Rabbinic Judaism in the Making

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regard to the content of his conclusions. He used methods in vogue among non-Jews only to modify Jewish law and practice and thus keep Judaism in touch with ever-changing life. Initially, Hillel met with resistance and the hermeneutic rules were applied but rarely. However, with the progress of time the resistance against the hermeneutic rules vanished.

Rabbinic Judaism commences with Hillel. He successfully demonstrated that legislation is possible even without political backing by changing the form and method of legislation. Instead of direct legislation, which was possible only as long as the government backed the Sanhedrin, Hillel, upon Herod’s ascent to power, attempted to project into the limelight indirect legislation, modifications of old laws and practices, primarily by interpretation. It took about a hundred years and men like Akiba to overcome the resistance to making full use of the potentialities inherent in interpretation.

**PHARISEES, SADDUCEES, ESSENES**

Although it is a recognized fact that the Pharisees are of paramount importance in creating Rabbinic Judaism, a great deal of obscurity surrounds their true character and significance for religion and history. Among the points still cloudy are: What were their origins? When and why did they cease to exist? What were their tenets? What were the motives of their controversies with their adversaries? What were their political roles? Since the role of the Pharisees cannot be defined and appraised properly, unless viewed in the perspective of contemporaneous currents, we shall consider, as far as feasible, the Sadducees and Essenes as well. Of these, the Sadducees are the more important; the Essenes exerted no clearly traceable influence on Rabbinic Judaism.

The most important sources concerning Sadducees and Pharisees are found in Josephus and in talmudic literature. Other sources, including the New Testament and Philo, are of lesser value, since they
are either influenced by a polemical tendency against Judaism in general and Pharisaism in particular (as in the New Testament),

or because their knowledge of these groups is not based on direct acquaintance with them but on merely approximate information. However, even Josephus and the Talmud, whose knowledge of these groups is intimate, possess tendencies of their own which we must recognize and bear in mind.

Josephus, an historian, tries to give an objective, impartial description of the three parties, Pharisees, Sadducees and Essenes, but does not entirely succeed. It is, of course, impossible to write a perfectly objective history. Also Josephus, as a Roman-Jewish historian, writes in Greek for gentile readers. Therefore he describes the historical role and theological ("philosophical") significance of the parties and disregards the halakhic disputes in which gentile readers would not have been interested.

Josephus does not give the origin of the Pharisees. In his history they appear first during the reign of Jonathan the Hasmonean (161–43 b.c.e.). At this time, they appear as an important group on the contemporary scene, which indicates they must have been in existence for some time.

In characterizing and comparing the three groups, Josephus designates them for the sake of the gentile readers as philosophical schools. He presents their theological differences in detail, while other aspects of differences are given in a more general way. As to the Essenes, he gives a lengthy description of the procedure of admittance to this order and of their way of life. Occasionally he gives information on the social and economic background of the three parties. He describes the political roles of the Sadducees and Pharisees whenever the occasion calls for this.

The characterization of the Pharisees and their position by Josephus is as follows:

In *War* he wrote:

The Pharisees, who are considered the most accurate interpreters of the laws, and hold the position of the leading sect, attribute everything to Fate and to God; they hold that to act rightly or otherwise rests, indeed, for the most part with men, but that in each action Fate co-operates. Every soul, they maintain, is im-
perishable, but the soul of the good alone passes into another body, while the souls of the wicked suffer eternal punishment.\textsuperscript{199}

In \textit{Antiquities} he supplements and modifies the characterization of the Pharisees and says, for instance,

The Pharisees live frugally and despise delicacies in diet; and they follow the conduct of reason. . . . They also pay respect to their elders. . . . The will of men can act virtuously or viciously. They also believe that souls have an immortal vigor in them, and that under the earth there will be rewards or punishments. . . . The former shall have power to revive and live again; on account of which doctrines, they are able greatly to influence the people; and whatsoever they do about divine worship, prayers and sacrifices, they perform them according to their direction; insomuch that the cities gave great tribute to them on account of their entire virtuous conduct, both in the actions of their lives and their discourses also.\textsuperscript{200}

Josephus’ characterization of the Pharisees in \textit{Antiquities} is not only more detailed, but also closer to Pharisaic Judaism as described in Rabbinic sources, in which we also find the doctrine of reward and punishment, the emphasis on reverence for the elder, the demand for a frugal way of life, etc.

When attempting an explanation of the modifications in \textit{Antiquities} we have to keep in mind that Josephus wrote \textit{Antiquities} about twenty years after he wrote \textit{War}. During this time he not only had the opportunity to acquaint himself with the content of Pharisaic-Rabbinic Judaism more fully, but several instances suggest that his religious outlook was deepened as well. Henry Guttmann calls attention to incidents which in \textit{War} are explained in a non-theological manner, but which in \textit{Antiquities} receive a theological explanation.\textsuperscript{201}

With regard to the observance of traditional practices (oral law), Josephus gives no particulars in \textit{War}. In this regard, he only says that the Pharisees “are considered the most accurate interpreters of the laws.”\textsuperscript{202} He is more outspoken in \textit{Antiquities}, “The Pharisees had passed on to the people certain regulations handed down by former generations and not recorded in the Laws of Moses, for
which reason they are rejected by the Sadducean group, who hold that only those regulations should be considered valid which were written down (in Scripture), and that those which had been handed down by former generations need not be observed. And concerning these matters the two parties came to have controversies and serious differences, the Sadducees having the confidence of the wealthy alone but no following among the populace, while the Pharisees have the support of the masses.”

The Sadducean rejection of oral tradition is fundamental in nature. Many of the other differences between Sadducees and Pharisees are rooted herein; this includes theological differences. Josephus asserts that the Sadducees reject the Pharisaic doctrines of immortality, resurrection, reward and punishment, and fate (Providence). They consider these as non-biblical, thus relegating them to the category of oral traditions. Josephus’ statements that the differences concerning traditional regulations (practices, Halakhah) led to controversies and serious party differences are most significant. These show that, in applied religion, practices are weightier than beliefs, a point well documented in several instances.

When Josephus states that the Pharisees “are considered the most accurate interpreters of the laws” he speaks as a Pharisaic Jew. Nevertheless, he refrains from making derogatory or polemical remarks about Sadducees as interpreters of the laws.

While Josephus’ attitude toward the Pharisees is favorable or, at least, objective when he talks about their activities and beliefs in the realm of religion and law, he becomes quite critical of them when they become involved in politics. He is most outspoken in this matter in *Antiquities*: 

There was also a sect of Jewish men priding itself on its adherence to ancestral custom and claiming to observe the laws of which God approves. And by these men, called Pharisees, the women (of the court) were ruled. These men... were clearly intent on opposing and harming the king... When the whole Jewish people affirmed by an oath that it would be loyal to Caesar and the king’s government, these men, over six thousand in number, refused to take this oath... And the king put to death those of the Pharisees who were most to blame...
Schürer²⁰⁶ believes “Diese Pharisäerfeindlichen Worte stammen offenbar nicht aus Josephus’ Feder, sondern sind von ihm aus Nikolaus Damascenus abgeschrieben (vgl. Derenbourg, p. 123).” This explanation is not satisfactory; since Josephus had intimate personal knowledge of the Pharisees and even stated that he conducted himself according to the rules of the Pharisees,²⁰⁷ why would he copy anti-Pharisaic utterances from a gentile’s chronicle? More plausible is the explanation that Josephus becomes critical of the Pharisees when they interfere in political matters, or whenever their behavior would possibly antagonize the Romans. Josephus, a friend of the Romans, may have felt the urge to express disapproval of the Pharisees’ seeming disloyalty to the Roman government and to the Roman vassal Herod before the gentile (Roman) public for whom his book was written. He effected this by a general derogation of the Pharisees. In this connection, we have to keep in mind that Josephus is quite critical of the Pharisees’ political activities in influencing Queen Alexandra, but he approves of them at the same time for being a people who are “more religious than others, and seem to interpret the laws more accurately.”²⁰⁸

Although the Essenes played a relatively small role in the history of Judaism, Josephus describes them in greater detail than the Pharisees and Sadducees.²⁰⁹ He may have done this in order to impress the gentile reader with a vivid description of the peculiar idealistic system of the Essenes. Theologically, the Essenes are closer to the Pharisees than to the Sadducees. They hold that the soul is immortal and imperishable, and Josephus compares this belief with similar Greek beliefs. Some similarities between Pharisees and Essenes exist also in regard to certain rituals, e.g., saying grace before and after a meal. Regarding the Sabbath, they are “stricter than all Jews in abstaining from work on the seventh day.” In many other matters, however, they differ from both Pharisees and Sadducees. Nonetheless, some traces of their influence may be present in Pharisaic-Rabbinic Judaism. The angelology of Talmudic Judaism, for example, may have been influenced (perhaps indirectly) by the angelology of the Essenes.²¹⁰ As a matter of principle, Essenes avoid swearing oaths.²¹¹ Some rabbis of the Talmud also oppose the swearing
of oaths. They do not try to outlaw it (it is a biblical institution) but occasionally allow a man to replace it with a vow.212

The number of the Essenes was small. Philo and Josephus give the number 4000.217 Their origins are unknown. Scholarly speculations relate them to the Ḥasidim who participated in the Maccabean War.214 They vanished from the scene of history as inconspicuously as did so many other little sects.

