Rabbinic Judaism in the Making
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Published by Wayne State University Press

Guttmann, Alexander. 
Rabbinic Judaism in the Making: The Halakhah from Ezra to Judah I. 

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PHARISAIC-
EARLY TANNAITIC PERIOD
The Hasmonean uprising resulted in a change of leadership of the Jewish people in political, religious, and civil life. The victorious Hasmoneans assumed not only political power but also the high-priesthood. In doing so, they demoted the (Sadducean) dynasty of high priests and terminated the leadership of the aristocratic (and probably pro-Hellenistic) Gerousia. In recognition of their support of the Maccabean uprising, the anti-Hellenistic Hasideans were given a role in the leadership of the Jewish people and in the reorganization of Jewish life along non-Hellenistic or anti-Hellenistic lines. In order to carry out this task, a new body was established and charged with religious and civil leadership of the people. This body was not the spiritual heir to the Gerousia but, in effect, to the ancient Great Assembly.

The designations of this institution in talmudic literature are:

Sanhedrin, Great Sanhedrin,
Great Court, Great Court,
Great Court of Seventy-One, Great Court in the Hall of Hewen Stone. Since this body was established by anti-Hellenists it stands to reason that its original name was not Sanhedrin, the hebraized form of the Greek συνέδριον synedrion. While Beth Din Ha-Gadol, The Great Court, may be an older designation than Sanhedrin, it is possible that the original name was הן hever, assembly.1
The word *synedrion* is widely used in Greek literature where it may have one of the following meanings: assembly, council, or court. Originally, it merely meant the gathering of several persons for a joint talk. In Jewish literature written in Greek, just as in the New Testament, *synedrion* designates a conference, council, or court. Josephus uses it often, usually for a council and occasionally for a court. In the sense of "council" it is used in the Septuagint, Judeo-Hellenistic literature, and by Philo. Yet, in all this literature, *synedrion* refers to the Sanhedrin described in the tannaitic literature only in Josephus and only in connection with Herod's trial (*Ant.* XIV.ix. 3-5), and even the historicity of this exception is questioned by some scholars.

When the term Sanhedrin was introduced in place of the original (or earlier) Hebrew designation cannot be determined. Josephus' record of Herod's trial in *War* (I.x.8,9) does not have the term *synedrion* as does the corresponding account in *Antiquities*. Since *Antiquities* was written twenty years after *War* (i.e., about 93 C.E.), this is taken as an indication that the term Sanhedrin or *synedrion* was not used as a designation for the supreme body referred to in tannaitic literature prior to the fall of the Temple. However, there are indications to the contrary. While the date of the changeover cannot be determined, it must have occurred at a time when antagonism to Greek culture subsided.

*Synedrion* is used to designate councils of varying importance. The most important of these, the one headed by the high priest, is to be distinguished from the Sanhedrin of the tannaitic literature, as shown by A. Büchler and accepted by most scholars. The first is termed the "political Sanhedrin," the latter "the religious Sanhedrin," but these designations are not precise. The origins of the high-priestly *synedrion* cannot be traced with certainty. It is certain, however, that during the Roman rule it attained the greatest power after Judea became a sub-province of Rome in 6 C.E. as indicated by Josephus' statement, "After their (i.e., Herod's and Archelaus') death the government became an aristocracy, and the high priests were entrusted with a dominion over the nation" (*Ant.* XX.x.end). The destruction of the Temple in 70 C.E. terminated the high priesthood as well as their *synedrion*. 
The institution that played an eminent role in creating and mold­
ing Rabbinic Judaism is the one established after the Hasmonean
victory by the anti-Hellenistic Hasideans and known by several
names. For the sake of convenience, we shall henceforth call this
institution “Sanhedrin.”

The history of the Sanhedrin may be divided into several periods.
The first major period began with its establishment or endorsement
by the Hasmonean rulers about 160 B.C.E. and ended with Herod’s
rise to power in 37 B.C.E.

During Herod’s time, after the members of the Sanhedrin that
tried him were massacred, a new Sanhedrin was established that
continued until, or nearly until, the destruction of the Temple in 70
C.E. Another body sometimes called “Sanhedrin” was constituted
after the fall of the Temple and continued until the end of the Patri­
archate in 425 C.E.

