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## The Legacy of Sectarianism in the Imagination and Self-formation of the Rabbis

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## Abstract

Prior to the destruction of the Jerusalem temple in 70 CE, Jewish social organization and ritual leadership in ancient Palestine was defined by sectarianism, in which coherent Jewish groups maintained competing beliefs about theology and practice. The centuries following the destruction saw the rise of the rabbinic movement, which produced extensive literary corpuses that occasionally make reference to the rabbis' sectarian predecessors. This thesis explores the historical nature of the relationship between the rabbis and sects as well as the rabbinic literary construction of the sects and sectarian past. In the first chapter, I argue that the sects largely faded from the Judean landscape before the rabbinic movement emerged, even as Jewish sectarianism lived on in rabbinic memory. The subsequent chapters investigate the evolving rabbinic literary portrayal of the sects. I suggest that the rabbis' depiction of the sectarian past shifted in response to the rabbis' growing authority and relationship to emerging Christianity. Seeking to chart a new approach in a world in which they were largely unknown, the early rabbis (c. 70-220 CE) displayed little tolerance for both past and present outsiders and therefore avoided identification with the sects. However, as the rabbinic project grew increasingly established and distinct from competing movements, the later rabbis (c. 220-700 CE) began to link themselves to certain sects in order to bolster their historical legitimacy. This analysis seeks to capture fundamental aspects of the process of rabbinic identity-formation, shedding light on the self-definition and origination of the movement that remains the basis of Jewish practice to this day.

## Keywords

rabbinic Judaism, rabbis, talmud, sectarianism, sects, antiquity, tannaim, amoraim, Pharisees, Sadducees, Essenes

## Disciplines

Ancient History, Greek and Roman through Late Antiquity | Arts and Humanities | History | History of Religions of Western Origin | Jewish Studies | Language Interpretation and Translation

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FORMATION OF THE RABBIS

Ayelet Rubenstein

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## Abstract

Prior to the destruction of the Jerusalem temple in 70 CE, Jewish social organization and ritual leadership in ancient Palestine was defined by sectarianism, in which coherent Jewish groups maintained competing beliefs about theology and practice. The centuries following the destruction saw the rise of the rabbinic movement, which produced extensive literary corpuses that occasionally make reference to the rabbis' sectarian predecessors. This thesis explores the historical nature of the relationship between the rabbis and sects as well as the rabbinic literary construction of the sects and sectarian past. In the first chapter, I argue that the sects largely faded from the Judean landscape before the rabbinic movement emerged, even as Jewish sectarianism lived on in rabbinic memory. The subsequent chapters investigate the evolving rabbinic literary portrayal of the sects. I suggest that the rabbis' depiction of the sectarian past shifted in response to the rabbis' growing authority and relationship to emerging Christianity. Seeking to chart a new approach in a world in which they were largely unknown, the early rabbis (c. 70-220 CE) displayed little tolerance for both past and present outsiders and therefore avoided identification with the sects. However, as the rabbinic project grew increasingly established and distinct from competing movements, the later rabbis (c. 220-700 CE) began to link themselves to certain sects in order to bolster their historical legitimacy. This analysis seeks to capture fundamental aspects of the process of rabbinic identity-formation, shedding light on the self-definition and origination of the movement that remains the basis of Jewish practice to this day.

## Table of Contents

Acknowledgements.....	ii
Abstract.....	iii
Introduction.....	1
Chapter 1: The Jewish Sects in the Second Temple Period and Beyond: The Rise and Fall of Jewish Sectarianism.....	20
The Nature of Jewish Sectarianism.....	22
The Impact of the Destruction.....	34
The Evidence on the Sects Post-70 CE.....	43
Chapter 2: Sects and Separation: Rabbinic Self-Definition in the Tannaitic Period.....	60
Tannaitic References to the Sects.....	63
Early Rabbinic Social Authority.....	66
Rabbis, Christians, and Heretics.....	71
Rabbinic Separatism.....	76
Chapter 3: Influence and Inclusivity: Rabbinic Self-Definition in the Amoraic and Stammaitic Periods.....	79
Rabbis, Christians, and Heretics.....	80
Rabbinic Authority and Institutions in the Amoraic and Stammaitic Periods.....	88
Talmudic References to the Sects and the Pharisaic-Rabbinic Connection.....	97
Rabbinic Pluralism.....	106
Conclusion.....	111
Bibliography.....	118

## Introduction

While fleeing from the destruction and strife amidst the Roman siege of Jerusalem in the year 70 CE, one Judean rabbi not only narrowly avoided death but also managed to secure the future of the entire rabbinic movement. According to this legendary story in the Babylonian Talmud, Rabbi Yochanan ben Zakkai escapes by subterfuge from Jerusalem only to find himself face-to-face with the Roman general and soon-to-be emperor Vespasian. Rabbi Yochanan predicts Vespasian's future kingship in a statement that quickly proves to be prophetic. Within moments, a messenger arrives to announce the death of the previous Roman emperor and the commencement of Vespasian's rule. Before Vespasian journeys to Rome to accept the throne, he offers to grant Rabbi Yochanan a gift of his choice:

[Vespasian] said to [Rabban Yoḥanan ben Zakkai]: I will be going . . . but before I leave, ask something of me that I can give you. Rabban Yoḥanan ben Zakkai said to him: Give me Yavneh and its Sages.<sup>1</sup>

Rabbi Yochanan makes a modest yet momentous request: the preservation of the rabbinic stronghold in the Galilean city of Yavneh. True to his word, Vespasian allows the sages to retain Yavneh, where they gather following the Roman destruction of the Jerusalem temple to begin redefining and adapting the practice of Judaism to the new post-Temple order.

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<sup>1</sup> Babylonian Talmud Gittin 56b.

This foundation myth detailing the origins of the rabbinic movement contributed to the longstanding standard narrative of the rise of the rabbis.<sup>2</sup> According to this account, the rabbis comprised a cohesive, centralized, and dominant movement prior to the Roman destruction of the Jerusalem temple, an event which marked the culmination of the Great Jewish Revolt (66-70 CE) against Rome. The rabbis commanded far-reaching authority and were situated in the Galilee prior to the fateful events of 70. Pieces of this traditional narrative derive from sources other than this Talmudic story but nonetheless cohere with the information offered by the source at hand. Some rabbinic texts, for example, suggest that the rabbis were the natural successors of the Pharisees—one of several competing Jewish “sects” that operated during the Second Temple period—but decisively ended sectarianism when they gathered at Yavneh around 90 CE to launch their rabbinic project, expelling heretics and establishing a new Jewish “orthodoxy.”<sup>3</sup> By the turn of the century, the rabbis had successfully supplanted the diversity of Second Temple Judaism with their monolithic dominion.

The first century of the common era is no less decisive in standard accounts of the history of Judaism as related to Christianity. According to the traditional model, Judaism

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<sup>2</sup> For a brief review of the standard narrative of the emergence of the rabbis, see Seth Schwartz, *Imperialism and Jewish Society, 200 B.C.E. to 640 C.E.* (Princeton, NJ: Princeton University Press, 2001), 112.

<sup>3</sup> The notion of an association between the Pharisees and the rabbis is evident in the following *sugyot* in the Babylonian Talmud: Babylonian Talmud Qiddushin 66a, Babylonian Talmud Niddah 33b, and Babylonian Talmud Yoma 19b and is formulated even more clearly in Avot d’Rabbi Natan 5:2. These sources are explored more thoroughly in Chapter Three. The idea that the rabbis ended sectarianism derives primarily from Babylonian Talmud Gittin 56b and Tosefta Berakhot 3:25. For a brief overview of the traditional account of rabbinic activity following the destruction, see Shaye J. D. Cohen, “The Significance of Yavneh: Pharisees, Rabbis, and the End of Jewish Sectarianism,” *Hebrew Union College Annual* 55 (1984): 27.



and Christianity definitively “parted ways” in this period.<sup>4</sup> After this moment of separation, the two religions developed in isolation, branching off from a single road, never to converge again. By the early second century, Judaism—with rabbis in power—and Christianity—as a wholly distinct religious body—had essentially taken the shape of the religions that we know today.

Although largely deconstructed by modern scholarship, this “master narrative” remains widely held in popular circles. And it is easy to understand why—much of the story detailed above stems from the version of events promoted by traditional religious authorities and preserved in ancient and medieval sources. The enduring popularity of this standard account also derives from the relatively clean picture it provides of the development and separation of normative Judaism and Christianity. It limits the complex, uncertain, and gradual nature of the changes that it purports to describe to decisive moments within a single century. For these among other reasons, this definitive story grew entrenched over time and has only been questioned in recent years.

In what follows, I seek to build upon recent work that has problematized this standard narrative through exploring the relationship of the rabbis to the Jewish sects that preceded them. I take up the question of the historical nature of the connection between the rabbis and the sects as well as the related but distinct topic of the legacy of the sects in the discourse and imagination of the rabbis. This project aims to explore the complex processes of rabbinic self-definition and identity-formation through the rabbis’

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<sup>4</sup> For an overview of the standard account of the “parting of the ways,” see Annette Yoshiko Reed and Adam H. Becker, “Introduction: Traditional Models and New Directions,” in *The Ways that Never Parted*, eds. Adam H. Becker and Annette Yoshiko Reed (Minneapolis: Fortress Press, 2007), 1-34.

“construction” of the Jewish sects and sectarian past. In so doing, I hope to take part in the scholarly effort that has countered widely held notions about the origins of rabbinic Judaism and early Christianity.

Critical study of rabbinic texts has played an important role in dismantling many of the assumptions involved in the standard model. Until Jacob Neusner revolutionized the academic study of Judaism in the 1970s, the predominant approach to the study of rabbinic texts was non-critical—the “historical” content in rabbinic literature was accepted virtually at face value, and scholars treated rabbinic literature as a whole not as textual evidence but as authoritative history.<sup>5</sup> Treatment of rabbinic sources as such was predicated on the assumption that the rabbis sought to record events as they actually occurred. Yet this understanding involved the anachronistic retrojection of our modern conceptions of “history” and “truth” onto ancient actors, whose representations of the past were often intended to transmit morals, fill in gaps of information, or support an argument rather than to provide an accurate record of events.<sup>6</sup> Modern critical study of rabbinic literature generally treats rabbinic traditions as textual evidence and applies various analytical approaches, many of which compare different versions of rabbinic traditions, examine the literary structure of rabbinic texts, and situate rabbinic materials in their broader historical context.<sup>7</sup>

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<sup>5</sup> Schwartz, *Imperialism and Jewish Society*, 8-9.

<sup>6</sup> Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Maryland: The Johns Hopkins University Press, 1999), 5.

<sup>7</sup> Catherine Heszer, “Classical Rabbinic Literature,” in *The Oxford Handbook of Jewish Studies*, eds. Martin Goodman, Jeremy Cohen, and David Sorkin (New York: Oxford University Press, 2002), 116-136.

These methods have given rise to a new model that emphasizes the gradual nature of the developments within rabbinic Judaism and early Christianity and situates these changes within a far messier and contingent reality. Among the revisions of modern scholarship are the findings that the rabbis were not responsible for the end of Jewish sectarianism, that the rabbis lacked substantial authority well into the common era, and that Judaism and Christianity remained ill-defined and intertwined for centuries—such that speaking of a single “Judaism” or “Christianity” in the first century, much less a definitive moment of separation, is problematic.<sup>8</sup> While many questions remain, scholarship in recent decades has made much progress in providing a more historically grounded portrait of sectarianism, the early rabbinic movement, and incipient Christianity.

The Jewish sects were various coherent groups that emerged in Judea in the late second century BCE under the Seleucid Empire. According to the first century Jewish historian Josephus, the three main sects—the Pharisees, Sadducees, and Essenes—maintained contrasting beliefs and practices, diverged in their theological and philosophical views, and differed in their political standings and ways of life.<sup>9</sup> During this period, the Jerusalem temple served as the political, religious, and economic center of the Jews and, accordingly, as the focal point of Jewish sectarianism. Sectarian discord

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<sup>8</sup> For revisions to the traditional account of the rabbis’ rise to dominance, see Seth Schwartz, *Imperialism and Jewish Society, 200 B.C.E. to 640 C.E.* (Princeton, NJ: Princeton University Press, 2001), 103. For new directions in scholarship concerning the development of and relationship between Judaism and Christianity, see Annette Yoshiko Reed and Adam H. Becker, “Introduction: Traditional Models and New Directions,” in *The Ways that Never Parted*, eds. Adam H. Becker and Annette Yoshiko Reed (Minneapolis: Fortress Press, 2007), 2-3.

<sup>9</sup> Josephus, *Jewish Antiquities* 13.5.9, 13.10.5-6, 18.1.2-6; *Of the War* 2.8.2-14.

was characterized by battles for control in the arena of the temple and disputes over the performance of cultic worship.<sup>10</sup>

The Seleucid empire had granted the Jews considerable autonomy, allowing them to maintain their own Jewish polity and mode of religious practice.<sup>11</sup> However, a variety of developments in the first century BCE, such as declining Seleucid authority, internecine Jewish conflict, and burgeoning Roman power, brought Judea under Roman control at the turn of the millennium. From 6-66 CE, Judea functioned as a Roman province, subject to the authority of Roman officials who increasingly violated Jewish religious and cultural sensibilities.<sup>12</sup> Due to mounting Roman intervention and reciprocal Jewish unrest, various Judean dissident movements rebelled against the Roman Empire in 66 CE.<sup>13</sup> The conflict that followed, known as the Great Revolt (66-70 CE), was dominated by Jewish civil infighting and culminated with the sacking of Jerusalem and the destruction of the temple in 70 CE.

The sects by and large faded from the historical record following the first century. The exact nature, timeline, and causes of the cessation of Jewish sectarianism remain uncertain. However, in the centuries following 70 CE, a new Jewish movement slowly coalesced in Palestine.<sup>14</sup> Around the turn of the first to second centuries, a small group of

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<sup>10</sup> Shaye J. D. Cohen, *From the Maccabees to the Mishnah* (United Kingdom: Presbyterian Publishing Corporation, 2006), 130-31.

<sup>11</sup> Schwartz, 25-27.

<sup>12</sup> Rudolf Haensch, "The Roman Provincial Administration," in *The Oxford Handbook of Jewish Daily Life in Roman Palestine*, ed. Catherine Hezser (New York: Oxford University Press, 2010), 2-3.

<sup>13</sup> Cohen, *From the Maccabees to the Mishnah*, 4-5.

<sup>14</sup> Hayim Lapin, *Rabbis as Romans: The Rabbinic Movement in Palestine, 100-400 CE* (New York: Oxford University Press, 2012), 56-57.

Jewish intellectuals began convening to systematize, redefine, and adapt the practice of Judaism to the new post-Temple reality. These trailblazers, better known as rabbis, drew upon ideas from the sectarian past while also developing legal traditions that significantly altered Jewish practice. Although various factors have given rise to the notion that the rabbis descended from the Pharisees—the group that was the most populous and powerful of the sects, generally understood as having similar views to the rabbis—this genealogical connection has come to be seen as increasingly unlikely.<sup>15</sup>

The years 70-220 CE comprise the earliest era in the rabbinic movement, known as the “tannaitic” period. Accordingly, the rabbis active in Palestine during this time are referred to as the “tannaim,” which translates to “teachers” or “repeaters” and derives from the rabbis’ oral transmission of rabbinic traditions.<sup>16</sup> Operating in the larger context of imperial Rome, the tannaim were most likely well-to-do Jewish elites who studied in small groups of sages known as disciple circles.<sup>17</sup> The rabbis maintained that God revealed the Torah to Moses in two media, the Written Torah (the Hebrew Bible) and the Oral Torah, an orally-transmitted extratextual set of traditions that the rabbis claimed to know.<sup>18</sup> Authorizing themselves on this basis of this knowledge, the rabbis developed extensive legal traditions concerning agricultural practices, the observance of the Sabbath and festivals, marriage and divorce, civil damages and criminal matters, and purity

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<sup>15</sup> Ibid, 49.

<sup>16</sup> Ibid, 40-41.

<sup>17</sup> Shaye J.D. Cohen, “The Rabbi in Second Century Jewish Society,” in *The Cambridge History of Judaism*, eds. William Horbury, W. D. Davies, and John Sturdy (Cambridge: Cambridge University Press, 1999), 975.

<sup>18</sup> Schwartz, 68.

rituals, among other areas. Around 200 CE, the oral traditions of the tannaim were compiled into a text known as the Mishnah, which was edited in Palestine and composed in Hebrew.<sup>19</sup> The Mishnah mainly contains material of a legal character composed of anonymous rulings, opinions attributed to rabbis, and debates between rabbis, as well as scriptural exegesis, stories, common sayings, and exhortations. As such, the Mishnah is best understood as an anthology or source of law rather than a strict law code. The Tosefta, another tannaitic work, was edited slightly later in the third century (c. 220).<sup>20</sup> “Tosefta” literally means “supplement” and contains additional tannaitic traditions that are topically or associatively related to Mishnaic content as well as parallel traditions to those found in the Mishnah. The Tosefta is similar to the Mishnah in arrangement, content, and language.

From the beginning of the third century to the end of the fifth century (c. 220-500 CE), rabbis known as the “amoraim” (literally, “speakers”) interpreted, applied, reworked, and built upon tannaitic traditions.<sup>21</sup> Two groups of amoraim participated in the process of discussing and elaborating upon the Mishnah, with one community centered in Roman Palestine and the other in Sasanian Babylonia. Although the amoraim most likely continued to gather in small circles of sages, some evidence suggests that the rabbinic movement took on increasing institutional complexity during the amoraic period.<sup>22</sup> The highly discursive amoraic expansion of the Mishnah was ultimately

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<sup>19</sup> Lapin, 40.

<sup>20</sup> Ibid, 41.

<sup>21</sup> Ibid, 41-42.

<sup>22</sup> David Goodblatt, “The History of the Babylonian Academies,” in *The Cambridge History of Judaism*, ed. Steven T. Katz (Cambridge: Cambridge University Press, 2006), 836-837.

compiled into a text known as the “Talmud” (literally, “learning”), which was composed in Aramaic. Each of the two communities of amoraim developed its own version of the Talmud. The Palestinian compilation is known as the Talmud Yerushalmi, or the Palestinian Talmud, and was edited around 425 CE.<sup>23</sup> The Babylonian document is known as the Talmud Bavli, or the Babylonian Talmud, which came to be accepted as more authoritative in the Middle Ages and remains more widely studied today.

The end of the fifth century marks the end of the amoraic period in Babylonia.<sup>24</sup> From the sixth to eighth centuries (c. 500-700 CE), the Babylonian Talmud was reworked and compiled by sages known as the “stammaim” (literally, “anonymous ones”).<sup>25</sup> In contrast to the amoraim, who attached their names to their traditions, the stammaim did not preserve named attributions. While little is known about the social reality of the stammaim, scholars suggest that the stammaitic period likely involved important institutional developments within the rabbinic movement. Some historians hypothesize that official and sizeable rabbinic academies were established during this period and that the stammaim gained increasing influence over the broader Jewish populace.<sup>26</sup> The stammaim not only constructed earlier rabbinic traditions into the *sugyot*, or literary units, that form the Babylonian Talmud but also retrojected their own culture and concerns onto

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<sup>23</sup> Cohen, *From the Maccabees to the Mishnah*, 275; Lapin, 41-42.

<sup>24</sup> Lapin, 41.

<sup>25</sup> Jeffrey L. Rubenstein, “Social and Institutional Settings of Rabbinic Literature,” in *The Cambridge Companion to Rabbinic Literature*, eds. Charlotte Fonrobert and Martin Jaffee (Cambridge: Cambridge University Press, 2007), 70.

<sup>26</sup> *Ibid.*

the amoraic past.<sup>27</sup> The stammaitic intervention in the Babylonian Talmud represents a relatively recent finding in the field of Jewish studies.

In large part through the critical analysis of rabbinic texts such as the Mishnah, Tosefta, and Talmud, scholars have sought to elucidate the historical reality underpinning the connection between the rabbis and the sects. Historians have explored whether the sects could have plausibly survived the destruction of the Temple and persisted beyond the first century. Shaye Cohen, a scholar of religion at Harvard, published a seminal article in 1984 in which he applied critical historical methodology to interrogate rabbinic sources on the sects anew.<sup>28</sup> Based on the rabbinic and patristic evidence, Cohen concluded that 70 CE marked a turning point in Jewish sectarianism, from which point on Jewish society was not torn by sectarian divisions. Cohen argues that it was the “numerous and varied” consequences of the destruction of the temple—the theological crises, economic difficulties, political repercussions, and social turmoil it induced—rather than rabbinic efforts that resulted in the disappearance of the sects.<sup>29</sup>

Most scholars have similarly contended that the sectarian factionalism that characterized Judaism in the Second Temple period rapidly faded from the Judean landscape with the loss of the temple.<sup>30</sup> However, in recent years, historians such as Joshua Ezra Burns and Martin Goodman have challenged this view, arguing for the

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<sup>27</sup> Rubenstein, *Talmudic Stories*, 16-17.

<sup>28</sup> Cohen, “The Significance of Yavneh,” 27-53.

<sup>29</sup> *Ibid.*, 27, 35-36.

<sup>30</sup> Martin Goodman, *Judaism in the Roman World: Collected Essays* (Leiden: Brill, 2006), 153-162.



continued existence of certain sects and sectarian practices well after the first century.<sup>31</sup> Burns, Goodman, and others who argue for the survival of the sectarian movements beyond the Second Temple period generally claim that sectarianism coalesced around and was sustained by more than the sects' particular attitudes to or relationships with the temple such that the sects could have plausibly endured in its absence. This line of scholarship also tends to minimize the impact of the destruction and maintains that the lack of explicit evidence for the sects' disappearance post-70 lends credence to their continuation.<sup>32</sup>

This recent work has arguably underestimated both the centrality of the temple in sectarian thought as well as the devastating repercussions of the Great Revolt. Consequences of the aftermath of the conflict extended far beyond the religious realm of the temple, upending numerous aspects of Jewish economic, social, and political life. This account of the cessation of sectarianism has also failed to fully address the rabbinic references to the sects, which by and large suggest that the sects vanished well before the rabbis arrived on the scene.<sup>33</sup> A comprehensive review of the rabbinic references to the sects, which follows in the first chapter, helps elucidate the ultimate fate of the sects and their connection to the rabbis.

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<sup>31</sup> Joshua Ezra Burns, "Essene Sectarianism and Social Differentiation in Judaea after 70 CE," *The Harvard Theological Review* 99, no. 3 (2006): 247-74; Martin Goodman, *Judaism in the Roman World: Collected Essays* (Leiden: Brill, 2006), 153-62.

<sup>32</sup> For the debate on the extent to which the year 70 marked a watershed in Jewish history, see Daniel R. Schwartz and Zeev Weiss, eds., *Was 70 CE a Watershed in Jewish History? On Jews and Judaism Before and After the Destruction of the Second Temple* (Leiden: Brill, 2012).

<sup>33</sup> For full discussion, see Chapter One.

Recent scholarship has also sought to explore the exact nature of the association between the sects and the rabbis. In his influential study on the end of Jewish sectarianism, Shaye Cohen critically evaluated the evidence in support of the notion of a continuous Pharisaic-rabbinic tradition. Although Cohen acknowledged that the connection between the rabbis and the Pharisees is uncertain, he ultimately upheld the traditional view that the rabbis were closely linked to their Pharisaic predecessors, going so far as to render the rabbis as “latter-day Pharisees.”<sup>34</sup> More recent work has cast increasing doubt on the assumption of fundamental continuity between the Pharisees and the rabbis. Hayim Lapin, a scholar of history and Jewish studies, for example, views the evidence for this connection as insufficient and raises the possibility that the association between the two was weak or even entirely fictive.<sup>35</sup>

Several scholars, including Cohen, have observed that the association between the rabbis and the Pharisees is present in amoraic but not tannaitic rabbinic texts. The hesitance of the tannaim to identify themselves with the Pharisees led Cohen to suggest that the rabbis sought to deliberately diverge from the Pharisaic, and more broadly, sectarian exclusivist ideology. According to Cohen, the rabbis worked towards the cessation of sectarianism and the creation of a society that tolerated and even encouraged disagreement. Specifically, Cohen posited that the destruction of the temple warned the Jews of the dangers of internal divisiveness, leading the rabbis to move towards an inclusive approach that allowed for the coexistence of conflicting opinions under a single

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<sup>34</sup> Cohen, “Significance of Yavneh,” 41.