Josephus’ description of the three parties deserves credibility. He did not acquire his knowledge about them from secondary sources, but through personal experience. As a result of this experience, he became and remained a follower of the Pharisees.215 However, in his judgment and evaluation of some historical events, Josephus displays subjectivity, a human weakness of all historians who write about events of their own time or their own people.

Rabbinic sources concur with Josephus to a considerable extent. In contrast to Josephus, however, the rabbis of the Talmud are primarily interested in religious practices; therefore they take pains to preserve the detailed differences in this area. They are brief in describing the theological differences and mention the political roles of the Sadducees and Pharisees only casually.

In regard to theological differences between Sadducees and Pharisees the most outspoken rabbinic source is ARN.216 Here it is stated that Antigonus of Sokho had (among others) two disciples, Zadok and Boethos. When these heard from their master the doctrines of resurrection and reward and punishment in a world-to-come, they said: “Had our forefathers known about these things, they certainly would not have omitted all mention of them. Therefore they broke away. As a consequence, two sects [“families” in version II] came into being, that of the Sadducees and that of the Boethosians.”217

The veracity of the theological content of this passage is confirmed by Josephus. Significant in ARN is the reason given by Zadok and Boethos: “Were these doctrines valid, our forefathers certainly would not have failed to make mention of them.” This implies that according to ARN introduction of the new doctrines mentioned was the cause for the establishment of the Sadducean and Boethosian par-
ties. The rejection of new non-Pentateuchal laws and doctrines by the Sadducees is likewise confirmed by Josephus. “Our forefathers” in ARN most probably refers to the Bible. However the historical content of the ARN passage is quite controversial. It is not confirmed in any other source. According to J. Z. Lauterbach, the historical account of ARN has to be rejected, because a comparison of the teachings of the Sadducees with those of the Pharisees shows that the Sadducees are closer to the tenets and laws of the Torah than the Pharisees. The conclusion is therefore drawn that the Sadducees were the older group that continued to adhere to the Torah in its literal interpretation, while the Pharisees were separatists who broke away from the old, conservative stream of Judaism. “Liberal separatists” is the term Lauterbach employs to characterize the Pharisees in brief.

The theological differences between Sadducees and Pharisees given in the New Testament agree with Josephus and the Talmud, though not completely. According to Acts 23:8, the Pharisees acknowledge angels and spirits while the Sadducees do not believe in their existence. This difference is not mentioned by Josephus and in the Talmud. Such discrepancies are due to the fact that the New Testament occasionally confuses the Jewish groups and their respective religious positions. For example, in the New Testament Pharisees and Scribes are often mentioned together, a usage which never occurs in talmudic literature.

THE DESIGNATIONS OF THE PARTIES

The meanings of the names of the parties under discussion are obscure. A brief survey shall suffice here.

Lauterbach believes that the priestly party called the lay teachers פראלים Pharisees, meaning “separatists” in a derogatory sense, when they were excluded from the membership of the Sanhedrin during the reign of John Hyrcanus 1.

The first historical incident in which the term פרישים פאריסיאים
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(Pharisees) is used in the conflict between John Hyrcanus and the “Pharisees” according to both Josephus\(^ {222} \) and the Talmud.\(^ {223} \) Therefore, Lauterbach’s conjecture that the Pharisees acquired their designation at this time is plausible. However, they did not break away at this time from the Sadducees. The division and antagonism between the high priest and the aristocratic society around him on the one hand, and the lay teachers and masses led by them on the other, had been in existence for many centuries. In the above incident, Pharisees and Sadducees appear as established adversaries of each other. What probably happened was that circumstances occasioned a break between John Hyrcanus and the “Pharisaic” sages, not between the Sadducees and these sages.\(^ {224} \) The Talmud states, “The sages of Israel separated in anger,” or, “because of [the king’s] anger” (Rashi, ad loc.). This means that they separated from the king (and his administration), not from the Sadducees. While “separated” is expressed here by the verb איבש רבוע (the root of “Pharisees”), these verbs are synonymous.

As a result of this withdrawal or separation, the Sadducees, longstanding adversaries of the sages now called פרושים פורשים Pharisees, which means “separatists,”\(^ {225} \) were entrusted by the king with the duties hitherto performed by the sages. In describing the incident, the Talmud does not mention the Sadducees at all. This shows that according to talmudic tradition the Sadducees played no (open) role in this incident.

The exclusion of the sages from their former positions lasted for many years, until their reinstatement by Queen Alexandra (78–69 B.C.E.).\(^ {226} \) During this period the term Pharisees became so well established that it was used even after their reinstatement.

It is questionable whether the term Pharisees originally was a derogatory designation. Actually, it denotes an historical fact. It is possible that the Sadducees used it as a derogatory term, while the Pharisees considered it a term of distinction. In controversies between Sadducees and Pharisees, “Pharisees” has only a functional meaning. It designates the group of sages that subscribe to a certain theology and religious expression, opposed by the Sadducees. This would be analogous to the use of the designation Beth Hillel which
is used, as a rule, to identify a group opposed by Beth Shammai, and vice versa.

Bacher’s explanation that parush is synonymous with hadis, ḥadīṣ “pious,” “saintly,” 227 may be correct for the post-Hasmonean period, when the original meaning of this word lost its significance. Bedeutungswandel of words and terms is a frequent phenomenon. L. Baekk examines the use of parush, perushim in tannaitic literature and points out that in this literature perushim is occasionally used as an explanation of qedoshim.228 Thus he concurs with Bacher’s explanation.229

Zeduqim, Sadducees, according to Geiger who is followed by most scholars, is derived from the name Zadok (Zadduq), the first high priest of the Solomonic Temple. As a term, it designates an aristocratic society including most high priests.230 Geiger’s explanation is not very plausible. Except for the ARN passage, Sadducees is a term used with reference to members of a party that existed during and after the Hasmonean period. However, the Hasmoneans displaced the Zadokite high priestly family and appointed in 152 B.C.E. Jonathan the Hasmonean high priest. Why would the non-Zadokite high priests and their following call themselves Zadokites?231 Therefore it is more plausible that the Zadokites were named not for the high priest, but for another Zadok, who may have been a disciple of Antigonos of Sokho, as stated in ARN. The fact that ARN is confirmed by Josephus in matters of reward and punishment, resurrection, the hereafter, and the importance of tradition is a strong indication that it may be accurate also with regard to the personality of Zadok.232

The origin and precise character of the party called Boethosians is also obscure. It may be a party originated with Boethos of Alexandria. Simon, his son, was appointed high priest by Herod (in 24 B.C.E.), who married his daughter Mariamne (the second). Later other members of the Boethos family became high priests. The Boethosian party is assumed to be close to the Sadducees, or to a Sadducean group, a plausible assumption.233 Some scholars believe that “Boethosians” is the talmudic term for Essenes.234

The term Essenes may come from the Aramaic ḫasā, corresponding to the Hebrew ḥadīṣ hasid.235 Though this is the generally accepted explanation, it cannot be confirmed from talmudic sources in
which references to the Essenes are obscure and controversial. It is also noteworthy that the New Testament never mentions the Essenes. Some scholars believe that the Essenes were a peripheral Pharisaic group.

THE POLITICAL ROLE OF THE PHARISEES

Were the Pharisees a religious or a political party? Scholars in the field (and not in the field) have often argued this point, and the argument is not yet over. Ismar Elbogen wrote a noteworthy essay, "Einige neuere Theorien über den Ursprung der Pharisäer und Sadduzäer," in which he discusses, in brief, the respective positions of several scholars on this question. After the publication of this essay, the dispute continued through a series of more recent books and essays.

The various opinions on the matter range from the view that the Pharisees were solely a religious party to the extreme opposite belief that they were only a political party. In between are opinions that the Pharisees combined both religious and political interests to varying degrees.

What do the sources reveal on this matter? According to both Josephus and the Talmud, the Pharisees were primarily religionists who used force or resisted orders of the ruler whenever their religious convictions had been violated. They followed the example of the Ḥasidim, who joined the Maccabees primarily for religious reasons. The following instances may shed light on this point.

1. The cause of the break between John Hyrcanus and the Pharisees was, according to both Josephus and the Talmud, a Pharisee's objection to the king's assumption of the high-priesthood, because this represented a violation of religious law. Some scholars believe that the real reason for the break was something else: John Hyrcanus assumed dictatorial, or quasi-dictatorial, power by dismissing the Sanhedrin, or curtailing its power. This conjecture is based on the fact that an inscription on Hyrcanus' earlier coins was ינשכ הכהן הנך היודל.