The authority and functions of the Sanhedrin were not constant
throughout the entire period of its existence. They varied greatly,
depending on external and internal circumstances. It possessed the
greatest power under the Hasmoneans when it enjoyed official recog­
nition. In this period, it had the right to inflict capital punishment
and made use of this right. Examples showing this right are the
execution of a false witness by the Sanhedrin under Simon ben
Shetah, the execution of eighty women by him for practicing witch­
craft, and Herod’s trial.

At the beginning of the second major period of the history of the
Sanhedrin, Herod assumed dictatorial power. During his rule the
new Sanhedrin was no more than a great academy, a Beth Midrash
Gadol, concentrating on study and regulating religious and civil
law, without the benefit of support by the political government. The
source of its authority was the great prestige of its learned members.
On the whole, it was able to continue the more important functions
of the former Sanhedrin such as exercising religious leadership, even
legislating when necessary, without possessing official executive
power. After the Roman annexation of Judea in 6 C.E., the Sanhedrin
regained much of its former power. This was due, on the one hand,
to the voluntary support of the masses, and on the other hand, to the
tolerance or indifference of the Roman rulers who never granted formal recognition to the Sanhedrin.\textsuperscript{10}

It is quite certain that it took some time, perhaps several decades, before this Sanhedrin re-constituted at Herod’s time regained its right to capital punishment in spite of Josephus’ reference to Titus’ statement that the Jews always retained this right (War, VI, II.4). If Titus’ statement reflects the truth, it may have reference to high-priestly courts or to the courts of the puppet kings. The burning of a priest’s daughter may have been ordered by a court other than the Pharisaic Sanhedrin. This case, therefore, cannot be cited for the recovery of jurisdiction by this Sanhedrin in capital cases. Decisive, however, is the incident related in M. Sanhedrin V.2: “Ben Zakkai once tested the evidence even to the inquiring about the stalk of figs,” and this occurred when he questioned the witnesses of a murder. Since Johanan ben Zakkai was a Pharisaic-Rabbinic leader during the second half of the first century c.e., this incident proves the authority of the Pharisaic-Rabbinic Sanhedrin to exercise the right of capital punishment not long before the destruction of the Temple in 70 c.e. Whether this trial was held before the Small Sanhedrin of twenty-three members, or before the Great Sanhedrin, is immaterial. If the Small Sanhedrin possessed the authority to try capital cases, the Great Sanhedrin certainly did too. The leading role Johanan ben Zakkai played before and after the fall of the Temple suggests that the Great Sanhedrin was the court of this trial.

According to the Talmud (P. Sanh. 18a; 24b), the right of capital punishment was taken away (by the Romans) from the Sanhedrin forty years before the destruction of the Temple. This statement is seemingly contradicted by the incident of Johanan ben Zakkai just cited, and possibly by the one concerning the burning of the daughter of the priest and related by Eleazar ben Zadok, about the middle of the first century c.e. It is a recognized fact that here, as elsewhere in talmudic literature, forty is an often used even number and is not to be taken literally. The question is, however, whether here (P. Sanh., loc. cit.) it can be somewhere close to the actual number or not. The following should be helpful in answering this question. At the time of the fall of the Temple, Johanan ben Zakkai was a revered sage. He was the recognized defender of the Pharisees
against the Sadducees before the fall of the Temple. This indicates that his activities commenced many years, probably decades, before the fall of the Temple, permitting us to assume that forty is not too far from the actual number, and we do not have to emend "אברע" "forty" into "אבר ל" "four." The remark of Titus (cited above) therefore has reference to the court of the high priest or that of the puppet kings. The reference to these forty years occurs in several sources. The assumption of a scribal error is, therefore, unlikely.

The "Sanhedrin," established after the destruction of the Temple and continuing until the end of the Nasidom in 425, differed from the previous Sanhedrins. In fact, it was not called Sanhedrin for a long time but rather *Beth Din Ha-Gadol*.

In tannaitic literature, this body is described as basically inferior to the Sanhedrin of the Temple era. For example, in *Sifre* Deut. 154 we read, "For [transgressing] a decision [or instruction] of the *Beth Din Ha-Gadol* in Jerusalem one is liable to death, but one is not liable to death for a decision of the court of Javneh." The recalcitrant elder can be subjected to the death penalty only by the Sanhedrin of Jerusalem, not by the court of Javneh or a local court (*Mishnah Sanhedrin* XI,4).

