, nevertheless stemmed from actual circumstances obtaining at an earlier epoch. The verse 'so that he may continue long in his kingdom, he and his sons' is expounded in *Sifré Devarim* (§ 162): "“He and his sons”—(this means) that if he dies his son takes his place. Nor is this all; how do we know that all the administrators of Israel are succeeded by their sons?—(Therefore)

10 The large number of priests in the Sanhedrin is to be inferred incidentally from the *Baraitha*: 'If he [i.e., the rebellious Sage] found them [i.e., the Sanhedrin] at Beth Pagi, and rebelled against them' (*TB. Sanhedrin* 14b). Beth Pagi was a place inhabited by priests, as we learn from the Mishna (*Menahoth* 11:2). See H. ALBECK, *op. cit.* (above, n. 6), p. 371.

11 This latter portion of the Mishna emanates from a later source. As for the expression 'public officers' (שוטרי הרבים), see *Seder Nashim*, ed. H. ALBECK, *Addenda*, p. 415.

12 E. SCHÜRER, *Geschichte des jüdischen Volkes im Zeitalter Jesu Christi*, II⁴, Leipzig 1901, p. 276.

the verse states: "He and his sons, in the midst of Israel"—(this signifies that) every one in the midst of Israel is succeeded by his son.' In another *Baraita*, the same rules of inheritance as apply to estates are laid down in respect of succession to offices of authority: 'If one has a son and a brother, the son takes precedence; a brother and a brother's son, the brother has precedence; whoever has the prior claim in regard to the inheritance also takes precedence in respect of office, provided he conducts himself according to the tradition of his father' (*Tos. Sheqalim* 2:17). In one recension, the proviso appears in the form of R. Yehuda's ruling, which corresponds to the anonymous statement of the *Sifra*:¹³ 'But if he does not succeed to his father's position, someone else shall come and serve in his stead.' In early times this qualification was certainly not acted upon, except where there were additional reasons for setting aside the hereditary principle.

The inheritance of office and the large extent to which it obtained among the priests find corroboration in the famous inscription of Theodotos, which was found in Jerusalem and has been assigned to the first century B.C.E. It is stated therein: Θεόδωτος Ουεττήνου ιερέως καὶ ἀρχισυναγωγος υἱὸς ἀρχισυναγωγού, υἱωνὸς ἀρχισυναγωγού ᾠχοδόμησε τὴν συναγωγὴν (Theodotos son of Vettanos, priest and archisynagogus, son of an archisynagogus, grandson of an archisynagogus, built the synagogue...).¹⁴ We have already learned from Josephus that the wars and quarrels caused the archives and genealogical records to be destroyed, but he does not mention, in this connection, the name of Herod. On the other hand, Eusebius relates,¹⁵ in the name of Julius Africanus, that Herod, who was not a Jew and suffered from the consciousness of his lack of pure lineage, ordered all the family records in Jerusalem to be burned, thinking that his family-tree would appear in a better light if others, too, were unable to prove their pedigree from publicly-known documents. Georgius Syncellus, who also gives this information, connects it with the execution of the Sages and the Zealots by Herod. The authenticity of this source is disputed,¹⁶ but even if we negate its relia-

13 *Aharé* VIII, 3, 83b; *Shemini* I, 2, 77a.

14 See M. SCHWABE, 'Greek Inscriptions', *Sefer Yerushalayim*, Jerusalem 1956, p. 362. Schwabe's translation of ראש בית כנסת is inexact; hence his interpretation that the father and grandfather of Theodotos built the synagogue also falls away. On the terms כנסת and בית כנסת, see S. ZEITLIN, 'The Origin of the Synagogue', *Proceedings of the American Academy of Jewish Research*, 1930-1931, p. 75. On ראש כנסת see: L. FINKELSTEIN, *The Pharisees and the Men of the Great Synagogue* (הפרושים ואושי כנסת הגדולה), New York 1950, p. 36.

15 *Historia Ecclesiastica*, GCS, IX, 1-3 (ed. E. SCHWARTZ), Leipzig 1903-1909, p. 60.

16 A. SCHALIT, *King Herod — Portrait of a Ruler* (הורדוס המלך), Jerusalem 1960,

bility, it appears that it was in Herod's time that those events occurred in consequence of which, according to Josephus, the genealogical tables fell into disorder. In the Babylonian Talmud (*Bava Bathra* 3b), too, the slaying of the Sages is linked with the question of Herod's descent. Nevertheless, it may be assumed that already at that time the position and security of well-known families of noble descent had been undermined, and that attempts to establish genealogical facts by force were not wanting. It seems to me that to this period must be assigned the anonymous tradition in the Mishna: 'The family of Beth Zerifa was in the land beyond Jordan, and Ben Zion removed it afar by force; and yet another (family) was there, and Ben Zion brought it near by force' (*Eduyoth* 8:7; *Tos. ibid.*, 3:4). In the struggle between the old aristocracy and Herod and his men, the Sages took up a reserved and neutral position. On the one hand, Shema'ya—the מופלא, apparently, of the *Beth Din*—makes a stand against the insolence of the young Herod towards the Sanhedrin, condemns the cowardice of his colleagues and prophesies to them a bitter end at the hands of the Edomite. On the other hand, the Sages did not support Antigonus when Herod besieged Jerusalem, but neither did Herod succeed in securing their cooperation. Two Sages who stood at the head of the Pharisees, whom Josephus calls Πολλίων and Σαμαίας, refused to swear allegiance to Herod (*Ant.* xv, 370). I am inclined to accept the view of the scholars who identify the two Sages with Shema'ya and Avtalion, and not with Hillel and Shammai.¹⁷ The internal evidence

does not touch on the matter at all. Apparently he is of the opinion that it is of no consequence. Apart from M. Sachs (*Beiträge zur Sprach- und Alterthumsforschung*, II [1854], p. 157), the following have dealt with the question: F. ROSENTHAL, *Monatsschrift für Geschichte und Wissenschaft des Judenthums*, xxx (1881), pp. 118f.; L. FREUND, *Festschrift Adolf Schwarz*, Berlin-Vienna 1917, p. 173, n. 3; I. LIVER, (*The House of David from the Fall of the Kingdom of Judah to the Fall of the Second Commonwealth and After* [תולדות בית דוד מהורבן ממלכת יהודה ועד לאחר חורבן], Jerusalem 1959, p. 35, n. 40) holds, like others before him, that the object of the whole story is to explain the contradiction in the Christian tradition concerning the lineage of Jesus. But it is difficult to imagine that, if the story concerning Herod's action was unknown, a refutation, as it were, of the general accuracy and basis of the genealogical records would be invented.

17 See, finally, SCHALIT, *op. cit.* (above, n. 16), p. 358, n. 152; p. 37, n. 10 (also the rest of the bibliography). The difficulty created by Josephus' statement, which makes Shema'ya the disciple of Avtalion, applies also to Shammai and Hillel, but is likewise removed by Schalit's emendation: σωμαθητης. On the other hand, it appears to me that Πολλίων should be regarded as a corruption of Avtalion, and that we must reject the explanation by Schalit that the word Πολλίων is to be interpreted as 'Elder', used as a titular byname for Hillel, whose name is to be omitted, because Shammai is also called 'Elder'. On the linguistic aspect of the identification of Πολλίων—Avtalion, see L.H. FELDMAN, 'The Identity of Pollio the Pharisee in Josephus', *JQR*, XLIX (1958), pp. 53 ff. As regards the

Class-Status and Leadership in the World of the Palestinian Sages

is decisive in this matter, namely, the dicta of Shema'ya and Avtalion, which fit the situation in the time of Herod perfectly: 'Love work and hate mastery, and make not thyself known to the government' (*M. Avoth* 1 : 10). This is a clear warning against accepting any position of (secular) authority or becoming intimate with the government, which sought to attract the Pharisees, and at times, apparently, even succeeded in doing so, as is indicated by the case of Menaḥem, concerning the nature of whose 'going forth' the Amoraim differ: 'Whither did he go forth? Abaye said: He went forth into evil ways. Raba said: He went forth to the king's service' (*TB. Ḥagiga* 16b). In this passage the two Sages make diverse statements without really disagreeing; for if the hypothesis advanced by scholars¹⁸ is actually correct and this Menaḥem is to be identified with Menaḥem the Essene, who collaborated with Herod, then there is no difference between going forth to the king's service and going forth to evil ways. Avtalion said: 'Ye Wise, take heed to your words, lest ye incur the guilt (that deserves) exile' (*M. Avoth* 1 : 11). Herod, as we know, sentenced those who acted subversively to banishment abroad or to work in the mines.¹⁹

Their estrangement from the government and the cautious policy adopted by the Sages helped them to continue their work among the people, and the extent of their popularity was definitely related to their negative attitude to the men in authority and to the aristocracy. In this respect considerable significance attaches to the story recounted in the following *Baraita*: 'Our Rabbis taught: It once happened that a certain High Priest went forth from the sanctuary and all the people followed him, but on seeing Shema'ya and Avtalion they left him and followed Shema'ya and Avtalion. Finally, Shema'ya and Avtalion came to take their leave of the High Priest, whereupon he said to them: May the descendants of gentiles come (home) in peace! They replied to him: May the descendants of the gentiles, who act as Aaron did, come in peace, but let not the scion of Aaron, who does not act like Aaron, come in peace!' (*TB. Yoma* 71b). The recension of R. Ḥanan'el is interesting: 'Shema'ya and Avtalion came to pay their respects to the High Priests. They said to him: May the scion of Aaron come in peace! Said he to them: May the descendants of the gentiles come in peace!' etc. (*loc. cit.*). We do not

relationship between Josephus' account of Shema'ya's behaviour in the Sanhedrin and that in *Sanhedrin* 19a, see my observations in *Zion*, xxv (1960), p. 163, n. 112*.

18 JACOB LEVI, *A Precious Treasure* (אוצר נחמד), III, p. 33. On the theories concerning the identity of Menaḥem, see now B. Z. LURIE, *Sinai*, LV (1964), pp. 299 f.; J. ROSENTHAL, *ibid.*, LVI (1965), p. 180.

19 SCHALIT, *op. cit.* (above, n. 16), pp. 131 f. See also J. KLAUSNER, *History of the Second Temple* (היסטוריה של בית השני), Jerusalem 1959, III, pp. 228 f.

know who this High Priest was—whether he was Aristobulus the Hasmonean or a High Priest who was appointed after the destruction of the Hasmoneans by Herod. But the Rabbis regarded both the former and the latter ‘as not acting like Aaron’, although they acquiesced in their priesthood, and even paid them the requisite honour. The unnamed High Priest referred to expresses his contempt for the Sages by alluding to their low birth, and possibly also to their descent from a family of proselytes. Their reply was that they prefer proselytes who act like Aaron to sons of Aaron who do not walk in his ways. This incident enables us to explain the dictum of Hillel: ‘Be of the disciples of Aaron, one that loves peace, that loves his fellow-creatures, and brings them nigh to the Torah’ (*M. Avoth* 1 : 12). Why were the disciples of Aaron chosen as the ideal, and not the disciples of Abraham, the father of the nation, or the disciples of Moses, the giver of the Torah? Obviously, the haggadic observations on Aaron’s pursuit of peace flow from Hillel’s saying and do not serve to elucidate it. The explanation is simple: the disciples of Aaron stand against the sons of Aaron; as against the descendants of High Priests stand those who pursue peace and bring people nigh to the Torah, namely, the Sages.