<sup>35</sup> Lapin, 49.

fraternity. According to Cohen, this innovative “agreement to disagree” is the enduring legacy of the rabbis.<sup>36</sup>

Many scholars have challenged Cohen’s claim that the rabbis were motivated by pluralism, some viewing this as a positivistic argument that exaggerates the rabbis’ willingness to tolerate dissenting views. Goodman agreed with Cohen’s focus on the significance of the “non-polemical” style of early rabbinic texts—indeed, the multiplicity of opinions in rabbinic literature is an anomalous feature among ancient law codes—but argued that this characteristic of rabbinic literature by no means precludes exclusivity among the rabbis.<sup>37</sup> Based on the account of the first-century Jewish historian Josephus, Goodman claims that the sects likely maintained unity in spite of their differences, while the rabbis, in contrast, launched their project on an intolerant foundation with clear categories of orthodoxy and heresy. Lapin similarly gestures to this problem in a larger work on the rabbinic movement, arguing that the sectarian trend likely penetrated deeper and later into rabbinic culture than Cohen’s findings suggest.<sup>38</sup> Specifically, Lapin views Cohen’s claim that the rabbis consciously diverged from sectarianism as an argument from silence given that Cohen bases this finding on the absence of the rabbis building this connection to the sects in their literature.<sup>39</sup>

In light of Cohen and Goodman’s conflicting accounts of whether sectarian exclusivity persisted in rabbinic theology, Daniel Boyarin, a historian of religion, has

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<sup>36</sup> Ibid, 49-51.

<sup>37</sup> Goodman, *Judaism in the Roman World*, 163-72.

<sup>38</sup> Lapin, 48.

<sup>39</sup> Ibid, 47-49.

attempted to reconcile the two conflicting scholarly views by suggesting a diachronic development in which an early rabbinic exclusivist approach later gave way to a pluralistic attitude.<sup>40</sup> In Boyarin's view, contemporaneous developments in Christian ecclesiology played a central role in the evolution in the rabbinic perspective. Boyarin also suggests that the increasingly clear separation between Judaism and Christianity enabled the rabbis to secure the borders of their movement, which allowed them to adopt a more liberal attitude towards dissensus and forgo the construction of heresies within the Jewish polity.<sup>41</sup>

The contributions of Cohen, Goodman, and Boyarin illuminate various aspects of the legacy of sectarianism in rabbinic literature but do not fully address the question of why the rabbis of the Talmud established a connection with the Pharisees while their tannaitic forerunners chose not to do so. Cohen accounts for the tannaitic avoidance of the Pharisaic-rabbinic association but does not explain why the rabbis of the amoraic (or possibly the stammaitic) period begin to establish themselves as the Pharisees' successors. Goodman and Boyarin also do not take up the question of the development of this connection, as both scholars primarily address the place of sectarian exclusivism in rabbinic culture and choose not to focus on the rabbinic representation of the sects.

The increasing skepticism of the historicity of the Pharisaic-rabbinic connection has made the question of how and why this link took root in the rabbinic tradition all the

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<sup>40</sup> Daniel Boyarin, "Anecdotal Evidence: The Yavneh Conundrum, Birkat Hamminim, and the Problem of Talmudic Historiography," in *The Mishnah in Contemporary Perspective*, eds. Alan J. Avery-Peck and Jacob Neusner (Leiden: Brill, 2006), 1-35.

<sup>41</sup> Daniel Boyarin, "A Tale of Two Synods: Nicaea, Yavneh, and Rabbinic Ecclesiology," *Exemplaria* 12:1 (2000): 21-62.

more pressing. A parallel emergence of this association has also recently been documented in patristic texts. Annette Reed, a scholar of religious studies, confirmed a finding suggested by Cohen that early Christian sources (c. second century CE) provide no evidence of an association between the Pharisees and the rabbis and that it is only later (c. fourth century CE) that Christian sources begin to equate the two groups.<sup>42</sup> Given the analogous development of the notion of continuity between the Pharisees and the rabbis in early Christian traditions, a more thorough examination of the historical context that may have favored this idea is necessary for understanding early Christianity as well as early rabbinic Judaism.

A different set of scholarship has addressed another area of research related to the rabbis and the sects involving the analysis of continuities and differences in the content and approach of rabbinic legal debates and sectarian texts. Scholars have mainly pursued this line of inquiry by comparing the legal rulings and approaches found in rabbinic literature to those identified in sectarian documents (also known as the Dead Sea Scrolls) discovered at Qumran, a settlement in the Judean desert believed to have been occupied by a sect known as the Essenes from about 150 BCE to 70 CE. Based on this comparative textual analysis, some scholars have argued that views traceable to the sects lived on in the opinions of certain rabbinic sages.<sup>43</sup> Given the centrality of law in rabbinic literature,

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<sup>42</sup> Annette Y. Reed, “When did Rabbis become Pharisees? Reflections on Christian Evidence for Post-70 Judaism,” in *Envisioning Judaism: Essays in Honor of Peter Schäfer on the Occasion of his Seventieth Birthday*, eds. R. S. Boustán, K. Herrmann, R. Leicht, A. Y. Reed, and G. Veltri (Tübingen: Mohr Siebeck, 2013), 859–64.

<sup>43</sup> Vered Noam, “Traces of Sectarian Halakhah in the Rabbinic World,” in *Rabbinic Perspectives: Rabbinic Literature and the Dead Sea Scrolls*, eds. Steven D. Fraade, Aharon Shemesh, and Ruth A. Clements (Leiden: Brill, 2006), 67-85.

Christine Hayes, a professor of Jewish studies at Yale, has investigated the rabbinic representation of the sects from the perspective of legal theory and suggested that the literary depiction of heretics in rabbinic literature is based on divergent legal epistemologies among the sects.<sup>44</sup> While some sects favored a “realist” approach to law—defined by the belief that law conforms to the way things really are, emphasizing epistemological certainty through appeals to common sense and empirical evidence—the Pharisees and the rabbis were markedly “nominalist” in their legal approach—nominalism being the view that something is wrong not because of some intrinsic quality but because the law declares it so, meaning that other considerations often overrule empirical observation and common sense.

One problem with Hayes’ article is that she derives her conclusions from a narrow dataset. Hayes presents rabbinic and sectarian texts that neatly demonstrate the contrast she proposes, but it is not clear that all the textual evidence would point to this finding. Furthermore, the possibility that the rabbis and Pharisees shared a similar legal approach offers an interesting lens for understanding the rabbinic affinity towards the Pharisees but does not offer a comprehensive answer to why the rabbis drew a clear connection to the Pharisees in the Babylonian Talmud but did not do so in earlier rabbinic texts. The investigation of parallels between rabbinic literature fails to address this important question and potentially generates a bias towards positive results. Indeed, much of the

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<sup>44</sup> Christine Hayes, “Legal Realism and The Fashioning of Sectarians in Jewish Antiquity,” in *Sects and Sectarianism in Jewish History*, ed. Sacha Stern (Leiden: Brill, 2011), 119–46.

existing scholarship on the rabbinic representation of the sects does not rest on a comprehensive analysis of all rabbinic references to the sects.

Most scholars also have not employed a broader analysis of rabbinic self-definition to contextualize and understand the rabbinic portrayal of the sectarian past. Because the sects represent a type of internal Jewish “other,” it is likely that the change in the rabbinic depiction of sectarianism was related to the evolution in the way in which the rabbis constructed the bounds of their movement and designated who belonged within and without. As such, a full analysis of the rabbinic portrayal of the sects must consider how the rabbis addressed other groups who fell on the borders of their community, such as Christians and heretics, as well how the rabbinic perspective changed in response to the increasing institutionalization and establishment of the rabbinic movement.

In this project, I thoroughly evaluate the rabbinic portrayal of the sects in the context of the rabbis’ shifting social reality. I analyze all rabbinic statements on the sects found in the Mishnah, Tosefta, and Talmud in order to examine the historical relationship of the sects to the rabbis as well as the rabbis’ literary construction of the Jewish sectarian groups. I seek to present a coherent explanation for the evolution in the rabbis’ representation of the sects through taking into account broader developments within and surrounding the rabbinic movement. The rabbinic references to the sects were identified and aggregated by searching for variations of the Hebrew terms for the sects, *perushi* (פרושי), *tzdoki* (צדוקי), and *baitusi* (בייתוסי) in the online Bar Ilan Database of Jewish texts. I employ critical strategies to analyze the rabbinic statements, understanding the sources as reflecting the ideas, theologies, and perspectives of the authors. At the same time,

through analyzing elements of a significant number of the references to the sects, I identify overall trends and patterns that can provide historical insight regardless of the reliability of the individual statements. While rabbinic texts comprise the core primary evidence for this project, I also draw upon other sources on the sects such as Josephus as well as early Christian writings.

As with most studies of ancient history, this project is constrained by the limited evidence at our disposal as well as the fragmentary nature of the evidence that survives. As such, the analyses that follow are primarily based on new modes of evaluating and interpreting the existing evidence, and the arguments presented are not conclusive. Nonetheless, through bringing a wider selection of rabbinic sources to bear on this question and through reframing sources on the sects in ways that may differ from those in which they have been understood in the past, I aim to raise new possibilities and to offer potential findings that could contribute to the scholarly conversation on the place of the sects in the early rabbinic movement.

A thorough examination of the rabbinic memory and representation of the sects may allow for an integrated understanding of the legacy of the sects in rabbinic self-formation that sheds light not only on the question of the Pharisaic-rabbinic association but also on rabbinic Judaism at large. Although I hope to build upon recent scholarly findings, this project has consequences that extend beyond debates within academia, as the traditional narrative of the emergence of the rabbis remains widely held among popular audiences. Given that rabbinic Judaism remains the basis of mainstream Judaism to this day, appreciating the origins of the movement that remains central to



contemporary Jewish practice bears meaning for understanding not only ancient but also modern Judaism. This thesis also explores early Christianity, which began as a Jewish sect and underwent an analogous process of self-definition that was often as much about anathematizing Judaism as it was about prescribing Christian theology. In this sense, this project may not only capture fundamental elements of the reciprocal processes of identity-formation but also contribute to our understanding of the origins of Western religion as a whole.

## Chapter 1

### The Jewish Sects in the Second Temple Period and Beyond:

#### The Rise and Fall of Jewish Sectarianism

In the late summer of 70 CE, Roman legions breached the walls of Jerusalem and set the temple ablaze. The sacking of the city represented the culmination of the Jewish revolt against Rome—a conflict that from its outset four years earlier was characterized by internecine Jewish fighting and rampant discord. With Jerusalem in ruins, the Roman general Titus returned to Rome in 71 with Jewish slaves, temple vessels, and flashy plunder in tow.<sup>45</sup>

The decisive Roman victory introduced a host of far-reaching consequences for the Jews. Beyond the destruction of the temple—previously the unifying feature of Jewish life—the fallout of the conflict included the decimation of Palestine’s pilgrimage economy, Roman expropriation of Judean land, the complete abrogation of the Jews’ already-diminished autonomy, and the imperial symbolism of Jewish defeat. Such repercussions are more or less a matter of fact, attested to extensively by archeological evidence and in the literary historical record.<sup>46</sup>

Yet the impact of the destruction on the internal social, religious, and political reality of Jews living in Palestine is far less clear. Most scholars argue that the sectarian divisions that had come to define Second Temple Judaism came crumbling down with the walls of the temple, which had served as the prime arena of sectarian discord.<sup>47</sup> However,

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<sup>45</sup> Josephus, *War of the Jews* 7.5.3-5.

<sup>46</sup> Cohen, "The Significance of Yavneh," 28.

<sup>47</sup> Goodman, 153-162.

recent scholarship has challenged this view and suggested that the sects persisted for centuries after the destruction.<sup>48</sup> The question of whether the sects survived well beyond the fallout of 70 ultimately hinges on three fundamental issues: the nature of sectarianism prior to 70, the consequences of the Great Revolt, and the evidence—or lack thereof—of the sects’ post-70 existence. Arguments for the survival of the sects beyond the Second Temple period generally minimize the role of the temple in sectarian disputes, downplay the impact of the destruction, and emphasize the lack of explicit evidence for the sects’ disappearance following the conflict.<sup>49</sup>

In what follows, I respond to this recent scholarship by arguing that the sects most likely ceased to operate in a significant way following the first century. I address each of the points detailed above, specifically claiming that Jewish sectarianism was fundamentally rooted in the reality of the temple, that the consequences of the Great Revolt were sweeping and decisive, and that the existing evidence on the sects after the destruction together suggest that the events and fallout of the conflict dealt a fatal blow to Jewish sectarianism. Through offering a new evaluation of the existing evidence on the sects and bringing more rabbinic sources to this discussion, I seek to demonstrate that while individual sectarian survivors and traditions plausibly persisted beyond the destruction, the Jewish sects—as coherent, recognizable, and viable groups of Pharisees, Sadducees, and Essenes—in all likelihood did not.

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<sup>48</sup> See Martin Goodman, *Judaism in the Roman World: Collected Essays* (Leiden: Brill, 2006), 153-62 and Joshua Ezra Burns, “Essene Sectarianism and Social Differentiation in Judaea after 70 CE,” *The Harvard Theological Review* 99, no. 3 (2006): 247-74  
Goodman, 153-162; Burns, 247-74.

<sup>49</sup> *Ibid.*

### *The Nature of Jewish Sectarianism*

During the latter half of the second century BCE, a variety of coherent Jewish movements with competing beliefs about Judaism emerged in Judean society.<sup>50</sup> These groups are commonly known as the Jewish “sects,” though this term merits some qualification. The English word “sect” generally implies a deviant group that has separated itself from some established religious body, serving as an alternative to a more widespread or orthodox religious majority.<sup>51</sup> However, none of the ancient Jewish sects represented standard Jewish practice. Rather, the sects struggled for religious and political supremacy among masses of Jews who likely favored different groups at varying points in time, participated in aspects of multiple sects simultaneously, or possessed little interest in the sectarian movements altogether.<sup>52</sup> The sects also shared core tenets of Jewish belief, such as faith in the Torah tradition, identification with the ancient Israelites, and specific religious practices. However, a variety of issues differentiated these movements into distinct entities that struggled for power and authority, with disputes over control of the temple at the forefront of sectarian strife.<sup>53</sup>

The temple served as the religious, political, and economic center for Jews throughout the Second Temple period (586 BCE-70 CE). As Jewish communities spread throughout the Mediterranean and Middle East, Jews living in the Diaspora designated

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<sup>50</sup> Cohen, *From the Maccabees to the Mishnah*, 131.

<sup>51</sup> *Ibid.*, 124.

<sup>52</sup> Schwartz, *Imperialism and Jewish Society*, 95-98.

<sup>53</sup> *Ibid.*

the temple as the recipient of their donations and as the destination of their pilgrimage journeys.<sup>54</sup> The officiants of the temple exercised significant political power. Priesthood was tantamount to aristocracy, and the high priest served as the ruler of Judea.<sup>55</sup> Under the Seleucid Empire, a major Hellenistic power in Western Asia that ruled in Judea from 200 BCE-142 BCE, the Jews were granted limited autonomy and were permitted to preserve their own forms of government, traditions, temple and cult (system of worship). At the same time, however, Hellenistic rulers increasingly incentivized the adoption of elements of Greek culture.<sup>56</sup>

Political and social upheavals under the Seleucids during the second century BCE likely led to the emergence of Jewish sectarianism. Although Jews had primarily maintained a quiescent approach towards Hellenistic rulers since the start of the Hellenistic period in the fourth century, this changed in the 160s BCE. In 167, following the outbreak of internal Jewish unrest, the Seleucid ruler Antiochus IV Epiphanes marched into Jerusalem and profaned the temple.<sup>57</sup> The prominent Judean clan of Mattathias the Hasmonean and his son Judah the Maccabee led a rebellion against the Seleucid Empire in response, reconquering and purifying the temple in 164.<sup>58</sup>

The Hasmoneans installed themselves as priests after their victory and increased their authority and prestige over time, gaining increasing independence under the

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<sup>54</sup> Cohen, *From the Maccabees to the Mishnah*, 13.

<sup>55</sup> Schwartz, 34.

<sup>56</sup> *Ibid.*, 25-27.

<sup>57</sup> Cohen, *From the Maccabees to the Mishnah*, 2.

<sup>58</sup> *Ibid.*

Seleucids in the 140s.<sup>59</sup> However, many Jews perceived the Hasmoneans as problematic figures and specifically viewed their claim to the high priesthood as illegitimate. The Hasmoneans also pursued increasingly corrupt and persecutory policies, took on the mantle of kinship despite not descending from the Davidic line of royalty, and maintained strong ties with Hellenistic rulers and practices, provoking some Jews to take a pietist approach.<sup>60</sup>

It is in this context of the late second century that the sects appear as fully developed in ancient sources.<sup>61</sup> Given that Jewish sectarianism crystallized around a time of turbulence for the Jewish temple and cult and, more broadly, during a period characterized by the temple's centrality, it is perhaps not surprising that the temple served as the focal point of Jewish sectarianism. In addition to coalescing in response to Hasmonean ascension, the development of the sects also likely stemmed from the lack of a central religious authority or official hierarchical structure. As a result, no single approach to Judaism had consolidated, allowing for the emergence of several groups with different beliefs and practices.<sup>62</sup>

The content of the competing beliefs and practices among the sects varied somewhat according to different ancient authors. The first century Jewish historian Josephus represented the sects as three core "schools of thought," or in ancient Greek,

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<sup>59</sup> Ibid, 3.

<sup>60</sup> Schwartz, 34.

<sup>61</sup> Cohen, *From the Maccabees to the Mishnah*, 131.

<sup>62</sup> Schwartz, 95. For a full overview of various possible causes for the emergence of the sects, see Albert I. Baumgarten, *The Flourishing of the Sects in the Maccabean Era: An Interpretation* (Leiden: Brill, 1997).

“haireseis,” a term used to describe voluntary philosophical or political commitments in Roman society.<sup>63</sup> Josephus distinguished the sects primarily based on philosophy and theology, delineating the doctrines of the three main sects—the Pharisees, Sadducees, and Essenes—about divine providence and free will, immortality of the soul, and reward and punishment after death. He drew parallels between the sects and Greek philosophical traditions, explicitly comparing the Pharisees with the Stoics and the Essenes with the Pythagoreans.<sup>64</sup>

Josephus also highlighted two other areas of difference among the sects: political and social standing and ways of life. The Sadducees gained the allegiance of only the wealthy and lacked popular support, he wrote, while the Pharisees garnered the loyalty of the masses.<sup>65</sup> Sadducees who assumed positions of power were forced to yield to the “notions of the Pharisees, because the multitude would not otherwise bear them.”<sup>66</sup> While the Pharisees and Sadducees vied for control over the temple, the Essenes, in contrast, lived in separatist communities due to their higher standards of sacrificial and ritual purity. Josephus explained that the Essenes were “excluded from the common court of the temple” and lived pietist and ascetic existences, separating themselves from women, enforcing an intensive three-year membership entrance process, and sharing all communal belongings.<sup>67</sup> Philo of Alexandria, a first century Hellenistic Jewish

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<sup>63</sup> Josephus, *Jewish Antiquities* 13.5.9, 18.1.2-6.

<sup>64</sup> Josephus on Stoics and Pharisees: Josephus, *The Life of Flavius Josephus* 2.12; On Pythagoreans and Essenes: Josephus, *Jewish Antiquities* 15.10.4.

<sup>65</sup> Josephus, *Jewish Antiquities* 13.10.6.

<sup>66</sup> *Ibid*, 18.1.4.

<sup>67</sup> *Ibid*, 18.1.5.

philosopher, and Pliny the Elder, a first century Roman author and naturalist, offered similar accounts of Essene communities.<sup>68</sup>

While other ancient sources validate additional aspects of Josephus' report, some evidence casts doubt on certain aspects of his presentation of the sects. An assessment of the reliability of Josephus' account rests on an understanding of his purpose and audience. Josephus was a general in the Jewish army during the Great Revolt in 66 CE, who chose to surrender and defect to Rome rather than face certain death.<sup>69</sup> He was given the role of court historian for the Flavian dynasty and was tasked with producing works of Jewish history mainly for his Roman patrons but also for Hellenized Jews, whom he encouraged to obey Roman rule.<sup>70</sup> Given his primarily Greek-speaking, gentile audience, Josephus likely reduced some of the Jewish nuance and complexity of the sectarian movements to adhere to Greek conventions and make his account more accessible and appealing. Although he depicted three primary sects bounded by clearly defined borders, Josephus himself identified a fourth sect and indicated that the various sectarian groups were separated by at least somewhat porous boundaries.<sup>71</sup> Some of Josephus' other

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<sup>68</sup> Philo, *Every Good Man is Free* XII, 75-87, trans. F. H. Colson, vol. 9 (Loeb Classical Library; Cambridge- Harvard University Press, 1941), 53-61; Pliny the Elder, *Natural History* 5.73, in Menahem Stern, *Greek and Latin Authors on Jews and Judaism*, 3 vols. (Jerusalem: Israel Academy of Arts and Sciences, 1974-84), 1:472, no. 204.

<sup>69</sup> Josephus, *The Jewish War* 3.8.7-8.

<sup>70</sup> In Josephus' account of the Great Revolt in *The Jewish War*, one of his key messages is targeted at a Jewish audience; Josephus argues that would be unwise for Jews in the Roman empire to attempt to rebel again.

<sup>71</sup> Josephus describes a fourth philosophy in *Jewish Antiquities* 18.1.6. In *Life* 1.2., Josephus describes that he joined multiple sects throughout his life, indicating that the boundaries were somewhat fluid. However, this could be an exaggerated or fabricated account meant to authorize his knowledge.



works, as well as other ancient sources, evoke a more complex picture of the sects, consisting of more than four groups each with considerable internal variation.<sup>72</sup>

Josephus' portrayal of the sects as philosophical schools and emphasis on theological beliefs as a defining point of difference among them likely stemmed from the fact that these were familiar features in Roman society.<sup>73</sup> Josephus' Roman patrons would not have understood nor shown interest in the primary issues that divided the sects according to other sources, such as the Dead Sea Scrolls, namely disagreements about technical and complex aspects of Jewish law, particularly in the areas of purity, temple, and cult. While Josephus likely did not fabricate the divergent theological views among the sects given that they are mostly corroborated elsewhere, it seems that philosophical considerations occupied a small proportion of sectarian discord. In describing the Jewish sects, the New Testament makes minimal mention of their theological disputes, while sources written in Hebrew—the Qumran scrolls and rabbinic literature—virtually exclude this dimension entirely.<sup>74</sup>

The Qumran scrolls (also known as the Dead Sea scrolls) provide rich historical information on Jewish sectarianism. The scrolls were discovered in the Judean desert near a settlement at Khirbet Qumran that was founded in the second half of the second

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<sup>72</sup> See Josephus, *The Jewish War* 2.8.13, in which Josephus describes that there are different orders of Essenes who differ in their practices surrounding marriage.

<sup>73</sup> Cohen, *From the Maccabees to the Mishnah*, 143.

<sup>74</sup> The New Testament references theological disputes among the sects in Mark 12:18–27 and Acts 4:2, which discuss the Sadducees' denial of resurrection of the dead. For the finding that Hebrew sources leave out theological and philosophical differences, see Shaye J. D. Cohen, *From the Maccabees to the Mishnah* (United Kingdom: Presbyterian Publishing Corporation, 2006), 128. Only one rabbinic passage makes mention of sectarian theology, which notes that Sadducees do not believe in the world-to-come. This statement is found on Babylonian Talmud Berakhot 54a.

century BCE, around the beginning of Hasmonean rule. The location of the settlement aligns with Pliny's geographic placement of the Essenes, and the texts discovered there reveal a community that shares striking similarities with the Essenes described by Josephus and Philo.<sup>75</sup> Most scholars therefore agree that the settlement at Qumran was a community of Essenes.<sup>76</sup> One document from Qumran identifies the failure of the Jewish masses to properly observe temple rituals and purity laws as the cause of the sect's alienation and separation from Judean society.<sup>77</sup> In other words, the temple and its cult played a central role in the Essene foundation narrative. Other documents similarly reveal the importance of the temple in Essene thought. The Temple Scroll—one copy of which is the longest scroll that was discovered at Qumran—delineates the structural details of the temple and its rituals, proposes a plan for a future temple to replace the existing impure temple in Jerusalem, and outlines the purity rules for the temple and the holy city according to their sect.<sup>78</sup> Another text known as the Peshar Habakkuk, a commentary on the biblical book of the prophet Habakkuk, includes a fierce polemic against the temple's officiants, namely the “wicked priest,” who likely corresponds to one of the Hasmonean high priests.<sup>79</sup>

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<sup>75</sup> Cohen, *From the Maccabees to the Mishnah*, 151.