Though in some respects the *Beth Din Ha-Gadol* of Javneh was inferior to the Sanhedrin of Jerusalem, it had a unique advantage over it resulting from the destruction of the Temple. Due to the termination of the centralized Temple service and along with it the high-priesthood and its Sanhedrin, the *Beth Din Ha-Gadol* of Javneh was now the sole, unrivaled authoritative guiding body of the Jewish people, and of the mainstream of Judaism. Therefore, it was able to continue the main function of the Sanhedrin, i.e., guiding Jewish life by interpreting and modifying law in order to maintain a Judaism relevant to life yet true to its historical essence.

**FUNCTIONS OF THE SANHEDRIN**

The fundamental importance of the Sanhedrin was that it interpreted Judaism authoritatively, modified it as the need arose,
and saw to it that its instructions and decisions were put into prac-
tice. This basic function remained fairly constant throughout the
long history of the Sanhedrin. In addition, the Sanhedrin had other
functions, which varied in accordance with changes in the political
and cultural history of the people.

Tannaitic descriptions of the functions of the Sanhedrin include
both actual and theoretical ones, i.e., functions which the Sanhedrin
never had but which are, in the opinion of the Tannaim, among
the legitimate functions of the ideal Sanhedrin.

The Mishnah describes the activities, rights, and privileges of the
Sanhedrin as follows:

M. Sanh. I,5:
A tribe, a false prophet, or the high priest may not be tried ex-
cept by the court of seventy one; they may not send forth [the
people] to a war of free choice except by the decision of the court
of seventy one; they may not add to the City or the Courts of
the Temple . . . they may not set up sanhedrins for the several
tribes . . . and they may not proclaim [any city to be] an Apos-
tate City except by the decision of the court of seventy one.
M. Sanh. XI,2:
The elder that rebels against the decision of the court, as it is
written, 'If there arise a matter too hard for thee in judgement,
between blood and blood, between plea and plea' [Deut. 17:8-
13] . . . Three courts were there [in Jerusalem]: one used to sit
at the gate of the Temple Mount; one used to sit at the gate of the
Temple Court; and one used to sit in the Chamber of Hewn Stone.
They [the local courts seeking advice] used to come first to the
court that was at the gate of the Temple Mount; and the one
would say, "In this way I have expounded and in that way have
my fellows expounded; in this way have I taught and in that way
have my fellows taught." If they [of that court] had heard a tra-
dition, they told it to them; otherwise they went to that court which
was at the gate of the Temple Court; and the one would say, "In
this way I have expounded and in that way have my fellows ex-
pounded . . . If they had heard a tradition, they told it to them;
otherwise they both came in to the Great Court that was in the
Chamber of Hewn Stone, whence the Law goes forth to all Israel,
as it is written, "From that place which the Lord shall choose"
[Deut. 17:10]. If he [the rebellious elder] returned to his own
city and again taught as he was wont to teach, he is not yet cul-
pable; but if he gave a decision concerning what should be done, he is culpable, for it is written, "And the man that doeth presumptuously" . . . [Deut. 17:12]; he is not culpable unless he gives a decision concerning what should be done.\textsuperscript{15}

\textbf{M. Sanh. XI,4:} "He was not condemned to death either by the court that was in his own city or by the court that was in Javneh, but he was brought up to the Great Court that was in Jerusalem."

\textbf{P. Sanh. II,6; 20c:} "And they corrected it [the Torah scroll of the king] in accordance with the Scroll in the ‘Azarah under the supervision [or by instruction] of the Court of Seventy-One."\textsuperscript{18} However Tosefta \textit{Sanh. VI,7} has a different version: "They correct it in the Court of the Priests and the Court of the Levites and the Court of the Israelites."\textsuperscript{17}

\textbf{M. Soṭah I,4:} "They used to bring her [the suspected adulteress] up to the Great Court that was in Jerusalem and admonished her in the same manner as they admonished witnesses in capital cases, and say to her, 'My daughter, much [sin] is caused by wine,' etc."