When we come to sum up our findings concerning the class constituted by the Sages down to the end of the Second Temple period, we must say that it comprised a group of men who regarded their primary task to be study and instruction, works of charity and lovingkindness; men who lived among the masses and were close to them and their troubles, who esteemed and honoured the hallowed institutions of the people—the Sanctuary, the Sanhedrin and the priesthood—and protested against the wrongdoings of those in charge of the administration and government. As individuals they participated also in the work of the institutions and endeavoured to influence them, but at the same time they did not regard themselves as an elite seeking power and leadership, but as one that served as an exemplar.²⁰ It was precisely the existence of the Hasmonean monarchy and subsequently that of the House of Herod, with its institutions, that provided the framework in which the Sages found their sphere of activity. In the world of the Sages in Temple times, we find no bureaucratic organization—no system whatsoever of appointments, no promotions and no remuneration, nor even any real arrangements of training or definition of functions. Likewise, there were, of course, no titles, neither Rabban [our teacher] nor Rabbi [my teacher], but simply the personal name of the Sage, for only in himself, in his

20 See H.P. DREITZEL, *Elitebegriff und seine Struktur*, Stuttgart 1962, p. 134.

personality, in his wisdom and in his deeds did the source of his authority find full expression.²¹

A great change took place at the conclusion of the Temple epoch, with the decline of the traditional institutions and the increase in the number of students, as is stated in the *Baraita*: 'When the number of disciples of Shammai and Hillel, who had not sufficiently waited upon scholars, increased, they multiplied the disputes among Israel.'²² Until now the Sages had not been organized in 'houses'; from now on there were added to the existing houses (the Royal House and the Priestly House) also the houses of the Sages: the House [i.e., School] of Shammai and the House of Hillel. What caused these schools to come into being? According to one tradition, the dissension between them centred on the growth in the number of disciples: 'And raise up many disciples: for the School of Shammai say, One should teach only one who is wise and humble, of good family and rich; but the School of Hillel say, One should teach any person, for there were many transgressors among Israel, yet, when they drew nigh to the study of the Torah, there issued from them men who were righteous, saintly and worthy.'²³ The School of Hillel held to the old ideal that instruction must be unrestricted and open to all, whilst the School of Shammai stressed the principle of selection, and added to the qualities of wisdom and humility the attribute of pure descent, and according to one recension, at least, wealth as well. But what was the actual situation? The House of Hillel became a dynasty, in which all the elements of hierarchy were bound to manifest themselves. It was precisely the descendants of Hillel who became the sons and grandsons of noble ancestry, and some of them expressly proclaimed the principle of the School of Shammai in regard to the selection of pupils. The exacting School of Shammai, on the other hand, devotees of pure genealogy and riches, came to be despised, and to be labelled a *שמרתי* [Shammaite] was almost the equivalent of being banned. How did this come about? It appears that there is a connection between the aforementioned dispute and the way of life and status of the disciples of Hillel and Shammai in the last years of the Temple period, in the days of revolt and inner commotion. A fundamental change came about in the social position of the Sages and in the character of their administration. Hillel and his

21 MAX WEBER (*Wirtschaft und Gesellschaft*, p. 754) calls this phenomenon 'charismatic structure'.

22 *Tos. Hagiga* 2:9, and the parallel passages. See also *Tosefta ki-Fshutah*, p. 1298.

23 *Avoth de-Rabbi Nathan* A, Ch. 3. Jacob Reifmann already suggested the reading 'and worthy' (וְכַשֵּׁר) instead of 'and rich' (וְעֵשִׁיר). Actually recension B, Ch. 4, corroborates the emendation: 'One should teach only those who are worthy (כַּשְׂרִים), sons of good family and grandsons [i.e., descendants] of good family.'

disciples pursued a policy of gradual penetration into the institutions of the Sanctuary and the Sanhedrin. We do not know the nature of Hillel's appointment. The Sons or Elders of Bathyra who 'appointed him over them' were not Patriarchs, and they certainly did not have the power to transfer to Hillel what they did not possess, for there exists no tradition according to which the Sons of Bathyra were counted among the Patriarchs. Nay more, we have no knowledge of an appointment by transfer of authority of this kind. The Sages were already careful to note that the *Baraita*²⁴ describing the discussion between Hillel and the Sons of Bathyra states that 'they appointed him as Patriarch over them', but not merely Patriarch, that is, they appointed him over themselves. Apparently, the Sons of Bathyra are to be identified, in accordance with Graetz's view,²⁵ with the Babylonian family that Herod settled in Bashan (*Ant.* xvii, 23–28). After removing the Hasmoneans from the office of the high priesthood, Herod gave to the sons of the family of Bathyra, whom he trusted, one of the central posts in the Temple, like those mentioned by the Mishna when it speaks of the officers who served in the Temple.²⁶ These Sons of Bathyra established friendly relations with the Sages, possibly with the encouragement of Herod, and asked for their decision on moot questions even in matters relating to the Temple service, as, for instance, on the question of offering the Passover sacrifice on the Sabbath. This is the meaning of Hillel's appointment. His position in the Sanhedrin was strengthened, since the status of those High Priests that were appointed for money but had little Torah-learning grew weaker, nor were they able to boast of possessing a tradition. But it is certain that Hillel was not the Patriarch of Israel and was not appointed the permanent president of the Sanhedrin. All the attempts made to validate literally the statement of the Babylonian *Baraita*, 'Hillel and Shim'on, Gamliel and Shim'on served as Patriarchs [בְּהִגְרוּ נְשִׂיאֹתָן; literally: administered their Patriarchate] for a century before (the destruction of) the Temple' (*TB. Shab-*

24 *TP. Pesahim* vi, 1, 33a; *TB. ibid.* 66a. See also FINKELSTEIN, *op. cit.* (above, n. 14), pp. 9 f. On the meaning of the term נְשִׂיאָא (rendered above, 'Patriarch'; in the Bible, it is usually translated, 'chief', 'prince') in the biblical period, note the important remarks of Speiser, who is of opinion that this term clearly implies election. *Inter alia*, Speiser relies on the story in *Pesahim*. See E. SPEISER, *Catholic Biblical Quarterly*, 1963, p. 11.

25 *Monatsschrift*, I, p. 115; *Geschichte der Juden*, III, p. 214. See also SCHÜRER, *op. cit.* (above, n. 12), p. 27; G. ALLON, *Studies in Jewish History* (מחקרים בתולדות ישראל), I, Tel Aviv 1957, p. 263; KLAUSNER, *op. cit.* (above, n. 19) rejects this conjecture as improbable, but the mention of οἱ βαυτεροῦς in III Ezra (v : 17) is an insufficient reason.

26 *Sheqalim* 5 : 1; *Tos. ibid.* 2 : 14. This conjecture was already put forward by A. BÜCHLER, *Das Synedrium in Jerusalem*, Vienna 1902, p. 152, and FINKELSTEIN, *op. cit.* (above, n. 14), p. 8.

bath 15a) are based only on forced, casuistical arguments.²⁷ It seems that the word נשיאותן [literally: their Patriarchate; rendered above: ‘as Patriarchs’] is only an interpolation in conformity with the belief of later generations. The title *Nasi* [Patriarch] has meaning and significance only when it refers to one who is Patriarch over all Israel and stands at the head of the people; hence to speak of Patriarchs as ‘the leaders and princes of the generation’, who look after spiritual matters, or as men of the academy,²⁸ is to deprive the term of all real significance. Similarly, we must reject the attempts to regard the Sanhedrin as an institution that arranged regular sittings and engaged in halakhic debates.²⁹

The functions of the *Beth Din* [Court] of seventy-one, as the highest legislative and judicial body, are defined in the Mishna (*Sanhedrin*

27 Even ALLON, *op. cit.* (above, n. 25), p. 264, who regards this *Baraita* as a late tradition, which listed the generations erroneously and traced the genealogy of Shim'on the First, who never existed, endeavours to overcome the chronological difficulty by also including in the century the period during which Hillel cared for the needs of the generation in respect of Torah-teaching and administration, whilst the Sons of Bathyra served as Patriarchs—a supposition that is completely unfounded. His arguments against ISAAK HALEVY (*First Generations* [דורות ראשונים], I, Vol. 3, Berlin–Vienna 1923, pp. 51 f.) are inadequate. L. GINZBERG's attempt (*A Commentary of the Palestinian Talmud* [פירושים והידושים בירושלמי], IV, New York 1961, pp. 44 f.) to corroborate the above-mentioned tradition was unsuccessful, since he was compelled in the process to change the order of the *mishnayoth* in *Avoth* 1 : 16–18.

28 H. ALBECK, ‘The Sanhedrin and its President’, *Zion*, 1943, p. 167. On p. 166 he refers to Hillel as ‘Patriarch’ in inverted commas. The title Patriarch was, in his opinion, given ‘first to Hillel and his sons who were descended from David of whom it is written “and My servant David prince [נשיא] among them” (Ez. xxxiv:24), which accords with what we are told in *Seder Tanna'im wa-Amora'im*, “and from (the time of) Hillel they were called Patriarchs... and these are the Patriarchs of Israel: Hillel the Elder”, etc., which implies that before Hillel's day there were also Patriarchs, leaders of the people, but they did not bear this name. The Mishna, however, designates them Patriarchs in accordance with the conception and meaning of the term in its time.’ But if this was actually the case, what is the specific value of the statement in *Seder Tanna'im wa-Amora'im*? For, to begin with, Albeck explained on the same page that Hillel was made the head of the academy. On the relationship of Hillel to the House of David, see LIVER, *op. cit.* (above, n. 16), pp. 28 f.; and below, p. 32.

29 ALBECK, *op. cit.* (above, n. 28), p. 173 and n. 28, rightly rejects the view of I. HALEVY, *op. cit.* (above, n. 27), p. 53, according to which Gabinius already dissolved the Sanhedrin. But for practical purposes there is almost no difference, for Albeck also holds that the real Sanhedrin did not function, and, as for the court whose activities are reported, it was not a Sanhedrin but a council of the High Priest. See *ibid.*, pp. 68, 85 f. Cf. also below, n. 30. On the administrative arrangements of Gabinius during the years 57–55 B.C.E., see A. MOMIGLIANO, ‘Ricerche Sull' Organizzazione della Giudea Sotto il Dominio Romano’, *Annali della R. Scuola Superiore di Pisa*, III, Bologna 1934, pp. 190–191.