<sup>76</sup> Not all scholars agree that the community was Essene. See for example Martin Goodman, *Judaism in the Roman World: Collected Essays* (Leiden: Brill, 2006), 137-45.

<sup>77</sup> 4QMMT (Some Observances of the Law) part C, in Geza Vermes, *Complete Dead Sea Scrolls in English*, new ed. (London: Penguin Books, 2004), 227.

<sup>78</sup> Florentino García Martínez, "The Temple Scrolls," *Near Eastern Archaeology* 63, no. 3 (2000): 172. Accessed September 6, 2021. doi:10.2307/3210768.

<sup>79</sup> Cohen, *From the Maccabees to the Mishnah*, 150-52.

While the temple was central to Essene self-definition (insofar as they defined themselves as outsiders relative to it), the temple would have played a similar if not greater role for the Pharisees and Sadducees, who competed for control in the arena of the temple and in the politics surrounding it. Although there is no known surviving literature from the Pharisees and Sadducees, rabbinic sources lend credence to this notion.

The temple features prominently in tannaitic references to the sects. Tannaitic literature, which is comprised by rabbinic texts such as the Mishnah and Tosefta that were edited in the early third century, references the Pharisees (פרושים), the Sadducees (צדוקים), and the Boethusians (בייתוסים), a mysterious sect unattested outside of rabbinic sources. The Pharisees and Sadducees correlate with the same sects described by sources such as Josephus and the New Testament. However, both the Sadducees and Boethusians share characteristics with the Essenes, who do not appear—at least by name—in rabbinic literature. Despite such differences, rabbinic literature sheds valuable insight on the issues that divided the sects.

The tannaitic laws and legal disputes that involve the sects fall into the broad categories of temple and purity, the Sabbath and holidays, and civil law.<sup>80</sup> Out of the sixteen total specific laws and disputes about the sects in tannaitic sources, seven address the temple and purity. Three of these cite conflicting opinions between different sects as

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<sup>80</sup> On temple and purity: Mishnah Yadayim 4:6-7; Mishnah Parah 3:3; Mishnah Parah 3:7; Tosefta Parah 3:7-8; Tosefta Hagigah 3:35; Tosefta Yoma 1:8; Mishnah Niddah 4:2; Tosefta Niddah 5:2-3. On the Sabbath and holidays: Mishnah Eruvin 6:2; Mishnah Rosh Hashanah 2:1, Tosefta Menachot 10:3, 23; Tosefta Rosh Hashanah 1:15; Tosefta Sukkah 3:1; Tosefta Sukkah 3:5. On civil law: Mishnah Yadayim 4:7; Mishnah Makkot 1:6; Tosefta Sanhedrin 6:6; Tosefta Yadayim 2:20. Some of these sources contain multiple distinct disputes, while other sources are the Toseftan parallels of debates cited in the Mishnah.

well as rabbinic sages regarding how the high priest should undergo and conduct purification procedures and administer rituals in the temple on the Day of Atonement, or Yom Kippur, when he was tasked with entering the inner sanctum to expiate his own sins and those of the Jewish people.<sup>81</sup> A fourth reference recounts the Sadducees mocking the Pharisees for subjecting the Menorah, a seven-branched candelabrum used in the Temple, to ritual purification, which the Sadducees deemed unnecessary.<sup>82</sup> An additional two involve other debates about purity, including whether contact with holy scriptures and water flowing from a burial ground transmit impurity.<sup>83</sup> The last of the seven addresses differing laws among the sects and sages regarding the purity status of women.<sup>84</sup> Out of the remaining nine disputes that do not directly address the topics of temple and purity, three deal with laws only applicable when the temple and its related institutions are standing.<sup>85</sup>

Rabbinic literature thus not only indicates the central role that the temple played in sectarian disputes but more broadly anchors the sects in the Second Temple period. All

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<sup>81</sup> Mishnah Parah 3:3 discusses how the red heifer ceremony was conducted. Mishnah Parah 3:7 and Tosefta Parah 3:7-8 address the purification procedure of the priest (i.e., the issue of “*Tvul Yom*”) who would conduct the red heifer ritual. Tosefta Yoma 1:8 details how the high priest should burn the incense in the Holy of Holies on the Day of Atonement.

<sup>82</sup> Tosefta Hagigah 3:35.

<sup>83</sup> Mishnah Yadayim 4:6, 7.

<sup>84</sup> Mishnah Niddah 4:2; Tosefta Niddah 5:2-3 address whether Sadducean women adhere to rabbinic laws about menstruation impurity.

<sup>85</sup> The three disputes which discuss laws only applicable when the temple is standing include: Tosefta Menachot 10:3, 23; Tosefta Sukkah 3:1, Tosefta Sukkah 3:5. Out of the seven aforementioned laws about temple and purity, six only apply when the temple is standing, with the exception being passage on Niddah (women’s menstruation purity laws). Although certain aspects of Niddah laws were rendered obsolete by the absence of the temple, as there was no longer a practical consequence to becoming impure, Niddah laws also involve a sexual prohibition, which continued to apply after the destruction.

of the tannaitic references to the sects, including those that deal with laws applicable in the absence of the temple, clearly locate the sectarian movements in the Second Temple past. Only one tannaitic statement may constitute an exception to this, and whether this reference truly renders the sects as contemporaneous with the rabbis is highly debatable.<sup>86</sup>

On the basis of Josephus, Qumran, and the rabbinic evidence, it is clear that the world of priests, cult, and temple was the reality out of which the sects grew and in which they were entrenched. The Sadducees and Pharisees competed for dominance in the sphere of temple and cult, while the Essenes placed the temple at the heart of their separatist identity. Once the Second Temple reality ceased to exist in the year 70 CE, so did the world of the sects. Aspects of the beliefs, debates, and legal traditions of the sects undoubtedly outlived the destruction of the temple, some of which were even absorbed into the rabbinic tradition. However, the Jewish sects in the sense of the distinctive Second Temple sectarian movements were in all likelihood swept away along with the Second Temple reality to which they were inextricably tethered.

The historians Joshua Ezra Burns and Martin Goodman maintain that Jewish sectarianism would have been able to prevail despite the loss of the temple. Burns argues specifically for the persistence of the Essenes. He claims that the destruction of the temple would not have posed the same existential threat for the Essenes as it would have for the other sects because participation in the temple cult had never served as the basis

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<sup>86</sup> Tosefta Niddah 5:3, see full discussion later.

for Essene sectarianism.<sup>87</sup> Assuming Essene communities were largely unharmed by the ravages of war—a point that seems rather unlikely to which I will return shortly—Burns may be right that the Essenes would not have experienced the destruction the same way as the Pharisees and Sadducees. Yet the destruction of the temple would have undoubtedly forced the Essenes to do some serious reckoning. The Essenes, perhaps even more than the Pharisees and Sadducees, defined themselves based on their sectarianism and their opposition to other sects. Their polemics against the impurity of Jerusalem and the Jerusalem temple, and their anticipation of a restored and properly functioning (that is, functioning according to their understanding) temple were at the core of their identity, serving as the original (or at the very least, purported) reason for their existence. With this reason no longer extant, the sect would have been forced to reconstruct their identity.

A similar argument can be applied to Goodman’s suggestion that even if Essene communities were destroyed, “you would not need more than a *minyan* (i.e. ten men) for an Essenic common meal.”<sup>88</sup> Essene survivors may have convened and continued some sectarian practices post-destruction, but with their communities upended, along with the justification for their existence, their common meal would have been a rather somber one indeed. In other words, individual Essenes, along with their practices and beliefs, may have lingered in a moribund state for a few decades, but these were no longer “Essene” or “sectarian” in the sense that they once were.

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<sup>87</sup> Burns, “Essene Sectarianism and Social Differentiation in Judaea After 70 C.E.,” 268.

<sup>88</sup> Goodman, 157.

Goodman also contends that Sadducees, as compared to Essenes, were less dependent on organizational structures or buildings and more so on theological or halakhic ideas, which “are hard to wipe out by military action.”<sup>89</sup> Although Sadducees did not live in distinctive separatist communities like the Essenes, they were very dependent on other communal structures, namely the temple. The destruction would have signified the loss of the institutional power base of the Sadducean priests and social elites. As for the theological ideas of the Sadducees, as discussed above, there is reason to doubt the prominence of theological tenets in sectarian dogma. Although the Sadducees certainly espoused certain halakhic ideas, many of these dealt with issues that were practical and immediate. As long as the temple and priesthood stood, the debates on purity, temple, and sacrifices were relevant on a daily basis. Some disputes between the Sadducees and Pharisees also seem to be less about legal issues and more about asserting their authority over the other.<sup>90</sup> Thus, aside from suffering demographic losses, the Sadducees would have been forced to do some serious reevaluation and reinvention in a world where their halakhic views lost their religious immediacy and pragmatic political purpose.

In sum, the Jewish sects were thoroughly intertwined with the Jerusalem temple and the world in which it existed. Without that reality, the sects were bereft of elements that were integral to their existence—whether their bases of authority, ritual center, or

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<sup>89</sup> Ibid.

<sup>90</sup> Several disputes in tannaitic literature discuss that the Pharisees or sages would practice in certain ways to flout the rulings of the Sadducees. If this is correct, then it is likely that the Sadducees did so too. Such statements will be discussed in thorough detail in the coming chapters.

justification for their movements. Sectarian adherents and ideas may have persisted, but the Jewish sects no longer continued as the recognizable and viable groups that had thrived pre-destruction.

### *The Impact of the Destruction*

That the Great Revolt (66-70 CE) began at the Jerusalem temple and culminated with its destruction lends further evidence of the temple as the focal point of first century Judean society. However, while the loss of the temple was undoubtedly momentous, scholars debate the exact nature, scope, and consequences of the Jewish defeat at the hands of the Romans. Some claim that 70 CE represented a watershed, arguing that the subsequent period constituted a radical break with the past.<sup>91</sup> Others suggest that the Judean landscape was changing well before 70 and that essential aspects of life for Jews in the Roman empire remained virtually unchanged in its wake. The question of the extent to which the outcome of the Great Revolt upended the Judean reality bears consequences for the debate on whether the sects persisted post-70. If Judean society essentially remained the same following the Jewish defeat at the hands of the Romans, then it would be logical to assume that the sects continued in its aftermath. However, as I will seek to demonstrate, the period from 66-70 CE involved the devastation of the Judean land and populace, the demise of longstanding Jewish religious, social, and

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<sup>91</sup> For the debate on whether 70 CE represented a watershed, see Daniel R. Schwartz and Zeev Weiss, eds., *Was 70 CE a Watershed in Jewish History? On Jews and Judaism Before and After the Destruction of the Second Temple* (Leiden: Brill, 2012).



political structures, and significant changes in the fortunes of Jews for years to come. If, indeed, 70 marked the end of the reality the Jews had come to know, the assumption should be that elements firmly rooted in that reality—namely Jewish sectarianism—ended along with it.

The years leading up to the revolt were characterized by mounting and reciprocal Roman intervention and Jewish unrest in Judea. Roman rule in Judea began during a Jewish civil war (67 BCE-37 BCE) in which the Hasmonean brothers Hyrcanus II and Aristobulus II and their allies struggled for power.<sup>92</sup> In 63 BCE, against the backdrop of a weakening Seleucid empire, the Roman general Pompey marched into Jerusalem and captured Aristobulus. Pompey named Hyrcanus high priest but reduced Judea to a smaller province, dismantling much of the expansion achieved by the Hasmoneans.<sup>93</sup> Despite the Roman intervention, the internecine conflict raged on, ending only when Herod, the son of an Idumean supporter of Hyrcanus, conquered Palestine and became king in 37 BCE.<sup>94</sup> Herod consolidated power during his reign, revitalized many cities, and undertook massive building projects such as the reconstruction of the Jerusalem temple, increasing Jerusalem's wealth and prestige.<sup>95</sup> Following his death, the territories that comprised Jewish Palestine were divided among his successors, with Judea, Samaria, and Idumea assigned to Herod's son Archelaus in the year 4 CE. Archelaus proved to be cruel and incompetent and thus was removed from power and replaced with direct

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<sup>92</sup> Schwartz, 51.

<sup>93</sup> Ibid, 43.

<sup>94</sup> Ibid, 44.

<sup>95</sup> Ibid, 44-46.

Roman rule two years later.<sup>96</sup> Jewish local authorities such as the Herodian heir, the high priest, and the Jewish council known as the Sanhedrin retained their positions, but their autonomy was severely attenuated following this development.<sup>97</sup>

From 6-66 CE, Judea functioned as a Roman province subject to the authority of a Roman procurator, whose primary role consisted of collecting taxes.<sup>98</sup> Over time, Jews became increasingly frustrated with Roman rule and the behavior of Roman officials, many of whom violated Jewish cultural sensibilities.<sup>99</sup> More broadly, the Romans' interventionist approach created a pervasive sense of unease that fueled local rebellions and a growing number of dissident movements, many of which shared an apocalyptic fervor.<sup>100</sup> Additionally, in the absence of a centralizing authority, tensions festered between the entrenched power holders and mass movements. Judean elites tended to support the Romans who endowed them with their authority, while revolutionaries opposed Roman intervention.<sup>101</sup>

The procurator Florus provided the spark that caused the underlying disaffection to erupt into violence. In 66 CE, following the outbreak of Jewish protests over gentile violation of religious sensibilities, Florus removed money from the treasury of the temple, provoking further popular unrest.<sup>102</sup> According to Josephus, Judean aristocrats

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<sup>96</sup> Ibid, 48.

<sup>97</sup> Nadav Sharon, "Setting the Stage: The Effects of the Roman Conquest and the Loss of Sovereignty," in *Was 70 CE a Watershed in Jewish History? On Jews and Judaism before and after the Destruction of the Second Temple*, ed. Daniel R. Schwartz and Zeev Weiss (Leiden: Brill, 2012), 414-47.

<sup>98</sup> Haensch, "The Roman Provincial Administration," 80.

<sup>99</sup> Cohen, *From the Maccabees to the Mishnah*, 4.

<sup>100</sup> Schwartz, 89-90.

<sup>101</sup> Ibid, 95.

<sup>102</sup> Josephus, *War of the Jews* 2.14.5-9.

discouraged the Judean dissident groups from escalating the conflict into war. These elites included the Pharisees and Agrippa II, the last ruler of the Herodian line.<sup>103</sup> Despite their efforts, radical resistance groups such as the Sicarii committed acts of violence against Roman troops and conquered Jerusalem, transforming the local uprising into a full-scale revolt.<sup>104</sup> After several failed attempts by Roman authorities to quash the rebels, the Roman emperor Nero sent the general Vespasian to put down the insurrection.<sup>105</sup>

Victory for the Jews was all but impossible. The Roman Empire had reached a point of relative stability and centralization, and Vespasian and his son Titus were hungry for a resounding triumph that would earn them support in their quest to establish their authority.<sup>106</sup> They were a new dynasty looking for a victory to legitimate their imperial claims. The Jews lacked training and resources and failed to form a united front due to rampant factional discord and bloody infighting.<sup>107</sup> In 68 CE, Vespasian and his Roman troops successfully conquered the countryside and the majority of the Judean territory such that after this campaign, only Jerusalem and outlying forts such as Masada remained in Jewish control. Vespasian thereupon returned to Rome in order to finish cementing his imperial authority.<sup>108</sup>

From 68-70 CE, further civil conflict divided the Jewish rebel groups, aristocratic priests, and peasants in Jerusalem.<sup>109</sup> In 70 CE, Vespasian sent Titus to Jerusalem in

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<sup>103</sup> Ibid, 2.17.3.

<sup>104</sup> Ibid, 2.17.4-6.

<sup>105</sup> Ibid, 3.1.1-3.

<sup>106</sup> Cohen, *From the Maccabees to the Mishnah*, 4.

<sup>107</sup> Josephus, *War of the Jews* 4.3.1-14.

<sup>108</sup> Ibid, 4.9.2.

<sup>109</sup> Ibid, 4.9.3-12.

order to put a decisive end to the revolt. Under Titus' leadership, the Roman army besieged Jerusalem, which was stricken by a famine that deprived the populace of the supplies necessary to survive a prolonged siege.<sup>110</sup> The siege ended after a few short months with the burning and destruction of the Second Temple and the sacking and conquest of the city.<sup>111</sup> Although radical members of the Sicarii movement remained in Masada until 73 CE, 70 CE represents the essential end of the conflict.<sup>112</sup>

The events of 66-70 were highly consequential. The revolt marked the end of five centuries of imperial support for the temple and Torah as well as for their officiants, priests and scribes.<sup>113</sup> The destruction of the temple meant that priests lost not only their jobs but also the institutional base of their power. The Jewish community of Palestine was stripped of its main center of life and established social elite, while Diaspora Jewry no longer had a holy site that united them.<sup>114</sup> The loss of the temple also sparked theological questions and serious contemplation about theodicy, the cosmos, justice, and fate.<sup>115</sup>

The consequences of the revolt, however, extended far beyond the realm of the temple. The Jewish population of Jerusalem and beyond suffered major demographic losses.<sup>116</sup> From 66-70, the Romans destroyed or weakened many Jewish sectarian groups, including the Sicarii and other movements known as the Zealots and Fourth

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<sup>110</sup> Ibid, 5.1.4.

<sup>111</sup> Ibid, 7.1.1.

<sup>112</sup> Ibid, 7.8.2-6.

<sup>113</sup> Schwartz, 105.

<sup>114</sup> Cohen, *From the Maccabees to the Mishnah*, 219.

<sup>115</sup> Ibid, 216.

<sup>116</sup> Josephus, *War of the Jews* 6.9.3-4.

Philosophy.<sup>117</sup> The Qumran settlement was abandoned in 68 CE, and the Sadducees' numbers were reduced due to the military action of the Romans and revolutionary rebel groups.<sup>118</sup> Scholars estimate that about 500,000 Jews populated Palestine prior to the Great Revolt, and Josephus describes that 97,000 Jews were taken captive.<sup>119</sup> Assuming Josephus' number is somewhat accurate, even if exaggerated, then the amount of Jews captured represented a major proportion of the Jewish population, and this estimate does not include the Jews who fled and were killed.

Beyond demographic repercussions, the Jews lost all remaining autonomy in the land for the rest of antiquity and into the Middle Ages. Although Jewish independence in Judea was already limited prior to the revolt, at this point the remaining Jewish political authorities, including the quasi-autonomous high priest, Herodian ruler, and Jewish council, were officially disbanded and replaced with Roman officials and judges who adjudicated based on Roman law.<sup>120</sup> The Romans initially represented the conquest in Judea as a triumph over a rebellious Roman province, issuing "Judea Recepta" coins that were similar to previous coins that commemorated the suppression of a revolt. However, the empire later minted "Judea Capta" coins that depicted their defeat of the Jews as a foreign conquest.<sup>121</sup> This likely served to represent the Jews as a denigrated and inferior

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<sup>117</sup> Cohen, *From the Maccabees to the Mishnah*, 224.

<sup>118</sup> Ibid.

<sup>119</sup> For scholars' estimation of the Jewish population in Judea prior to the revolt, see Seth Schwartz, *Imperialism and Jewish Society, 200 B.C.E. to 640 C.E.* (Princeton, NJ: Princeton University Press, 2001), 93. For Josephus' account of the number of Jews taken captive, see Josephus, *War of the Jews*, 6.9.3-4.

<sup>120</sup> Cohen, *From the Maccabees to the Mishnah*, 219.

<sup>121</sup> Seth Schwartz, "The Impact of the Jewish Rebellions, 66-135 CE: Destruction or Provincialization?" in *Revolt and Resistance in the Ancient Classical World and the Near East: In the Crucible of Empire*, eds. John J. Collins and J.G. Manning (Leiden: Brill, 2016), 244-45.

people and to portray the conflict as a triumphant defeat of a foreign power rather than a subdual of provincial unrest that would have undermined the empire's legitimacy and claims to be the guarantors of imperial order.

The Romans also instituted the "fiscus judaicus," a punitive tax imposed upon all Jews throughout the Roman Empire for over a century.<sup>122</sup> Jews were required to pay a half-shekel, the amount that they had previously donated to the Jerusalem temple, which was now sent to the temple of Jupiter Capitolinus in Rome. In addition to the tax, the Romans confiscated and expropriated most of the land owned by Jews and sponsored imperial symbols of Jewish defeat.<sup>123</sup> Profits from the war were used to build the Coliseum, and two arches were constructed in order to commemorate the Roman victory.<sup>124</sup> One arch was destroyed in the fifteenth century but contained an inscription commemorating Titus' subdual of the Jewish people and destruction of Jerusalem. The second arch, the Arch of Titus, stands in Rome today. Josephus also describes how Vespasian constructed a "temple of Peace" that he adorned with golden vessels plundered from the temple of the Jews.<sup>125</sup>

The demographic, political, and economic fallout of the revolt undoubtedly "led to disaffection with and attrition from Judaism."<sup>126</sup> Beyond the theological challenges triggered by the loss of the temple and the calamities that Jews endured, the fiscus

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<sup>122</sup> Cohen, *From the Maccabees to the Mishnah*, 13, 235.

<sup>123</sup> Schwartz, "The Impact of the Jewish Rebellions, 66-135 CE," 244-45.

<sup>124</sup> Shaye J.D. Cohen, "Roman Domination: The Jewish Revolt and the Destruction of the Second Temple, Part V" in *Ancient Israel: From Abraham to the Roman Destruction of the Temple*, ed. Hershel Shanks (Washington D.C: Biblical Archaeology Society, 1999), 205-35.

<sup>125</sup> Josephus, *War of the Jews* 7.5.7.

<sup>126</sup> Schwartz, *Imperialism and Jewish Society*, 115.

judaicus served as a concrete disincentive for Jews to continue practicing Judaism. Furthermore, the dislocation, losses of loved ones, and forced resettlement that Jews experienced most likely “eroded adherence to a way of life that no longer seemed validated by common sense.”<sup>127</sup>

Burns, Goodman, and others who argue for the sects’ continued existence tend to explicitly or implicitly minimize the impact of the destruction. Both scholars essentially circumscribe the fallout of the Jewish-Roman conflict to the destruction of the Jerusalem temple. Burns, who advocates specifically for the persistence of the Essenes, notes that Essene communities had severed their connection to the temple cult long before its dissolution. Goodman, employing similar reasoning to argue for the persistence of the Sadducees in addition to the Essenes, suggests that the destruction of the temple could have been explained as a punishment for the sins of the Jews. He argues that the sects could have continued to debate how the temple should operate, as the rabbis do in their literature. Goodman and Burns may very well be correct to suggest that despite the central role of the temple in Jewish sectarianism, the sects could have cultivated the memory of the temple and its destruction in order to maintain their traditions. However, these arguments assume that the fallout of the conflict was virtually limited to the temple alone and fail to consider that the consequences of the revolt—the pervasive devastation, death, and defeat—most likely permeated nearly all aspects of Jewish life.

Burns claims, for example, that the Essenes were able “to resume life in Judea much as it had been prior to the war,” and, as such, “the events of 70 CE had no

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<sup>127</sup> Ibid, 110.

immediate implications on the welfare of Essene sectarianism.”<sup>128</sup> This interpretation seems incompatible with the evidence for the widespread dislocation, economic repercussions, and overall decrease in population that resulted from the conflict. Given that Roman forces took over the Judean countryside and that the Qumran settlement—which was most likely home to a thriving community of Essenes—was abandoned during the upheaval, it is hard to imagine that Essenes were immune to the political and socioeconomic fallout of the revolt. In a similar vein, Goodman seems to imply that the Judean reality was virtually unchanged by the events of the conflict. Goodman argues, “Sadducees and Essenes are *well* attested up to 70, so the existence of such groups at *some* time is undisputed, and the onus is on those who claim that they disappeared to justify their claim.”<sup>129</sup> This argument would be compelling if no event of consequence occurred in 70 CE. However, given the calamitous and sweeping nature of the Great Revolt and its aftermath, the burden of proof should be on those who argue that the Jewish sects somehow survived in the face of unlikely odds.

In sum, it is hard to imagine that sects continued to operate in a significant way in post-70 Judea. Even if Burns and Goodman are correct that the loss of the temple did not pose an existential challenge to Jewish sectarianism, this event coincided with the decimation of the Jewish population, the elimination of social and political institutions that previously formed the basis of sectarian authority and anchored Jewish life, economic losses, and theological crises. Undoubtedly, Jews found ways to adapt their

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<sup>128</sup> Burns, 270-72.