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"Jonathan High Priest and Hever of the Jews," while the inscriptions on the later coins read "King Jonathan" and βασιλέως Ἀλέξανδρον "King Alexander." Whether Hever means Community, i.e., the people of the land, or is a synonym for Sanhedrin cannot be decided. What the inscriptions on the coins do seem to prove is only that John Hyrcanus increased his political power and stressed secular interests in his later years. This is also documented by his military endeavors. It is but natural that the religious leaders of the people did not like this change and may have wanted a high priest who was not primarily a king and warrior. Nonetheless, there is no justification for disregarding the testimony of unequivocal sources and substituting conjectures. Josephus and the Talmud give us the incident that triggered the open break. The actions of the king and Sadducean intrigue may have prepared the soil for the incident.

2. Alexander Jannaeus (105-78 B.C.E.) undertook a bloody attack on the people after they pelted him with citrons at the Festival of Tabernacles. According to Josephus this happened while he stood beside the altar to perform a sacrificial act. The reason was the objection of the people to Alexander Jannaeus' being a high priest "because he was descended from captives." The Talmud relates a somewhat similar incident: The people pelted a Sadducee on the Festival of Tabernacles because he violated the (Pharisaic) traditional law of water libation (B. Sukkah 48b) by pouring the water on his feet instead of pouring it on the altar. It is believed that the Talmud and Josephus refer to the same incident in spite of the noteworthy discrepancies as to the reason for the pelting and talmudic omission of the culprit's name. It is possible that the combination of both reasons caused the incident. Allon, however, holds that Josephus and the Talmud do not refer to the same incident.

The situation here is similar to the one above. The incident, resulting in a massacre, was caused, or at least triggered, by religious reasons.

3. In another case, the Pharisees refused to swear an oath of allegiance to Herod and to the Romans for religious reasons.

There were, of course, individuals and peripheral groups among the Pharisees who stressed nationalism and advocated the use of
force. Such a peripheral group was Josephus' “Fourth sect of Jewish philosophy,” founded by Judas the Galilean. He describes them: “These men agree in all other things with the Pharisaic notions; but they have an inviolable attachment to liberty; and say that God is to be their only Ruler and Lord.”

While the Pharisees were primarily religionists, religion for them, as in the Bible, was a comprehensive pursuit including interests we consider secular and even nationalistic. Therefore, in spite of the increasingly secular pursuits of the Hasmonean rulers, the Pharisees lived in harmony with them as long as they did not violate their religious convictions, or curtail the leadership rights given them by the early Hasmoneans. The Sanhedrin, vested with legislative power and the direction of religious and civil matters, had Pharisaic membership most of the time. This certainly would not have been the case if the Pharisees and the Hasmoneans had been perennial adversaries, as some scholars believe. G. Allon points out correctly that most of the talmudic references to the Hasmoneans reveal a friendly attitude of the Pharisees and rabbis toward the Hasmoneans. The clashes were the exceptions.

Alexander Jannaeus, under whom the most serious clashes between Pharisees and Hasmoneans took place, recommended reconciliation on his death bed and was heeded. The majority of the people followed the Pharisees, and therefore they possessed the potentiality of political power and influence. They used this potentiality rarely, and then, as a rule, only in defense of their religious convictions.

Herod's rule spelled the end of political influence for both the Sadducees and Pharisees. During the Roman occupation of Palestine, none of the Jewish parties nor the puppet kings possessed political power worthy of the name. The Romans made the high priests responsible for the loyalty of the Jewish people as evidenced by the trial of Jesus and other supposed “rebels” against Roman rule. On the other hand, the decisive internal power, i.e., the influence with the Jewish people, remained in the hands of the Pharisees. However the struggle of the parties, which continued after the Roman occupation of the land, was not a struggle for political power but concerned matters of religion, including civil law. In regard to the at-
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titude toward the Roman overlords, Sadducees and Pharisees had no well-defined separate policies.

Since we are not dealing with the general history of Judaism, we shall not discuss any further the political role of the Pharisees nor include the uprisings against Rome, which were endeavors of practically the entire Jewish people, not only the Pharisees.

CONTROVERSIES BETWEEN PHARISEES AND SADDUCEES

Most of the Pharisee-Sadducee controversies may be categorized as 1) disputes rooted in Pharisaic acceptance and Sadducean rejection of oral tradition for all areas of human endeavor, or 2) disputes concerning certain laws of the Torah.

The extensive Pharisaic acceptance of oral law, both in belief and practice, had two purposes: 1) To harmonize Judaism with ever-changing internal and external conditions, and 2) to enrich the religious and, to some extent, also the secular life of the laity by enlarging considerably the realm of practices for them. Thus religious expression, hitherto mainly a priestly privilege, became more extensively a direct concern of the people. The development of the oral law by the Pharisees is the main reason why the masses flocked to them and why they gained control of the religious life of the people.

The Sadducees rejected the oral law of the Pharisees not only because they were conservative, but mainly because they wanted to limit religion and keep it within the boundaries of the Torah, which had entrusted them with leadership. Of course, they would not admit this openly; instead they claimed that the oral law constituted an unnecessary, senseless burden which they did not wish to bear, as seen from a quote in ARN, “They [traditionalists] afflict themselves [with the burden of the oral law] in this world.” Accordingly, J. Z. Lauterbach’s characterization of the Pharisees as “liberal separatists” is somewhat misleading. Instead, we would suggest another two-word characterization: “progressive traditionalists.”

The number of the controversies between Sadducees and Pharisees
cannot be determined. It varies according to the scholar who is tabulating the incidents. The reason for this is that with regard to many controversies, designated as disputes between Pharisees and Sadducees, doubt exists whether they actually were disputes of these parties. Some controversies had been ascribed erroneously to them even in the ancient sources, and other errors in cataloging the disputes have been made by modern scholars.

The controversies vary in many respects. They embrace all major areas of Jewish law and ritual, including civil law. Some of the disputes are of consequence and others are not.

In certain cases the Pharisees are stricter; in others, the Sadducees are more stringent. In general, the text interpretation of the Sadducees is closer to the literal meaning of the Bible than that of the Pharisees. On the other hand, the assertion that the Pharisees interpret the Torah according to its spirit while the Sadducees according to its letter cannot be accepted. It is true that occasionally the Pharisees, and much more often the rabbis, deviate from the literal meaning of the Torah; but this is generally not for the purpose of interpreting it according to its spirit, but according to the spirit of their time, the Zeitgeist.

If we possessed a chronology of the controversies between the Pharisees and the Sadducees, we would know considerably more about their significance for the history of the Halakhah. The earlier controversies that could point to the divergent roads of Sadducees and Pharisees would be of greater significance, while later controversies might be of little importance. Unfortunately, most of their controversies are anonymous and lack other criteria that would enable us to date them.

Among the individual controversies, originally the theological differences were more basic. Origin and true motive of these differences are fogged in obscurity. Did the Sadducees reject the belief in resurrection because they did not recognize the Prophets and the Hagiographa as a source of creed? Did they, moreover, consider the doctrine as a Pharisaic tradition, or as a foreign (Greek) belief, which they refused to incorporate into Judaism? For the ordinary people, the idea of resurrection, followed by reward and punishment, had particular appeal. They believed in God's justice, which they
could not always observe on earth. The answer to the problem of theodicy lay in their faith in resurrection, reward of the righteous, and punishment of the wicked.

In addition to its theological importance, belief in resurrection may also have significance for the history of the Halakhah. A. Büchler attempts to show that the biblical methods of execution were considerably revised by the Pharisees because of their notion of resurrection. Thus, for example, "strangulation" is not found in the Torah as a type of death penalty. Nonetheless it is, according to the Talmud, the most frequent method of execution; whenever the Torah does not specify the type of death penalty, the sages ruled that the method was, as a matter of course, strangulation. Prior to this ruling, the death penalty of the Torah was always stoning, unless burning was explicitly ordered. Why was this profound change made? N. Brüll believes that the Pharisees wanted to strengthen the belief in resurrection even for persons who had been given the death penalty and had atoned for their sins by death. To the people, resurrection was more comprehensible if the body was left intact. Strangulation leaves the body more intact than any other form of execution. The same idea underlies (according to Brüll and followers) the changes in the method of burning and stoning. Burning had been changed from a literal burning at the stake to throwing a burning wick (pouring lead) into the mouth of the condemned. Stoning was likewise modified from literal stoning to pushing the culprit from a rock (M. Sanh. VI,4).