1 : 5; 2 : 4). Along with it there were the Sanhedrins of the Tribes (*ibid.*, 1 : 2) and the small Sanhedrin (*ibid.*, 6).³⁰ The theories that posit the existence of two Courts (a civil Sanhedrin, over which the High Priests presided, and a religious Court, at the head of which stood the Patriarchs and the Presidents of the Court) are supported neither by the literary sources nor by the historic reality.³¹ There was only one Sanhedrin,

30 On the 'Sanhedrins' that, according to Josephus, Hyrcanus, Herod and the High Priest convened, see H. ZUCKER, *Studien zur jüdischen Selbstverwaltung im Altertum*, Berlin 1936, pp. 54, 62 f.

31 BÜCHLER, *op. cit.* (above, n. 26), p. 144; FINKELSTEIN, *op. cit.* (above, n. 14), p. 22. See also MOMIGLIANO *op. cit.* (above, n. 29), pp. 370 f., who opposed Büchler's views. MANTEL, *op. cit.* (above, n. 5), pp. 54–92, details the various conjectures and theories that have been advanced on the subject. He then gives his own view (pp. 92–101), which is only an eclectic fusion of other opinions marked by an unscientific approach to the sources. It is surprising that Mantel disregards the important observations of BAER, *op. cit.* (above, n. 1), pp. 9–13. Baer is right on two points: in postulating that the laws relating to the Sanhedrin were laid down at the beginning of the Hasmonean period, and in emphasizing the centrality of the Sanhedrin as the supreme political, religious and judicial institution. But he did not adequately distinguish between the ideal image of the Sanhedrin (no. all the laws referring to it are of early origin) and the actual Sanhedrin, with which also the Sages came to terms 'on account of certain occurrences'. It seems that the absence of this differentiation also results from Baer's complete ignorance of external testimony: he states that 'the Sanhedrin described in the Mishna already ceased to function and to exist for many generations before the destruction of the Temple, and consequently no value is to be attached to any statement on the subject in the New Testament' (*Zion*, xxvii [1962], p. 131, n. 30). His remarks are not quite clear. Does he think that the Sanhedrin ceased functioning altogether some generations before the fall of the State? Or is he of the opinion that there functioned a Sanhedrin that did not correspond to the one described in the Mishna? In the latter case, we may conclude not that there is no substance in the descriptions of the Sanhedrin in the New Testament, but that this 'substance' is of a different character. The bizarre and strange elements that Baer finds (*Zion*, xvii, p. 17, n. 58) in the accounts of the trial of Jesus have recently been explained in a satisfactory manner by Paul Winter (*On the Trial of Jesus*, Berlin 1961) and in the critical reviews of this book by David Flusser (*Tarbiz*, xxxi [1962], pp. 112 f.) and by A. Schalit (*Kirjath Sepher*, xxxvii [1962], pp. 340 f.). Baer's complete rejection of the New Testament reference (*Zion*, 1962, *loc. cit.*) is irrelevant and unconvincing. The synoptic Gospels contain no description of the Sanhedrin or its sittings, and consequently nothing that testifies against its existence, a fact that emerges also from the report of Paul's trial (see WINTER, *ibid.*, pp. 75 f.). Manifestly, these accounts are characterized by tendentious interpretations and confusion of facts, both intentional and unintentional. Nevertheless, their worth must not be entirely negative. Statements that appear astonishing are sometimes the result of faulty exegesis by modern exegetes. For instance, after Paul has been accused of blaspheming the High Priest, he says: Οὐκ ἤδειν, ἀδελφοί, ὅτι ἐστὶν ἀρχιερεὺς, γέγραπται γὰρ Ἄρχοντα τοῦ λαοῦ σου οὐκ ἐρεῖς κακῶς ('I did not know, brethren, that he was the High Priest; for it is written, "You shall

Class-Status and Leadership in the World of the Palestinian Sages

the one that met in the Hewn Chamber, as it is stated: “Then you shall do according to what they declare to you from that place”—this teaches us that the place validates [the Sanhedrin’s sentence] (*TB. ‘Avoda Zara 8b*). The Sanhedrin adjoined the altar, and as we have already learnt, it was a court composed of ‘priests, Levites and Israelites who may give their daughters in marriage to priests’. The High Priest was permitted to preside at the Sanhedrin, but in practice he was not its permanent head, and he certainly did not participate in all its sessions. Throughout its existence, the institution was enveloped by an aura of sanctity and supreme authority, and, just as the holiness of the Temple was not impaired in the estimation of the Sages by the High Priests who were unworthy of officiating, so it never entered their minds to repudiate the institution of the Sanhedrin, or to set up a rival to it in the form of a competing court, even if they did not approve of its composition and even if they opposed the High Priests and their *entourage*. They endeavoured rather to exercise their influence, and to introduce their rulings and views even into the ritual of the Temple service and into the Sanhedrin’s methods of operation. They did not always enjoy success, and not infrequently they clashed with High Priests as well as with other bureaucrats and office-holders. Their influence was strengthened in the days of Hillel, both on account of his distinguished personality, which enabled him to overcome hostility, and also because of the prevailing conditions, which undermined the position of the old aristocracy and elevated a new ruling class that aimed to secure a certain measure of legality and recognition among the masses. Large numbers of the proletariat and their sons were disciples of the Sages, and it seems that this increase of pupils, which also included proselytes, who came to acquire the Torah whilst standing, as it were, on one leg, or only the Written Law, or on condition that they should become High Priest (*TB. Shabbath 31a*), aroused Shammai’s opposition to the point of demanding a policy of seclusion

not speak evil of a ruler of your people”; Acts xxiii : 5). Obviously, according to this formulation, it is strange that Paul does not recognize the High Priest. (Incidentally, here, too, the Sanhedrin is not in session; only the chief of a thousand [χιλίαρχος] ordered the High Priest and the Sanhedrin to be brought before him for the investigation of Paul [*ibid.*, xxii : 29].) But the meaning of the text is different. Paul declares in effect: ‘I did not know that this was the High Priest, that is to say, that this man, who ordered that I should be beaten contrary to the Torah-law (*ibid.*, xxiii : 2), is the High Priest, for it is said: “You shall not speak evil of a ruler of your people.”’ Paul has in mind an interpretation of the verse such as: “Of your people”—that means when they act in conformity with the norms of your people,’ in accordance with the exposition given in the *Mekhiltha, Mishpatim* 9, 318. On the different uses of the term Sanhedrin, see also the important observations of V. TCHERIKOVER, ‘Was Jerusalem a Polis?’, *Israel Exploration Journal*, xiv (1964), pp. 71–73, notes 17–20.

and isolation. The intensification of this demand was due to a variety of factors. The dynastic principle that had become crystallized in the School of Hillel also aroused dissent. Although neither Rabban Gamliel nor Rabban Shim'on b. Gamliel was Patriarch, they each held an important position in the Sanhedrin, and without doubt were its מופלאים³² and carried out central functions.³³ The fact that the School of Shammai insisted on the investigation of the genealogy of disciples does not of itself give approval to the principle of bequeathing offices, and even makes it possible to adopt the dictum of 'Aqavya b. Mahalal'el: 'Your own deeds will bring you near, and your own deeds will remove you far' (*M. 'Eduyoth* 5:7). At the end of the Temple period, the disciples of the School of Shammai still submitted to the authority of Rabban Gamliel, as is stated in the *Mishna*: 'Yo'ezer, master of the Temple [or Temple Mount], was a disciple of the School of Shammai, and he said: I asked Rabban Gamliel the Elder when he was standing at the Eastern Gate' (*Orla* 2:12). Yoḥanan ha-Ḥorani, although he was a disciple of Shammai, acted only according to the views of the School of Hillel (*TB. Yevamoth* 15b; *Tos. Sukka* 2:3). The relations between the two Schools became sharply exacerbated in the days of the Great Rebellion. Whilst Rabban Shim'on b. Gamliel, even though he supported the freedom-fighters, was opposed to the extremist zealots, these joined the followers of the School of Shammai, and armed with swords and spears, 'slew disciples of the School of Hillel' (*TP. Shabbath* I, 3c) forcing them to accept their edicts, 'and (that day) was as grievous for Israel as the day on which the [golden] calf was made' (*TB. Shabbath* 17a). 'The eighteen decrees' were not enacted in the Temple or on the stair of the Temple Mount, but in the upper chamber of El'azar b. Ḥanania b. Hezekiah b. Garon, a disciple of the School of Shammai, who held the position of commander of the army in the land of Edom (*Wars* II, 566), and 'there were Edomite disciples in the School of Shammai at that time'.³⁴ Political factiousness and civil strife also invaded the world of the Sages, and the decisions in the halakhic sphere corresponded to the power of the Schools. But it appears that, in these disputes between the Schools, there were also Sages who pursued an independent course in an endeavour to reach an agreed and united decision. We have already

32 See above, n. 6. According to the account given in the New Testament, Rabban Gamliel sat in the Sanhedrin as 'a teacher of the law, held in honour by all the people' (νομοδιδάσκαλος τίμος παντὶ τῷ λαῷ; Acts v:34).

33 On the influence of Rabban Gamliel on Agrippa I and on the queen, see *TB. Pesahim* 88b. On Agrippa's attitude to the Sages in general, see GRAETZ, *Geschichte der Juden*, III, pp. 373 ff.

34 *Sifré Zuta*, ed. J. N. EPSTEIN, *Tarbiz*, I (1930), p. 70; see Epstein's introduction on p. 52.

mentioned disciples of the School of Shammai who acted thus. Even when the School of Shammai prevailed and sought to establish the law in agreement with its view in the matter of סמיכה [the 'laying on of hands' on a sacrifice], 'there was present there Bava b. Buta, one of the disciples of the School of Shammai, and he knew that the law was according to the ruling of the School of Hillel,' and he was also responsible for the decision by the scholars in conformity with the Hillelite opinion.³⁵ To them must be added Sages like R. Zadoq and R. Dosa b. Harinas, in whose names there were handed down many laws not included among those of the School of either Shammai or Hillel. Similarly, Rabban Yoḥanan b. Zakkay himself, who received the halakhic traditions from Hillel and Shammai, and, jointly with Rabban Shim'on b. Gamliel, sent letters from the stair of the Temple Mount, strove to infiltrate the views of the Sages into the Temple service and the offering of the sacrifices (*Tos. Para* 3:8), set aside the opinions of the Sadducees (*TB. Bava Bathra* 115b; *TB. Menahoth* 65a), sat in the shade of the Temple and lectured (*TB. Pesahim* 26a), and as a disciple of Hillel was the first to greet all men, even a Gentile, in the market-place (*TB. Berakhoth* 17a). There is no proof that R. Yoḥanan b. Zakkay held any office whatsoever when he was in Jerusalem, and it is extremely doubtful if he attained at all the title 'Rabban', which was the specific designation of Hillel's descendants. At all events, in the Jerusalem epoch he was known only as 'the son of Zakkay'.³⁶ The title 'Rabban' was added to his name at a later period, just as that of 'Rabbi' was given to scholars who lived in Temple times. He is portrayed to us as a Sage who works freely and independently, one who acknowledges the existing institutions, but is not integrated in any hierarchy and is not the head of a school or an alumnus of one.