<sup>129</sup> Goodman, 161.



beliefs, to explain the tragedies they experienced, and to find a new role for the temple in Jewish thought. But such reworkings likely happened tentatively and gradually, and, by the time they were incorporated into Jewish identity and thought, sufficiently altered the fabric and character of Judaism to the extent that new Jewish traditions could be said to have supplanted the old.<sup>130</sup>

### *The Evidence on the Sects Post-70 CE*

Beyond the nature of sectarianism and fallout of the Great Revolt, arguments about the sects' continued existence depend on the interpretation of the evidence—or lack thereof—regarding the sects post-70. Although the sects by and large faded from the historical record after the first century, there is little explicit testimony about their fate. We find neither definitive accounts of their demise (at least in the immediate aftermath of 70) nor clear confirmation of their persistence. Despite the lack of conclusive evidence, we can glean some insight about the fate of the sects from rabbinic literature and early Christian writings.

Tannaitic materials comprise the earliest corpora of rabbinic texts. The two primary tannaitic corpora, the Mishnah and Tosefta, reflect the views and traditions of the tannaim, the rabbis who lived from 70-220 CE. Later rabbinic sources such as the Babylonian Talmud may plausibly contain statements of tannaitic provenance. However,

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<sup>130</sup> The rabbinic movement arguably represents one such movement—the rabbis clearly drew upon ideas from the sects but sufficiently altered the practice of Judaism to the extent that their movement represents a definitive break from those of the sects. A more thorough discussion of the rabbinic movement follows in the second and third chapters.

the amoraim, the rabbis who followed the tannaim and lived from c. 220-500 CE, often recontextualized and reinterpreted earlier traditions from the Mishnah and Tosefta. As such, statements in the Mishnah and Tosefta concerning earlier events of the common era bear chronological primacy and enhanced reliability over their amoraic parallels. Because of this, some scholars who seek to deduce historical insights on the sects from the rabbinic corpus limit their source material to tannaitic statements alone.<sup>131</sup>

The overwhelming majority of tannaitic statements anchor the sectarian movements in the Second Temple era. Most legal discussions in which the sects appear either directly relate to the temple or detail laws only applicable when the temple and its related institutions are standing. Only one rabbinic comment on the sects can potentially be interpreted as indicating that one second century rabbi overlapped with sectarians, which Goodman marshals as evidence to support his argument for the persistence of the Sadducees into the rabbinic era. This particular reference is found in Mishnah Niddah and the parallel Tosefta Niddah, both of which are tannaitic tractates that detail laws surrounding menstruation. These laws formed the basis for Jewish family purity practice and are still observed in some circles today. The following discussion addresses whether Sadducean women can be assumed to follow rabbinic laws of menstruation. If the rabbis conclude that Sadducean women do not adhere to rabbinic standards, then the implication is that Sadducean women have a different status than Israelite (Jewish) women. In that case, Sadducean women would not only be forbidden from having relations with Jewish

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<sup>131</sup> See for example Jack Lightstone, "Sadducees versus Pharisees: The Tannaitic Sources," *Christianity, Judaism, and other Greco-Roman Cults: Studies for Morton Smith*, ed. J. Neusner (4 vols.; Leiden: Brill, 1975), 3.206-17.

men but would also always defile whatever they touch. This would mean that their physical contact with certain ritual objects would render those objects impure. The

Mishnah reads as follows:

- A. Sadducean women, when they are accustomed to following the ways of their ancestors [with regards to menstruation laws], then their status is like that of Samaritan women [who are considered impure by rabbinic standards]. If they separated [from the ways of their ancestors] to practice in the ways of Israel, then their status is like that of Israelite women.
- B. Rabbi Yose says their status is considered like that of Israel until they separate to follow the ways of their ancestors.<sup>132</sup>

According to the anonymous author of this Mishnah, Sadducean women are assumed not to follow rabbinic laws regarding menstruation. Rabbi Yose, a second century rabbinic sage, argues the opposite, suggesting that Sadducean women are assumed to adhere to rabbinic purity practices unless known to specifically follow Sadducean standards. It is not clear whether Rabbi Yose here is discussing Sadducean women of the past or Sadducean women living in his own time. The parallel Tosefta is similarly ambiguous:

- A. [Sadducean women said,] “even though we are the wives of Sadducees, we consult sages [regarding laws concerning menstruation].”
- B. Rabbi Yose says, “We are more expert in Sadducean women than anyone so [Sadducean women] all consult a sage except for one [woman] who was among them and died.”<sup>133</sup>

Again, it is unclear whether Rabbi Yose is referring to Sadducean women of the past or present. The specific woman he mentions may serve as a cautionary or even legendary tale from long ago or perhaps was a contemporary of his who recently passed.

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<sup>132</sup> Mishnah Niddah 4:2.

<sup>133</sup> Tosefta Niddah 5:3.

This source also features in both versions of the Talmud.<sup>134</sup> The Palestinian Talmud cites the version of this source in the Mishnah almost verbatim and therefore provides no indication as to whether Rabbi Yose overlapped with the Sadducees. However, the version of this story in the Babylonian Talmud cites virtually the same anecdote as the Tosefta but adds the detail that the Sadducean woman whom Rabbi Yose mentions “was in [his] neighborhood,” suggesting that she could have been a second-century contemporary of his.<sup>135</sup>

Based on the tannaitic sources alone, it is doubtful that the Sadducean woman was from Rabbi Yose’s time. As much as the historicity of accounts about the early common era reported in tannaitic materials is uncertain, the historical value of such content in amoraic texts (i.e. the Talmud) is even more questionable. Based on these methodological considerations, the added clause in the Babylonian Talmud that could be taken to mean that Rabbi Yose was a contemporary of the Sadducean woman does not serve as convincing evidence that the two did in fact overlap.

Beyond the limited reliability of amoraic sources on the sects, the use of a single rabbinic anecdote—whether tannaitic or amoraic—to extrapolate historical truths involves its own host of issues. The narrative material within rabbinic sources is replete with embellishments and fabrications that serve to exaggerate rabbinic authority or retroject the dominance of the rabbis onto the past, thus “rabbinizing” various parts of history. According to the rabbis, all the prominent leaders throughout Jewish history—

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<sup>134</sup> For an overview of the two versions of the Talmud, see pages 8-9 in the introduction.

<sup>135</sup> Babylonian Talmud Niddah 33b.

including biblical figures such as Abraham and Moses—were rabbis. Likewise, the rabbis present themselves as powerful from the outset of their movement but a broad and critical analysis of rabbinic sources themselves reveals cracks in that veneer, suggesting that rabbinic circles were initially very small and lacked significant authority. Given the rabbis' tendentious presentation of the past, it is often preferable to record and analyze elements from a number of rabbinic statements in order to discover general trends and patterns that can offer historical kernels regardless of the reliability of individual stories. Here, the pattern is clear; all but one of the tannaitic statements on the sects invariably place them in the past.

Finally, even if we accept the interpretation that the Sadducean woman was a contemporary of Rabbi Yose, the takeaway from the source is that Sadducean viability had declined to the extent that all Sadducees could be assumed to adhere to rabbinic norms. As Cohen explains, "the lone passage which refers to Sadducees in the second century presumes their complete subjugation to rabbinic authority."<sup>136</sup> In other words, the sects do not feature as a viable and competing force in tannaitic sources that describe the post-Temple reality.

Despite the limitations of deriving historical information from the Second Temple past and early common era from amoraic sources, it is still telling that the vast majority of amoraic references to the sects, like the tannaitic statements, locate the sects in the Second Temple past. As is the case with tannaitic sources, Talmudic references to the sects are somewhat ambiguous in the sense that the terms *perushim* and *tzdokim* denote a

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<sup>136</sup> Cohen, "The Significance of Yavneh," 34.

variety of meanings other than Pharisees and Sadducees. In both the Palestinian Talmud and the Babylonian Talmud, the label *perushi* describes ascetic, pious, separatist, and pseudo-righteous individuals in various contexts.<sup>137</sup> The use of the term *tsdoki* in the Talmud presents similar challenges, as the term *min* (heretic) was often replaced with the word *tsdoki* in medieval manuscripts.<sup>138</sup> The term *baitusi*, or Boethusian, however, lacks any other connotation aside from indicating the mysterious sect.

Given the lack of ambiguity of the term *baitusi*, the traditions about Boethusians serve as a useful starting point for this analysis. The term *baitusi* appears in two *sugyot* (literary units) in the Palestinian Talmud.<sup>139</sup> In both, the term is found within the context of cited tannaitic material, the parallel tannaitic versions of which were addressed above in the discussion of statements on the sects.<sup>140</sup> The term *baitusi* also appears in five *sugyot* in the Babylonian Talmud.<sup>141</sup> Four of these five clearly cite tannaitic traditions,

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<sup>137</sup> Babylonian Talmud: Babylonian Talmud, Babylonian Talmud Baba Batra 60b and Babylonian Talmud Sotah 20a use the term *perushi* to refer to those who are ascetic. Babylonian Talmud Hagigah 18b and Babylonian Talmud Hullin 31a use the term to designate pious and scrupulous individuals. Babylonian Talmud Sotah 20a and 22b use *perushi* to denote pseudo-righteous hypocrites. Babylonian Talmud 70b uses it to refer to separatists. Palestinian Talmud: Palestinian Talmud Sotah 15b-16a, Palestinian Talmud Peah 37a, and Palestinian Talmud Baba Batra 27b use *perushim* to refer to ascetics. Palestinian Talmud Hagigah 14a uses *perushi* to designate those who are scrupulous. Palestinian Talmud Berakhot 67a and Palestinian Talmud Sotah 25a use *perushi* to refer to pseudo-righteous hypocrites.

<sup>138</sup> The term *tsdoki* appears to refer to a heretic in the following sources: Babylonian Talmud Berakhot 29a, Babylonian Talmud Gittin 57a, Babylonian Talmud Horayot 11a, Babylonian Talmud Chullin 41b, Babylonian Talmud Chullin 87a, Babylonian Talmud Yevamot 63b, Babylonian Talmud Ketubot 112a, Babylonian Talmud Menachot 42a-b, Babylonian Talmud Nedarim 49b, and Babylonian Talmud Sukkah 48b.

<sup>139</sup> Palestinian Talmud Rosh Hashanah 11b and Yoma 7a.

<sup>140</sup> Palestinian Talmud Rosh Hashanah 11b references Boethusians in the context of quoting Mishnah Rosh Hashanah 2:1. Palestinian Talmud Yoma 7a mentions the Boethusians when citing a tradition from Tosefta Yoma 1:8.

<sup>141</sup> The term *baitusi* is found in the following places in the Babylonian Talmud: Menachot 65a, Sukkah 43b, Rosh Hashana 22a, Eruvin 68b, Shabbat 108a.

most of which place the Boethusians in the Second Temple past.<sup>142</sup> The fifth source cites a story in which a Boethusian asks a rabbi named Rabbi Joshua HaGarsi whether the skin of non-kosher animals can be used to make phylacteries.<sup>143</sup> Because Rabbi Joshua HaGarsi most likely lived in the second century, as he was a contemporary of Rabbi Yose, Goodman uses this source to bolster his argument for the persistence of the sects beyond the first century.<sup>144</sup> However, it is highly debatable whether such an exchange truly took place given that this source lacks any tannaitic parallel and purports to document an interaction from the tannaitic period. This alleged interaction may have been entirely fictional, conceived as a literary construction to examine the legal question about the phylacteries. Even if this exchange occurred, it hardly serves as convincing evidence that the sects continued their activity well after 70 CE. That a lone Boethusian may have existed in the decades immediately following the destruction does not prove that Jewish sectarianism endured in the subsequent centuries.

Amidst the many *sugyot* that contain the term *perushi*, only three instances in which this term is used in the Babylonian Talmud unambiguously refer to the sect of the Pharisees.<sup>145</sup> Two of these clearly locate the sects in the Second Temple past.<sup>146</sup> One of

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<sup>142</sup> Menachot 65a includes Mishnah Menachot 10:3, which describes how the Boethusians would perform certain practices at the temple before the festival of Passover. Sukkah 43b references Tosefta Sukkah 3:1, which discusses Boethusian rituals at the temple on the festival of Sukkot. Eruvin 68b includes a story found in Mishnah Eruvin 6:2, which mentions that a sectarian lived in the same alleyway as Rabban Gamliel, a sage who lived in the first century. Rosh Hashana 22a features a tradition found in Mishnah Rosh Hashanah 2:1 and Tosefta Rosh Hashanah 1:15.

<sup>143</sup> Babylonian Talmud Shabbat 108a.

<sup>144</sup> Goodman, 156.

<sup>145</sup> Babylonian Talmud Qiddushin 66a, Babylonian Talmud Niddah 33b, and Babylonian Talmud Yoma 19b.

<sup>146</sup> Babylonian Talmud Qiddushin 66a and Babylonian Talmud Yoma 19b.

these sources, for example, references a tradition found in the Tosefta about sectarian priests' practices in the temple.<sup>147</sup> The other details a conflict between the Pharisees and a Hasmonean ruler and, despite its absence from tannaitic collections, may derive from early antiquity as suggested by its use of archaic biblical style, syntax, and vocabulary.<sup>148</sup> The third reference to the Pharisees appears in the same passage about Sadducean purity practices that, as discussed above, has less historical value than the corresponding tannaitic traditions that do not suggest that the sects still existed in the rabbinic era.<sup>149</sup> In the Palestinian Talmud, the only clear reference to the Pharisees is found in a tradition from the Tosefta that discusses differing Sadducean and Pharisaic practices in the temple.<sup>150</sup> While it is difficult to distinguish which sources in the Talmud that mention Sadducees truly refer to the sectarian Sadducees, many of the instances of the word *tsdoki* are found within cited tannaitic material, most of which situates the Sadducees pre-70.<sup>151</sup> The majority of the Talmudic references to the sects therefore support the notion that the sects no longer operated in a significant way after the destruction.

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<sup>147</sup> Babylonian Talmud Yoma 19b features a tradition from Tosefta Yoma 1:8.

<sup>148</sup> Babylonian Talmud Qiddushin 66a. For the possibility that this source derives from earlier antiquity, Vered Noam, "The Story of King Jannaeus (b. Qiddušin 66a): A Pharisaic Reply to Sectarian Polemic," *Harvard Theological Review* 107, no. 1 (2014): 31-58.

<sup>149</sup> Babylonian Talmud Niddah 33b, see earlier discussion.

<sup>150</sup> Palestinian Talmud Hagigah 22a includes a tradition found in Tosefta Hagigah 3:35.

<sup>151</sup> Babylonian Talmud Zevachim 21a, Yoma 2a, Hagigah 23a refer to traditions found in Mishnah Parah 3:7, which discusses Sadducean practices in the temple. Babylonian Talmud Yoma 53a includes a slightly altered account of the Sadducean practices in the temple described in Tosefta Yoma 1:8 (the main difference between the two sources being that the Babylonian Talmud attributes a given practice to Sadducees, while the Tosefta ascribes it to the Boethusians). Babylonian Talmud Sukkah 49a discusses an incident with a Sadducee priest that occurred at the temple during the festival of Sukkot that is parallel to a story about a Boethusian high priest found in Tosefta Sukkah 3:5. Babylonian Talmud Yoma 19b also brings up the Sadducees in a discussion of proper modes of worship in the temple. Babylonian Talmud Hagigah 16b contains a tradition from Tosefta Sanhedrin 6:6 about the Sadducean law concerning conspiring witnesses.



This possibility is further suggested by the imprecision with which the amoraim seem to exchange and confuse the various types of sects. In some cases, a tannaitic tradition which references either the Sadducees or Boethusians exchanges the original sect for the other in the amoraic version of the source.<sup>152</sup> Because of the frequent interchange of these terms, the groups Sadducee and Boethusian often appear to be synonymous. However, one *sugya* in the Babylonian Talmud that cites a Mishnah about the laws of carrying on Shabbat in an alleyway shared by a Sadducee expands the analysis of this case to include Boethusians in addition to Sadducees, potentially suggesting that the two terms denote distinct groups.<sup>153</sup> While the alternation of these terms may simply constitute a change that is to be expected with the transmission of traditions and the editing of texts, this exchange of sectarian labels may also reveal increasing time and distance from the period in which the sects posed a real and contemporary threat to the rabbis. As the sects became less and less relevant to the rabbinic reality, the terms denoting sectarians were applied more loosely and liberally, in ways increasingly disconnected from the historic entities that they supposedly describe.

Other evidence on the sects' post-70 CE existence is fragmentary in nature. Burns and Goodman mainly derive the sects' continued existence from the lack of explicit evidence that the sects disappeared.<sup>154</sup> This argument from silence is questionable given

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<sup>152</sup> For example, Tosefta Yoma 1:8 attributes a given practice to the Boethusians, while in the parallel version of this source in Babylonian Talmud 53a, the same practice is ascribed to the Sadducees. Similarly, Tosefta Sukkah 3:5 recounts an incident that involved a Boethusian priest, while Babylonian Talmud 49a discusses the same event but attributes it to a Sadducee priest.

<sup>153</sup> Babylonian Talmud Eruvin 68b.

<sup>154</sup> Burns, 251; Goodman, 153.

that if the sects indeed vanished, they most likely would not have left clear evidence of their dissolution in their wake. The two scholars, however, do identify several sources that could potentially be interpreted to indicate the continuation of the sects. In what follows, I review and respond to their uses and interpretations of the available evidence on the Jewish sects from the early common era.

According to Burns, the lack of references to Jewish sectarianism in ancient sources after the first century likely means that the sects simply became irrelevant to those composing the historical record.<sup>155</sup> He argues that the legal rhetoric of the ancient rabbis suggests that Essenism indeed endured, specifically claiming that Essenes can be recognized in early rabbinic discourse on social differentiation.<sup>156</sup> By identifying Essenic characteristics in behavior that the rabbis attribute to “*minim*,” a rabbinic appellation for heretics, Burns suggests that the Essene sectarians were contemporaries of the tannaitic rabbis (c. 70-200 CE). For example, the rabbis observe that the *minim* maintained houses of worship where they practiced rituals that the rabbis deemed unacceptable and illegitimate.<sup>157</sup> In Burns’ view, this description aligns with Philo’s account that the Essenes established private sectarian synagogues where they partook in rites specific to their sect.<sup>158</sup> Thus, he suggests that this rabbinic statement concerns Essenes. In other sources, the rabbis, who adhered to the lunar calendar and established the start of a month based on eyewitness accounts of the new moon, accused *minim* of conspiring to corrupt

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<sup>155</sup> Burns, 251.

<sup>156</sup> Ibid.

<sup>157</sup> Tosefta Shabbat 13:5.

<sup>158</sup> Philo, *Every Good Man is Free*, 81.

the calendrical cycle by delivering false testimony.<sup>159</sup> Because the Damascus Document and pre-Hasmonean texts recovered at Qumran reveal Essene endorsement of a solar calendar, Burns proposes that the potential false testimony that the rabbis seek to prevent demonstrates consistency with Essene practice.<sup>160</sup>

The problem with such examples is that the rabbis' censure of private worship and invalid calendrical testimony hardly evinces an awareness of practices clearly distinguishable as Essene. The houses of worship could have been those of any movement within Judaism—early Christ-believers, for example—whom the rabbis designated as outside of normative, acceptable rabbinic practice. Similarly, disputes over the calendar were common within ancient Judaism and even occurred within the rabbinic movement. The bitter conflict between the rabbinic sages Rabban Gamliel and Rabbi Yehoshua (c. first-second centuries CE) about fixing the calendar serves as a prominent example.<sup>161</sup> Burns also suggests that rabbinic statements that criticize *minim* for their adherence to fastidious standards of purity and indicate that *minim* could not be trusted to prepare food correspond to the Essenes' concern with ritual impurity and peculiar dietary restrictions, respectively.<sup>162</sup> Yet once again, purity and diet were common areas of debate among Jews both inside and outside of rabbinic circles.

The final rabbinic statement that Burns brings provides the most convincing parallel with Essene behavior. In this specific rabbinic text, the rabbis state that those

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<sup>159</sup> Mishnah Rosh Hashanah 2:1; Tosefta Rosh Hashanah 1:15.

<sup>160</sup> Burns, 263.

<sup>161</sup> Babylonian Talmud Rosh HaShanah 25a-b.

<sup>162</sup> Burns, 263-65.

who refused to lead prayer services while wearing colored clothing (i.e. only agreed to lead while wearing white) are suspected of heresy and therefore forbidden from leading prayer.<sup>163</sup> Both Josephus and Philo describe that the Essenes maintained a unique mode of dress that consisted of a simple, white uniform.<sup>164</sup> This claim has been verified based on the archeological analysis of textile fragments discovered in the vicinity of Qumran.<sup>165</sup> However, this prohibition is found in a Mishnah that also includes a litany of other practices thought to indicate heresy, such as leading prayer while barefoot and donning phylacteries in various ways, which do not align with anything we know about the Essenes.<sup>166</sup> It is also possible that this Mishnah was leveraged against past rather than contemporary practices of heresy.

The majority of the rabbinic statements that Burns marshals in support of his argument therefore do not detail rituals and characteristics that are specifically or exclusively Essene. Differing places or modes of worship, calendrical disputes, purity practices, dietary restrictions, and dress were among a host of issues that divided ancient Jews and even rabbis. Furthermore, if the rabbis did indeed intend to refer to Essene schismatics, it is puzzling why they would choose to place them under the category of *minim* rather than refer to them by their sectarian title. Burns anticipates and refutes this point by arguing that the rabbis do not distinguish early Christ-believers from other types of Jewish heretics—as the rabbis also place incipient Christians under the umbrella of

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<sup>163</sup> Mishnah Megillah 4:8.

<sup>164</sup> Burns, 266.

<sup>165</sup> Ibid.

<sup>166</sup> Mishnah Megillah 4:8.

*minut*—yet this does not mean that the rabbis’ social world lacked Christians.<sup>167</sup>

However, such a parallel is not instructive on two accounts. First, the lines dividing Jews and Christians were blurry during the early rabbinic movement and borders were in the process of being constructed by rabbis and Christians alike. Only later rabbis—primarily Babylonian sages after the fourth century—used a specific term (נוצרים) to designate Christians once the identities of the two groups grew more well-defined.<sup>168</sup> Thus, the classification of Christians under the category of *min* reflects the initial ambiguity of the status of early followers of Jesus. In contrast, the heyday of Essenism was well-before the time of the rabbis, so the Essenes were a clearly defined movement outside of the rabbinic pale. Second, the rabbis refer to sectarian groups such as the Sadducees and Pharisees by name, so there is no obvious reason that they would not choose to label the Essenes explicitly as well.

Like Burns, Goodman argues for the survival of Essenism post-70 and maintains that the Sadducees persisted as well. He points to several pieces of evidence in the extant literature that could be interpreted as proof of the sects’ continued existence. For example, Pliny the Elder characterizes the Essenes as an eternal race and describes Jerusalem as “a heap of ashes,” thus clearly writing after the destruction.<sup>169</sup> However, his description of the Essenes as an eternal race likely served as more of a laudatory remark for their adherence to a virtuous and ascetic way of life rather than an empirical observation with historical implications. Goodman also notes that Josephus, writing

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<sup>167</sup> Burns, 268.

<sup>168</sup> Ibid, 267.

<sup>169</sup> Pliny, *Natural History* 5.17.4 (73).

between the late seventies and mid-nineties CE, never hints that the sects were ending or ceasing to exist.<sup>170</sup> However, this constitutes an argument from silence that can work both ways. The same charge could be levied that Josephus never explicitly indicates the sects' survival post-70, which, based on Josephus' account of the destruction, would have been quite a miraculous feat. Furthermore, it is entirely possible—and perhaps probable—that the sects prevailed in a diminished sense for a few decades, and the remainder of Josephus' life, before they dissolved. In other words, it is worth emphasizing again that it is highly unlikely that all the sectarian adherents and traditions died at the exact moment of the destruction. Members of the sects likely survived but were unlikely to cohere and coalesce in their weakened state following this catastrophic event. Jewish sectarianism most likely gradually withered away in the years that followed.