In spite of the acumen displayed by Brüll and followers, it is doubtful whether Pharisaic belief in resurrection affected modifications of the forms of biblical executions. Josephus speaks of the tendency of the Pharisees to be lenient in matters of punishment but does not hint of a theological motivation. This tendency, adopted and strengthened by the rabbis of the Talmud, combined with Roman influence, is the probable cause for the changes in the methods of execution. It is doubtful whether these changes had ever been carried out in practice. Rabbi Eleazar ben Zadok (probably middle or second half of the first century C.E.) testifies that he observed an execution by fire. This was performed by burning a condemned daughter of a priest at the stake. Rab Joseph, an Amora, rejects
this testimony by saying that the matter was handled by a Sadducean court.256

However, none of the tannaitic versions of the case knows of such objection. They reject Eleazar's testimony because he was a minor at the time of the execution and therefore not qualified to testify. Rab Joseph's view, therefore, appears to be a conjecture. The strength of this conjecture lies in the possibility that the sentencing of a priest's daughter was in the hands of a Sadducean priestly court. This does not mean, however, that at that time (about the middle of the first century c.e.) the Pharisees had already altered the form of the burning penalty. Moreover, it is probable that the changes of the methods of execution were not made by the Pharisees, but by their successors, the rabbis. In tannaitic sources the new forms of execution are discussed by Tannaites of the first half of the second century c.e. This indicates that the changes were made at that time and could have had only a theoretical character.257 They reflect the tendency of the Talmud to interpret the Torah in the light of the culture of their day (the Roman in this case) and according to the humane spiritual atmosphere of the academy.

FALSE WITNESSES

A significant dateable controversy between Pharisees and Sadducees to be discussed next concerns the false witnesses.

This controversy was in full swing at the time of Judah ben Tab-bai and Simon ben Shetah, about 100 B.C.E.258 The apparent bone of contention was the law in Deut. 19:15-21. The Sadducees held that the false witnesses were to be punished only after the falsely accused person had received punishment. If he were merely sentenced but had not yet been punished, the law would not apply. The Pharisees, on the other hand, maintained that the false witnesses were subject to punishment as soon as the falsely accused person had been sentenced, though as yet unpunished. The reason for the divergence, as given in the sources, is the different interpretations of verse 19: “then ye shall do unto him, as he had purposed to do unto his
brother.” The Pharisees took the words “as he had purposed” more literally, inferring that the purpose, after leading to the sentence sufficed for application of the law, whereas the Sadducees applied the lex talionis, expressed in verse 21, literally.

The stated reasons for the divergence are rooted in the (seeming) conflict of verses 19 and 21. Only one of these verses can be understood literally; the other has to be interpreted so that it would not contradict the passage understood literally. The Sadducees chose to maintain the lex talionis in its literal sense, whereas the Pharisees stressed verse 19, emphasizing the gravity of the evil intent. However, even the Pharisees admit that evil intent alone is not sufficient grounds for punishment; intent must result in the sentencing of the accused person. Thus, the Pharisees themselves do not take the words “as he had purposed” entirely literally.

The sources are not explicit regarding the question whether the Pharisees held that the false witnesses were to be punished only if the accused person had been sentenced, but not yet punished, or that punishment be applied even after sentence had been carried out. According to a tannaitic view, related by Beribbi, the ‘edim zo-memim “false witnesses” were not to be punished after the accused person received his penalty. If this were also the Pharisaic interpretation, it would lead to an unreasonable leniency. However, since Beribbi’s view is not given in the sources as Pharisaic, scholars believe that it is merely tannaitic, and that the Pharisees would have applied the law even after the sentence had been carried out. Since we know that the Pharisees were more lenient in matters of punishment than the Sadducees, an apparent exception in our case constitutes a puzzle. The sources give no reason for the exceptional Pharisaic stringency. Whatever modern explanations may be offered, they are only conjectures.

Which interpretation of the law was actually followed in judicial practice? We know of two incidents in which the Pharisaic view was carried out. One is related in the book of Susanna. Here the false witnesses were executed, though Susanna had merely been sentenced to death and had not yet been executed.
The other incident is related in rabbinic sources. In this incident, according to most versions, Judah ben Tabbai executed a false witness; according to the Mekhila this was done by Simon ben Sheta in compliance with the Pharisaic interpretation of the law. The other member of the Zug, upon hearing of this execution, reprimanded his colleague saying that he shed innocent blood because the law required both witnesses to be convicted of falsehood, but in this incident only the one had been convicted. The error committed was not necessarily a real error. Deut. 19:16 ff. uses the word “witness” in the singular; there is the possibility that originally the law applied even if only one of the witnesses were convicted of falsehood. The accepted interpretation however was that the law applied only if both witnesses were convicted. All the versions agree that the member of the Zug who had executed the false witness admitted his error. This means that henceforth the accepted Pharisaic interpretation of “witness” in Deut. 19:16 ff. (and elsewhere) was to be considered in the plural sense (in harmony with Deut. 19:15) in spite of the singular formulation in Scripture. The Sadducean interpretation of “witness” was not transmitted.

THE RIGHT OF THE DAUGHTER TO INHERIT HER FATHER’S ESTATE

Who is the legal heir in the following case? A man had a son and a daughter, and the son had a daughter. The son died, while the others remained alive. Then the father died. The Pharisees hold that the granddaughter inherits all the property her father would have inherited. The Sadducees on the other hand, claim that the property should be divided equally between daughter and granddaughter.

The reasoning of the Sadducees, according to the sources (Tosefta version), is the following: If the daughter of my son, who comes by strength of her father who, in turn, comes by my strength, can inherit my property, how much the more can my daughter inherit my
property, who comes by my strength. In other words, the daughter who is a closer relative, should have no lesser rights than the granddaughter, who is more distant.

The reasoning of the Pharisees in the same source is the following: The daughter of the deceased son has more rights, since her father had rights of inheritance equal to those of his brothers whereas his sister had no such rights. In other words, the daughter of the deceased son is, in our case, the only one in possession of the right of inheritance, since her father was a legal heir; his sister was not a legal heir of her father, since there had been a brother.

According to the Pharisees, the law of the Torah "If a man die, and have no son, then ye shall cause his inheritance to pass unto his daughter" (Num. 27:8) implies that if there are sons and daughters, only the sons inherit the property. The Pharisees apply this law even after the son died and left a daughter. This daughter, if she had no brothers, is the legal heir to her father who acquired the title to the inheritance while he was alive. According to the Sadducees, the law of the Torah does not apply in our case, since the son never actually inherited his father's property, and therefore the degree of relationship also has to be considered.265

Why the Sadducees and Pharisees differ in this case is a matter of conjecture. Many scholars believe that the reason advanced by the Sadducees — importance of the degree of relationship — was not their real reason. Consequently, they advance all kinds of conjectures.266 From the juridical point of view, the Pharisaic interpretation is superior.267 The Sadducees' interpretation may have been influenced by a feeling of equity, since they were wealthy and had to deal with this problem in daily life.268

According to the accounts in the Babylonian Talmud and Meg. Ta'anith, the spokesman arguing against the Sadducees was Johanan ben Zakkai.

Pharisees and Boethosians are mentioned in the Tosefta only. All the other sources name only the Sadducees and do not mention the Pharisees.
DAMAGES CAUSED BY SLAVES

The Sadducees say, "We cry out against you, O ye Pharisees," for ye say, "If my ox or my ass have done an injury they are culpable, but if my bondman or my bondwoman have done an injury they are not culpable" — if, in the case of my ox or my ass [about which no commandments are laid upon me] I am responsible for the injury that they do, how much more in the case of my bondman and my bondwoman [about whom certain commandments are laid upon me] must I be responsible for the injury that they do! They said to them, "No — as ye argue concerning my ox or my ass [which have no understanding] would ye likewise argue concerning my bondman or my bondwoman which have understanding? For if I provoke him to anger, he may go and set fire to another's stack of corn; and it is I that must make restitution!" 260

The problem is not touched upon in the Torah; nonetheless, the Sadducees could not ignore it, since they were the wealthy who owned many slaves. They adhered to the ancient view that slaves were on a level with other kinds of property, and therefore the same laws applied to them. The Pharisees placed the slaves on a different level. The reason is a matter of conjecture. It is possible that the less wealthy, whom the Pharisees had in mind, who happened to own a slave needed more protection in case of damage done by their slaves.

This and the previous case demonstrate that there were instances in daily life, not legislated for in the Torah, in which the Sadducees were compelled to make a decision. A collection made of such decisions may have been the סֵפֶר גְּצֶרֶתָה Sefer Gezeratha of the Sadducees. 270

THE TAMID SACRIFICE

The Sadducees held that the animals for the Tamid sacrifices might be donated by individuals, while the Pharisees claimed that they had to be purchased with public funds from the Temple treasury. 271 The Talmud states that the Sadducees based their opinion on Num. 28:4, "The one lamb shalt thou offer at dusk."
Their opponents quoted (Num. 28:2), "My food which is presented unto me for offerings made by fire ... shall ye observe."

The context of the Torah indicates that the Tamid is a public sacrifice. The question of whether an individual may or may not donate it to the Temple is left open. Since there was a prescribed tax "for the service of the tent of meeting" (Exod. 30:11-16), and this tax continued for the Temple, the public sacrifices were secured with money solicited equally from rich and poor. The Sadducees may have intended to enlarge the scope of their participation in the Temple cult—they were the wealthy and able to make individual donations of sacrificial animals. The Pharisees naturally objected to this. The explanation of the Talmud, based on exegetical differences, is certainly of a later date.

Again, the Talmud does not use the term "Pharisees."

**Harvesting of the Omer on Sabbath**

According to Pharisaic ruling, the Omer is always to be harvested the night following the first day of Passover, even if it be on the Sabbath. The Boethians, however, claim that the Omer must not be harvested on a Sabbath.