In this sense is also to be understood the work of restoration on which he embarked when the fate of Jerusalem and the Temple was sealed. He chose Yavne,³⁷ where there was a *Beth Din* (*M. Sanhedrin* 11:4)

35 *Tos. Hagiga* 2:11; see also LIEBERMAN, *Tosefta ki-Fshutah*, p. 1202.

36 *M. Sanhedrin* 5:2; *TB. ibid.*, 41a; cf. also *Tos. Para* 3:8. On the title *Abba* [Father] see K. KOHLER, *JQR*, XIII (1900), pp. 567-580. Kohler's observations need correction in a number of respects. Thus, for instance, it may be presumed that the title was not confined to the Essenes, but was commonly used in addressing the Sages; hence it is not surprising that it is so often applied to Ḥassidim [pietists, saints] and 'men of good deeds' in folk stories. Certainly the designations 'fathers of the world' and 'the father of Israel' are unconnected with the title *Abba*. 'Father of the Jews' in A. Kahana's rendering (*II Macc. xiv:37*) corresponds to 'the father of all Israel'; see *TP. Yoma* I, 1, 38d.

37 See J. NEUSSNER, *A Life of Rabban Yohanan ben Zakkai*, Leiden 1962, pp. 162 f.

that was apparently under the administration of the Sons of Bathyra, who were also acceptable to the Roman authorities. When he came to raise the status of the *Beth Din* at Yavne to that of the *Beth Din* at Jerusalem (*TB. Rosh Hashana* 29b), he was able to rely on his personal influence only. Whether he served from the outset as head of the *Beth Din* or left the position in the hands of the Sons of Bathyra, it is clear that the *Beth Din* rested on the united authority of the members. This principle is reflected also in the term 'place of assembly' and in the enactment of Rabban Yoḥanan b. Zakkay that 'wheresoever the head of the *Beth Din* may be, the witnesses must go to the place of the assembly' (*M. Rosh Hashana* 4:4). It is possible that, for this reason, he preferred to reside in Beror Ḥayil, that he might avoid suspicion of aiming at his own aggrandizement. His primary purpose was to restore the unanimity of the Sages' decisions and the healing of the breaches. His name was attached to the enactments made by the Assembly at Yavne, as was also customary in former generations, but the laws were taught anonymously, in the name of the Sages. Testimony to the work of the assembly at Yavne towards the aforementioned goal is to be found, in my opinion, in the ancient and original part of the Mishna and *Tos. of 'Eduyoth*: 'When the Sages entered the Vineyard of Yavne they said: A time will come when a man will seek one of the Torah-teachings and not find it, one of the teachings of the Scribes and not find it... that no Torah-teaching will be analogous to another. They said: Let us begin from Hillel and Shammai' (*Tos. 'Eduyoth* 1:1). 'When the Sages entered the Vineyard of Yavne'—means simply the initial period at Yavne, that is, the epoch of Rabban Yoḥanan b. Zakkay. What they sought to amend was the situation in which no Torah-teaching would be analogous to another, and hence a man would seek a teaching and not find it. The purpose of the convocation was not literary, not the arrangement of the *halakhoth*, but the determination of laws in dispute between the Schools of Hillel and Shammai. This fact was correctly recognized by Graetz,³⁸ only he attributed the entire episode to the time of Rabban Gamliel and added here the divine voice that declared in Yavne that the ruling was according to the School of Hillel. After a time, the literary approach obscured the historical discussion.³⁹ Essentially Graetz was right, only, as stated, the

Despite the copious treatment of the subject in this monograph, the status of R. Yoḥanan b. Zakkay is not satisfactorily elucidated.

38 *Geschichte der Juden*, IV, p. 424, n. 4.

39 H. ALBECK, *Introduction to the Mishna* (מבוא למשנה), p. 82 (and previously in his German work, *Untersuchungen über die Redaktion der Mischna*, Berlin 1923, pp. 108 f.) writes: 'Thus we learn that after the destruction of the Temple, when the Sages entered the Vineyard of Yavne, although they were the leading scholars of the Torah, yet they feared that the Torah might be forgotten by Israel...

Class-Status and Leadership in the World of the Palestinian Sages

Baraita in question must be assigned to the time of Rabban Yoḥanan b. Zakkay, which means that the Sages of Yavne began to discuss the laws in dispute between Shammai and Hillel themselves, and 'decided neither according to the one authority nor the other', but collected *halakhoth* in regard to which 'the School of Hillel retracted and ruled in conformity with the views of the School of Shammai,' as well as laws on which they agreed. In these decisions they were assisted by the testimonies of the elder Sages of the time, like R. Ḥanania, the Adjutant High Priest, R. Dosa b. Harcinas, whose younger brother Yonathan was a disciple of Shammai, whilst he himself testified and decided according to the School of Hillel (*TB. Yevamoth* 16a), R. Yoḥanan b. Gudgeda, R. Zadoq, and, it would seem, also 'Aqavya b. Mahalal'el, who held firmly to his view without paying heed to the testimony regarding action taken by Shema'ya and Avtalion, for which he was put under ban (*M. 'Eduyoth* 5:6). A few such stories have been preserved in our Mishna, and it is they that represent the early stratum of the tractate '*Eduyoth*.'

We do not know when Rabban Gamliel attained leadership at Yavne. At all events, there is no evidence that this occurred in the lifetime of R. Yoḥanan b. Zakkay. Rabban Gamliel is not mentioned among his disciples, and on the one occasion when Rabban Gamliel bases his opinion on the ruling of Rabban Yoḥanan b. Zakkay, he does so by recognizing his unquestioned authority (*M. 'Eduyoth* 8:3). It follows that there is no foundation for the various conjectures advanced on this subject, be it the theory of Bacher and Derenbourg, who hold that Rabban Yoḥanan b. Zakkay voluntarily resigned from the Patriarchate to make way for a young man grown to maturity, or that of Allon, who maintains that he was forced to vacate his office. But one thing is manifest: the acts of Rabban Yoḥanan b. Zakkay prepared the ground for the work of Rabban Gamliel, whose conduct, however, was completely different from his predecessor's. We do not know the precise significance of his receiving authority from 'the governor in Syria' referred to in the Mishna (*'Eduyoth* 7:7), but apparently it involved a measure of recognition of Rabban Gamliel's position on the part of the State, for his very contact with the Roman authorities in Syria and in Rome itself conferred governmental

and in view of this possibility they resolved to commence the arrangement of the *halakhoth* according to the names of their authors.' Even J. N. EPSTEIN, *Introduction to Tannaitic Literature* (מבואות לספרות התנאים), Jerusalem 1947, p. 428, who controverts the view that the arrangement of the *halakhoth* began in the tractate '*Eduyoth*', holding that there was an ordered Mishna prior to '*Eduyoth*', agrees that Yavne was the first to 'undertake the systematic arrangement and decision of disputed issues'.

status upon him vis-à-vis the outside world.⁴⁰ But the chief difference was internal. Rabban Gamliel was not only the head of the *Beth Din* but also the Patriarch, a position that he held not only because of his personal merit and by virtue of the authority of the Sages, but also on account of his lineage—the fact that he was a descendant of Hillel. Now the decision was also taken at Yavne that ‘the law was always according to the ruling of the School of Hillel’ (*Tos. Yevamoth* 1:13), whereas previously, so long as the Sages had not decided one way or the other, freedom was allowed in giving a ruling: ‘but whoever wishes to act in conformity with the view of the School of Shammai may do so, and whoever wishes to follow the teaching of the School of Hillel may do so’ (*Eruvin* 6b).⁴¹ A general decision was not easily reached. Even the *בַּת קוֹל* [divine voice] that was invoked to assist the scholars in arriving at a decision did not convince R. Yehoshua, who paid no heed to it. This time, however, a sword was not thrust into the floor of the college, but the power of the Patriarch’s authority settled the issue. An echo of the struggle is still to be heard in the following *Baraita*: ‘They [the scholars] asked R. Yehoshua: What is the law in regard to the descendants of rival wives? He replied: Why do you put me between two great mountains—between the School of Shammai and the School of Hillel—that they should crush my head; but I testify concerning the family of Beth ‘Aluway from *Zevayim* and concerning the family of Beth Qippa from Beth Meqoshesh, who were descendants of rival wives and yet some of them became High Priests who offered sacrifices on the altar’ (*Tos. Yevamoth* 1:10). R. Yehoshua acted according to the view of Rabban Yoḥanan b. Zakkay, his teacher. It was the evidence relative to the practice that prevailed in Jerusalem that was decisive for him; but at the same time there is a hint that he was aware of the danger involved. R. Tarfon, whom Rabban Gamliel reproached for not attending at his college (*TB. Pesahim* 72b), acted like R. Yehoshua, but did not refrain from following the teaching of the School of Shammai even when it laid him open to danger (*M. Berakhoth* 1:3).⁴² The stories concerning

40 See G. ALLON, *The History of the Jews in Palestine during the Period of the Mishna and the Talmud* (תולדות היהודים בארץ-ישראל בתקופת המשנה והתלמוד), Tel-Aviv 1953, I, pp. 64–72; E. E. URBACH, *Behinoth*, IV (1953), p. 66; S. SAFRAI, *Zion*, xxvii (1962), p. 219.

41 In the *Gemara* the contradiction between the first and second statement of the *Baraita* is noted and explained by the customary method of harmonization: ‘the latter statement was made before the *בַּת קוֹל* had spoken, the former after its intervention’ (*loc. cit.*).

42 When R. Tarfon declared, ‘and I put myself in danger by reason of robbers,’ he did not regard this as a punishment for acting in agreement with the view of the School of Shammai, but merely emphasized that the law was according to the

the clashes between Rabban Gamliel and R. Yehoshua b. Ḥanania and R. Eli'ezer b. Hyrcanus testify to the intensification of the conflict between divergent principles: the freedom of halakhic decision against the claim on the part of the Patriarch to the right of supervision and organization, that is, the concept of the Patriarch's jurisdiction as national leader—as an authority independent of the Sanhedrin—in opposition to the view of the Sages who did not consider that the Patriarch enjoyed a special status but regarded him only as head of the *Beth Din* from which he derived his authority.⁴³ The control of halakhic decisions found