\textbf{M. Soṭah IX,1:} "The rite of the heifer whose neck is to be broken. . . . Three used to come forth from the Great Court in Jerusalem. R. Judah says: Five, etc."—This means that the Sanhedrin of Jerusalem was to delegate a committee for the execution of the prescribed rite [Deut. 21].

\textbf{M. Middoth V,4:} "The Chamber of Hewn Stone: there the Great Sanhedrin of Israel used to sit and judge the priesthood; and if a blemish was found in a priest, he clothed himself in black and departed and went his way; and he in whom no blemish was found clothed himself in white and veiled himself in white and went in and ministered with his brethren the priests, etc."

These Mishnah passages show that the Tannaim did not intend to describe the "Sanhedrin" of Javneh, nor to give a historical account of the Sanhedrin of Jerusalem, but rather attempted to describe the \textit{ideal} Sanhedrin. This becomes clear when the Mishnah (\textit{Sanh. I,5}) ascribes to the Sanhedrin the right to judge a tribe, since there were no tribes during the existence of the Sanhedrin. There is no verified instance on record in which a false prophet, or an Apostate City was tried before a Sanhedrin. It is quite certain that no war was waged by Sanhedrin decision.
On the other hand, some of the functions of the Sanhedrin listed in the Mishnah are factual and deserve full credence. *M. Middoth* V,4 is such an instance, for its historicity is well established.

While we have no case on record in which the Sanhedrin tried an “elder that rebels,” the Mishnah (*Sanh.* XI,2) describing the procedure, is most important because it informs us that one of the functions of the Sanhedrin was to determine the authoritative interpretation of the Law.

*Tosefta Sanh.* III,4 adds the following functions of the Sanhedrin: Ordering the burning of the Red Heifer (Num. 19:1–10); ordering the congregational bullock sacrifice to atone for a certain type of guilt (Lev. 4:13–21); appointing the king. If these were really among the prerogatives of the Sanhedrin, one wonders why the Mishnah does not mention them.

We know that the Mishnah does not include all the laws. Instead, it concentrates on laws applicable in its own time and laws to be practiced after the hoped-for re-building of the Temple at the time of the restoration of independence. Historical Halakhah is neglected and usually included only if it possessed some degree of importance. If we keep this in mind, the omission of the one or the other function of the Sanhedrin, particularly if it is of questionable historicity, has no significance. However, omission of the Sanhedrin’s alleged prerogative to appoint a king is hardly an accident. It reflects the conviction of the Mishnah redactors that this appointment was not among the functions of the Sanhedrin, and this is historically true. Kingship as a rule was hereditary. It is also possible that Judah I, the redactor of the Mishnah, omitted this case because according to his tradition, he was a scion of King David and had, therefore, a claim to the kingship without any action by the Sanhedrin.

The Mishnah does not give a clear-cut picture of all the rights and privileges of the Sanhedrin. *M. Sanh.* I,5 is, for example, worded negatively, enumerating matters which could not be acted upon except by the Court of Seventy-One. This wording allows the inclusion of other cases, too. Such cases are, for example, the adjudicating of suits which are within the jurisdiction of the lower courts. An example is given in *M. Sanh.* XI,2 where the Sanhedrin functions
as the highest court when the lower courts were unable to decide the case. In other instances the Sanhedrin may have functioned as a supreme court. Two more instances in which the Sanhedrin functioned as the highest court are given in M. Pe'ah II,6; and M. Eduy. VII,4.22

M. Sanh. XI,2 tersely denotes the principal function of the Sanhedrin (Tosefta, ibid. VII,1): “from there the Law goes forth to all Israel.”

MEMBERSHIP OF THE SANHEDRIN

The sources do not reveal the composition of the Sanhedrin in its early days, i.e., whether it consisted of priests only, or also of laymen, whether of men of higher rank only or also of the lower classes. All that we may safely assume is that it was non- or anti-Hellenistic. At the time of John Hyrcanus I (135–105 B.C.E.) it was at first, predominately, if not totally, Pharisaic. In consequence of the events related in B. Qiddushin 66a and Josephus, Ant. XIII.x.6, Sadducees took over the Sanhedrin. At the time of Alexander Janneaus (105–78 B.C.E.) or Salome Alexandra (78–69 B.C.E.) Simon ben Shetah, a Pharisaic leader (a relative, perhaps a brother, of Salome Alexandra), dismissed the Sadducean members of the Sanhedrin and replaced them by Pharisees.23 It was only at the time of Salome Alexandra that the Sanhedrin became a well-established Pharisaic institution. The Sanhedrin which was newly established at Herod’s time and led by Hillel and his descendants was a Pharisaic institution and remained so until its dissolution a short time before the fall of the Temple in 70 C.E. Supporting this contention is the fact that the Sadducee-Pharisee controversies of this period were very few in contrast to the large number of disputes conducted during this time among the Pharisees themselves (e.g., Beth Shammai and Beth Hillel). Even the few Sadducee-Pharisee disputes recorded were probably held outside of the Sanhedrin.