The controversy is not rooted in divergent exegesis, since the Torah gives no date for the harvesting of the Omer. Moreover, the harvesting of the Omer is not prescribed in the Torah as a ceremony. Therefore, it is safe to assume that originally it had no ritualistic significance. Obviously the Pharisees developed this insignificant preliminary act which could be performed by laymen and expanded it into an elaborate ceremony for the non-priests. The most important step in the development of this ceremony was the ruling that it was to be performed even on the Sabbath, if this day happens to be the second day of Passover, which is the prescribed day for the harvesting of the Omer. The (Sadducean) priests undoubtedly considered the elaborate ceremony of the harvesting of the Omer a Pharisaic oral law; therefore, they would not accept it, let alone...
place it on a par with the sacrificial cult which only priests were privileged to perform on a Sabbath. The Pharisees, on the other hand, considered this ceremony as an important step toward their goal of equality with the priests.\textsuperscript{276}

Again, neither the term Pharisees nor the term Sadducees appears in the sources.

\section*{The Date of Shavuoth}

Lev. 23:15 states "And ye shall count unto you from the morrow after Sabbath, from the day that ye brought the sheaf of the waving; seven weeks shall there be complete."

Boethosians and Pharisees disagreed on the meaning of \textit{sabbath} in this passage. The precise meaning of this word was important for fixing the date of \textit{Shavuoth}. The Pharisees held that \textit{sabbath} here meant the first day of the Passover festival, interpreting \textit{sabbath} as a day of rest, i.e., festival. Therefore, \textit{Shavuoth} fell on the fiftieth day after the first day of Passover. The Boethians, on the other hand, took \textit{sabbath} as meaning the Sabbath, the seventh day of the week. Consequently, \textit{Shavuoth} fell on the fiftieth day after the Sabbath of Passover, i.e., always on a Sunday.\textsuperscript{277}

The interpretations of Lev. 23:15 advanced by the Boethians and Pharisees respectively are both within the \textit{peshat}, the possible true meaning of the passage. The literal interpretation of \textit{sabbath}, meaning Sabbath, may certainly represent the original meaning. On the other hand, \textit{sabbath} here may actually mean a day of rest, i.e., a festival day (first day of Passover), as it does in Lev. 23:32, where it refers to the Day of Atonement, no matter what day of the week that may be.

Since the passage in Lev. 23:15 unquestionably had only one original meaning, it would be of interest to know what this meaning was, who reinterpreted it, why and when this was done.\textsuperscript{278}

The Vulgate takes \textit{sabbath} of our passage literally.\textsuperscript{279} The Peshitta renders it "after the last day of Passover,"\textsuperscript{280} which agrees with the understanding in the \textit{Book of Jubilees} and the Falashas.\textsuperscript{281} Samari-
tans and Karaites take it literally, too. The Karaite interpretation may hark back to Sadducean or Boethosian tradition.

The Pharisaic interpretation of our sabbath is also documented in ancient sources. Philo as well as Josephus state that the Omer ceremony was done on the sixteenth of Nisan, in accordance with the Pharisaic interpretation. It is also supported by Targum Ps. Jonathan.

Although the ancient sources do not give a clear-cut answer to our question regarding the original meaning of the passage, the Boethosian interpretation is supported by the fact that the Sadducees and the Boethosians, assuming they were a Sadducean group, opposed, in principle, deviation from the literal meaning of the text. The Pharisees, on the other hand, were open minded and ready to make changes when deemed necessary. Why the Pharisees may have introduced the change in this case is a matter of conjecture. They may have felt the need for a fixed date for Shavuoth, the only festival for which the Torah gives no exact date.

The calendation was (at least most of the time) carried out by the Pharisees according to their views, much to the displeasure of the Sadducees and other groups. In one incident, the latter obviously trying to make Shavuoth occur on a Sunday in accordance with their interpretation, even hired false witnesses in an unsuccessful effort to mislead the Pharisaic sages. In B. Men. 65a and Meg. Ta'anith (loc. cit.), the Pharisee spokesman, Johanan ben Zakkai, vigorously attacks the Boethosians.

The conjecture that the date of Shavuoth was fixed by the Pharisees because of its added historical significance is not too strong. Neither Josephus nor Philo know of such a significance for Shavuoth. This is found only in talmudic literature of the second century C.E.

Neither Sadducees nor Pharisees are explicitly mentioned.

**WATER LIBATION ON SUKKOTH**

This case we discussed incidentally in the chapter on the political role of the Pharisees. Let us review here the case in brief.
PHARISAIC–EARLY TANNAITIC PERIOD

and supplement it with details relevant in this chapter. King and High Priest Alexander Jannaeus was to perform the water libation ceremony, a rite not prescribed in the Torah, but considered very important by the Pharisees because of its significance for the farmer. Alexander Jannaeus, however, despised this ceremony, as did the Sadducees, and by pouring water upon his feet instead of upon the altar, he upset the people. They obviously attributed to this ceremony great significance and effectiveness in securing rain for their crops.

Why did the Sadducees object to the ritual of the water libation? This ceremony is not mentioned in the Torah and belongs, therefore, to the realm of oral law which they rejected in principle.290 This incident confirms Josephus’ contention that the Sadducees had to follow the Pharisaic law even in matters of Temple cult since otherwise the people would not listen to them. It is also noteworthy that the Pharisees do not attempt to find support from the Torah for the ceremony of water libation. Talmudic sources do not mention the Pharisees.

WILLOW BRANCH CEREMONY ON SUKKOTH

The Tosephta relates:

The willow branch ceremony overrides the Sabbath at the end [i.e., if it falls on the seventh day of Sukkoth]. Once it happened that before Sabbath the Boethosians placed big stones over the willow branches. The ‘amme ha-are? [‘people of the land,’ followers of the Pharisees] noticed this, removed the stones and brought the willow branches out from under the stones on Sabbath. All this happened because the Boethosians do not admit that the flogging with the willow branches supersedes the Sabbath.291

The willow branch ceremony was performed by all the people present in the Temple. Acts of the Temple cult, as a rule, superseded the Sabbath. However, the Boethosians did not concede that this ceremony overrode the Sabbath. Why? Some scholars believe that the Sadducees did not want to raise the laity to the level of the
priests, who were privileged to carry out acts of Temple cult on the Sabbath. While this explanation may sound plausible, the real reason may be a principal Sadducean misgiving against this ceremony. The Torah does not speak of a ceremony of beating with willow branches. All the Torah says is: “And ye shall take you on the first day . . . and willows of the brook, and ye shall rejoice before the Lord your God seven days” (Lev. 23:40). This ceremony was developed or adopted by the Pharisees and was considered by the Sadducees as an oral law, which they rejected on principle. The Tosefta explicitly states that “The Willow Branch Ceremony is an halakhah le-Moshe Mi-Sinai” (ibid.), an old, traditional law. Abba Saul’s interpretation of the scriptural verse (that “willows of the brook” means one for the Lulav and one for the altar” loc. cit.) is not Pharisaic but tannaitic. However, when the Pharisees had control over the Temple, the Sadducees could not prohibit the performance of this ceremony, but tried to prevent it on the Sabbath when, according to the Torah, sacrificial acts were to be performed only by priests.

Why the Pharisees adopted the willow branch ceremony is a matter of conjecture. Sukkoth is called Ḥag, the “Feast” par excellence, in tannaitic literature. For the ‘amme ha-arez, mostly farmers, this was the most important festival because of the belief that at this time God rendered the decision concerning rainfall for the coming season. This is generally believed to be the main reason for ceremonies developed for this festival.

We also have to realize that more farmers could come to Jerusalem on Sukkoth than on any of the other Pilgrim festivals, since this festival is celebrated after the final gathering of the crops when a period of leisure begins for the farmer.

Pharisees are not explicitly named in this incident.

**THE DAY OF ATONEMENT**

The principal ceremonies of the Day of Atonement were functions of the high priest. While the high priests were often Sad-
ducees, they were recognized by the Pharisees, too, as the high priests of the entire Jewish people. Tannaitic sources show that the Pharisees had (at times) decisive influence over the Temple service. They adjured the high priest before the Day of Atonement in order to ascertain that he would perform his duties in accordance with the Pharisaic interpretation of the law. We may cite some particulars that prove the strength of Pharisaic influence. During the night of the Day of Atonement, the sages read before the high priest (or urged him to read) the books of Job, Ezra, Chronicles and Daniel, all from the Hagiographa. This was obviously done in view of the rejection of the Hagiographa by the Sadducees.

One of the hotly debated ceremonies performed by the high priest on the Day of Atonement was a detail concerning the incense.

Lev. 16:12-13 asserts, “And he shall take a censer full of coals of fire from off the altar before the Lord, his hands full of sweet incense beaten small, and bring it within the veil. And he shall put the incense upon the fire before the Lord, that the cloud of the incense may cover the ark-cover that is upon the testimony, that he die not.”