School of Shammai and that it behoved one to act accordingly even 'when you walk by the way'. The Sages answered him: 'You deserved to have brought danger upon yourself for transgressing the opinion of the School of Hillel,' and from this incident they subsequently deduced: 'and whoever transgresses the teachings of the School of Hillel is deserving of death' (*TP. Berakhoth* 1, 7, 3b). See L. GINZBERG, *A Commentary of the Palestinian Talmud* (פירושים והידרושים בירושלמי), 1, New York 1941, p. 156. But we cannot accept his view (*ibid.*, p. 159) that only at the end of the Yavne epoch was it established that the law is according to the ruling of the School of Hillel, and that the account of the decision of the *Halakha* relative to the rival wife of the daughter belongs to the period after the death of Rabban Gamliel. On account of the difficulty in the *Baraita* (*TB. Yevamoth* 15a): 'It happened that Rabban Gamliel's daughter was married to his brother Abba (in the Munich MS the word לאבא [to Abba] is crossed out), who died childless, and Rabban Gamliel, as a levir, married her rival wife,' the objection was raised in the Babylonian Talmud: 'Was Rabban Gamliel then a disciple of the School of Shammai?', and the explanations offered are forced. But it is a fact that there is no mention of this story either in the *Tosefta* (*ibid.*, 1: 8–10) or in the Palestinian Talmud (*ibid.*, 1, 6, 3a). If the account is authentic, it is possible that in this instance Rabban Gamliel accepted the testimony of R. Yehoshua and the tradition of R. Dosa b. Harkinas. Even so, Rabban Shim'on b. Gamliel's statement in the *Tosefta* (*loc. cit.*) is difficult: 'What shall we do with regard to the earlier rival wives' (Rashi, *loc. cit.*: 'if we rule that they must not enter into levirate marriage'). Did he not know what happened in the case of his father, Rabban Gamliel? Apparently, it was actually in the period of Usha that the Sages wrestled with the problem, which was thus defined by R. Yoḥanan b. Nuri: 'How is this law to be issued in Israel? If we should act in accordance with the ruling of the School of Shammai, the child would be a bastard in the view of the School of Hillel; if we should follow the ruling of the School of Hillel, the child would be tainted in the opinion of the School of Shammai. Come, then, let us ordain that the rival wives should perform חליצה and not marry one of the brothers. Before they were able to bring the matter to finality, trouble [i.e., political persecution] broke out' (*Tos., TP., TB., loc. cit.*). The Sages wished to act in all respects in accord with the teaching of the School of Hillel, but since this change in the *Halakha* necessitated the proclamation that the children of all who followed the ruling of the School of Shammai were bastards, they sought to amend the position. With reference to R. Tarfon and the School of Shammai see *Birkhé Yosef, Oraḥ Ḥayyim*, § 494, 4; LIEBERMAN, *Tosefta ki-Fshutah*, v, p. 1306.

43 See G. ALLON, *op. cit.* (above, n. 40), pp. 197 f. See also my observations in the periodical *Behinoth* (above, n. 40), pp. 68 f.

expression in the centralization of ordinations (*TB. Nidda* 24b) and in the insistence on the selection of disciples. In the spirit of the School of Shammai, Rabban Gamliel proclaimed: 'Any disciple who is not inwardly as sincere as he outwardly pretends shall not enter the College' (*TB. Berakhoth* 28a). He likewise adopted a harsh attitude towards the Sages who gave a practical halakhic decision contrary to the view of the Patriarch. He arraigned R. Akiba: 'Who gave you permission?' (*Tos. Demai* 5:24); 'What right have you to embroil yourself with disputes?' (*Tos. Berakhoth* 4:15; *Tos. Beṣa* 2:12); and according to one tradition he even put him under ban (*TP. Rosh Hashana* I, 6, 57b). But when he went too far with respect to R. Yehoshua, 'all the people protested' and deposed him from the Patriarchate; thus the original position was restored and his system of rule abolished. Once again the students were permitted to enter the College; again laws were clarified by testimony, and there was not a moot *Halakha* left that was not elucidated.⁴⁴ But the need to put a Sage with authority similar to that of Rabban Gamliel at the head of affairs brought about the election of R. El'azar b. 'Azarya, who was not only a scholar but wealthy and a priest as well—the tenth generation descended from Ezra. In the end, the Sages came to terms with Rabban Gamliel. A decisive factor in the matter, doubtless, was the consideration that any weakening of the Patriarch's position held the danger of weakening the authority of the *Beth Din* and of the entire Centre, which still lacked stability, as R. Dosa b. Harcinas expressed it in the Mishna: 'If we question [the lawfulness of the decisions of] the *Beth Din* of Rabban Gamliel, we must investigate [the decisions of] every *Beth Din* that has arisen since the days of Moses until now...' (*Rosh Hashana* 2:9). The Mishna speaks only of the *Beth Din*, but in the *Baraita* the following dictum is added: 'to tell you that whoever is appointed administrator of a community, even though he be the most worthless of persons, has the same status as the noblest' (*Tos. Rosh Hashana* 2:3; *TP. ibid.*, II, 9, 58b). The compromise that was reached involved a certain concession on the part of Rabban Gamliel. According to the Babylonian Talmud, R. El'azar b. 'Azarya continued to lecture every third Sabbath, and according to the Palestinian Talmud he remained the *Av Beth Din* [Father of the Court]. At all events, we now find an administration conducted by Rabban Gamliel and the Elders. But the compromise, which created a kind of oligarchic rule, was not acceptable to all the Sages. R. Eli'ezer b. Hyrcanus did not yield to it. He was a 'Shammuti', that is, he adhered to the system of the School of Shammai (not, of course,

44 The sentence 'Eduyoth was taught on that day', means, to my mind, 'testimonies [on that day] were taught on that day,' i.e., the testimonies which commenced on that day were taught on the day on which Rabban Gamliel was deposed.

Class-Status and Leadership in the World of the Palestinian Sages

invariably, but he followed the practice of the elder disciples of Shammai), and insisted on the freedom of decision even against the majority view, But the Sages joined together to ban him, and only at the approach of his death did they make peace with him.⁴⁵

The changes that occurred in the administration found expression not only in the accepted view that its head must be 'a person who is sustained by the merit of his ancestry... who has a peg on which to support himself...', as R. Akiba phrased it (*TP. Ta'anith* IV, 1, 67d), but also in its entire character and in the range of its tasks, beyond the giving of halakhic decisions in legal and ritual matters. Because of the political conditions, duties were imposed on the Patriarchate that had previously belonged to other institutions. Thus the Patriarchate considered it to be its function to organize the judiciary in the cities and in the rural areas, and to link up the settlements throughout the country with the Centre. We find Rabban Gamliel in 'Akko and Ashkelon, in Kefar 'Uthnay and Tiberias, in Jericho and Lydda, and he deposed Shizpar, the head of Geder, which is to be identified with Gezer (*TB. Rosh Hashana* 22a). The ties with the Diaspora were no longer maintained solely by the dispatch of epistles in the name of the Patriarch and the Sanhedrin. We are told of the journeys undertaken by Rabban Gamliel and the Elders to Rome, and of distinguished Sages who went as his emissaries to the seaports, to Arabia and Cilicia, to Africa and Galatia, to Cappadocia and Ginzak in Media. These journeys were undoubtedly connected with the collection of a tax, subsequently called 'the coronation tax'; but at the same time the emissaries also lectured on *Halakha* and *Haggada* and strengthened the supervision over the communities and their administration. Thus we find that the Sages sent this message to Todos of Rome: 'Were it not that you are Todos, we should have put you under ban' (*TB. Pesahim* 53a).

Sages became heads of communities, and were from now on also responsible to them. After the appointment of R. Yoḥanan b. Nuri and of R. El'azar b. Ḥisma, Rabban Gamliel notified them: 'You have declared to the community that you do not seek to lord it over them; in the past you were your own masters, henceforth you are wholly subservient to the public' (*Sifré Devarim*, § 16). The rule that 'We do not appoint a head over a community without first consulting it' (*TB. Berakhoth* 55a) which certainly did not originate with R. Isaac, in whose name it is reported, since it was applied before his time, did not have the virtue of precluding tension between the Centre and the local bodies. The very fact that the Patriarch was the leader of his generation and that he appointed

45 *TP. Mo'ed Qatan* III, 1, 81c; *TB. Bava Mezi'a* 59b; *TB. Sanhedrin* 68a.

Sages as communal leaders brought about a change in the economic and social position of the Sages. Economically the Sages, even in the generation of Yavne, stayed in the class from which they came. R. Yehoshua was a charcoal-burner,⁴⁶ R. Yoḥanan b. Nuri supported himself on the gleanings that he gathered, like other poor people (*TP. Pe'a* viii, 1, 20d), whilst R. Tarfon and R. Eli'ezer b. Hyrcanus were wealthy owners of property, slaves and houses.⁴⁷ To accept remuneration for performing public services, especially of a judicial character, was forbidden (*TB. Bekhoroth* 29a). The result of this could only be that these tasks became concentrated in the hands of the rich and powerful, or that those in charge of the assignments should again be remunerated, just as in the past they received wages from the funds of the *Lishka* [literally: chamber; treasury for congregational sacrifices] and Temple treasury. And this task could only devolve on the leader of the generation—the Patriarch. It seems that the members of Rabban Gamliel's circle were divided on the subject. The verse 'Moreover choose אֲנָשֵׁי חַיִל [E.V.: able men] from all the people' (Ex. xviii:21) R. Yehoshua explained as follows: 'אֲנָשֵׁי חַיִל means the rich, who have money.' On the other hand R. El'azar of Modi'in expounded it thus: 'אֲנָשֵׁי חַיִל signifies men of faith...' 'And let them judge the people at all times, R. Yehoshua said: men who are free from work... R. El'azar of Modi'in said: men who are free from work and occupy themselves with the Torah shall judge the people at all times' (*Mekhiltha, Yithro* II, 198–199), that means to say, men who occupy themselves with the Torah and fulfil public duties and are not people of means, even if they are 'men of faith'—that is, if they have food for today they do not say, What shall we eat tomorrow? (*Mekhiltha, Wayyissa* II, 164)—yet even they need means of subsistence, which the leader of the generation must provide. This system necessitated the selection of disciples and the limitation of their number, which was Rabban Gamliel's view. But even to supply the needs of the few was no easy matter. Against this background, we can understand both the exposition of R. El'azar of Modi'in and the reproof of R. Yehoshua to Rabban Gamliel: 'Woe to the generation of which you are the leader, for you know not the suffering of the scholars—how they earn their livelihood, how they gain their sustenance!' (*TB. Berakhoth* 28a).

46 *TB. Berakhoth* 28a; *TP. ibid.*, iv, 7c: 'a needle-maker'. See also L. GINZBERG, *op. cit.* (above, n. 42), p. 201.

47 On the wealth of R. Tarfon, see *Wayyiqra Rabba* 34:16, 812; *Kalla Rabbati*, Ch. 2. On R. Eli'ezer as a property-owner, see *TB. Rosh Hashana* 31a; as an owner of slaves—*TB. Gittin* 38a; and for his house, wherein one enters the upper chamber and from there the vestibule (ἐμπυλεῶν) and thence the hall—*TB. Berakhoth* 47b; *TB. Sanhedrin* 68a.

Class-Status and Leadership in the World of the Palestinian Sages

The economic dependence and the source of livelihood common to many Sages, namely, maintenance by the Patriarch, were a deciding factor in emphasizing the distinctive character of the class and social status of the Sages. Evidence survives from the epoch of Yavne that expresses an awareness which is nothing but a contraposing of the position of the scholars to that of their providers, a kind of *Lehrstand* vis-à-vis *Nährstand*: 'A favourite saying of the Rabbis of Yavne was: I am a creature and so is my fellow. My work is in the town and his work is in the field. I rise early for my work and he does likewise for his work. Just as he does not excel in my work, so I do not excel in his. And should you say, I do much and he does little, (it is taught:) It matters not whether one does much or little, provided one directs one's heart to Heaven' (*TB. Berakhoth* 17a). This dictum is against the pridefulness of those who make Torah-study their constant occupation and accords merit and religious worth to those who are not numbered among them; hence this saying, in particular, furnishes clear proof of the distinctive class-status of the Sages.