This claim stands in contrast to Goodman's hypothesis that the sects continued for centuries after the loss of the temple.<sup>171</sup> Goodman bolsters his argument using the account of Justin Martyr, a second century Christian apologist. In order to demonstrate that so-called "Christian" sectarians who deny resurrection are not true Christians, Justin draws an analogy to the Jewish sects, stating that "Sadducees, or the similar sects of Genistai, Meristai, Galilalaioi, Hellenianoï, Pharisaioi, and Baptistai" are likewise excluded from Judaism by "orthodox" Jews.<sup>172</sup> Although the Christian heresies that Justin names existed in his own day, this may not necessarily be the case for the Jewish sects. Justin cites Jewish sectarian formations to make a point about the relationship of orthodoxy to

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<sup>170</sup> Goodman, 155.

<sup>171</sup> Ibid, 161.

<sup>172</sup> Justin Martyr, *Dialogue with Trypho*, trans. A. Lukyn Williams (London: S.P.C.K.), 1930 80.4-5.

heresy, not to present a sociological analysis of Jewish practice.<sup>173</sup> The apologetic purpose of Justin's writing undermines the historical reliability of his presentation of the sects. Justin's "Jewish heresiology" represents a Christian construct that is full of Christian projections, at least according to some scholars, and therefore bears very little meaning for understanding Judaism during his time.<sup>174</sup>

Justin's account of Jewish "heresies" also seems stereotyped in the sense that his list of Jewish sects seems to derive from other Christian sources.<sup>175</sup> Many of the sects that Justin names, including the Pharisees, Sadducees, Galileans, Baptists, and Hellenists, can be identified with groups that feature in Acts of the Apostles. This finding casts doubt on the notion that Justin's claims reflect any accurate knowledge about contemporary Jewish sectarianism.<sup>176</sup> Lastly, Justin's designation of the Jewish sects as belonging outside the umbrella of authentic Judaism indicates that even if some Jewish sectarians lingered on, they had been relegated to the margins by Justin's time (second century CE) to the extent that they no longer represented normative Jewish practice.

In any case, Justin Martyr proves to be the exception to the rule. While many Church Fathers offer various lists of Jewish "heresies," most of these authors indicate that their descriptions pertain to a period prior to their time, most likely the era of the New Testament (first century CE).<sup>177</sup> For example, Hegesippus, a Christian writer of the mid-

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<sup>173</sup> Cohen, "The Significance of Yavneh," 35.

<sup>174</sup> Matthijs den Dulk, *Between Jews and Heretics: Refiguring Justin Martyr's Dialogue with Trypho* (London: Routledge, 2018), 109-114.

<sup>175</sup> Ibid.

<sup>176</sup> Ibid.

<sup>177</sup> Cohen, "The Significance of Yavneh," 34.

second century, describes seven Jewish sects, including the Pharisees, Sadducees, and Essenes, but clearly situates them in the past.<sup>178</sup> Epiphanius, a fourth century heresiologist, explicitly indicates that the sects no longer exist in his day:

[The Jewish sects] persisted until the coming of Christ, and after Christ's incarnation until the capture of Jerusalem by the Emperor Titus. . . And after Jerusalem's fall [the sects] which enjoyed a brief period of celebrity—I mean the Sadducees, Scribes, Pharisees, Hemerobaptists, Ossaeans, Nasaraeans and Herodians—lingered on until, at its time and season, each was dispersed and dissolved.<sup>179</sup>

While Goodman is right to note that Epiphanius does not specify when exactly the sects “dispersed and dissolved,” the language that Epiphanius uses hints that the sects ceased to operate in a significant way following 70. Epiphanius locates the era of prominence that the sects enjoyed in the period before the fall of Jerusalem, which implicitly suggests that the city's destruction represented a turning point for Jewish sectarianism. In addition, his description that the sects “lingered on” after this event does not evoke an image of vibrant sectarian life in its aftermath.

In sum, the pieces of evidence that could be construed as indicating the Sadducees and Essenes resumed their activity post-70 are not only sparse but highly dubious. The question of whether the Pharisees persisted beyond the fallout of the war is much more complicated due to the widespread notion that the rabbis were the direct heirs of the Pharisaic tradition, the origins and accuracy of which are debated among scholars.<sup>180</sup>

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<sup>178</sup> Eusebius, *Ecclesiastical History*, IV. 22. 6.

<sup>179</sup> Epiphanius, *Panarion*, Section 1. 19. 5.6-7

<sup>180</sup> For a historiographical review of scholarship on the connection between the Pharisees and the rabbis, see Annette Y. Reed, “When did Rabbis become Pharisees? Reflections on Christian Evidence for Post-70 Judaism,” in *Envisioning Judaism: Essays in Honor of Peter Schäfer on the Occasion of*



While a thorough examination of the evidence for the persistence of the Pharisees is beyond the scope of this discussion, there is reason to believe that the fate of the Pharisees would have been similar to that of the Sadducees and Essenes. Although the Pharisees had the advantages of greater numbers and increased popular support compared to the other sects, the Pharisees too were firmly entrenched in the Second Temple reality and would have suffered the devastating consequences of the war.

Based on the evidence about the sects that is available to us, along with what we know about the nature of Jewish sectarianism and the fallout of the Great Revolt, it is highly probable that the Jewish sects slowly but steadily faded from the Judean landscape in the decades following 70. Individual sectarian adherents and traditions may have survived, but viable and recognizable sects most likely did not. As such, by the time the rabbinic movement began to coalesce in the second century, the sects did not represent a contemporary competing force. While the sects were no longer active in the post-temple order, they continued to live on in the rabbinic imaginary and to define Jewish practice in various ways, particularly as they were employed for the self-definition and authorization of the newest rising Jewish movement.

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*his Seventieth Birthday*, eds. R. S. Boustán, K. Herrmann, R. Leicht, A. Y. Reed, and G. Veltri (Tübingen: Mohr Siebeck, 2013), 859–64.

## Chapter 2

### **Sects and Separation: Rabbinic Self-Definition in the Tannaitic Period**

When the flames that consumed Jerusalem finally subsided, a heap of black ash settled where the sanctuary one stood. Many first century Jews likely felt that Judaism was shattered beyond repair. The destruction of the temple, the symbol of the unbroken covenant between God and Israel, was undoubtedly understood by many to mean that God had rejected the Jewish people. Even those who sought to hold onto their Jewish faith were likely at a loss for what the practice of Judaism would look like without the longstanding focal point of religious worship.

Yet in the years following the tumultuous events of 70 CE, a small, hodgepodge group of Jewish intellectual elites managed to begin adapting the practice of Judaism to the new post-temple order. These pioneers, or rabbis, drew upon ideas from the sectarian past while simultaneously embarking on a radical reconstruction of preexisting Jewish practice. The early rabbis, or tannaim, developed an extensive legal tradition based on the interpretation of the Torah (Hebrew Bible).<sup>181</sup> The tannaim formulated laws about temple and purity as well as Sabbath and festivals, all of which had served as key areas of sectarian disputes.<sup>182</sup> To derive laws from the Torah, the rabbis employed methods of scriptural exegesis, some of which likely were rooted in sectarian modes of biblical interpretation.<sup>183</sup>

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<sup>181</sup> Schwartz, *Imperialism and Jewish Society*, 68.

<sup>182</sup> Cohen, *From the Maccabees to the Mishnah*, 128.

<sup>183</sup> See Hayes, "Legal Realism and The Fashioning of Sectarrians in Jewish Antiquity," 119-46.

Despite sharing certain traditions with the sects, the rabbis by and large redefined Jewish practice to fit their new reality, which lacked the Jerusalem temple, the centerpiece of Jewish sectarianism. As such, the rabbis' legal and imaginative universe did not revolve primarily around the temple or priests. The rabbis developed prayer as a substitute for sacrifice and emphasized Torah study as a means of attaining great spiritual reward. The rabbis also created judicial institution and established a system of ordination, among various other legal and administrative innovations.<sup>184</sup>

Given the limited evidence at our disposal, the question of the extent to which the rabbis represented continuity with the sects is fundamentally ambiguous and remains highly debated. Various findings have led some scholars to conclude that there was a close, potentially even genealogical, connection between the Pharisees and the rabbis.<sup>185</sup> These include the observations that the names of several individuals identified as Pharisees in Josephus and the New Testament recur in the rabbinic chain of tradition, that several stories about the Pharisees in Josephus are parallel to stories about the rabbis in rabbinic literature, and that Josephus and the New Testament attribute certain beliefs and practices to the Pharisees that are shared by the rabbis.<sup>186</sup>

In what follows, I choose not to focus on the evidence for this historical association from extra rabbinic sources and instead examine the nature of the Pharisaic-rabbinic connection as understood by the rabbis themselves. I first briefly present an analysis of all tannaitic references to the sects in order to demonstrate that the tannaim

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<sup>184</sup> Rubenstein, "Social and Institutional Settings of Rabbinic Literature," 61.

<sup>185</sup> Cohen, "Significance of Yavneh," 37-38.

<sup>186</sup> Ibid.

exhibit a clear affinity towards the Pharisees yet avoid explicitly associating with them, confirming a finding noted by other scholars. I then take up the question of why the rabbis might have hesitated to promote a connection to the Pharisees despite sharing many of their legal views. Of course, the extent of what we can determine about the rabbis' motivations underlying their self-presentation is constrained both by the limited evidence that we have and by the reality that the influences that shape self-perception are generally complex and multifaceted. As such, I seek not to put forth a conclusive argument but rather to propose a hypothesis for certain key factors that impacted how the rabbis represented themselves in relation to the sects and the Pharisees in particular.

I suggest that the early rabbis' portrayal of the sects and avoidance of explicit association with the Pharisees is best understood in the context of broader aspects of the rabbis' social reality during the tannaitic period: specifically, the rabbis' initial lack of authority among Jews and the rabbis' confrontation with the contemporary threat of incipient Christianity. I argue that because the rabbis were seeking to establish themselves in a world in which they were largely unknown and operating in a period in which the borders between Judaism and early Christianity were extremely ill-defined, they sought definitive separation from both historical and contemporary groups of outsiders. Association with various types of internal others<sup>187</sup>—whether past or present—could confuse the identity of their fledgling movement, the bounds of which were not yet secured. The rabbis adopted an exclusivist approach towards those who they deemed as

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<sup>187</sup> By internal other, I mean various types of Jews or Jewish-adjacent religious groups whom the rabbis placed outside of the bounds of the rabbinic movement: for example, heretics, Jesus-followers, and sectarians.

belonging outside of their fraternity—in some ways demonstrating a sect-like attitude—for the sake of succeeding in their radical reconstruction of Jewish practice.

### *Tannaitic References to the Sects*

In tannaitic texts, the rabbis avoid identification with any sectarian group, presenting the sects as entities unlinked to the rabbinic movement, as the scholar Shaye Cohen has described.<sup>188</sup> Rabbinic hostility towards the Sadducees and Boethusians is explicit. The rabbis ridicule Sadducean and Boethusian legal rulings, cast doubt on their belonging within the pale of Israel (i.e. Judaism), and imagine themselves in the Second Temple past opposing Sadducean and Boethusian priests and practices.<sup>189</sup> However, rabbinic association with the Pharisees is highly ambiguous. On the one hand, the rabbis generally present the Pharisees favorably and attribute legal views to the Pharisees that the rabbis themselves espouse. The Pharisees feature in six of the sixteen specific laws and disputes about the sects in tannaitic sources.<sup>190</sup> In five of the six, the Pharisees get the final word or emerge as the clear victors when engaging in debate with Sadducees or Boethusians.<sup>191</sup> In the remaining sixth statement, the winner of the legal dispute is

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<sup>188</sup> Cohen, “Significance of Yavneh,” 40.

<sup>189</sup> Tosefta Sanhedrin 6:6, Tosefta Parah 3:8, Mishnah Menachot 10:3, Tosefta Menachot 10:23, Tosefta Sukkah 3:1, 16 detail disputes and public rituals in which rabbis, Jewish masses, and an anonymous “they” flout Sadducean and Boethusian practices. The rabbis cast doubt on whether Sadducean women belong within the pale of Israel in Mishnah Niddah 4:2 and Tosefta Niddah 5:2. The rabbis describe themselves in the Second Temple past opposing Sadducean and Boethusian priests and practices in Tosefta Yoma 1:8 and Mishnah Parah 3:3,7.

<sup>190</sup> The Pharisees appear in Mishnah Yadayim 4:6-7 (three disputes), Tosefta Hagigah 3:35 (one dispute), Tosefta Yadayim 2:20 (two disputes).

<sup>191</sup> The Pharisees emerge as the clear victors in Mishnah Yadayim 4:6-7 (three disputes) and Tosefta Yadayim 2:20 (two disputes).

ambiguous.<sup>192</sup> The Pharisaic opinion cited in each case is consistent with a rabbinic view documented elsewhere, but strikingly, this legal alignment is never stated outright.

The rabbinic agreement with the Pharisaic opinions evinces some degree of a rabbinic affinity towards the Pharisees or at least some level of shared traditions between the two groups. According to Christine Hayes, the rabbinic alignment with Pharisaic views derives from a common legal epistemology that both groups favored (or at least that the rabbis depicted the Pharisees as favoring). In rabbinic literature, Pharisees and rabbis are portrayed to be markedly “nominalist” in their legal approach, while the other sects are portrayed as favoring a “realist” approach to law.<sup>193</sup> Whether or not the lens of legal theory accurately characterizes the literary fashioning of sectarians in rabbinic literature, it is clear that the rabbis align with the legal views of the Pharisees.

Other aspects of the rabbinic representation of the Pharisees suggest a much more tenuous connection between the sect and the rabbis. As previously mentioned, the Hebrew term for Pharisees, פרושים or *perushim*, is also used to describe pietists and separatists, groups that are occasionally praised but often censured.<sup>194</sup> In addition, in one

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<sup>192</sup> Tosefta Hagigah 3:35 describes the Sadducees mocking the Pharisees for immersing the candelabra of the temple in a certain way in accordance with the Pharisaic understanding of purity rituals. The Tosefta simply ends with this description, therefore no clear victor emerges from this implied debate over purity immersion practices.

<sup>193</sup> Hayes, “Legal Realism and The Fashioning of Sectarians in Jewish Antiquity,” 119–46. A “realist” approach to law is defined by the belief that law conforms to the way things really are and emphasizes epistemological certainty through appeals to common sense and empirical evidence. “Nominalism” is the view that something is wrong not because of some intrinsic quality but because the law declares it so, meaning that other considerations often overrule empirical observation and common sense.

<sup>194</sup> Mishnah Hagigah 2:7 uses the term *perushim* to describe those who are scrupulous regarding ritual purity. Tosefta Berakhot 3:25 uses the term *perushim* to refer to separatists. The connection between pietists, separatists, and Pharisees is not totally clear, but all are somewhat related to separatism or sectarianism.

Mishnah, Rabban Yohanan ben Zakkai, a first century Palestinian sage, ostensibly rushes to the aid of the Sadducees in launching an attack on the views of the Pharisees in a debate about purity laws.<sup>195</sup> Purity laws represented a common area of dispute among the sects in large part because ritual purity was related to activity in the temple, the main arena of sectarian debate. In this particular anecdote in the Mishnah, the Sadducees question the logic behind the Pharisaic ruling that the holy books of Scripture transmit impurity while the secular books of Homer do not affect one's purity status. After the Sadducees verbalize this challenge, Rabban Yohanan ben Zakkai adds, "have we nothing against the Pharisees but this?" He then furthers the Sadducean argument by pointing out, "behold [the Pharisees] say that the bones of a donkey are clean, yet the bones of Yohanan the high priest are unclean!"<sup>196</sup> As it turns out, Rabban Yohanan ben Zakkai ultimately defends the Pharisaic viewpoint at the end of the Mishnah, revealing that his opposition to the Pharisees was simply a rhetorical tool to force the Sadducees to recognize a flaw in their own position. Nonetheless, that Rabban Yohanan ben Zakkai presents himself as external to the Pharisaic movement and is never called a Pharisee does not suggest that the rabbis were eager to publicize a close association.

The tannaitic statements on the sects reveal that despite the rabbis' generally favorable portrayal of the Pharisees and similar legal views, the tannaim chose not to explicitly promote a Pharisaic-rabbinic association. A possible lens through which to understand this curious finding is the larger context of rabbinic self-definition during this

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<sup>195</sup> Mishnah Hagigah 4:6.

<sup>196</sup> Ibid.

period. The way that the rabbis perceived and portrayed themselves most likely stemmed largely from the social reality in which they were situated. Specifically, the way that the rabbis positioned themselves in relation to the Pharisees—a historically-based but also literarily constructed type of outsider—was impacted by their contemporary relationships with those who they viewed as insiders, Jews (at least by their standards), and outsiders, heretics and Christ-believers.

### *Early Rabbinic Social Authority*

An analysis of the social authority of the tannaim primarily depends on sources from the rabbis themselves. Non-rabbinic sources provide insight into Roman Palestine in the early common era but offer virtually no information about the rabbinic movement.<sup>197</sup> The archeological evidence discovered in the southern Judean desert related to the Bar Kokhba revolt (132-135 CE), an uprising in which a group of Jews rebelled against the Roman Empire, tells us about Jewish daily life in the area but for the most part has little relevance to the rabbis.<sup>198</sup> Other documents and artifacts from second century Palestine on Jewish society are not only scarce but also likely bear little meaning for the discussion of the rabbis given that, as Cohen points out, Jewish society is “not necessarily synonymous with rabbinic society” since the rabbis lacked influence among the broader Jewish populace during this time.<sup>199</sup> The lack of testimony to the rabbinic movement

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<sup>197</sup> Cohen, “The Rabbi in Second Century Jewish Society,” 923.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.



outside of rabbinic sources in itself is telling about the limited authority of the early rabbis.

A critical examination of tannaitic literature similarly suggests that despite the rabbis' glorified self-portrayal, in which the rabbis depict themselves as commanding far-reaching influence, the rabbinic project began as an inward-looking undertaking by unrecognized men with meager numbers and minimal power.<sup>200</sup> The Mishnah mentions the names of only 99 tannaitic rabbis. Other tannaitic sources cite a few more sages, but the number of rabbis who lived between 70 and 220 CE was likely only a little over one hundred.<sup>201</sup> During the tannaitic period, the rabbis mostly studied in small disciple circles, an educational institution that seems to have accommodated only a few scholars in each group as opposed to the later rabbinic academies, where larger groups of sages studied.<sup>202</sup>

Beyond the limited numbers of rabbis, the early rabbinic movement was considerably insular. The tannaim were mainly well-to-do individuals based in rural centers who adopted a somewhat parochial approach.<sup>203</sup> The rabbis distinguished themselves from the masses, expressing disdain for non-Jews, women, and the uneducated. Although the rabbis declared that the Torah was to be studied by the rich and poor alike, they did not create provisions for impoverished students to engage in Torah study.<sup>204</sup> The rabbis even developed laws that circumscribed their interactions with the

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<sup>200</sup> Ibid, 975.

<sup>201</sup> Ibid, 974.

<sup>202</sup> Ibid, 951.

<sup>203</sup> Ibid, 929, 958.

<sup>204</sup> Ibid, 975.

common folk who did not adhere to rabbinic purity norms, whom they called “ammei haaretz or “people of the land.” These types of laws carry sectarian elements, as this separation based on boundaries of purity would have served to inhibit normal social intercourse with the broader populace. The creation of barriers that induce separation or alienation is a typical way in which sects distinguish themselves from broader society.<sup>205</sup> The early rabbinic movement, therefore, demonstrated certain sectarian tendencies.

Despite developing certain laws that limited rabbinic interaction with the general Jewish populace, the rabbis report that they interacted with non-rabbinic Jews. The Mishnah describes several cases that the rabbis adjudicated involving Jews who were not rabbis. Interestingly, the cases in which the rabbis were consulted the most (assuming that at least some of the cases described actually occurred) were those about ritual purity, precisely the area of law that was practiced by the smallest segment of the population, that promoted separatism, and that required a certain degree of expertise and knowledge of tradition.<sup>206</sup> Before the turn of the third century, the rabbis were only rarely asked to rule on cases on laws of personal piety such as the Sabbath, holidays, prayer, synagogue rituals, and kosher food (which later became hallmarks of rabbinic Judaism) and civil matters, which indicates their limited initial influence.<sup>207</sup>

That the rabbis did not occupy formal leadership positions at the outset of their movement undoubtedly further contributed to their lack of power among the masses. As Cohen explains:

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<sup>205</sup> Cohen, *From the Maccabees to the Mishnah*, 125.

<sup>206</sup> Ibid, 971.

<sup>207</sup> Ibid, 969.

Rabbinic authority depended upon the social status, the powers of persuasion, the charisma and the personality of the rabbi more than upon his institutional or bureaucratic setting. It was a voluntary act for a Jew to accept the verdict of a rabbinic court or the authority of a rabbi. The tannaim had no means (aside from excommunication, about which the tannaim say little) to enforce their decisions and decrees. They were not the agents of the state. In sum: the rabbis did not control the religious and civil life of second-century Palestinian Jewry.<sup>208</sup>

Without any institutional backing or social mechanism to enforce their legal rulings, the nature of the rabbinate was primarily unofficial. Cohen characterizes the second-century rabbinate as an “unsalaried profession” in which wealthy men of the countryside gathered to study Torah and discuss Jewish laws and traditions.<sup>209</sup>

The anonymity and insularity of the early rabbinic movement in broader Jewish society is substantiated by the archeological evidence that fails to make conclusive mention of the early rabbis. Synagogue inscriptions in Roman territory from the first to fourth centuries not only evinces no awareness of the rabbis but also specifically reference other Jewish authority figures known as the heads of the synagogue.<sup>210</sup> One inscription from a synagogue in Jerusalem dated to the first century reads as follows:

Theodotus, son of Vettenu, priest and ruler of the synagogue [archisynagogos], son of a ruler of the synagogue [archisynagogos], grandson of a ruler of the synagogue [archisynagogos], built the synagogue [synagoge] for the reading of the law and the teaching of the commandments, and also the guest chamber and the upper rooms and the

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<sup>208</sup> Ibid, 971.

<sup>209</sup> Ibid, 976.

<sup>210</sup> Stuart S. Miller, “‘Epigraphical’ Rabbis, Helios, and Psalm 19: Were the Synagogues of Archaeology and the Synagogues of the Sages One and the Same?” *Jewish Quarterly Review* 94, no. 1 (Winter, 2004): 27-76.

ritual pools of water for accommodating those needing them from abroad, which his fathers, the Elders [presbyteroi] and Simonides founded.<sup>211</sup>

This inscription, which substantiates Theodotus' authority by describing him as a priest and detailing his descentance from a line of heads of synagogues, suggests that a connection to the rabbis did not provide Jews with status or legitimacy in the early common era. The existence of other "heads of synagogues" is known from the titles on tombstones found in the catacombs in Rome dated to the third and fourth centuries.<sup>212</sup> One such inscription from the Monteverde district of Rome reads as follows: "Here lies Proclus, leader of the synagogue of the Tripolitans. May he sleep in peace."<sup>213</sup> It was most likely not until the amoraic period that rabbinic influence began to reach the sphere of the synagogue.<sup>214</sup>

The early rabbis were thus seeking to establish themselves in a world in which they were largely unknown. Despite presenting themselves as preservers of past traditions, the rabbis significantly altered much of the existing Jewish practice and therefore were attempting to forge something new. This ambition—coupled with their initial lack of authority—had tremendous consequences for how the rabbis defined themselves against outsiders. Without the advantages of significant numbers, widespread recognition, and official power, the rabbis could not afford to welcome those who

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<sup>211</sup> *Theodotus Synagogue Inscription*, c. first century CE, inscription carving, Jerusalem, Israel, Inscriptions of Israel/Palestine, Brown University, Providence, Rhode Island, <https://library.brown.edu/iip/stories/theodotus/>.

<sup>212</sup> Martin Goodman, *Rome and Jerusalem: The Clash of Ancient Civilizations* (London: Allen Lane, 2007), 228.

<sup>213</sup> *Proclus Tombstone Inscription*, c. 3<sup>rd</sup>-4<sup>th</sup> century CE, marble plaque, Monteverde, Rome, in David Noy, *Jewish Inscriptions of Western Europe* (Cambridge: Cambridge University Press, 1993), 132.

<sup>214</sup> Rubenstein, "Social and Institutional Setting," 64.

threatened to confuse the identity of their movement. The rabbis only allowed for disagreement among those whose differences in opinion were insignificant enough such that they still fell well within the rabbinic spectrum. This approach is evident in the exclusionary attitude they adopted towards early Christians and sectarians.