The Pharisees understood this to mean that the high priest should carry the censer with the burning coals in his right hand, and the incense in his left hand while on his way to enter the Holy of Holies. After entering the Holy of Holies, he should place the incense upon the burning coals. The Sadducees, on the other hand, demanded that the incense be placed upon the burning coals outside of the Holy of Holies and only then could the high priest enter the holy chamber.

The Pharisaic view is in harmony with the obvious meaning of the text, but the Sadducean interpretation of the same does not violate its possible meaning either. Why the Pharisees and Sadducees differ in this case is a matter of conjecture. Lauterbach devoted a long essay to this problem. He believes, in brief, that the Sadducean high priests, who performed this ceremony, were afraid that they would die if they entered the Holy of Holies before the incense was put on the coal because of the verse in Exodus “for man shall not see me and live” (33:20). They were afraid that they might look at the Deity (inadvertently) if they were to enter the holy chamber before the incense had been kindled. The Pharisees, on the other
hand, believed that the Shekhinah was present everywhere: therefore there was no cause for worry about “seeing God.” The Scripture was to be followed in its literal and obvious meaning; superstition was to be disregarded.

In spite of Lauterbach’s great acumen and keen analysis of the sources, his conclusion leaves some questions unanswered. Why would the Sadducees believe that a punctilious observance of a law could lead to death, while a violation of it would assure safety? Moreover, the high priest had to perform his duty in accordance with the Pharisaic interpretation of the law, and the Sadducean interpretation remained theory, save for exceptional instances. Therefore, the Sadducean interpretation could not save the high priest, and the performance of the ritual in accordance with the Pharisaic interpretation never hurt him.

We only know of one case in which the ceremony was performed in accordance with the Sadducean interpretation of the law. In this case the high priest in doing so was reprimanded by his father, “Even though we are Sadducees, we are afraid of the Pharisees.”

In light of these questions, Ralph Marcus’ conjecture that the Sadducees’ desire to place the incense upon the coals before entering the holy chamber was motivated by an interest to demonstrate this service in public, deserves attention. However, more likely is the possibility that the Pharisees insisted on the observance of their interpretation in order to diminish the visible role of the high priest, usually suspect of Sadducean leanings.

Except for B. Yoma 19b, all the other sources citing our controversy do not use the word “Pharisees,” but “Hakhamim,” sages.

THE RED HEIFER

According to the Sadducees, the Red Heifer (Num. 19) was to be burnt by a priest who, if he were defiled, had to take a bath and wait until sunset before officiating. However their Pharisaic opponents claimed that the priest had to perform the act of burning after the bath and must not wait until sunset.
This controversy was probably based on an exegetical disagreement between Sadducees and Pharisees. Its significance lies in the fact that the Pharisees possessed the power to compel the high priest who, as indicated in the Mishnah, performed the burning ritual, to act in accordance with their decision. They defiled the priest on purpose in order to test whether he would act in accordance with the Pharisaic law or not.

An incident related in the Tosefta is most significant. A Sadducean high priest acted in accordance with the Sadducean law. When Johanan ben Zakkai learned about it, he defiled him, ordered him to take a bath, which he did, and then nipped his ear to make him unfit for priestly functions.

This incident shows that the Pharisees at times had full control over religious life, even over the sacrificial cult, much to the irritation of the Sadducees. Even the high priests had to conform to their wishes at Johanan ben Zakkai’s time. The word “Pharisee” is not used here.

DEFILEMENT OF THE HANDS BY TOUCHING HOLY BOOKS

The Pharisees ruled that Holy Books defiled the hands, but not secular books, while the Sadducees rejected this law. The question why the Sadducees rejected this law is easily answered. They rejected oral law in principle and saw no reason to make an exception in this instance. The real problem is why the Pharisees introduced this new law. Pharisees and Sadducees themselves discuss this issue.

First, the Sadducees point out that the Pharisaic law is illogical. Why should the Holy Books defile the hands, while secular (or heretical) books should not? Johanan ben Zakkai defends the Pharisaic position by pointing out ironically that there was a better reason to complain about the Pharisees maintaining that the bones of a donkey were clean, while the bones of Johanan, the high priest, were unclean. This contention, based on a law of the Torah,
RABBINIC JUDAISM IN THE MAKING

could not be rejected by the Sadducees. The Sadducees replied that the reason for this is to prevent a man from making spoons of the bones of his parents. Johanan ben Zakkai retorts that the same holds true for the Holy Scripts; they cause defilement because they are so beloved; but secular books, since they are not beloved, do not defile the hands.

According to Johanan ben Zakkai's statement, the purpose of the law was to protect the Holy Books. The question now is in what way could such a law protect the Holy Books? According to Johanan ben Zakkai, people might use them as covers for their cattle. This implies that since they were now declared ritually unclean, people would refrain from using them for such purposes.

According to this explanation, defilement can serve a higher purpose and protect something that is precious. This is not the only instance where defilement serves such a purpose. M. Ḥul. IX,2, informs us that the skin of humans that was finished as leather defiles, while the leather of other creatures does not. The Talmud points out that this is not a law of the Torah, but it was made lest people make covers from the skins of their parents.

Some scholars do not think that Johanan ben Zakkai gave the Sadducees the true reason, and suggest other reasons, e.g., that the defilement of Holy Books was a measure against the Sadducees. Its purpose was to prevent the Sadducean priests from eating the Terumah (heave offering) before nightfall whenever they touched the Holy Books. The Pharisees, therefore, intended to penalize the priests for using the Holy Books. This does not seem to be plausible. (Moreover, the farmer could choose the priest to whom he gave the Terumah and could give it therefore, to non-Sadducean priests just as well.) Tchernowitz points out that in antiquity, the concepts of holiness and defilement were closely related, and says in conclusion: "The Sadducees say that holiness sanctifies, while the Pharisees hold that holiness defiles."

We have to keep in mind that the oral law considerably increased the scope of defilement for priests and laymen alike. It ordained, for example, that every Jew had to wash his hands before eating secular food, even when he had not touched anything that might have defiled him. The fact that the largest order of Mishnah (Seder
Tohoroth) is that which deals with the laws of defilement demonstrates the importance of these laws in the eyes of the sages, Pharisees, and rabbis of the Talmud alike. While it is a fact that the Pharisees disliked the Sadducees, many of whom were priests, we do not see the need of any conjecture, based on this fact, as long as the sources are explicit and make good sense. We believe, therefore, that Johanan ben Zakkai's words are more trustworthy than any conjecture, and that he meant what he said. In this controversy both Pharisees and Sadducees are explicitly mentioned.

Nizzoq

"The Sadducees say, 'We complain about you, Pharisees, for you declare clean the nizzoq.' The Pharisees reply, 'We complain against you, Sadducees, for you declare clean a channel of water that flows from a grave yard.'"

The word nizzoq is considered by some modern scholars to be obscure and in need of interpretation. The traditional interpretation is that if a liquid is poured from a ritually clean vessel into an unclean vessel, whatever is left in the clean vessel remains clean. The nizzoq, meaning "stream of liquid," does not constitute a real connection, which would lead to the defilement of the liquid left in the clean vessel.

This interpretation is plausible in view of Mishnah Makhshirin V,9: "Any nizzoq is clean, except a stream of thick honey or batter. The School of Shammai say, 'Also one of porridge made from grits or beans, since it shrinks backwards.'" It is obvious that nizzoq here means a stream of liquid. A heavy, slow-flowing stream of liquid is unclean, because it shrinks backwards whenever the stream is broken, projecting thereby the defilement of liquid of the lower vessel into the upper vessel. However, this is not the case if the liquid is not heavy.

Many scholars are dissatisfied with this interpretation and suggest various conjectures, more or less fanciful.

If we accept the traditional interpretation, as done by L. Ginzberg
and others, the reason that the Sadducees declared the *niẓẓoq* unclean is that they considered the stream of liquid as a connecting link between the two vessels, by which the unclean vessel could defile the clean one. The Pharisees rejected this view and believed that the uncleanness did not go against the running stream to the upper vessel. Adhering literally to the Torah law that the touch of the unclean thing (or person) defiles the clean object, the Sadducees considered liquids connected by a stream while being poured as touching. The Pharisees did not call this touching.

The case of the water canal is different, the Sadducees may have replied to the Pharisees, because of the explicit statement of Lev. 11:36: "... a fountain or a cistern wherein is a gathering of water shall be clean."

Pharisees and Sadducees are explicitly mentioned here.

**THE IMMERSION OF THE MENORAH**

It once happened that the *Menorah* was immersed. Hereupon the Sadducees exclaimed, “Come and see, the Pharisees immerse the orb of the moon” (according to another version, “the orb of the sun”). This incident presupposes a controversy which the sources have not preserved. It is quite obvious that the immersion, i.e., purification of the *Menorah*, the candelabrum of the Temple, was an oral law introduced by the Pharisees and, therefore, rejected by the Sadducees. The reason for introducing this law is not transmitted. According to one conjecture, the purification of the *Menorah* was a measure against a priestly privilege. After every festival, the vessels of the Temple were purified because of the fear that the pilgrims (non-priests) might have touched them. Because the *Menorah* was touched by the priests only, they held that it remained clean and needed no immersion. According to a Baraitha, a special warning had been issued against touching the Table and the *Menorah*.