To the aristocracy of money and of lineage was added that of Torah-learning, and the conception of Torah-study as an occupation opened the way for its transmission as an inheritance from father to son, like other occupations. Gedaliah Allon⁴⁸ is correct in stating that the dicta emphasizing the thought that the Torah cannot be inherited allude to the tendency to bequeath Torah-learning and its status, including the prerequisites attaching thereto, which manifested itself among the families of the Sages, who, as 'Sons of the Sages', were candidates for the inheritance of their fathers' positions. But, to my mind, the phenomenon is not to be dated as late as the time of R. Yehuda the Patriarch. The saying, 'and fit yourself for the study of the Torah for [the knowledge of] it is not your inheritance' (*M. Avoth* 2 : 12), belongs to R. Yosé the Priest, a disciple of Rabban Yoḥanan b. Zakkay, who moved in the circle of Rabban Gamliel (*TB. Rosh Hashana* 17b). The sons of scholars, who enjoyed a special status because their fathers were appointed communal administrators, are first mentioned in connection with the name of R. Eli'ezer b. R. Zadoq.⁴⁹ Also from the remarks of Rabban Gamliel's son,

48 'The Sons of Scholars', *Tarbiz*, xx (1950), pp. 84 f. (= *Studies in Jewish History* [מחקרים בתולדות ישראל], II, pp. 58 f.).

49 *TB. Horayoth* 13a, according to the reading of the Munich MS. See *Diquqé Soferim*, p. 44. Allon suggests that he should be identified with the later R. Eli'ezer b. Zadoq, the contemporary of Rabbi, but this conjecture is unnecessary. The story told in *TB. Bava Mezi'a* 85a concerning Rabbi and R. Yosé b. R. El'azar b. R. Shim'on does not, to my mind, belong to our subject, and it certainly cannot be used as a source, for it is not cited for its own sake. From the words *אתייה אסמכיה ברבי ואשלמיה* ['he summoned him, ordained him a Rabbi and entrus-

Rabban Shim'on b. Gamliel, we may infer that 'sons of the Sages' had a special standing among the scholars. He reports as follows: 'There were a thousand youths in my fathers' house, five hundred of them studied Torah and five hundred learned Greek wisdom, but only I here and the son of my father's brother in 'Asia were left of them.'⁵⁰ It will not be far-fetched to say that, like Rabban Shim'on b. Gamliel and the son of his father's brother, so many other pupils of the Patriarch's house, who studied Torah and Greek wisdom, were sons of Sages and the sons of candidates for appointment as administrators. In stating this, it is not our intention to assert that there were not many other pupils. The doors of advancement stood open also to sons of the lower classes. But it would seem that the individuals who rose to higher status severed their connection with their original class and integrated themselves in the group of sages.

In the very pattern of a spiritual-national administration that combined, with the teaching of Torah and the clarification of the *Halakha*, the management of communal affairs by means of institutions and a system of government, an administration, moreover, that determined ranks of hierarchy and the procedures to be followed in showing deference and in carrying out ceremonial functions,⁵¹ and projected an image of the Sage

ted him...'], Allon (*ibid.*, p. 61) deduces: 'The son of R. El'azar b. R. Shim'on was thus to begin with a dissolute youth, devoid of knowledge of the Torah and rebellious towards it, nevertheless Rabbi ordained him and robed him in the garb of wisdom, and only subsequently did he compel him to study Torah. Manifestly, it was the merit of his father that brought it about that as "a son of a Sage" he should have received, whilst still young and ignorant, a potential appointment as a Sage, which would become an actual ordination when he became a great Torah-scholar' (*loc. cit.*). The whole narrative is but one of a series of *Haggadoth* dealing with the relationship between Rabbi and R. El'azar b. R. Shim'on, and it is difficult to regard it as a 'fact', as Allon calls it. And another point: the reading אהייה אסמכיה רבי יוחי ברבי ואשלמיה לרבי שמעון בן יוחי etc. is also uncertain. In the '*Ein Ya'aqov* (first edition) and in the *Haggadoth* of the *Talmud* the word ברבי is missing, and it was just this word, apparently, that caused Rashi to interpret the passage as a reference to ordination. Without it, it is possible to explain the meaning to be: he took hold of him, supported him and handed him over. In the parallel story in the *Tanḥuma* (ed. BUBER, *Wayyera*, § 38) it is stated that he entered him in the House of Assembly after he had received instruction. Although R. El'azar b. Shim'on is spoken of there, the mistake is obvious, as is to be seen also from the recension of the Rome MS; see *ibid.*, n. 210.

50 *TB. Bava Qamma* 83a. The similar story in *TB. Gittin* (58a; *TP. Ta'anith* IV, 8, 69a; *Ekha Rabbati* II, ed. BUBER, p. 104) is only a fanciful tale. See S. LIEBERMAN, *Hellenism in Jewish Palestine*, p. 104, n. 33.

51 See *Tos. Sanhedrin* 7 : 8. The statement of R. Yoḥanan (*TB. Horayoth* 13b), 'This instruction was issued in the days of Rabban Shim'on b. Gamliel' refers, as is there explained, to the latter part of the *Baraita*: 'When the *Av Beth Din* enters... when a Sage enters,' but the first part of the instruction, 'When the Patriarch

Class-Status and Leadership in the World of the Palestinian Sages

not only as a teacher and guide, who draws people nearer the Torah and occupies himself with good works, but also as an appointed leader of the community, who bequeaths his office to his sons—in all this are to be seen the elements that gave a distinctive status to the Sages as a separate class, a class whose members were recognizable ‘by their walk, their speech and by the cloaks they wore in the street’ (*Sifré Devarim*, § 343). This distinctiveness severely strained relations between the Sages and the ignorant folk. Although the outstanding dicta of the Tannaim and Amoraim in this regard belong primarily to the second half of the second century and the beginning of the third, yet the origin of this phenomenon is already to be found rooted in the epoch of Yavne. The famous statement on the subject by R. Akiba bears testimony to this: ‘When I was a *עם הארץ* [ignoramus] I used to say, If only I had a scholar in my power I should bite him like an ass’ (*TB. Pesahim* 49b). Clearly R. Akiba’s utterance, which is addressed to the Sages and apprises them of the hatred felt towards them, seeks to arouse them to pay heed to the factors that brought about this state of affairs, as R. Akiba himself stated in his indictment of the pride of the Sages:⁵² ‘Whoever exalts himself through the words of the Torah, to what is he comparable? To a carcass lying in the road; every one that passes by puts his hand over his nose and goes far away from it’ (*Avoth de-Rabbi Nathan*^A, ed. Schechter, p. 46). This *hubris* manifested itself particularly among the scholars who were appointed leaders over the community (*TB. Ḥagiga* 5b; *TB. Yoma* 22a) and among the ‘sons of the Sages’ (*TB. Nedarim* 81a).

In seeking to underline the features peculiar to the position of the Sages, we must not overlook the contrary trends and the personalities who espoused the ideals of the preceding epoch. Many are the sayings wherein it is possible to find manifestations of egalitarian principles and proletarian tendencies, like the aphorism of R. Akiba: ‘All Israel are worthy of that robe’ (*TB. Bava Mezi’a* 113b), and that of R. Shim’on: ‘All Israel are princes’ (*M. Shabbath* 14 : 4). These thoughts emerge from homiletical expositions such as these: ‘Should you say there are the sons of the elders, there are the great men, there are the sons of the prophets, therefore the Torah enjoins, “For if you will be careful to do all this commandment”—Scripture teaches us that all are equal in Torah study. Similarly it is said, “Moses commanded us a law as a possession for the assembly of Jacob”—the text does not speak here of priests, Levites and Israelites but of “the assembly of Jacob”’ (*Sifré Devarim*, § 48); ‘“A possession” but

enters all the people stand and do not sit down again until they are told: Be seated!’, is without doubt an enactment of his father, Rabban Gamliel. See *Sifré Devarim*, § 16: ‘This was the practice of Rabban Gamliel,’ etc.

52 So *Tosafoth* (*TB. Kethuboth* 62b, s.v. *דרהו*) already understood the passage.

not an inheritance, so that the son of a עַם הָאֲרָץ should not say, seeing that I am not a disciple of the Sages, what shall I benefit if I learn Torah, but "Water shall flow מַדְלִיךְ" [from his buckets], that is, from הַדְּלִימוֹת [the poor] among them' (*Midrash Tanna'im*, 212–213).

R. Akiba, in whose image are crystallized all the attributes and virtues listed as characterizing a Sage—attributes and virtues that were cultivated down the generations—was of the greatest assistance to Rabban Gamliel in the organization of the Centre in Yavne, in drawing up enactments in the religious and communal spheres, and in spreading knowledge of the Torah and the observance of the commandments among the people, acts whose success Bar Kokhba's recently discovered letters also attest. But this same R. Akiba equally gave his support to the revolt of Bar Kokhba and was one of his ardent adherents, and Shim'on b. Kosba was the Patriarch. We do not know the date of Rabban Gamliel's death, but it is evident that his son was not appointed in his stead. Scholars are divided on the question who headed the Sages in the period preceding Bar Kokhba's revolt—whether it was R. Yehoshua, R. El'azar b. 'Azarya, R. Tarfon or R. Akiba.⁵³ But one thing is clear: whoever was head of the Sages was not the Patriarch. The dynastic principle was annulled, and thus the ground prepared for the recognition of Bar Kokhba as Patriarch, which, from the administrative point of view, meant the separation of the politico-national powers of the Patriarch from the religious-spiritual administration of the Sages and their *Beth Din*.⁵⁴ It seems that there is also to be seen in the opposition between R. Akiba and the Sages who were not in agreement with Bar Kokhba, and withheld their support from him, a dispute concerning the form of national government. R. Akiba wanted the Sages to be exempted from the burdens of public office and everything entailed thereby. Their authority, he held, was restricted to the Torah, 'the noble instrument wherewith the world was created' (*M. Avoth* 3:14). It is not surprising, then, that R. Akiba enjoined his son, R. Yehoshua: 'Do not dwell in a city whose heads are scholars' (*TB. Pesahim* 112a), an outlook that conforms to that of his teacher, R. Yehoshua, who left the judicial work to the men of means. In the house of Nithza in Lydda the question, 'Is Torah-study or practice greater?', was decided according to the view of R. Akiba that 'Study is greater, since

53 See ALLON, *op. cit.* (above, n. 40), I, p. 294.

54 An allusion to this is to be observed in the obscure statement in *TP. Sota* IX, 10, 24a: 'There did not arise a "cluster" (of grapes) until R. Akiba arose. None of the "Pairs" were "clusters", save that some acted as leaders and some did not.' R. Akiba appears as the restorer of the ideal of the ancient era, when there was still a division between the administration of the Sages and the authority exercised by the leaders. See H. ALBECK, *Zion*, VIII (1943), p. 167.