### *Rabbis, Christians, and Heretics*

Active from the late first to third centuries, the tannaitic rabbis were conducting their activity at a time when Judaism, incipient Christianity, and the line between them were ill-defined. As the historian Daniel Boyarin has argued, we cannot refer to a single ancient approach to “Judaism” or “Christianity.” These categories were in a state of flux in the early common era and varied across different communities of Jews and Christians, who understood themselves and the groups to which they belonged in a range of ways at different times.<sup>215</sup> Early Christians, as well as rabbis, formed their religious identities not only through internal self-definition but also through a continuous negotiation and characterization of the religious “other.”<sup>216</sup> Both early Christians and, to a lesser extent, tannaitic rabbis employed the discourse of heresy to mark certain beliefs and practices as acceptable and others as illegitimate. The tannaim not only designate heretics with the appellation *min* (heretic) but also coin the term *minut* to denote the noun “heresy,” which is notable because the tannaim only rarely create an abstract noun to refer to religious

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<sup>215</sup> Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (Philadelphia, PA: University of Pennsylvania Press, 2004), 18-21.

<sup>216</sup> Eduard Iricinschi and Holger M. Zellentin, “Making Selves and Marking Others: Identity and Late Antique Heresiologies,” in *Heresy and Identity in Late Antiquity* (Tübingen : Mohr Siebeck, 2012), 11.

tendencies.<sup>217</sup> For example, as Goodman notes, the rabbis refer to Pharisees and Sadducees but never create a noun for “Pharisaism” or “Sadducaism.”<sup>218</sup>

Despite the invention of the category of heresy, the rabbis do not clearly define the content of the heresies they condemned. In tannaitic literature, *minim* include individuals who participate in a wide range of behaviors, including healing the sick and performing other miracles, following a liturgy that was similar yet slightly different from that of the rabbis, wearing *tefillin* (phylacteries) the wrong way, owning heretical books, producing non-kosher food, and subscribing to deviant theological views.<sup>219</sup> Mystics, magicians, gnostics, and Christian Jews all fall within the fold of *minim* in early rabbinic documents.<sup>220</sup> The vagueness of the category, and the lack of a specific label for early Christians, suggests the very murkiness or even nonexistence of the line distinguishing between what came to be the two religions.

In order to deal with heresy, the rabbis essentially advocate for the strategy of avoiding contact with *minim* in their midst. As Richard Kalmin has noted, stories about exchanges between tannaim and heretics portray heresy as attractive to the rabbis and therefore as dangerous.<sup>221</sup> One narrative that exemplifies this attitude details the arrest of

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<sup>217</sup> Martin Goodman, *Judaism in the Roman World*, 166.

<sup>218</sup> Ibid.

<sup>219</sup> Tosefta Hulin 2:22-23 classifies healing the sick and performing other miracles as practices of *minim*; Mishnah Megillah 4:8-9 describes the deviant practices of *minim* with regard to prayer and *tefillin*; Tosefta Shabbat 13:5 mentions the heretical books of the *minim*; Tosefta Hulin 1:1 and Mishnah Hulin 2:9 state that *minim* prepare food in a non-Kosher way; Mishnah Megillah 4:9, Mishnah Berakhot 9:5, Tosefta Berakhot 6:21, and Tosefta Sanhedrin 8:7 detail various unacceptable theological beliefs of *minim*.

<sup>220</sup> Burns, 267.

<sup>221</sup> Richard Kalmin, “Christians and Heretics in Rabbinic Literature of Late Antiquity,” *The Harvard Theological Review* 87, no. 2 (1994): 155–69.

Rabbi Eliezer ben Hyrcanus, who is charged by the Romans with being a *min*, which clearly means Christian in this context.<sup>222</sup> Although the judge of the case releases him, Rabbi Eliezer ben Hyrcanus later recalls that he did indeed have a chance encounter with a follower of Jesus. This follower shared a teaching of Jesus, which “pleased” Rabbi Eliezer, which suggests that some rabbinic sages were enticed by the teachings of Christians.

Similarly, the preceding tosefta recounts the death of Rabbi Eleazar ben Damah, a rabbinic sage who has been bitten by a snake.<sup>223</sup> A man known as Jacob of Kfar Sama offers to heal Rabbi Eleazar in the name of Jesus, but Rabbi Yishmael, the uncle of Rabbi Eleazar, prevents Rabbi Eleazar from accepting this proposal. Rabbi Eleazar argues that he can bring a scriptural justification for receiving the treatment but dies before citing his proof. Rabbi Yishmael expresses joy that his nephew has passed away without violating the rabbinic prohibition of accepting cure by a follower of Jesus.

According to Kalmin, this story suggests that this restriction was a sensitive issue and implies that “rabbis, or Jews in general, may be swayed by Elazar ben Dama's words, and had Elazar been cured in Jesus' name, many may be drawn from rabbinic piety.”<sup>224</sup> Both stories, which are juxtaposed in the Tosefta, share the same message: stay away from Christian heretics. The description in the book of Acts that “the number of disciples multiplied greatly in Jerusalem,” if historically accurate, raises the possibility that Jewish

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<sup>222</sup> Tosefta Hulin 2:24.

<sup>223</sup> Ibid, 2:23.

<sup>224</sup> Kalmin, “Christians and Heretics in Rabbinic Literature,” 161.

receptivity to Christianity may have contributed to the rabbis' portrayal of Jews as tempted by *minut* and their consequent intolerant stance.<sup>225</sup>

Although the rabbinic sages urged Jews to avoid *minim*, the rabbis lacked the power to prevent such exchanges. On a practical level, the rabbis could only change their own behavior in response to *minut*. According to the Mishnah, the rabbis did not allow individuals suspected of heresy to lead prayer services.<sup>226</sup> Similarly, after heretics intentionally corrupted the fixing of the calendar by delivering false testimony, the rabbis instituted that they would only accept witnesses from people known to them.<sup>227</sup> Goodman interprets this Mishnah as implying that the rabbis would examine the theological beliefs not only of those who testified about the new month but also of those who sold them food and scrolls because the rabbis also prohibited purchasing meat, wine, and sacred books from *minim*. Perhaps the rabbis themselves could avoid interacting with *minim*, but they had no means of imposing this cautionary practice on the broader Jewish populace.

Rabbinic literature essentially suggests that some Jews—even rabbis—were attracted to, or at least were in contact with, incipient Christianity.<sup>228</sup> Operating in a reality in which they lacked practical power, in which Christian ideas might appeal to some Jews, and in which the line dividing the two groups was largely unclear, the rabbis had limited tools at their disposal to deal with outsiders. One of the only weapons that the rabbis could use to exclude those who blurred the boundaries of their nascent movement

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<sup>225</sup> Acts of the Apostles 6:7.

<sup>226</sup> Mishnah Megillah 4:8.

<sup>227</sup> Mishnah Rosh Hashanah 2:1.

<sup>228</sup> Kalmin, 157.



was the discourse of heresy. The rabbis invented *minut* to construct borders where none yet existed, as their early Christian heresiologists were doing in parallel (and to a much greater extent). Yearning for a clean break that was not there, the rabbis adopted an approach of separation and avoidance of their contemporary competitors. The sages extended this exclusivist approach to their treatment of the Jewish sects.

The rabbinic desire for separation from both heretics and sectarians is identifiable in a curse known as *birkat haminim*, “the blessing of the heretics,” (“blessing” being a euphemism for curse). This curse first appears in a Tosefta about the proper place for various blessings (and curses) in a prayer known as the *shemoneh esrei*, or eighteen benedictions. The Tosefta that describes this curse reads as follows, “One inserts [the “blessing”] for the heretics in [the “blessing”] for the *perushim* [פרושיין].”<sup>229</sup> According to this statement, a curse for *minim* was added into an earlier preexisting curse for *perushim*. Scholars debate the exact meaning of *perushim* in this context. The majority upholds that the term cannot refer to the sect of the Pharisees because it is difficult to believe that the rabbis would have condemned the Pharisees given their tacit affinity towards them.<sup>230</sup> Most translate the term as “separatists” or “sectarians,” understanding it as indicating a prototypical sect that separates from the community.<sup>231</sup> Scholars also debate when the curse against the *perushim* emerged and when the curse against heretics was added. For the purposes of this discussion, it is clear that by the end of the tannaitic period, the rabbis had instituted a liturgical condemnation of sectarians and *minim*.

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<sup>229</sup> Tosefta Berakhot 3:25.

<sup>230</sup> Daniel Boyarin, “Anecdotal Evidence,” 30.

<sup>231</sup> Ibid.

In any case, this source reveals that the rabbis denounced “separatists” or “those who separate from the community.” Regardless of whether the rabbis are referring to contemporary separatists rather than the sectarians of old, this curse indicates that the rabbis viewed distinction from various types of outsiders as important for securing the success of their movement. The irony of the rabbis’ curse of sectarians and separatists is, of course, that this type of anathematic behavior is arguably in itself sectarian.

### *Rabbinic Separatism*

The rabbis’ avoidance of identification with the historical sects is unsurprising when considered in this broader context. In order to establish themselves and their new approach in a world with murky borders, the rabbis sought definitive separation from all types of outsiders. Even if their legal views aligned with those of the Pharisees, which was often the case, the rabbis intentionally chose not to emphasize the connection. The Pharisees were a known and recognized movement—documented, praised, and attacked in ancient sources such as Josephus and the Gospels—and the rabbis avoided association with an established group. Additionally, despite the similarities between the rabbis and the Pharisees, the rabbinic approach was substantively different, as described above. Only by eschewing association with past movements could the rabbis actualize their goal of establishing a new mode of practice.

The tannaim thus by and large adopted an exclusivist attitude and themselves demonstrated some features of sectarianism. Some scholars, however, have argued that the tannaim espoused a pluralistic approach and point to the multiplicity of conflicting

opinions found in tannaitic literature as an indication of the rabbis' willingness to accommodate dissent.<sup>232</sup> The inclusion of divergent views in the Mishnah and Tosefta is undoubtedly a rare feature among ancient law codes, but this element most likely stemmed from other factors and should not be taken as evidence of widespread rabbinic tolerance. The multiplicity of opinions found in tannaitic literature may have been a social necessity rather than an indication of a rabbinic value of pluralism. As previously discussed, the tannaim were few in number. This reality likely left them with little choice but to tolerate varying opinions. Some rabbinic study circles seem to have been composed of as few as three sages. In this context, if one rabbi posited a viewpoint that was theoretically deemed unacceptable, then the size of the study group would be reduced by a third. This would have been an untenable arrangement.

The Mishnah provides some evidence that the rabbis recognized the need to accommodate conflicting beliefs for the purposes of coexistence and continuity. The rabbis detail the divergent marriage practices between the houses of the pre-rabbinic sages Hillel and Shammai, figures of questionable historicity who are alleged to have lived at the end of the Second Temple period.<sup>233</sup> Despite their conflicting views, the two groups supposedly allowed for their constituents to intermarry, thereby allowing for normal social intercourse despite their disagreements.<sup>234</sup> Whether or not these groups existed and such an arrangement occurred, this anecdote demonstrates that the rabbis were aware of the need to forgo certain disagreements for the purpose of continuity.

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<sup>232</sup> Cohen, "The Significance of Yavneh," 48-51.

<sup>233</sup> Mishnah Yevamot 1:4.

<sup>234</sup> Cohen, *From the Maccabees to the Mishnah*, 226.

The rabbinic inclusion of multiple views therefore may have been a consequence of the rabbis' social reality. An alternative understanding of the reason for rabbis' incorporation of dissenting views is raised by Goodman, who proposes that "what looks like a liberal attitude by the rabbis of the Mishnah in apparently leaving halakhic disputes open may simply reflect the genesis of the Mishnah as a compilation of the views of jurists rather than a law code."<sup>235</sup> According to this explanation, the interpretation of the diversity of opinions in the Mishnah as a manifestation of the rabbis' inclusivist stance stems from a misunderstanding of the intended genre and purpose of their literature.

With an attitude of exclusivism and separatism that typifies sectarian groups, the early rabbis set out to decisively distinguish themselves from the sects of past and the *minim* of present. The rabbis' intolerance towards outsiders seems to be in large part a de facto repercussion of their social reality rather than part of a larger ideological commitment. By the conclusion of the amoraic period, rabbinic circumstances had shifted significantly and their approach towards sectarians, the Pharisees, heretics, and Christians changed in turn.

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<sup>235</sup> Goodman, *Judaism in the Roman World*, 170.

## Chapter 3

### Influence and Inclusivity:

#### Rabbinic Self-Definition in the Amoraic and Stammaic Periods

In contrast to the tannaim who demonstrate little interest in establishing a connection with the Pharisees, the rabbis of the Talmud began to envision themselves more clearly as the Pharisees' successors.<sup>236</sup> Several Talmudic statements, which will be examined below, explicitly link the rabbis with the Pharisaic movement. This finding raises several questions: why did the later rabbis link themselves to the Pharisees while the tannaim chose not to do so? What developments in the rabbinic movement occurred between the tannaitic, amoraic, and stammaic periods that may explain this shift? How and why did rabbinic self-definition evolve over time?

Given the complex and multicausal nature of changes in self-perception, it is likely that a host of contributing factors drove the evolution in the way the rabbis presented themselves in relation to the sects, as discussed in the previous chapter. Various influences such as transpiring time and distance from the Second Temple period, shifting views amongst the broader Jewish population, and the rabbis' potentially increasing access to sources about the Second Temple period, among other factors, may have propelled this transition in the rabbinic self-portrayal and construction of the sectarian past.

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<sup>236</sup> Cohen, "Significance of Yavneh," 39.

That being said, consistent with the approach of the previous chapter, I suggest that the change in rabbinic identification with the Pharisees is best understood in the context of certain broader developments surrounding and within the rabbis and their project: the spread of Christianity and the gradual growth and institutionalization of the rabbinic movement. In the centuries following the tannaitic period, the borders between Judaism and Christianity continued to crystallize such that the two increasingly took the shape of two distinct religious bodies. Simultaneously, the rabbinic movement slowly underwent key social and institutional advances that allowed the rabbis to amass greater power. Despite the novel and incremental nature of the rabbis' rise to dominance, the rabbis depicted themselves as authoritative throughout history, potentially because claims of antiquity took on increasing importance for religious legitimacy during this period. To that end, the rabbis of the Talmud linked themselves to the Pharisees, constructing a continuous Pharisaic-rabbinic tradition that they presented as having always been the correct approach. With their power more secure, the rabbis shed elements of the sectarian exclusivism that characterized the tannaitic period, adopting an attitude of greater pluralism and tolerance. Over time, rabbinic authority—and the ideas the rabbis espouse—grew so entrenched such that the rabbis' early influence and descent from the Pharisees became virtually uncontested.

### *Rabbis, Christians, and Heretics*

Jews and Christians continued to engage in a continuous and reciprocal process of self-definition and separation in the centuries following the tannaitic period. However,

certain aspects of this phenomenon shifted during the early amoraic period as Christianity grew increasingly widespread.<sup>237</sup> As discussed previously, a “sect” must be small enough to make up a distinctive part of a larger religious body. If a sect grows to the extent that it becomes a substantial body in its own right, it could become the religious majority or separate into a distinct religious entity.<sup>238</sup> Accordingly, Christianity had begun as a small sect within Judaism. Scholars have argued that during the amoraic period, however, Christianity outgrew its sectarian origin to constitute an independent religious body.<sup>239</sup>

While difficult to pinpoint precisely when this shift occurs, most scholars agree that the third century marks a turning point for the development of Christianity.<sup>240</sup> This period was characterized by increasing numbers of Christians and growth in the size of local Christian communities. The social composition of Christian adherents diversified in this period. Previously dominated by underprivileged and poor members of society, Christian communities became reflective of cross-sections of Roman urban society, losing much of their social and cultural homogeneity.<sup>241</sup> Religion grew increasingly “disembedded” from land, ethnicity, language, cultural practices, and other modes of identity formation as Christianity was adopted throughout the Roman empire.<sup>242</sup> Most

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<sup>237</sup> Robert A. Markus, “The Problem of Self-Definition: From Sect to Church,” in *Jewish and Christian Self-Definition: The Shaping of Christianity in the Second and Third Century*, vol. 1, ed. E.P. Sanders (London: SCM Press, 1980), 11.

<sup>238</sup> Cohen, *From the Maccabees to the Mishnah*, 124.

<sup>239</sup> Markus, “The Problem of Self-Definition,” 11. Undoubtedly, there are many ways in which Christian groups retained certain characteristics associated with sects long after their emergence from a Jewish milieu. Yet Markus argues for a notable shift in which Christianity sloughed off much of its “sect” character during the third century.

<sup>240</sup> *Ibid.*

<sup>241</sup> *Ibid.*

<sup>242</sup> Daniel Boyarin, “The Christian Invention of Judaism: The Theodosian Empire and the Rabbinic Refusal of Religion,” *Representations* 85, no. 1 (2004): 21–57. <https://doi.org/10.1525/rep.2004.85.1.21>.

ancient pagan religions, in contrast, were connected to land and ethnicity, or at least originated through such an association.<sup>243</sup> Some scholars argue that the Christianization of the Roman empire led to the emergence of religion as a discrete category of identity.<sup>244</sup> An awareness of religion as a conceptual system apart from ethnicity, geography, culture, and politics is evident in the writings of Eusebius, a historian of Christianity, in the early fourth century. By the late-fourth-century, many Christians were clearly committed to the framework of religions and recognized a difference between religious definition and other means of identification.<sup>245</sup>

As Christianity was adopted by people who occupied diverse social positions within Roman society, the social and cultural boundaries that previously differentiated Christians became increasingly blurred. Without these prior means of demarcation, doctrinal uniformity assumed additional importance as a mode of unity in defining the borders of Christianity.<sup>246</sup> The notion of a Christian “orthodoxy”—adherence to true or correct creeds—served as a central discursive concept in Christian strategies of self-definition and as a guarantee of the borders of a coherent Christian religion.<sup>247</sup>

Daniel Boyarin, a historian of religion, has argued that Judaism played a central role in the development of a Christian orthodoxy. As Boyarin explains, “Orthodoxy is . . .

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<sup>243</sup> Some pagan religions, along with Judaism, grew “disembedded” in Hellenistic Roman times, when various populations were united under a single empire. However, Christianity virtually from its outset was not connected to nationality and sought converts from a diversity of backgrounds, thus marking a shift in the way in which religion functioned as a mode of identity.

<sup>244</sup> Schwartz, *Imperialism and Jewish Society*, 179.

<sup>245</sup> Boyarin, “The Christian Invention of Judaism,” 22.

<sup>246</sup> Markus, 12.

<sup>247</sup> Boyarin, “The Christian Invention of Judaism,” 27.



not only a discourse for the production of difference within, but functions as a category to make and mark the border between Christianity and its proximate other religions, particularly a Judaism that it is, in part, inventing.”<sup>248</sup> The existence or construction of a clear normative or “orthodox” Judaism served as a useful tool for Christians to establish their own “orthodoxy.”<sup>249</sup> By framing Judaism and Christianity as a binary opposition, early Christian thinkers could clearly designate who belonged within and outside either group. For example, “Judaizing” Christians such as Nazarenes and Ebionites—members of religious groups who proclaimed faith in Jesus and observed some degree of Jewish law—fell neither within the bounds of “pure” Christianity nor within those of “pure” Judaism. Jerome, a fourth century Church father, understands the Nazarenes as illegitimate hybrids by drawing upon this dichotomous system:

In our own day there exists a sect among the Jews throughout all the synagogues of the East, which is called the sect of the Minei, and is even now condemned by the Pharisees. The adherents to this sect are known commonly as Nazarenes; they believe in Christ the Son of God, born of the Virgin Mary; and they say that He who suffered under Pontius Pilate and rose again, is the same as the one in whom we believe. But while they desire to be both Jews and Christians, they are neither the one nor the other.<sup>250</sup>

Jerome describes the Nazarenes as neither Jews nor Christians. While Jerome implicitly condemns them for failing to adhere to what he believes to be “true” or “pure” Christianity, he explicitly mentions that even the Pharisees—by whom he means the rabbis, a point which will be developed later—denounce the Nazarenes. This statement

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<sup>248</sup> Ibid, 25.

<sup>249</sup> Ibid.

<sup>250</sup> Jerome, *Correspondence*, ed. Isidorus Hilberg, *Corpus Scriptorum Ecclesiasticorum Latinorum* (Vienna: Verlag der Osterreichischen Akademie der Wissenschaften, 1996), vol 55, 381-82.

assumes the existence of a legitimate and established Jewish orthodoxy, which he associates with the rabbis. As Boyarin explains, the ultimate triumph of rabbinic Judaism occurred in part because Christianity “needed” it. The construction of a rabbinic Jewish orthodoxy was advantageous for rabbis and Christians alike.<sup>251</sup>

This statement of Jerome, along with those of other fourth century Church fathers such as Epiphanius, point to the emergence of a mainstream Judaism and Christianity, and relatedly, to a sharpening border between the two religious bodies.<sup>252</sup> A shift in the rabbinic depiction of heresy and Christianity from tannaitic to amoraic literature reflects this increasing separation. In contrast to tannaitic literature, which, as discussed, situates Christians within the variegated category of heresy or *minut*, the Talmud generally subsumes Christianity within the broader category of gentiles.<sup>253</sup> In essence, Christians have transformed from being *minim*, a type of ill-defined, internal other, to being gentiles, clear non-Jews—members of an entity that is fully other, apart from, and therefore less threatening to Judaism. This transition is consistent with Christianity evolving from a sect within Judaism to a separate religious body without. While tannaitic stories portray the seductive nature of Christianity, amoraic sources do not depict Christianity as attractive to rabbis, as Richard Kalmin has noted.<sup>254</sup> In order to address the danger of Christianity, the tannaim promote the approach of avoiding contact. The amoraim, and specifically those in Babylonia, in contrast, encourage the strategy of

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<sup>251</sup> Boyarin, “The Christian Invention of Judaism,” 25.

<sup>252</sup> Ibid, 26-27.

<sup>253</sup> Ibid, 45-46.

<sup>254</sup> Kalmin, 160.

engaging the Christians in debate. The Babylonian Talmud is replete with stories of Palestinian rabbis triumphing in disputes with Christians, which have fabricated elements but may be reflective of a phenomenon in which rabbis truly did debate and interact with Christians.<sup>255</sup>

The absence of similar stories in the Palestinian Talmud may stem from a number of factors. The relative abundance of these stories in the Babylonian Talmud compared to its Palestinian counterpart may be reflective of increased or more intimate interaction between Jews and Christians in Zoroastrian Babylonia than in Christian Palestine. Jewish-Christian relations were circumscribed by imperial laws that legislated against the proximity of Jews and Christians after Constantine's conversion in the fourth century, which led Christianity to become the dominant religion of the empire.<sup>256</sup> The Theodosian Code, a compilation of Roman laws published in 438 CE, as well as local law codes and church councils prohibited many types of intimacy between Jews and Christians.<sup>257</sup> Such attempts at restricting interaction had occurred even before the conversion of Constantine. In 305 CE, a number of bishops and Church representatives gathered in the Council of Elvira in Spain and imposed a number of restrictions on Jewish-Christian contact, which prohibited intermarriage between Jews and Christians, the Christian practice of inviting Jews to bless fields, and clergy from dining with Jews, among other

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<sup>255</sup> Ibid, 163.

<sup>256</sup> Schwartz, *Imperialism and Jewish Society*, 198.

<sup>257</sup> Ibid, 187, 198.

types of interactions.<sup>258</sup> Jewish-Christian contact in the Sasanian Empire was not regulated to the same extent. In the Sasanian Empire, Jews and Christians both constituted minorities within a Zoroastrian domain, which may have allowed for more sustained and proximal interaction.<sup>259</sup> This possibility is supported by the abundance of references to Jesus in the Babylonian Talmud that demonstrate intimate knowledge of Christian beliefs. The Palestinian Talmud, in contrast, rarely mentions Jesus and Christian traditions.

An alternative explanation for the relative abundance of anecdotes detailing disputes with Christians in the Babylonian Talmud is that this genre of story may primarily derive from a late generation of Babylonian amoraim or possibly from the stammaim, the anonymous editors of the Talmud who reworked earlier traditions most likely from the sixth to eighth centuries. As the border between Judaism and Christianity continued to crystallize—a process that progressed continuously and by no means occurred in a single, decisive moment—the rabbis may have grown more audacious in their willingness to debate the “other,” even fictitiously. According to this explanation, the sparsity of these stories in the Palestinian Talmud is an effect of the earlier editing.