According to another conjecture, the reason for the Sadducean ob-
jection was that defilement of metal was not a biblical law but an 
ordinance of Simon ben Shetah, \textsuperscript{320} i.e., an oral law. \textsuperscript{321} The weakness 
of this conjecture is that we do not hear of Sadducean objections 
against the immersion of the other metal utensils of the Temple.

It is possible that the real reason for the Sadducean objection was 
that the \textit{Menorah} was not a vessel in the ordinary sense of the 
word — the ordinary vessels of the Temple served the purpose of 
preparing or receiving sacrificial food and liquid — but the \textit{Menorah} 
resembled the sun or moon in dispensing light. Therefore it was not 
susceptible to defilement, and its immersion would be ridiculous.

Other controversies which might be included if this were an ex-
hauitive study of Pharisees and Sadducees have been omitted because 
they add little to that which the controversies considered already 
show. Furthermore, their authenticity is questionable in many 
instances. \textsuperscript{322}

Among the disputes probably erroneously ascribed to the Saddu-
cees and Pharisees are those listed in the “Gemara” of \textit{Megillath 
Ta'anith}. These the rabbis may have inserted into the original \textit{Me-
gillath Ta'anith} in order to combat the Karaites. \textsuperscript{328} The principal 
argument against the authenticity of the cases listed in the “Gemara” 
of \textit{Megillath Ta'anith} is that the talmudic discussion of the cases in 
question — among them the lex talionis — does not state that these 
problems were debated by the Pharisees and Sadducees.

In addition to the three historical incidents — John Hyrcanus' 
brake with the Pharisees, Alexander Jannaeus' persecution of the 
Pharisees, and the incident related in the \textit{ARN} account — we have 
noted fourteen controversies between Pharisees and Sadducees (in-
cluding Boethosians) on the following topics:

1) Theology
2) False witnesses
3) The right of the daughter to inherit her father’s estate
4) Damages caused by slaves
5) The Tamid sacrifice
6) Harvesting the Omer on Sabbath

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7) Date of Shavuoth
8) Water libation on Sukkoth
9) Willow branch ceremony on Sukkoth
10) The Day of Atonement
11) The Red Heifer
12) Defilement of the hands by touching Holy Books
13) Nizzoz
14) Immersion of the Menorah

Study of various aspects of these disputes may prove revealing.

Chronological aspects

Less than half of the above controversies included names of persons who can be dated. Yet, even the participation of known persons does not mean that the controversy in which they participated had originated during their lifetime. A good illustration for this is the controversy on the date of Pentecost. According to rabbinic sources, the spokesman of the Pharisees in this discussion was Johanan ben Zakkai. This could mean that the controversy originated in his time. However, older sources show that this difference is considerably more ancient. This was certainly the case in other instances, too.

Naming of personalities

Besides the chronological aspect, the naming of persons in the controversies has additional significance. It shows that the spokesmen of the Pharisees were leading personalities: Antigonos of Sokho, Judah ben Tabbai, and Johanan ben Zakkai. Johanan ben Zakkai acted as the spokesman of the Pharisees, so far as ascertainable, prior to the destruction of the Temple, while he was Av Beth Din. Why did not the Nasi himself lead the struggle against the Sadducees, as one would expect? He certainly considered himself as the head of the entire nation and may not have wanted to antagonize a section of it. Besides, socially he stood closer to the Sadducees than to the Pharisees.
Exegesis

Whenever a controversy is rooted in or associated with an exegesis, both Pharisees and Sadducees interpreted the text in a rationalistic manner, avoiding dialectical, homiletical, allegorical or mystical interpretations. Usually, but not always, the Sadducees adhere more strictly to the literal meaning of the text than the Pharisees. In the fourteen controversies considered above, hermeneutic rules were not used, at least not explicitly. Of the fourteen controversies, 2, 5, 7 and 10 in particular have exegetical aspects, but the exegesis in the first three of these cases was probably added later. Exegetical aspects not preserved in the sources may also have played a part in such issues as 11 and 13.

Social aspects

The Pharisees strove to inject more democracy into Jewish life. Lauterbach thinks that this reflects the influence of the democratic Greek colonies in Palestine, in which the priests were the servants of the people. Among the Jews, however, the priests were the rulers. Readiness to make changes in the light of developments from within and without, a characteristic Pharisee trait, explains their endeavor to emulate the Greek democracies. We also have to keep in mind that striving for equality is a powerful human drive, present whenever an alert lower social stratum lives with a higher social class.

Stringency and leniency; Conservatism and Liberalism

Stringency and leniency constituted no issue with the two groups. In certain instances the Pharisees are more strict, in others the Sadducees, depending on the respective philosophies of the groups, or on other reasons. The Sadducees were conservative in strictly adhering to the Torah and rejecting changes. On the other hand, the Pharisees were not liberal in the sense this word is used today in referring to “Liberal Judaism.” They were liberal in the sense of being progressive but without being lenient save for exceptional instances. They tried to
adjust religion to changing conditions, not by discarding laws of the Torah, but generally by adding to them a body of oral laws.

**Oral tradition**

The principal distinction of consequences between the Sadducees and the Pharisees is the large scale development of the oral law by the Pharisees and its rejection by the Sadducees. The Sadducees were opposed to the oral law for more than one reason. The oral laws, introduced in response to the spiritual or material needs of the day, found genuine appeal among the people, enhancing the prestige and popularity of the lay teachers, who therefore became the de facto leaders of the people. This is confirmed by both Josephus and talmudic sources. Further, we have to keep in mind that some of the oral laws had the purpose of raising the laymen to the level of the priests, which the latter vehemently opposed.

In spite of the fact that the Sadducees rejected oral law on principle, they found instances in daily life which needed settlement, since the written Torah had failed to legislate for them. Such a case was the right of the daughter to inherit. In this and other cases, the Sadducees tried to solve the problem on the basis of their particular needs, which had become more pressing than the desire to stay as close as possible to the related laws of the Torah.

**Use of the designations Sadducees and Pharisees**

The way talmudic sources use the designations Sadducees and Pharisees is puzzling. In regard to the Sadducees, we have some variant texts that read “Boethosians,” generally assumed to be a Sadducean group, or a group close to the Sadducees. Some scholars, however, believe this to be a group distinct from the Sadducees. Should the latter be true, the variant readings are the result of errors in transmission. There are, however, instances in which all texts read “Boethosians” or “Sadducees,” respectively. In 4, 6, and 7, all the texts read Boethosians; in 2, 8, 10, 11, and 13 all the texts read Sadducees. This clearly indicates that Sadducees and Boethosians were two distinct groups. In the ARN passage cited they are listed next to
each other meaning that they were two separate groups. At the same time, ARN ascribes the same basic beliefs (or disbeliefs) to both groups, indicating that they were close to each other and constituted a common front against the Pharisees. The affinity of Sadducees and Boethosians is also indicated by the confusion of these groups in rabbinic sources.

More perplexing is the use of the designation “Pharisees” in talmudic sources. Particularly enigmatic is the fact that most of the controversies between Sadducees or Boethosians and Pharisees do not mention the Pharisees by name. Of the fourteen controversies considered above, the following do not mention the Pharisees: 2, Mishnah and Baraitha read “Hakhamim,” Sifre version is anonymous. Eight has kol ha-am in all talmudic texts (Mishnah, Tosefta, Baraitha). Nine has ‘amme ha-areẓ. In 11, Johanan ben Zakkai opposes the Sadducees in the Tosefta. The Mishnah here is anonymous. In 7 some versions have Johanan ben Zakkai, others have Ḥakhamim. Six is anonymous in both, Mishnah and Tosefta. Five is anonymous. In 10, the B. Talmud has “Pharisees,” but the other sources read Ḥakhamim instead. In 3, Pharisees are named only in the Tosefta. In the other sources, Johanan ben Zakkai opposes the Sadducees, e.g., in Megillath Ta’anith and its parallel in the B. Talmud. The P. Talmud version is anonymous.

In the ARN passage, the Pharisees are only mentioned in version I, but not in II. In the historical incident of Qid. 66a, Pharisees and Ḥakhamim are synonyms. In the incident of water libation (8) the Pharisees are not mentioned, neither in the Talmud nor in Josephus. Josephus does not mention the Sadducees, either. According to Josephus, this was a clash between Alexander Jannaeus and the Jewish people.

Sadducees or Boethosians and Pharisees are mentioned only in 1, ARN I. In 3 and 10, Pharisees are named in only one version. In 4, 12, 13, 14 the Pharisees are named in the various versions. Thus the Pharisees are named in six passages only, and in two of these they are designated as Pharisees in just one of several versions!

On the other hand, in the historical incidents in Qid. 66a and Soṭah 22b, the Sadducees are not mentioned, only the Pharisees.