Class-Status and Leadership in the World of the Palestinian Sages

it leads to practice' (*TB. Qiddushin* 40b), and there the scales were also tilted in favour of freedom of (halakhic) decision. Now exposition and freedom of teaching took the place of acts and testimonies as a decisive factor in determining the law.⁵⁵

The failure of the rebellion, the edicts of religious persecution and the severe economic crisis, resulted in the undermining of all the foundations of administration and organization. Among those executed by the Roman government were the greatest men and teachers of the generation, of whom some died for their attempts to guide the community and to preserve a certain measure of autonomy: R. Akiba and R. Ḥanina b. Theradion—for convoking assemblies in public for the study of the Torah, and R. Yehuda b. Bava—for ordaining disciples.⁵⁶ Sages who had been appointed as administrators left the Land, and against them is directed the homily of R. Shim'on: 'Elimelech was one of the distinguished men of his generation and a leader of the community, yet because he went abroad, he and his sons died of hunger but all Israel remained alive on their own soil' (*Tos. 'Avoda Zara* 4:4; *TB. Bava Bathra* 91a). A few of R. Akiba's disciples crossed to Galilee, Tiberias and Sepphoris—places whose part in the revolt of Bar Kokhba was small, and which also suffered less, it seems, in the days of distress and persecution—and began to work there for the renewal of Jewish communal life. At first, their activity was of an individual character, but from time to time they foregathered, either to intercalate the year or to organize the institutions responsible for juvenile education and Torah-study.⁵⁷ When the time came for Rabban Shim'on b. Gamliel, who had been condemned to death (*TB. Ta'anith* 29a), to leave his hiding-place, the Centre was re-established at Usha. Although Rabban Shim'on was the Patriarch, he was assisted by an *Av Beth Din* and a Sage, and he announced legal rulings in the name of his *Beth Din* (*TP. Bava Bathra* x, 14, 17d). Recognition of the status of the Sages is also reflected in the enactment of Usha 'not to put a scholar [literally: elder] under ban' (*TP. Mo'ed Qatan* III, 1, 81d). Rabban Shim'on failed in the attempt to restore the position of the Patriarch as it was in the days of his father, and the administration remained under his control only in the measure that he also acknowledged the authority of the Sages. The power and influence of the new leadership were limited for both political and social reasons. Changes occurred in

55 See *Tos. Zevahim* 1 : 8, where R. Tarfon declares: 'I heard (the *Halakha*) without being able to explain it, but you expound and agree with the *Halakha*.' In *M. Yevamoth* (8 : 4), R. Yehoshua b. Bathyra cites a happening to corroborate the view of R. Akiba. See my observations in *Tarbiz*, xxvii (1958), pp. 177 f.

56 See ALLON, *op. cit.* (above, n. 40), II, p. 65.

57 *Shir ha-Shirim Rabba* 2 : 16; *TP. Hagiga* III, 78d.

the character of the Sages' position. In Galilee they encountered the עמי־ארצות [ignorant folk], who not only had scant knowledge of the Torah and were contemptuous of the observance of the precepts (*TB. Berakhoth* 47b), but were also boorish and lacking in culture and integrity. There were to be found there domineering laymen, people who lent at interest, those who transferred their own obligations to others, men who promised contributions to charity in public but did not keep their promises, and such that hated the scholars⁵⁸ and denied their children Torah-education (*TP. Hagiga* 1, 7, 76c).

Even the judges in the local courts, which were composed of lay assessors, were not considered blameless, and unsparing criticism was levelled against them: 'It is taught, R. Yosé b. Elisha said: If you see a generation afflicted by many troubles, go and examine the judges of Israel, for any visitation that comes upon the world is due solely to the judges of Israel,' etc. (*TB. Shabbath* 139a; cf. *Diqduqé Soferim*, *loc. cit.*). The Sages of the time, who were disciples of R. Akiba, refrained from accepting public office, including, at times, judicial appointments. R. Shim'on b. Yoḥay said: 'Blessed be the All-Merciful that I know not how to judge' (*TP. Sanhedrin* 1, 18a).⁵⁹ Their main business they deemed to be the dissemination of Torah-learning and the strict disciplining of the conduct of the Sages: 'As it is taught: "And you shall love the Lord your God"—this means, that Heaven's name should become loved through you; that one should study Torah and Mishna and attend upon the Sages, and be gentle in one's dealings with people. What do people say of such a person? Happy is the father who taught him Torah, happy is his teacher who taught him Torah! Woe unto the people who have not learned Torah... see how fine are his ways, how righteous his deeds!' (*TB. Yoma* 86a).⁶⁰ The Sages of the time even argued in favour of the עמי־הארץ. R. Yehuda b. R. Il'ay expounded: "'Declare to My people their transgression"—the reference is to scholars, whose unwitting errors are accounted to them as presumptuous sins; "and to the house of Jacob their sin"—these are the עמי־ארצות whose presumptuous sins are accounted to them as unwitting errors' (*TB. Bava Mezi'a* 33b). They emphasized the unity of the nation (*Avoth de-Rabbi Nathan*^A, Ch. 16, 64) and showed tolerance even under insult.⁶¹

58 Note should be taken of the enactment of Usha: 'If one insulted a scholar and struck him, full compensation shall be paid him for his embarrassment' (*TP. Ketuboth* iv, 8, 28d).

59 Criticism of the judges is also discernible in his exposition (*Bereshith Rabba* xxvi, 5, p. 247): "'And the sons of God saw"—R. Shim'on b. Yoḥay said: All lawlessness that does not proceed from the leaders is not real lawlessness.'

60 See also *Midrash Mishlé* 6:20.

61 See *TP. Sota* 1, 4, 16d; *TB. Nedarim* 66b.

Class-Status and Leadership in the World of the Palestinian Sages

The question of the livelihood and maintenance of scholars was decisive even though at times it led to complications and confusion in the social position of the Sages and their relations with other classes. Poverty and need were the portion of the leading scholars in the Usha period. It will suffice to mention that it is related of R. Yehuda b. R. Il'ay, the spokesman on all occasions, that he and his wife had but one cloak between them, which they put on alternately, and that he had no garment with which to go to the house of the Patriarch.⁶² This situation resulted in many combining their Torah-study with work or a craft, but even so they only earned their living with difficulty. Thus R. Yehuda complains: 'In the case of the later generation, who made their occupation their permanent concern and the study of the Torah a casual interest, neither flourished in their hands' (*TB. Berakhoth* 35b). His colleague, R. Shim'on Bar Yoḥay, protests vehemently: 'Is it possible that a man shall plough in the ploughing season and sow in the sowing season... what, then, shall become of the Torah?' (*loc. cit.*; *Sifré Devarim*, § 42). In the generation of which R. Shim'on Bar Yoḥay said that Torah-study had declined (*TP. Berakhoth* ix, 13d), he demands of the Sages complete dedication to the Torah even if its ways are poverty and need. Clearly, his extreme demand was addressed to the scholars. In regard to the simple folk he was content that they should read the morning and evening *Shema* and fulfil the injunction, 'This book of the Law shall not depart out of your mouth' (*TB. Menahoth* 99b). His dictum 'Great is labour, for it honours those who engage in it', and its crystallization as practical law (*TB. Nedarim* 49b), were, like other sayings of the Sages in praise of work, aimed against the tendency to lead an idle life. It was also intended to show that the precedence given to Torah-study did not arise from the negative attitude to work that prevailed in the ancient world. But even their contentment with little, and their contempt for the life of this world, did not save the Sages from dependence on others. It was just in this epoch that it became a widespread practice for scholars to accept hospitality in the homes of the well-to-do and to profit from their possessions.⁶³ Such was particularly the habit of scholars who travelled from town to town and from country to country. This state of affairs held a danger for the status of the Sages—the danger of losing caste, as R. El'azar expressed it figuratively: 'To what is a scholar comparable in the eyes of the עַם הָאָרֶץ? At first he resembles a golden ladle... once he has benefited from him, he seems like an earthen ladle' (*TB. Sanhedrin* 52b). At the same time, it is right to emphasize that scholars used to influence

62 *TB. Nedarim* 49b; cf. *TB. Sanhedrin* 20a; *TP. Hagiga* iii, 1, 78d.

63 *Sifré Devarim*, § 1; *TB. Berakhoth* 10b; 63b.

their hosts.⁶⁴ On the other hand, the Sages discovered surprising manifestations of virtues and of acts of charity and lovingkindness on the part of the ordinary people,⁶⁵ a fact which led to a lowering of the barriers between them. In the Usha period, the status of the Sages is again marked by features known to us in Temple times. The influence of the scholars was derived from their personality and not from their membership of the Sanhedrin. Despite the difficult economic circumstances, R. Me'ir and R. Yehuda, R. Yosé and R. Shim'on, R. El'azar b. Shamu'a and others succeeded in attracting to the colleges numerous local disciples and disciples from the Babylonian Diaspora. The invincible spirit of the Sages and their loyalty to their particular world helped them to preserve the existence and distinctive character of the people in this arduous epoch.

In these colleges R. Yehuda the Patriarch, son of R. Shim'on b. Gamliel, was reared. The political changes that had taken place in the period of the emperors of the House of Severus and the particular personality of Rabbi altered the character of the Patriarchate and the leadership of Jewry. In Jewish tradition, Rabbi appears as the saviour of Israel, in the same category as Shim'on the Just, Mattathias the Hasmonean and Mordechai and Esther (*TB. Megilla* 11a). A contemporary even went so far as to say: 'From the days of Moses to (the time of) Rabbi we do not find Torah-learning and high office combined in one person' (*TB. Gittin* 59a). To spiritual greatness and halakhic authority he added an official position recognized by the State, as external sources bear out.⁶⁶ His close friendship with the emperor and his wealth, of which the sources make considerable mention, lent the Patriarchate a royal quality. The Sages of the day—R. Hiyya and R. Shim'on b. Halafta—saw in this the first stage of Israel's redemption, which advances 'little by little' (*TP. Berakhoth* I, 2c), and applied to Rabbi the verse, 'the breath of our nostrils, the Lord's anointed' (*TP. Shabbath* XVI, 15c). As a sign for the sanctification of the moon, the watchword 'David, king of Israel, lives and endures' was chosen (*TB. Rosh Hashana* 25a). Possibly, there is a connection between this fact and the genealogical record in which it was averred that 'Hillel is descended from David', found by Rabbi's disciple, Levi, of whom, incidentally, Rabbi once spoke disparagingly, 'It seems to me that he has no brains in his head' (*TB. Yevamoth* 9a). The tradition that Rabbi sought to abolish the fast of the Ninth of Av (*TP. Megilla* I, 6, 70c; *TB. ibid.*, 5a),

64 *Wayyiqra Rabba* XXXIV, 13, p. 801: 'This refers to the scholars who enter the houses of the ignorant and delight them with words of the Torah.'