Despite the absence of stories of rabbis and Christians engaging in disputes in the Palestinian Talmud, the Palestinian Talmud arguably still demonstrates a markedly less

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<sup>258</sup> Canon 16, 49, and 50 of the Council of Elvira, 305 CE, in *The Jews in Christian Europe: A Source Book, 315-1791*, eds. Jacob Rader Marcus and Marc Saperstein (Pittsburgh, Pennsylvania: University of Pittsburgh Press, 2015), 3-4.

<sup>259</sup> Geoffrey Herman, *Jews, Christians, and Zoroastrians: Religious Dynamics in a Sasanian Context*, (New Jersey: Gorgias Press, 2014), 1-3.

unyielding attitude towards Christians relative to tannaitic sources.<sup>260</sup> In contrast to the story from Tosefta Hulin discussed in the previous chapter that indicates that dying is preferable to accepting healing from a Christian, a story in the Palestinian Talmud suggests that in an analogous situation, one should accept the Christian miracle-working rather than face death. In this account, the grandson of Rabbi Yehoshua ben Levi, a Palestinian rabbi who lived in the first half of the third century, suffers from choking.<sup>261</sup> A man approaches, whispers something in the name of Jesus, and the grandson is healed. Rabbi Yehoshua ben Levi remarks that it would have been better if his son had died. The Talmud then cites a verse from Ecclesiastes which states that this “was an error which issued forth from a ruler.” According to Kalmin’s understanding of this story, this verse applies to Rabbi Yehoshua’s statement and therefore indicates that his remark that his grandson would have been better off dead is an “error.”<sup>262</sup> In other words, the message of the story is that receiving healing from a Christ-believer is *not* preferable to facing death, in contrast to the analogous tannaitic story which suggests the opposite.

With the borders distinguishing Judaism and Christianity more secure, the rabbis no longer depict engaging with Christians through debates or benefiting from their miracle-working as quite as threatening or condemnatory as the portrayal of such activities in tannaitic sources.<sup>263</sup> This attitude towards Christianity evinces a lesser degree

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<sup>260</sup> Kalmin, 162.

<sup>261</sup> Palestinian Talmud Shabbat 14d.

<sup>262</sup> Kalmin, 162.

<sup>263</sup> While the nature of the depiction of Christianity in the Babylonian Talmud can be debated, the interpretation discussed above is advanced by scholars such as Richard Kalmin. See Richard Kalmin, “Christians and Heretics in Rabbinic Literature of Late Antiquity,” *The Harvard Theological Review* 87, no. 2 (1994): 155–69.

of animosity and exclusivism—characteristics that typify how sects relate to one another—and coheres with the notion that Christianity transitioned from a Jewish sect to an external religious body. Rabbis also may have taken a more liberal approach towards Christians because they felt more secure in their own authority, as the rabbinic movement expanded in influence and numbers following the tannaitic period.

*Rabbinic Authority and Institutions in the Amoraic and Stammaic Periods*

By the end of the tannaitic period, the rabbinate was already beginning to undergo certain institutional and social developments under the leadership of Rabbi Judah the Prince (Hebrew: Rabbi Yehuda HaNasi).<sup>264</sup> In the late second century, Judah assumed the office of the patriarch, the central political position in the Jewish community in Palestine, and the powers of the patriarchate most likely expanded under his leadership. By the end of the second century, the Roman government recognized the patriarch as the de facto leader of the Jews of Palestine, who by this point collected taxes from the local Jewish population to support his administration and appointed judges to the internal Jewish court system.<sup>265</sup> Armed with significant wealth, Judah likely played a role in the increasing urbanization of the rabbinic movement and the expansion of the rabbinic social base.<sup>266</sup> There is various evidence that suggests that during his term, rabbinic circles grew more concentrated in urban rather than rural centers and created mechanisms to accommodate

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<sup>264</sup> Cohen, “The Rabbi in Second-Century Jewish Society,” 936.

<sup>265</sup> Cohen, “From the Maccabees to the Mishnah,” 220.

<sup>266</sup> Ibid.

needy students.<sup>267</sup> The Mishnah was redacted under his leadership in 220 CE, which involved the collection and codification of oral rabbinic traditions into a written document. This point marks the conclusion of the tannaitic period (70-220 CE) and the beginning of the amoraic period (220-500 CE).

From the third to sixth centuries, the amoraic rabbis interpreted, applied, reframed and represented tannaitic materials anew, ultimately contributing to the compilation of the Talmud. The traditions of Palestinian amoraim were incorporated into the Palestinian Talmud, and those of Babylonian amoraim were included in the Babylonian Talmud. The rabbinic movement most likely grew increasingly established in both Palestine and Babylonia throughout the amoraic period. By the third century, the rabbis had generated a developing literature and body of cited authorities that would serve as the basis for more texts.<sup>268</sup> Compared to the 100+ tannaitic rabbinic sages, scholars have identified 367 amoraim named in the Palestinian Talmud and 394 in the Babylonian.<sup>269</sup> Later rabbinic texts also demonstrate concerns that expand beyond ritual matters and indicate that the rabbis engaged in a broader range of interactions outside of rabbinic circles.<sup>270</sup>

While the rabbinic centers in Palestine and Babylonia shared many core features, certain cultural, social, and institutional factors distinguish the two communities. During

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<sup>267</sup> Cohen, “The Rabbi in Second-Century Jewish Society,” 976.

<sup>268</sup> Lapin, 64.

<sup>269</sup> Judith R. Baskin and Kenneth Seeskin, *The Cambridge Guide to Jewish History, Religion, and Culture* (Cambridge: Cambridge University Press, 2010), 77. It should be noted that numeric increase in rabbis does not conclusively indicate major growth of the movement. The tannaitic period was shorter than the amoraic period and more poorly documented; therefore, the increased number of amoraic rabbis may not prove greater influence. Nonetheless, this development likely signals growth of some kind, or at the very least, decisive continuity of the movement.

<sup>270</sup> Cohen, “The Rabbi in Second-Century Jewish Society,” 968.

the amoraic period in Palestine, rabbinic circles continued to consolidate in cities, such as Sepphoris, and Tiberias.<sup>271</sup> While the rabbis depended upon a wealthy stratum for active members, the amoraic movement drew from a wider social spectrum compared to tannaitic circles. Although there were limited alternatives to independent wealth in order to maintain a lifestyle of study and discipleship, support from the patriarch and well-to-do rabbis and the profits from serving as judges or teachers enabled the participation of less affluent members. Sages specifically benefited from patriarchal patronage in securing judicial and municipal positions during the third and fourth centuries.<sup>272</sup> The fourth and early fifth centuries saw the peak of patriarchal power, at which point the *aurum coronarium*, a tax from diaspora communities in support of the patriarchate, was collected as if it were a conventional tax.<sup>273</sup> The considerable power base that the patriarch commanded may have made him a rival of the local government and church, a development which may have contributed to the abolition of the office of the patriarchate in the fifth century.<sup>274</sup>

The amoraim in Palestine also gained more prominence in the synagogue than their tannaitic predecessors had enjoyed. In contrast to tannaitic sources, which rarely locate rabbis within the synagogue, many traditions in the Palestinian Talmud portray rabbis delivering sermons in synagogues, often before a lay audience.<sup>275</sup> A few

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<sup>271</sup> Lapin, 68.

<sup>272</sup> Rubenstein, "Social and Institutional Settings of Rabbinic Literature," 58-74.

<sup>273</sup> Schwartz, *Imperialism and Jewish Society*, 120.

<sup>274</sup> Ibid, 122.

<sup>275</sup> Rubenstein, "Social and Institutional Settings of Rabbinic Literature," 64.



synagogue inscriptions include rabbis among the donors of the synagogues.<sup>276</sup> The sixth century inscription of the Rehov Synagogue located in Tel Rehov in northern Israel has a mosaic containing Talmudic text. This finding of a rabbinic text in a communal synagogue attests to the diffusion of amoraic literature and influence by the end of the amoraic period.<sup>277</sup> Another indication of the rabbis' success in the sixth century is the emergence of the *piyyut*, a genre of Jewish liturgical poetry. *Piyyutim* often included rabbinic content, suggesting the expanding reach of the rabbis.<sup>278</sup>

Most modern scholars agree that the amoraim primarily studied in disciple circles rather than the large academies in which the rabbis envision themselves in the Talmud.<sup>279</sup> The disciple circles remained relatively small well into the amoraic period. The larger academies that are often described in the Talmud likely formed at the end of the amoraic period in the sixth century.<sup>280</sup> Although this key development postdated the amoraim, the amoraic rabbis' increasing ties to the general populace, urbanization, accommodation of impoverished sages, and presence in synagogues indicate that the rabbinic movement attained a greater degree of institutionalization than had been achieved during the tannaitic period.

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<sup>276</sup> Ibid.

<sup>277</sup> Seth Schwartz, "Rabbinization in the Sixth Century", in P. Schäfer, ed., *The Talmud Yerushalmi and Greco-Roman Culture* (Tübingen: Mohr Siebeck, 2002), 55-69.

<sup>278</sup> Schwartz, *Imperialism and Jewish Society*, 199.

<sup>279</sup> David Goodblatt, "The History of the Babylonian Academies," in Steven T. Katz, ed., *The Cambridge History of Judaism* (Cambridge: Cambridge University Press, 2006), 821-39.

<sup>280</sup> Rubenstein, "Social and Institutional Settings of Rabbinic Literature," 70.

The Palestinian Talmud was edited in the early-fifth century, at least over a century and a half before the compilation of the Babylonian Talmud.<sup>281</sup> The Jewish community in Babylonia likely existed from the time of the Babylonian exile in the early sixth century BCE.<sup>282</sup> Around 220 CE, when the Mishnah was redacted, the students of Rabbi Judah the Prince brought the Mishnah to the Babylonian Jews. The beginning of the third century in Babylonia saw the emergence of a new Persian regime known as the Sasanian Empire, which lasted from 224-651 CE.<sup>283</sup> The Sasanian Empire encompassed all of present-day Iraq and Iran, extending from the eastern Mediterranean to Pakistan and from parts of Southern Arabia to Central Asia. Sasanian rulers were Zoroastrian and competed for power with the neighboring Roman Empire.<sup>284</sup>

Babylonian Jews navigated a diverse religious landscape that included both Zoroastrianism and Christianity. Although most towns in which Jews lived were predominantly Jewish, some Jews lived in mixed villages, with Jews, Christians, and Zoroastrians living in proximity.<sup>285</sup> Archeological evidence has offered a rich portrait of Jewish life that is not captured by rabbinic literature. The findings have demonstrated that rabbinic influence extended beyond circles of scholars, while simultaneously revealing that the rabbis competed with other Jewish authority figures in Sasanian Babylonia. Specifically, the discovery of incantation bowls—bowls with inscriptions created by

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<sup>281</sup> Ibid, 65.

<sup>282</sup> David Kraemer, *The Mind of the Talmud: An Intellectual History of the Bavli* (New York: Oxford University Press, 1990), 126.

<sup>283</sup> Isaiah Gafni, “The Political, Social, and Economic History of Babylonian Jewry, 224–638 CE,” in Steven T. Katz, ed., (Cambridge: Cambridge University Press, 2006), 792-20.

<sup>284</sup> Ibid, 794.

<sup>285</sup> Herman, *Jews, Christians, and Zoroastrians* 1-3.

Jewish scribes and magicians intended to fend off demons—indicates that the Jewish populace subscribed to religious practices other than rabbinic Judaism and solicited the expertise of practitioners other than the rabbis. However, some incantation bowls feature rabbinic traditions and invoke rabbinic sages, suggesting the dissemination of rabbinic influence into the Jewish popular sphere.<sup>286</sup>

The Babylonian Talmud similarly suggests that the amoraim attained some level of recognition among the general populace. However, the synagogue does not appear to be the primary forum through which the amoraim engaged with non-rabbis. Given the paucity of references to the synagogue in the Babylonian Talmud, it seems that the synagogue was less central to the general Jewish community in Babylonia than it was to the Jewish population in Israel. Instead, the Babylonian rabbis delivered lectures to a lay audience through a type of sermon that the Babylonian Talmud terms a *pirka*.<sup>287</sup> Babylonian amoraim also served as judges in Jewish courts under the jurisdiction of the exilarch, the political leader who administered the affairs of the Jewish community and represented the Jews to their various overlords.<sup>288</sup> Although in most cases, the rabbinic courts functioned as voluntary arrangement where those who adhered to rabbinic practice consulted rabbinic sages to resolve religious questions and civil disputes, the exilarch's appointment of the rabbis as legal adjudicators nonetheless provided them with another potential means through which to propagate rabbinic Judaism.

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<sup>286</sup> Shaul Shaked, "Rabbis in Incantation Bowls," in *The Archeology and Material Culture of the Babylonian Talmud*, ed. Markham J. Geller (Leiden: Brill, 2015), 97-121.

<sup>287</sup> Rubenstein, "Social and Institutional Settings of Rabbinic Literature," 67.

<sup>288</sup> *Ibid*, 69.

Beyond increased rabbinic engagement with the general Jewish population, rabbinic institutions likely took on increased complexity during the amoraic period. Along with the innovation of the *pirka*, the development of the *kallah*—a private academic assembly of rabbis and students that convened periodically and lasted for several days—suggests a greater degree of centralization than that involved in the disciple circles.<sup>289</sup> The terms *kallah* and *pirka* only appear at the turn of the third to the fourth centuries, suggesting that this increased institutional complexity can be dated to the start of the fourth century.<sup>290</sup> However, the extent and impact of these developments should not be overstated. The voluntary and informal disciple circles continued to be the primary means through which study took place. As such, study predominantly occurred on a limited scale with individual rabbinic masters teaching small groups of students in disparate towns and villages.<sup>291</sup> Thus, like the sages of Palestine, the amoraim of Babylonia had not yet achieved widespread authority but had undoubtedly strengthened their foothold in the broader Jewish realm.

The amoraic period concluded around 500 CE. In the sixth to eighth centuries, anonymous sages known as the *stammaim*, which translates to “anonymous ones,” expanded upon and incorporated the traditions formulated by the amoraim into the literary work of the Talmud. In the process of editing earlier traditions, the *stammaim* retrojected their own culture and concerns onto the amoraic past, framing past rabbinic

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<sup>289</sup> Goodblatt, “The History of the Babylonian Academies,” 836.

<sup>290</sup> Ibid, 837.

<sup>291</sup> Ibid.

contributions through the prism of their own experience.<sup>292</sup> The anonymous discursive material contributed by the stammaim forms a literary stratum distinct from amoraic and tannaitic strata.<sup>293</sup> In other words, the contributions of the tannaim, amoraim, and stammaim form three different layers in the Talmud, and the literary and stylistic differences between them sometimes enables scholars to hypothesize from which period a given tradition derives. Because the Palestinian Talmud was redacted earlier than the Babylonian Talmud and lacks stammaitic reworking, the Palestinian Talmud is generally understood to preserve earlier versions of sources that were subsequently developed and reframed in Babylonia.<sup>294</sup>

Most modern scholars agree that rabbinic authority increased significantly in the post-Talmudic era. It was most likely at the start of the stammaitic period that the large rabbinic *yeshivot* or academies that feature frequently in the Talmud emerged.<sup>295</sup> The rabbinic academies appear to have been connected to the Jewish law courts in this period, and, as such, the successful operation of this system likely necessitated “the imposition of a certain authority by the rabbis over the entire community.”<sup>296</sup> This institutional development, in which rabbinic sages established more official, permanent, and sizable schools, likely occurred as the rabbis attracted more adherents and gained more widespread recognition. Study in the academies involved larger numbers of sages

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<sup>292</sup> Rubenstein, “Social and Institutional Settings of Rabbinic Literature,” 70.

<sup>293</sup> Rubenstein, *Talmudic Stories* 18.

<sup>294</sup> *Ibid.*, 25.

<sup>295</sup> Rubenstein, “Social and Institutional Settings of Rabbinic Literature,” 73.

<sup>296</sup> Isaiah Gafni, *Yehude Bavel Bi-Tekufat Ha-Talmud: Haye Ha-Hevrah Yeha-Ruah* (Jerusalem: Merkaz Zalman Shazar, 1990), 226-27.

debating rabbinic traditions in a less personal and controlled setting than the intimate disciple circles, which may have contributed to the transition from citing statements of named individuals to preserving anonymous attributions.<sup>297</sup> With many voices contributing ideas in the setting of a large academy, naming the source of each suggestion may have proven impractical or perhaps simply seemed unnecessary. In any case, the stammaitic period reveals increasing institutionalization and the expansion of rabbinic influence.

The stammaitic academies were the precursors to the early medieval academies of Babylonia and Palestine, whose rabbinic leaders, the geonim, exerted enormous influence over the entire Jewish world.<sup>298</sup> In other words, the rabbis had clearly achieved widespread authority by the start of the Geonic period, if not earlier. Despite their relatively late rise to power, the rabbis rewrote themselves into history, suggesting that their authority had originated much earlier. Rabbinic literature—and the Babylonian Talmud in particular—features many traditions that serve to “rabbinize” the past through depicting the central figures throughout Jewish history as rabbis.<sup>299</sup> Although certain aspects of this rabbinization—for example, the claim that pre-Sanaitic figures such as the patriarchs observed the law—predates the rabbis, “the more thorough rabbinization of the past by endowing it with a more focused stress on uniquely post-Destruction religious and social categories was clearly the work of Talmudic sages, emerging primarily in

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<sup>297</sup> Rubenstein, “Social and Institutional Settings of Rabbinic Literature,” 70.

<sup>298</sup> Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven: Yale University Press, 1998), 3.

<sup>299</sup> Isaiah Gafni, *Jews and Judaism In the Rabbinic Era: Image and Reality- History and Historiography* (Tübingen: Mohr Siebeck, 2019), 57.

amoraic (and not tannaitic) literature.”<sup>300</sup> The rabbis’ construction of an association between them and the Pharisees should be considered part of this larger trend of rabbinization. The following section explores how the rabbis developed this connection in amoraic literature and why rabbinizing the Pharisees likely proved useful.

### *Talmudic References to the Sects and the Pharisaic-Rabbinic Connection*

As discussed in the previous chapter, the tannaitic references to the sects suggest a somewhat tenuous connection between the Pharisees and the rabbis. The tannaitic rabbis present the Pharisees as the clear victors of disputes with the other sects and attribute legal views to the Pharisees that they themselves maintain. However, the rabbis’ alignment with the Pharisees is never stated explicitly. Nowhere in tannaitic literature do the rabbis indicate a link between themselves and the Pharisees, even though the rabbis cite Pharisaic opinions nearly identical to rabbinic views found elsewhere.

This changes in amoraic literature. As briefly discussed in the first chapter, amoraic references to the Pharisees are somewhat ambiguous in the sense that the term *perushi* (the Hebrew word for Pharisees) denotes a variety of meanings other than Pharisees in both versions of the Talmud, as previously mentioned.<sup>301</sup> Amidst the many

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<sup>300</sup> Ibid, 58.

<sup>301</sup> Babylonian Talmud: Babylonian Talmud, Babylonian Talmud Baba Batra 60b and Babylonian Talmud Sotah 20a use the term *perushi* to refer to those who are ascetic. Babylonian Talmud Hagigah 18b and Babylonian Talmud Hullin 31a use the term to designate pious and scrupulous individuals. Babylonian Talmud Sotah 20a and 22b use *perushi* to denote pseudo-righteous hypocrites. Babylonian Talmud 70b uses it to refer to separatists. Palestinian Talmud: Palestinian Talmud Sotah 15b-16a, Palestinian Talmud Peah 37a, and Palestinian Talmud Baba Batra 27b use *perushim* to refer to ascetics. Palestinian Talmud Hagigah 14a uses *perushi* to designate those who are scrupulous. Palestinian Talmud Berakhot 67a and Palestinian Talmud Sotah 25a use *perushi* to refer to pseudo-righteous hypocrites.

*sugyot* (passages) that contain the term *perushi*, only three instances in which this term is used in the Babylonian Talmud unambiguously refer to the sect of the Pharisees.<sup>302</sup> In all three of these sources, the rabbis and Pharisees are portrayed as connected and sometimes even as synonymous. In the Tosefta on Sadducean female purity laws (also discussed in the first chapter), Sadducean women express the following, “even though we are the wives of Sadducees, we consult sages [regarding laws concerning menstruation].”<sup>303</sup> In the version of this statement in the Babylonian Talmud, a Sadducean woman says, “even though we are the wives of Sadducees, we fear the *Pharisees* and [therefore] consult the *sages* [regarding laws concerning menstruation],” which suggests a close connection or even direct continuity between the Pharisees and the rabbinic sages.<sup>304</sup> The Sadducean woman in this source presumably fears the Pharisees/rabbis due to their authority and therefore opts to forgo Sadducean purity practices in favor of rabbinic standards. This Babylonian alteration of the tannaitic tradition serves not only to draw a connection between the Pharisees and the rabbis but also to depict the Pharisaic-rabbinic coalition as commanding far-reaching influence.

We find a similar amoraic reworking of a Tosefta about a Boethusian high priest who received divine punishment for performing a ritual in the temple according to the tradition of the Boethusians rather than that of the sages.<sup>305</sup> In the Babylonian version of

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<sup>302</sup> Babylonian Talmud Qiddushin 66a, Babylonian Talmud Niddah 33b, and Babylonian Talmud Yoma 19b.

<sup>303</sup> Tosefta Niddah 5:3.

<sup>304</sup> Babylonian Talmud Niddah 33b.

<sup>305</sup> Tosefta Yoma 1:8.



this narrative, the sages are identified with the Pharisees.<sup>306</sup> The Pharisees are similarly equated with the rabbis in a Talmudic story that describes a conflict between a Hasmonean ruler and the rabbinic sages.<sup>307</sup> In this narrative, the “sages of Israel” are massacred due to an accusation levied against the “Pharisees.” In all of these sources, the connection between the Pharisees and the rabbis is somewhat subtle. However, the association is clearly present in the Babylonian Talmud, while noticeably absent from both tannaitic sources as well as the Palestinian Talmud.

In the Palestinian Talmud, the only clear reference to the Pharisees is found in a tradition from the Tosefta that discusses differing Sadducean and Pharisaic practices in the temple.<sup>308</sup> The Pharisaic-rabbinic connection that features in the *sugyot* in the Babylonian Talmud discussed above does not appear in the parallel passages in the Palestinian Talmud. The corresponding source on Sadducean menstrual purity laws in the Palestinian Talmud mentions the sages but fails to mention the Pharisees.<sup>309</sup> Similarly, the sages appear in the version of the story about the Boethusian high priest in the Palestinian Talmud, but the Pharisees are absent. The Babylonian story with the Hasmonean ruler murdering the Pharisees/rabbis lacks a clear parallel in the Palestinian Talmud.

The presence of the Pharisaic-rabbinic association in the Babylonian Talmud, and the absence of this connection from the earlier Tosefta and Palestinian Talmud, likely

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<sup>306</sup> Babylonian Talmud Yoma 19b.

<sup>307</sup> Babylonian Talmud Qiddushin 66a.

<sup>308</sup> Palestinian Talmud Hagigah 22a.

<sup>309</sup> Jerusalem Talmud Niddah 12b.

indicates that this concept was a later development. This idea was probably incorporated by the late amoraim or potentially even by the stammaim. The notion that the rabbis descended from the Pharisees is formulated even more explicitly in a text known as the “scholion” (commentary) to *Megillah Ta’anit* (the scroll of fasting), which was likely compiled in the Talmudic period, and in *Avot d’Rabbi Natan* (the Fathers According to Rabbi Nathan), which was probably formulated in the post-Talmudic era.<sup>310</sup> The latter discusses the rebellion of the founders of Sadducees and Boethusians against the Pharisees and their leader, Antignonos of Sokho, who is a link in the rabbinic chain of tradition.<sup>311</sup> The former connects various fast days to rabbinic or Pharisaic victories over the Sadducees and Boethusians. This suggests that the association between the rabbis and the Pharisees emerged in Jewish circles in the late amoraic or early post-Talmudic era and gained traction during the subsequent centuries.

Several questions about the Pharisaic-rabbinic connection remain outstanding. How did the notion that the rabbis descended from the Pharisees first emerge? Did this idea originate with Jews or with Christians? As Shaye Cohen has noted, the patristic evidence concerning this association is parallel to the rabbinic. Early patristic sources (c. second century CE) provide no evidence of an association between the Pharisees and the rabbis and it is only later (c. fourth century CE) that Christian sources begin to equate the two groups.<sup>312</sup> Church fathers of the second, third, and fourth centuries including Tertullian, Cyprian, Origen, Epiphanius, and John Chrysostom do not associate

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<sup>310</sup> Cohen, “The Significance of Yavneh,” 40

<sup>311</sup> *Avot d’Rabbi Natan* 5:2.