The membership of the Beth Din Ha-Gadol from its beginning in 70 C.E. to its end in 425 C.E. consisted throughout of sages (rabbis).
Tannaitic sources do not give explicitly the qualifications for membership in the Sanhedrin except for the language requirements. Instead, certain disqualifying factors are listed. A Baraita in B. Sanh. 36b states that no man is appointed who is old, impotent, or has no children. Mishnah Horayoth 1,4 enumerates several categories of men disqualified to be judges of (ordinary) courts, and therefore unquestionably also disqualified for membership in the Sanhedrin: a proselyte, a bastard, a Nathin, and an old man who never had children.

A positive formulation of the qualities required for membership is given by the Amara R. Johanan (third century C.E.): stature, wisdom, appearance, age (knowledge of), witchcraft, and the knowledge of seventy languages, lest the Sanhedrin have to hear (the charges) from an interpreter (B. Sanh. 17a). The requirement of knowledge of seventy languages shows that R. Johanan relates not history but theoretical law.

The way of selecting the members is described in Mishnah Sanh. IV,4:

Before them [the members of the Sanhedrin] sat three rows of disciples of the sages, and each knew his proper place. If they needed to appoint [another member], they appointed him from the first row, and one of the second row came into the first row, and one from the third row came into the second; and they chose yet another from the congregation and set him in the third row. He did not sit in the place of the former, but sat in the place that was proper for him.

To Tosefta (Hag. II,9) adds the preliminary stages leading to membership in the Sanhedrin:

From there they sent and investigated. Whosoever was wise and humble and meek and fearful of sin and of unblemished youth and popular with his fellows at first was appointed judge in his own town. From there he was promoted to sit [in court] at the Temple Mount. From there he was promoted to the [court in the] Hel, and from there he was promoted to sit in the Gazith Hall.

The number of the members is most often given as 71. Mishnah Sanh. I,6 states, "The Great Sanhedrin had 71 members." This num-
ber is often repeated, as for example, in M. Sanh. I.5 which lists the cases under the jurisdiction of this court. Thus there can be no doubt that at the time of the redaction of the Mishnah seventy-one was considered the authentic number. However, some sages give the numbers seventy and seventy-two. Rabbi Judah claims that seventy was the membership of Sanhedrin (Mishnah Sanh. I,6; cf. Tosefta, ibid. III,9). Simon ben Azzai, on the other hand, knows of seventy-two members. (M. Zev. I.3; M. Yad. III,5; IV,2). However, Ben Azzai refers explicitly to the Academy (=Beth Din Ha-Gadol) of Javnah which does not necessarily mean that he ascribes the same number of membership to the Great Sanhedrin of the past.

Some scholars go to a great length to reconcile or to explain these contradictory numbers. It is quite certain that the membership varied in the course of the long history of the Sanhedrin. The method of counting has also something to do with the variation, namely, whether the Nasi and Av Beth Din were counted or not. Halakhic considerations may have played a role, too, such as “a court cannot have an even numbered membership.”

LOCATION OF THE SANHEDRIN

The seat of the Sanhedrin was Jerusalem and its official meeting place was the the Gazith Chamber, a part of the Temple located on the southern side of its inner court (Mishnah Middoth V,4). Gazith is usually understood as meaning “hewn stone,” as is its biblical usage. Some scholars believe that Gazith is the Greek word ἐντορὸς Xystos, used by the Greeks to designate a gymnasion. The Septuagint uses Xystos in Amos 5:11 as meaning “polished” (בְּיָתִים מיה). Due to inadequate source material the original meaning of Lishkath Ha-Gazith cannot be determined. It might be “The hall of hewn stone” as often assumed.