65 See the story concerning R. Yannay, *Wayyiqra Rabba* IX, 3, p. 176.

66 See J. JUSTER, *Les Juifs dans l'Empire Romain*, I, Paris 1914, pp. 393 ff.; ZUCKER, *op. cit.* (above, n. 30), p. 154; ALLON, *op. cit.* (above, n. 40), II, p. 100.

Class-Status and Leadership in the World of the Palestinian Sages

and possibly also the immigration of the Sages to Jerusalem and the re-establishment of 'a holy community in Jerusalem', was apparently linked with actual Messianic hopes.

Like Rabban Gamliel, his grandfather, Rabbi, to begin with, was Patriarch with an *Av Beth Din* or Sage to assist him. The *Beth Din* was under his authority, and the appointment of Sages in his hands. The enactment which he introduced was to the effect that the Patriarch could make appointments of his own accord, whereas the *Beth Din* could appoint only those approved by the Patriarch (*TP. Sanhedrin* I, 19a). To the appointees were given the offices of judges in the cities and in the country, and the Sages of the Sanhedrin were sent by Rabbi to supervise the educational system. Scholars who were given public appointments and those worthy of being given them were shown special honour (*TB. Gittin* 59b). The Patriarch and his *Beth Din* spread the net of their authority not only over Galilee but also over the south, and Rabbi's Babylonian disciples were destined to lay anew the foundations of Torah-study in Babylonia. The Patriarch had slaves at his disposal—just as the High Priest in Jerusalem had in their day—who punished any that refused to obey his decrees and judicial decisions (*Mishlé Rabba* 10:3). In the court of the Patriarch, a hierarchy came into being. The Sages who were close to the Patriarch served in special offices and were maintained by him (*TB. 'Eruvin* 73a; *TB. Beza* 28a). His wealth enabled him to support the disciples liberally as well. The circles of the well-to-do were drawn to his court, and confirmation can be found for the saying 'Rabbi honoured the rich' (*TB. 'Eruvin* 86a) in the stories about Ben Bunyas and Ben El'asa, Rabbi's son-in-law (*ibid.*, 85b; *TP. Mo'ed Qatan* III, 1, 81c; *TB. Nedarim* 51a). The two uppermost social strata—the circle of the wealthy, who exercised economic and administrative rule on behalf of the State, and the Sages of the Sanhedrin, together with those who succeeded in being appointed as judges or rabbis—were attached to the Patriarch and put under his authority. It also seems that, to a certain extent, the two groups drew closer to each other, either through marriage or by dedicating their sons to the study of the Torah. To this epoch, apparently, belongs the following parable: 'This may be compared to an *Av Beth Din* who had many sons. They were all ignorant except for his eldest son who was learned in the Torah. He wrote (in his will) a due portion of his estate for each one, save for his eldest son. The latter said to him: You have given a portion (of your possessions) to each son, but to me you bequeath nothing! (Thereupon) he replied to him: Let it suffice you that you will take over my position.'⁶⁷ This *Av Beth Din* was a man of substance, whose benefice

67 *Yalqut Shim'oni*, § 915, cited from *Elé ha-Devarim Zuta*.

was inherited by his eldest son, who was a scholar, and his income was thus assured. The remaining sons, who had no learning, inherited the father's property. Under the influence of Rabbi, the rich עמי הארץ also became more inclined to observe the precepts, and contributed of their wealth to charity and public causes. There lingered, however, an antagonism between the Sages and the uneducated, which appeared primarily as a religio-intellectual antithesis, but to which the prevailing circumstances added socio-economic overtones. The exemption of the Sages from State taxation, an exemption attributed to Rabbi, could hardly have weighed heavily on the rich, but undoubtedly it imposed an additional burden on the labourers and artisans. The difference is also highlighted in the story recounted in the following *Baraita*: 'Rabbi opened store-houses in years of dearth, proclaiming: Let those who have studied Bible, *Mishna*, Talmud, *Halakha* or *Haggada* be admitted, but not עמי ארץ. R. Yonathan b. 'Amram, thrusting his way in, said, Master, give me sustenance! Rabbi replied: My son, have you learned Bible? He answered: No! Have you learned *Mishna*? He answered: No! If so (replied Rabbi), how can I give you sustenance? Thereupon he said to him: Feed me as you would a dog or a raven! So he gave him food. After he had left, Rabbi sat distressed, saying: Woe unto me, that I have given my bread to a עמי הארץ! Then R. Shim'on the son of Rabbi said to him: Perhaps it was your disciple, Yonathan b. 'Amram, who all his life has declined to benefit from the honour paid to the Torah. Upon investigation it was found to be so. Thereupon Rabbi said: Let all enter!' (*TB. Bava Bathra* 8a). Even if, after this incident, Rabbi supported all the needy in years of scarcity (and there is evidence of this), the basically negative attitude to the unlearned did not change, and not without reason was there attributed to him the dictum: 'Punishment comes upon the world only on account of the ignorant' (*loc. cit.*).

From the story just cited, we observe that there were Sages who had no desire to gain advantage from the social respect paid to Torah-learning, even if the disbursement was made by the Patriarch, for they did not approve of the system of support which he had organized. We also know of opposition to other of his acts. R. Shim'on b. El'azar criticized his method of filling positions (*Midrash Tanna'im*, p. 8), and even R. Hiyya, one of his intimates, did not refrain from demonstrating against Rabbi's interference with the freedom of instruction by his decree: 'Pupils are not to be taught in the market-place' (*TB. Mo'ed Qatan* 16a).⁶⁸ But there was more general opposition still. R. Pinhas b. Ya'ir, one of the saints and men of good deeds, son-in-law of R. Shim'on b. Yoḥay, protested

68 See ALLON, *op. cit.* (above, n. 40), II, p. 144.

against the mode of living at Rabbi's court and against the element of rulership and the royal style that he affected (*TP. Demai* 1, 22a; *TB. Hullin* 7b). When the sons of R. Ḥiyya—Yehudah and Hezekia—once became merry with drink during a meal with Rabbi, they said: 'The son of David will not come until two dynasties of Israel came to an end, namely, that of the Exilarch in Babylonia and that of the Patriarch in the Land of Israel' (*TB. Sanhedrin* 38a). Undoubtedly their words not only conveyed to Rabbi their own views but also echoed the opinions of the Sages, who did not regard with favour the tendencies towards domination characterizing the Patriarchate. These scholars without question also refrained from undertaking assignments and accepting appointments. The difficult saying, 'An administrator should not be appointed over a community unless a basket of reptiles hangs on his back' (*TB. Yoma* 22b), which has been transmitted in the name of one of the young Sages of the time, R. Shim'on b. Yehozadaq, can hardly express his sentiment alone. Against this attitude, and against the Sages who eschewed acceptance of the burden of administering public affairs, numerous homilies are directed, for example: "That the congregation of the Lord may not be as sheep which have no shepherd"... Thou didst not bring forth Israel from Egypt to the end that they should have no administrators, but (on the contrary) that they should have administrators. Not as it is written (I Kings xxii : 17): "And he said, I saw all Israel scattered... as sheep that have no shepherd"' (*Sifré Zuta*, p. 320). Possibly the following exposition also belongs to that epoch: "but a man of תרומה [lit.: heave-offerings; E.V.: gifts] ruins it" (Prov. xxix : 4)—(this means:) if a man makes himself like תרומה [heave-offering], which is cast away in a corner of the house and says: What have I to do with the burden of the affairs of the community, with their litigations: why must I listen to their clamour? Peace be upon thee, my soul!—such a person destroys the world.'⁶⁹

It is probable that with most of the Sages, including even those who did not endorse many of the subsidiary features of his Patriarchate, the general appreciation of Rabbi's great achievements was the deciding factor. At no other time did the Sages have such control over all sections of the nation, at no other period did the honour paid to Torah-learning attain so high a degree. The leader of the people was not only a masterful personality, who knew how to conduct the Patriarchate on a superior level, to consolidate afresh the status of the nation and repair its breach, but also a Sage whose religious and halakhic eminence could not be denied, a man endowed with virtues and attributes that had ever been

69 *Tanḥuma, Mishpatim*, § 2; see also *Shemoth Rabba* xxx, 13.

prized by the Sages, so that a contemporary scholar could say that all the qualities that the Sages had listed as befitting the righteous were present in Rabbi and his sons.⁷⁰ And above all, he was the Patriarch who had undertaken the task of integrating the teaching of the Sages and so of giving the Mishna to his and to all subsequent generations.

Those who found fault with his rule were doubtless answered in the words of the homilist in the verse: ‘“When Ephraim spoke רתת [literally: trembling]; he was exalted [נשא] in Israel; but he incurred guilt through Baal and died” (Hos. xiii:1): “When Ephraim spoke רתת”—(that means:) when Jeroboam spoke of the failings [ריתתו] of Solomon, the Holy One, blessed be He, said: Why do you reproach him, he is a *Nasi* [prince, chief, elsewhere in this article rendered: Patriarch], he is a *Nasi* of Israel. By your life! I shall give you but a little taste of his authority and you will not be able to stand the test. As soon as he became king he forthwith incurred guilt through Baal and he died’ (*Wayyiqra Rabba* XII, 5, p. 264).

Rabbi did not lose sight of the problem of the contradictory aims inherent in the combined exercise of preserving the ideals of the world of the Sages, an exercise which began with the study of the Torah and the keeping of the commandments and ended with the kingdom of heaven and with another world, with an administrative system whose external aspects were wealth and dominion. It seems that he himself saw this fusion as a phenomenon that can occur but once; hence he said on his death-bed: ‘Sovereign of the universe, it is revealed and known to Thee that I toiled with my ten fingers in the study of the Torah, and that I derived no (material) benefit therefrom even with my little finger’ (*TB. Kethuboth* 104a). He also enjoined: ‘My son Shim’on shall be the Sage... my son Gamliel the Patriarch... Ḥanina bar Ḥama shall preside’ (*ibid.*, 103b). Thus the Patriarchate was to be one office, and the headship of the *Beth Din* and College another. For about two centuries there existed this separation between the Patriarchate as the highest politico-national administrative authority of the people and the headship of the colleges, even when the Patriarch himself was an eminent scholar. This division helped in no small measure to safeguard the distinctiveness of the administration of the Sages, an administration whose strength lay not in governance and institutions, but in personality. This fidelity to the special character of the administration also prevented the crystallization of a class of Sages, whose singularity was liable to obscure its affinities with the nation as a whole.

As in other spheres, the Sages recognized that, in the existing order of

70 *Tos. Sanhedrin* 11:8; *TP. ibid.*, xi, 30a; *M. Avoth* 6:8.

Class-Status and Leadership in the World of the Palestinian Sages

the world, there was no possibility of attaining the realization of administrative and social ideals in their purity. This would be possible only in a new world, as is stated in the *Midrash*: 'When the Holy One, blessed be He, renews His world, He Himself will stand and arrange... the order of the generations' administrators.'⁷¹ Notwithstanding, they regarded themselves as responsible for the existing system, and were unflagging in their efforts to improve it.

Submitted 5 January 1965

English translation by Israel Abrahams, Capetown

71 *Yalqut Shim'oni*, § 455, the source not indicated.