<sup>312</sup> Cohen, “The Significance of Yavneh,” 53.

contemporary Judaism with the Pharisees. Interestingly, all of these authors engaged in anti-Jewish polemics yet did not apply any of the anti-Pharisaic sentiments found in early Christian texts (namely, in Matthew 23) to contemporary rabbinic Jews.<sup>313</sup> Jerome (347-420 CE), however, writing in at the turn of the fourth to fifth centuries, identifies the rabbis living in his time with the Pharisees.<sup>314</sup> It is possible that patristic sources began promoting this connection even earlier. Annette Reed, a religious historian, has placed the origin of the Christian equation of Pharisees and rabbis earlier in the fourth century, arguing that this association is evident in the Pseudo-Christian *Homilies*, a text produced by Syrian Christians in Roman Syria around 300-320 CE.<sup>315</sup> In any case, this idea emerges at some point in the fourth century and subsequently takes root in both rabbinic and Christian circles.

Regardless of how this connection emerged, we can speculate why it may have been useful for both Church fathers and rabbis to espouse this association. For Christians, the designation of the Jewish “other” was a central element of Christian discourse on heresy and orthodoxy. Linking the contemporary Jews with a known and established group in Christian tradition could have helped Christians to define their opponents more clearly. This made the Jewish-Christian binary that they sought to construct appear to be historical and entrenched in tradition rather than the novel and evolving construction that it was. That Jerome invokes the Pharisees as a stand-in for the rabbis precisely in the passage about this dichotomous system described above supports this finding. Lastly, as

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<sup>313</sup> Reed, “When did Rabbis become Pharisees?” 859–64.

<sup>314</sup> Cohen, “The Significance of Yavneh,” 52.

<sup>315</sup> Reed, 884-85.

discussed, the Pharisaic-rabbinic connection opened the door for charges against the Jews rooted in anti-Pharisaic sentiments found in the Gospels.

For the rabbis, the promotion of this association provided a means of claiming historical legitimacy for the rabbinic movement by situating it earlier in the past. Hayim Lapin has suggested this idea. Lapin considers the possibility that the rabbis lacked a significant genealogical link with the Pharisees but “at a later period drew connections between themselves and Pharisees retrospectively in order to provide themselves a pedigree reaching back to the Second Temple and beyond.”<sup>316</sup> Claims of antiquity were likely particularly important for the rabbis in the face of arguments of primacy and supersession launched by contemporary Christian thinkers. In the second century, Justin Martyr articulated (but did not originate) the belief that Christians were the “*verus Israel*,” the true Israel, rather than the Jews.<sup>317</sup> Challenges such as this may have prompted the rabbis to assert their historical legitimacy in response. The rabbinic movement, in certain ways, was novel, and this connection situated them earlier in antiquity. The rabbis thus “rabbinize” Jewish religious history by presenting the Pharisees not only as their religious ancestors but also as the true interpreters of Judaism from early ancient times.

In so doing, the rabbis also essentially represent Pharisaism not as a sect but as the normative or “orthodox” Judaism against which the other sects rebelled. This idea is clearly articulated in the passage in *Avot d’Rabbi Natan* mentioned above, in which

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<sup>316</sup> Lapin, 48.

<sup>317</sup> Daniel Boyarin “Justin Martyr Invents Judaism,” *Church History* 70, no. 3 (2001): 427–61.

Boethus and Tzadok, the putative founders of the Boethusians and Sadducees, are said to have “separated from the way of Torah” in breaking off from the leader of the Pharisees.<sup>318</sup> The portrayal of the Pharisees/rabbis as the correct interpreters of Torah is also evident in Talmudic story about the Hasmonean ruler King Yannai and the sages.<sup>319</sup> In this narrative, when King Yannai considers murdering the Pharisees/rabbis, he wonders, “but what shall happen with the Torah?” In other words, the Pharisees and rabbis have always been the authoritative interpreters of God’s word. The rabbinic promotion of this connection thus serves not only to situate their movement in the past, but also, through representing themselves and the Pharisees as one and the same, constructs a Pharisaic-Rabbinic coalition that has always served as the true or “orthodox” Judaism.

This move proved effective because the rabbis had attained significant power. The rabbis were well-positioned to espouse this ideal once their authority had expanded and their movement had become established, likely during the stammaitic period. The transition of the rabbinic movement from a small minority within an amorphous Jewish body is arguably not entirely different from that of sect to independent religious entity. If we forgo modern sociological connotations of the term “sect” and define it simply as a smaller group that occupies a distinctive part of a larger religious body, then the rabbinic movement indeed began as a sect in this sense of the word. Once they outgrew their sectarian beginnings and comprise the Jewish “orthodoxy,” the rabbis were not only able

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<sup>318</sup> Avot d’Rabbi Natan 5:2.

<sup>319</sup> Babylonian Talmud Qiddushin 66a.

to effectively rabbinize the Pharisees but also to “desectify” the Pharisees to a certain extent. Through representing themselves and the Pharisees as one and the same, the rabbis construct a Pharisaic-rabbinic coalition that had always represented the correct form of Judaism from which other movements rebelled.<sup>320</sup>

The triumph of the rabbis was thus not dissimilar to the victory of the “proto-orthodox” segment within Christianity. “Proto-orthodox” refers to authors such as Tertullian, Justin, and Irenaeus who promoted the approach within Christianity that ultimately triumphed as the “orthodox” view (orthodox in that it was believed to be “right”).<sup>321</sup> Once victorious, both rabbis and Church fathers framed their views as having always been correct, situating their approaches much farther back in the past than they truly originated. The Christian historian Eusebius, for example, writing in the early fourth century, framed “orthodoxy” as the original teachings of Jesus and his apostles.<sup>322</sup> According to Eusebius, heresies constituted corruptions of this truth. In this classical view, the orthodox approach was victorious because it consisted of the legitimate and original teachings that extend back to Jesus and the apostles. Heresies, in contrast, were later minority offshoots of this orthodox majority.

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<sup>320</sup> Despite the favorable portrayal of the Pharisees in the Talmudic sources discussed, the term *perushi* still carries derogatory meanings in other contexts in both versions of the Talmud, as previously noted. However, the term is clearly not intended to refer to the sect of the Pharisees in statements in which it is used negatively. In all instances in which the term clearly indicates the sect of the Pharisees in the Talmud, the Pharisees are portrayed positively and often as associated with the rabbis.

<sup>321</sup> Bart D. Ehrman, *The Orthodox Corruption of Scripture: The Effect of Early Christological Controversies on the Text of the New Testament* (North Carolina: Oxford University Press USA, 1996), 13.

<sup>322</sup> *Ibid.*, 4-5.

Modern scholarship has dismantled this Eusebian narrative. Scholars have revealed that the earliest forms of Christianity—those that predated the orthodox approach—were precisely those later deemed heretical. The notion that orthodoxy was the original or majority opinion since the inception of Christianity has been supplanted by a highly variegated portrait of early Christianity, in which a conglomerate of groups with a variety of views competed for dominance.<sup>323</sup> The proto-orthodox were simply the group that eventually triumphed. Once they won out, they proclaimed themselves as orthodox and injected themselves into earlier history, asserting that their views had always been the majority view. This strategy is strikingly similar to the rabbis' rabbinization of the Pharisees. Both communities fashioned an idealized past that obscured the novelty of their approaches. The past took on tremendous importance in the religious constructs of both rabbis and Christians.

This parallel, however, has its limits. Once the proto-orthodox triumphed within Christianity, the Christian emphasis on doctrinal rigor and booting out heresy only intensified.<sup>324</sup> In the views of some scholars, however, the rabbis, promoted an approach of pluralism once the borders of their movement were secured.<sup>325</sup> This attitude of inclusivity stands in contrast with the exclusivism promoted by the tannaim. The new

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<sup>323</sup> Ibid.

<sup>324</sup> Markus, 13.

<sup>325</sup> Boyarin, "A Tale of Two Synods," 21-62.

amoraic or stammaitic emphasis on multivocality is well encapsulated by a powerful rabbinic anecdote in which the rabbis embrace the coexistence of conflicting views.<sup>326</sup>

### *Rabbinic Pluralism*

In the following story from the Babylonian Talmud, the existence of divergent and incompatible opinions—the agreement to disagree—receives divine sanction:

Rabbi Abba said that Shmuel said: For three years the House of Shammai and the House of Hillel disagreed. These said: The law is in accordance with our opinion, and these said: The law is in accordance with our opinion. Ultimately, a heavenly voice emerged and proclaimed: ‘Both these and those are the words of the living God.’<sup>327</sup>

The pre-rabbinic sages Hillel and Shammai alleged to have lived at the end of the Second Temple period are most famous for disagreeing with one another. Hillel and Shammai, out of any rabbinic figures, perhaps best epitomize argument and dissensus. According to the Babylonian Talmud, after three years of bitter dispute, a heavenly voice issued a somewhat radical statement: the contradictory—and often mutually exclusive—opinions of both sides are correct. The Palestinian Talmud, relating this account, adds an additional detail, stating: “Where was this heavenly voice heard? Rav Bibi said in the name of Rabbi Yochanan: The heavenly voice was heard at Yavneh.”<sup>328</sup>

The connection of this statement of pluralism to Yavneh (c. 90), the event which

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<sup>326</sup> Daniel Boyarin, "The Yavneh-Cycle of the Stammaim and the Invention of the Rabbis," in *Creation and Composition: The Contribution of the Bavli Redactors (Stammaim) to the Aggadah*, ed. Jeffrey L. Rubenstein (Tübingen: Mohr-Siebeck, 2005), 237-89.

<sup>327</sup> Babylonian Talmud Eruvin 13b.

<sup>328</sup> Palestinian Talmud Sotah 29b.



the rabbis memorialize as the initiation of their project, has led Cohen, along with other scholars, to characterize Yavneh as “a grand coalition of different groups and parties held together by the belief that . . . individuals may disagree with each other in matters of law while remaining friends.”<sup>329</sup> Yet this depiction of a Yavneh founded on acceptance and tolerance is incompatible with another rabbinic tradition about Yavneh. According to the Babylonian Talmud, Yavneh was also the very event where the “curse of the heretics” or *birkat haminin*—a particularly strong pronouncement of rabbinic intolerance—was also instituted.<sup>330</sup>

Boyarin has proposed a resolution to this aporia. He suggests that Yavneh must be understood not as a historical event but rather as a literary invention on the part of the rabbis. As such, the rabbinic conception of Yavneh shifted over time.<sup>331</sup> According to Boyarin’s understanding, the exclusivistic and pluralistic accounts of Yavneh should be understood diachronically. He suggests that the idealistic Yavneh was a later invention of stammaim, the latest and final contributors to the Babylonian Talmud. Boyarin connects this embrace of dissensus to the increasingly clear boundary between Jews and Christians, stating that the rabbis championed the coexistence of differing theological and halakhic views once the borders of rabbinic Judaism became well-established. He writes: “with the borders of unanimity secured, there are no more internal others (at least in theory).”<sup>332</sup>

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<sup>329</sup> Cohen, “Significance of Yavneh,” 50. For more about Yavneh, see the introduction.

<sup>330</sup> Babylonian Talmud Berakhot 28b-29a.

<sup>331</sup> Boyarin, “Anecdotal Evidence,” 1-35.

<sup>332</sup> Boyarin, *Border Lines: The Partition of Judaeo-Christianity*, 224.

Boyarin's argument is bolstered by the contrasting attitudes of the Palestinian and Babylonian Talmuds towards disagreement and dialectical argumentation. Both the Palestinian Talmud and Babylonian amoraim list multiple opinions but place considerable value on determining the correct opinion in a rabbinic dispute.<sup>333</sup> In contrast, the stammaim avoid making decisive conclusions and give preference to open-ended discourse, speculation, and the support of contradictory views.<sup>334</sup> The emphasis on debate and the position that multiple opinions can be "right" reflect stammaitic views and thus primarily appear in the Babylonian Talmud, which the stammaim reworked, and not in the Palestinian Talmud, which lacks stammaitic intervention. This coheres with the notion that the Yavneh legend was reworked with a pluralistic angle by the stammaim.

I think that Boyarin is right to identify a shift in from exclusivism to pluralism in the rabbinic portrayal of Yavneh. I also agree that it is possible that this evolution in the rabbinic attitude towards dissensus may be related to the increasing separation from Christianity. Perhaps this transition is also linked to the rabbis' burgeoning authority. If we accept Boyarin's suggestion that the portrayal of an inclusive Yavneh should be attributed to the stammaim, then the rabbinic authors of this narrative commanded considerable authority compared to their tannaitic and potentially even amoraic forerunners. With a wide following and an established identity—along with distinction from their Christian neighbors—perhaps the rabbis could afford to allow for

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<sup>333</sup> Daniel Boyarin, "The Yavneh-Cycle of the Stammaim," 152-53.

<sup>334</sup> Kraemer, *The Mind of the Talmud*, 95.

multivocality more than they could in the tannaitic period, when they were virtually powerless, largely unknown, and more threatened by murkier borders with Christianity.

However, it is difficult to prove a causal relationship between the increasingly clear establishment of the rabbinic movement and their tolerance for conflicting views. The achievement of dominance, in fact, often results in greater intolerance rather than pluralism. As mentioned, the triumph of orthodoxy within Christianity pushed the religion towards greater rigidity, promoting an intensification of the quest to eliminate doctrinal diversity.<sup>335</sup> Therefore, it is entirely possible that the inclusive attitude of the rabbis of the Talmud stemmed not from their movement growing more established and secure but rather from other developments. Perhaps the important institutional transition to the academies that likely took place in the stammaitic period precipitated this new welcoming of dissensus. The related focus on dialectical analysis as ends in and of themselves, which seems to be more of a stammaitic rather than amoraic concern, perhaps derives from the development of the academies, where groups of sages engaged in extensive discussion and debate. It is also entirely possible—and perhaps likely—that the new attitude of inclusivity was limited to walls of the academies and found no practical expression in the rabbis' social activities. There may have been little correlation between the rabbis' acceptance of dissenting views and their practical approach towards various social outsiders. In other words, their pluralism was limited to theoretical legal debate.

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<sup>335</sup> Markus, 13.

In any case, the shift away from exclusivism that is, at the very least, evident in the rabbis' evolving literature coheres with the notion of the rabbis transitioning from a sect-like movement to an independent religious body. A defining characteristic of a sect, in the modern sense of the word, is its separation and exclusivity. In all likelihood, the rabbis' "pluralism" was geared only towards those who fit within the borders of their movement and was not extended towards those who were deemed beyond the pale. Nonetheless, the rabbis' increasing attitude of tolerance, even if limited, indicates a sloughing off of much of the sect character that characterized their movement in tannaitic period. Ultimately, the rabbis' commitment to the "agreement to disagree," along with their descent from the Pharisees and early acquisition of power, became central and uncontested parts of not only the rabbis' enduring legacy but also of the broader narrative of Jewish history.

## Conclusion

Rabbinic power reached new heights in the post-Talmudic period. The geonim, the successors of the stammaim, convened in prominent rabbinic academies located in modern-day Baghdad that dominated the intellectual landscape of Babylonia in the early medieval period.<sup>336</sup> The central academies achieved international recognition and authority throughout most of the Jewish world and even exercised power in secular circles within certain geographical areas. Jews in distant communities appealed to the rabbis of the academies for the resolutions of controversies and doubts, and the rabbis benefited from a good deal of income that derived from taxes and contributions from Jews all over the world.<sup>337</sup> Rabbinic power had reached a point of hegemony. The rabbis became the arbiters of Jewish practice. Judaism became *rabbinic* Judaism. In sum, the rabbis had finally accomplished their goal.

The medieval rabbis took care not to forget about the past. Some geonim produced chronographies that detailed the development of rabbinic literature and provided chronological lists of all the rabbinic sages from the tannaitic period up to their own time.<sup>338</sup> However, these histories were replete with anachronistic medieval retrojections onto the ancient past. Some geonim portrayed the amoraim as studying in academies as highly developed as those of their own day. These chronographies promoted the idea that contemporary rabbis were a part of an unbroken chain of rabbinic

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<sup>336</sup> Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish*, 38-39.

<sup>337</sup> Ibid.

<sup>338</sup> The Epistle of Rav Sherira Gaon is the most famous example. For more information on this, see Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven: Yale University Press, 1998), 4.

tradition and depicted the institutionalization of the rabbinic movement as occurring much earlier in antiquity, with the roots of this development already identifiable in the Second Temple period.<sup>339</sup> This account of the rabbinic past marked the contribution of the geonim to the longstanding standard narrative of the rise of the rabbis.

It is my hope that this project has contributed in some way to the contemporary scholarly effort to reconstruct the real and messy history of the emergence of the rabbinic movement from the Second Temple past. In particular, I have sought to demonstrate the legacy of the Second-Temple-period sectarianism in the rabbis' reality and collective imagination. I first considered the nature of the historical relationship between the Jewish sects and the rabbis, arguing that the sects most likely faded in the years following the destruction and therefore by and large represent the rabbis' predecessors rather than their contemporaries. The centrality of the temple to Jewish sectarianism, the far-reaching consequences of the Great Revolt, and the post-70 evidence on the sects that primarily situates them in the Second Temple period together suggest that the sects ceased to operate in a significant way in the aftermath of war.

Although Jewish sectarianism most likely did not persist into the rabbinic era, the sects lived on in the rabbinic tradition and communal memory. The rabbis make mention of the sects throughout the core rabbinic corpora, citing disputes among different sectarian groups, and occasionally insert themselves into these anecdotes.

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<sup>339</sup> Rav Sherira Gaon reported that the location of his contemporary academy, Pumbedita, had already served as a major Jewish center in Second Temple times. See Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture*, 35.

An analysis of the evolution in the rabbinic portrayal of the sects provides a lens through which to understand how rabbinic self-definition developed in response to the rabbis' shifting social reality. The rabbinic portrayal of their connection with the Pharisees shifts in particular over time. Although the tannaim generally portray the Pharisees favorably and attribute their own views to the Pharisees, the early rabbis avoid explicitly promoting a Pharisaic-rabbinic connection. Given that Pharisees to some degree represent a group of outsiders external to the rabbinic movement, the rabbinic depiction of the Pharisees should be understood in the broader context of the rabbis' contemporary relationships with those who they viewed as the insiders and outsiders, Jews and heretics (or early Christ-believers) respectively. The tannaim most likely lacked any practical authority among the broader Jewish populace and felt threatened by the competing force of incipient Christianity. Attempting to promote a new approach to Judaism in a reality in which they were largely unknown, the rabbis sought definitive separation from both past and present types of others in an effort to secure the borders of their movement. In order to succeed in their radical reconstruction of Jewish practice, they could not afford to accommodate all views or to associate with past religious formations. As such, the tannaim demonstrated an intolerant attitude to various types of outsiders, sects, Christians, and heretics alike. This exclusivist approach arguably evinces some degree of sectarian separatism.

The rabbis of the Talmud, those of the Babylonian Talmud in particular, demonstrate a less unyielding attitude towards various groups of outsiders, including the sects and the Christians. In certain sugyot in the Babylonian Talmud, the rabbis even

draw an explicit connection between themselves and the Pharisees. Once again, this change can be appreciated in light of broader developments within and surrounding the rabbinic movement during this time. The rabbinic movement grew more institutionalized during the amoraic era and especially during the stammaitic period, and rabbinic influence likely expanded in turn. Borders between Judaism and Christianity grew more clearly defined such that the two increasingly took the shape of separate religions. As this separation crystallized, the rabbis viewed Christianity as less threatening to their own community. Because of developments in Christian ecclesiology, claims of antiquity also likely took on increasing importance during this period. The rabbis therefore situated themselves back in the Second Temple past through presenting themselves as the direct successors of the Pharisees. With their influence expanding, the rabbis also adopted a less exclusivist approach (or at least portray themselves as doing so), supplanting the sectarian separatism of the tannaitic period with a grand statement of their willingness to tolerate dissent.

This research builds upon previous scholarship on the sects and the rabbis in two primary ways. First, I bring a broader range of rabbinic sources to bear on this discussion. My assessment of all rabbinic references to the sects in the Mishnah, Tosefta, and Talmud importantly revealed that virtually all rabbinic statements on the sects place the sectarian groups in the Second Temple past. This analysis has consequences for the historical question of the sects' post-70 survival, a topic which is usually explored using a



much narrower selection of rabbinic evidence.<sup>340</sup> Second, this thesis provides an integrated narrative for how rabbinic self-definition changed over time that encompasses several topics that are generally treated separately. The rabbinic representation of the sects, the rabbis' approach towards heresy and Christianity, and the rabbis' authority (or lack thereof) among Jews, all of which relate to rabbinic self-definition, have been thoroughly explored by scholars on an individual basis but have not all been considered together.<sup>341</sup> My work attempts to draw upon all these related topics to provide a relatively coherent, unified picture of how rabbinic self-definition and presentation of the sects grew out of and changed in response to the rabbis' shifting relationships with Jews and early Christians.

Many questions remain outstanding. Although my research sheds light on why the rabbis may have initially avoided associating with the Pharisees and later chosen to take up this connection, future work is needed to clarify how this idea first emerged. Because the Pharisaic-rabbinic connection begins to appear in early Christian sources around the

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<sup>340</sup> Burns primarily limits himself to rabbinic sources about *minim* to address this question. See Joshua Ezra Burns, "Essene Sectarianism and Social Differentiation in Judaea after 70 CE," *The Harvard Theological Review* 99, no. 3 (2006): 247-74. Goodman brings relatively few rabbinic sources and only draws upon select rabbinic texts that could be interpreted as indicating that sectarians survived beyond 70 CE. See Martin Goodman, *Judaism in the Roman World: Collected Essays* (Leiden: Brill, 2006), 153-162.

<sup>341</sup> In Shaye Cohen's seminal paper "The Significance of Yavneh," he discusses the representation of the sects in rabbinic literature as well as the Yavneh narrative. In this study, he does not address the rabbinic approach to heretics and early Christians, nor does he discuss the early rabbinic social reality in the context of their portrayal of sectarianism, though he treats these issues comprehensively in other contexts. In "The Function of Minim in Early Rabbinic Judaism," Martin Goodman discusses the role of *minim* but only peripherally connects this to the rabbinic fashioning of sectarianism and does not correlate this with the topic of the rabbis' social authority. Boyarin addresses most of these topics in "Anecdotal Evidence" and "A Tale of Two Synods," discussing the legend of Yavneh and the rabbinic perspective on and experiences with *minim* and early Christians. However, he does not discuss rabbinic authority and does not correlate his analysis the rabbinic portrayal of the sects.

same time as it emerges in rabbinic literature, it is possible that this belief derived from Christian circles and was later adopted by the rabbis. While some scholarship has sought to identify early roots of the Pharisaic-rabbinic association in Christian texts, much of the history of the origins of this idea remains unknown.<sup>342</sup> It is also worth exploring the question of how much the rabbis knew about the Pharisees. Did the rabbis have access to any surviving Pharisaic literature? To what extent do the views that the rabbis attribute to the Pharisees reflect real Pharisaic traditions? How much did the broader Jewish populace know about the sects in the early common era? Lastly, I can't help but wonder: what was the mysterious sect of the Boethusians? Conclusive answers to some of these questions would probably demand the discovery of new evidence, but analyzing and integrating known sources in new ways has the potential to provide critical insights and potential findings.

The exploration of the early rabbinic movement has implications for understanding the foundations of modern Judaism and Christianity. The innovations and contributions of early rabbis and Christians, as well as the challenges they confronted, extended beyond creating new laws and rituals. Leaders in both nascent religious movements were tasked with defining themselves in the early common era, a time of transition, turmoil, and tremendous religious flux. To establish and erect borders around

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<sup>342</sup> Important insights into this question have been contributed by Reed. See Annette Y. Reed, "When did Rabbis become Pharisees? Reflections on Christian Evidence for Post-70 Judaism," in *Envisioning Judaism: Essays in Honor of Peter Schäfer on the Occasion of his Seventieth Birthday*, eds. R. S. Boustán, K. Herrmann, R. Leicht, A. Y. Reed, and G. Veltri (Tübingen: Mohr Siebeck, 2013), 859–64.

their movements, rabbis and church fathers alike employed and invented categories of “others” and constructed idealized versions of the past. These strategies of self-definition and memory formation not only played a critical role in the development of Western religion but more broadly provide insight into the ways in which new groups have emerged, defined themselves, and formed their identities from antiquity to modern times.

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