The location of the Sanhedrin in the Temple chamber is significant, for it indicates that the Sanhedrin had an official character and a legitimate role in certain matters concerning the Temple and the
priests. Such location also increased the prestige of the Sanhedrin in the eyes of the people.

However, a number of years (forty according to talmudic sources) before the destruction of the Temple the Sanhedrin had to leave its hallowed place in the Temple, and it moved to מזון Hanuth, often translated “market hall,” “store hall,” or “bazaar.” The location of this hall is uncertain. It may have been on the Mount of Olives or on the Temple Mount outside the לישקה Ha-Gazith. The reason for the move is not given, but it was doubtless due to an act of persecution since at that very same time the Sanhedrin was deprived of its jurisdiction in capital cases.

In contrast to the Sanhedrin of Jerusalem the succeeding Beth Din Ha-Gadol, “Great Court,” had no permanent location hallowed by history and tradition. During its existence it moved מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון מזון
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is unknown and probably varied throughout its existence. The fact that some of the leading members of this Beth Din had their own academies outside of Javneh proves that the Javneh Beth Din could have been in session only at certain periods.

About those institutions that are designated as Sanhedrin, but served mainly as interim Sanhedrins or did not exercise leadership over the Jewish people, we need make only brief mention.

The five synedria established in 57 B.C.E. by order of Gabinius, Pompey’s general, may or may not have taken over the functions of the Great Sanhedrin. It is also possible that these were not even Jewish synedria.33

Besides the Great Sanhedrin and the Beth Din Ha-Gadol, there existed the Small Sanhedrin of twenty-three members and other smaller courts, but these exercised no leadership over the Jewish people and played no traceable role in molding Judaism.

LEADERS OF SOFERIC, PHARISAIC, AND RABBINIC JUDAISM

“Leaders” may designate both official and unofficial leaders. Thus King Saul was the official leader of the people, David exercised unofficial leadership over a considerable number of them, and while the priests were official religious leaders, the prophets were unofficial champions of religious life and thought.

At the time of the Persian rule over Palestine, the official religious leadership of the high priest and his circle was challenged by the Soferim, the scribes. The scribes were more successful than the prophets, on the one hand, because of the leadership of the Great Assembly, on the other, because they set goals attainable in their own day. The title of the head of the Great Assembly (assuming he had one besides Sofer or Safra) is not transmitted.

While during the Hellentistic period the Great Assembly was either non-existent or went underground, its activities were con-
tinued after the Hasmonean victory by the newly established Sanhedrin. Although the Sanhedrin sometimes had official status and at other times only the character of a private institution, its decisions were practically always communicated by its leaders and mostly appeared under their names.

The early leaders of Judaism, after the Hasmonean victory, were the *Eshkoloth* and the *Zugoth*. Let us survey, in brief, their activities.

### THE ESHKOLOTH

*Mishnah Sotah* IX,9 states, “When Jose ben Joezer of Zeredah and Jose ben Johanan of Jerusalem died, the *Eshkoloth* ceased, as it is written, (Mic. 7:1) ‘There is no *eshkol* [grape-cluster] to eat, my soul desireth the first ripe fig.’”

This passage informs us that Jose ben Joezer and Jose ben Johanan were the last of the *Eshkoloth*, but it does not indicate the nature of the *Eshkoloth*. The fact that the last *Eshkoloth* were also the first of the (official) *Zugoth* indicates that the institution of the *Zugoth* replaced that of the *Eshkoloth*. It is quite obvious that *Eshkoloth* and *Zugoth* were not identical, otherwise a change in designation would make no sense. As to the *Zugoth*, we know that they were the officially recognized religious (and civil) leaders, vested with authority by the Hasmonean rulers. Did the *Eshkoloth* possess more, less, or a different kind of authority? Let us look at some other sources.

1) Samuel, the Amora (first half of the third century C.E.) explains the word *eshkol* as “a man in whom there is everything.” This popular etymology merely reflects Samuel’s view that *eshkol* means an outstanding personality. No official standing is indicated (*Sotah* 47b).

2) This passage is repeated in *Temurah* 15b where Samuel makes a more explicit statement to the same effect: “All the *Eshkoloth*