If we consider the fact that in the majority of passages in which
the Sadducees are explicitly named, the Pharisees are not mentioned, and vice versa, the question is to be raised: are the unnamed opponents in those passages really the Sadducees and Pharisees, respectively? If so, why are they not named?

A partial explanation may be found in the term “Pharisee,” if it actually meant “separatists” in a derogatory sense, when used by the Sadducees. This would explain why the Pharisees avoid the use of this term. However, we find a number of instances in which this term is used not by the Sadducees and not even in connection with the Sadducees. The answer we shall find when we consider the post-classical Pharisees.

The classical period of the Pharisees and Sadducees ended with the destruction of the Temple in 70 C.E. After this date, there was no high priest, nor a wealthy class of distinguished priests. Further, most of the wealthy Sadducean socialites lost their wealth during the war, leaving no basis on which to continue the Sadducean party as a party of the wealthy social elite. This, however, did not spell the end of the Sadducees. They continued their separate existence by upholding and fostering the religious ideas and practices of their predecessors. We find references to Sadducees who lived after the destruction of the Temple in talmudic literature, though in a number of passages, mainly in aggadic ones, “Sadducees” is used as a synonym for Ḥadmin, heretic or Judeo-Christian (cf. variant readings especially in manuscripts, e.g., the Munich MS. of the Talmud).

M. Niddah IV,2 is a discussion of the second century C.E. The topic is the religious status of the Sadducean woman of that time. According to the first (anonymous) opinion, they are like the Samaritans, if they follow the Sadducean law, but they are like the Israelites if they follow the practice of Rabbinic Judaism. However R. Jose holds they are like the Israelites, unless they separate themselves and follow the Sadducean practice. Thus in the second century the Sadducees were no longer afraid to live in accordance with their own laws, which had been the case prior to the destruction of the Temple, though R. Jose’s view implies that, generally, they would follow the instructions of the non-Sadducean sages.²²⁵

In an amoraic passage, Rab Judah relates in the name of Samuel
(first half of the third century C.E.) that a court is not liable for an
erroneous decision, unless it concerns a matter in which the Saddu­
cees disagree with the sages. That means that the criterion for a
serious error on the part of a court is a decision at variance with a
rabbinic law which is opposed by the Sadducees. While the liability
entails a sin offering, the rule given by Samuel allows the inference
that he has the Sadducees of his time in mind and does not mean
to give a rule merely for the past (or future). As time progressed
the Sadducees moved further and further from the mainstream of
Judaism until they became an heretical or quasi-heretical sect.

We do not know when the Sadducees vanished from the scene
of history. The last talmudic reference to them certainly does not
coincide with their extinction. Therefore, the claim that the karaitic
movement represents a continuation (or a revival) of Sadducaism
cannot be brushed aside lightly.

PHARISAISM IN TRANSITION

Although much has been written on the origin and history
of the Pharisees, on their teachings and their importance for the
evolution of normative Judaism and early Christianity, less attention
has been given to developments within Pharisaic Judaism, to the
transition from Pharisaic to Rabbinic Judaism, the relationship be­
tween rabbis and Pharisees, and the seemingly inconsistent attitude
of the Talmud toward the Pharisees. The Pharisees are generally
considered as belonging to one main group and to several peripheral
branches such as Apocalyptic Pharisees, political extremists (e.g.
“Fourth Philosophy” Pharisees), unaffiliated Pharisees, and others.
According to some scholars even the Essenes were Pharisees.
The consensus of most scholars is that the main group has a single the­
ology and a fairly unified attitude toward the law from the begin­
ing to the end—a period of hundreds of years. The basic unity
of the mainstream is not impaired by its division into conservative
and liberal wings, a division that existed before the establishment of
the Great Sanhedrin and continued throughout the existence of the schools of Shammi and Hillel.

Among the problems that have not found satisfactory solution thus far is the decline of the Pharisees and their vanishing from the scene of history. When and why did the Pharisees leave the scene of history? Or did the Pharisees and Pharisaism continue through the talmudic period? Were the rabbis of the Talmud Pharisees?

If we examine the talmudic literature we can see that the Pharisees were not only not identical with the rabbis but that the latter often severely criticized the Pharisees. Talmudic references to the Pharisees include references to Pharisees of the past and statements about contemporaneous Pharisees. Derogatory statements are directed against the latter, particularly against the Pharisees of the amoraic period (200–500 c.E.) but to some extent also against those of the tannaitic period after the destruction of the Temple in 70 c.E. The implication of this is that the later Pharisees were not an integral or respectable part of Talmudic Judaism, let alone identical with it, as is so often assumed in scholarly treatises. In tannaitic sources the word “Pharisees” is used to denote various groups. It may refer to the Ḥakhamim, sages, rabbis; it may simply designate pious people; or it may label groups of extreme pietists whose harsh religious practices were considered improper. Occasionally it refers to hypocrites.

In brief, talmudic sources refer to Pharisees both in a laudatory and in a derogatory sense. How can this be explained?

Generally, this is explained by pointing out that every group has extremists, inferior members, and opportunists who join for other than idealistic reasons. The derogatory remarks of the Talmud refer to these types among the Pharisees, the scholars say. While, at first, this may sound plausible, it does not explain passages in which derogatory statements are clearly directed against the majority of the Pharisees or against Pharisees in general.

The answer to the puzzle is that when the Temple was destroyed, the progressive wing of the Pharisees (Beth Hillel) prevailed and became the mainstream of Judaism while some peripheral groups perpetuated themselves, remaining on the sidelines of history. Considering themselves as the true representatives of Judaism, the Hillelites dropped the limiting designation “Beth Hillel,” as we have
shown elsewhere.\textsuperscript{329} The designation “Pharisees” was now used by the Talmud for the dissident peripheral groups, mostly exaggerating pietists who no doubt opposed the changes necessitated by the destruction of the Temple. While Rabbinic Judaism of the post-Temple period was well aware of its Pharisaic roots and conceded that there were genuinely pious men among the Pharisees of their own day too, the tension between the progressive Rabbinic Judaism and the reactionary Pharisees resulted in derogatory remarks by some rabbis against these non-conforming Pharisees, as was also the case in other instances of tension, e.g., in cases of conflicts between the *haverim* and the ‘*amme ha-arez’.\textsuperscript{330}

This split between reactionary Pharisees and progressive ones, which widened to the extent that the progressives did not even consider themselves as Pharisees, may even antedate somewhat the destruction of the Temple. Johanan ben Zakkai, the great Jewish leader before and after 70 c.e., defends the Pharisees speaking in the third person.\textsuperscript{331} This may mean that, while strongly opposed to the Sadducees, he does not consider himself a Pharisee, but merely defends them against the common adversary. However, it is also possible that the third person formulation is of later date and represents an editorial change undertaken lest Johanan ben Zakkai be considered a Pharisee. It is noteworthy that talmudic sources, which often mention presidents (or vice-presidents) of the Sanhedrin, designate none of them as Pharisees, although this is done by Josephus and the New Testament\textsuperscript{332} that refer to these leaders only a few times. This indicates that the rabbis of the Talmud purposely avoided designating the revered men of the past as Pharisees and employed this term only where it was unavoidable, as for example in the controversies between Sadducees and Pharisees.

The following derogatory statements made by the rabbis of the Talmud about the Pharisees are the basis of our observations:

1) M. *Sotah* III,4:

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"R. Joshua says: A foolish saint and a cunning knave and a Pharisaic woman and the wounds of the Pharisees: these wear out [destroy] the world."
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R. Joshua was a leading sage during the Patriarchate of Gamaliel II, i.e., at the end of the first and the beginning of the second centuries C.E. His official position was that of *Av Beth Din*, vice president at Gamaliel’s academy, the highest office beside the Patriarchate. He acted as the deputy of the Patriarch and carried out his policies.

Why does R. Joshua, a responsible leader, make such a statement against the Pharisees? Even more significant is that he does not seem to limit his condemnation to a non-representative minority of the Pharisees.

The wording of the Mishnah and its context show that his statement refers only to the Pharisees of *his own time*, whom he condemns entirely. Why? There can be no other reason except that the Pharisees of his time constituted a group distinct from Rabbinic Judaism.

Whereas the general meaning of Joshua’s words is unequivocal, their precise meaning is somewhat obscure. Why, for example, does he mention specifically the Pharisaic woman?

There is a case in the Talmud which sheds light upon our passage. B. *Pes.* 49b, discussing the antagonism that existed between the rabbis and the *‘amme ha-areṣ*, “the people of the land” includes the assertion that the wives of the *‘amme ha-areṣ* hated the rabbis more than the *‘amme ha-areṣ* themselves. This reveals that the women were more ardent and outspoken in their antagonism than men, and were therefore worthy of specific mention. Similarly, we may safely assume that Pharisaic women were more hateful and antagonistic to the rabbis than their husbands.

What does *makkoth perushim* “wounds of the Pharisees” mean? The Babylonian Talmud[^333] cites a Baraita listing the seven categories of the Pharisees, but does not elaborate on the concept “wounds of the Pharisees.” This expression had obviously no present-day relevance for the Babylonian Amoraim.

The Palestinian Talmud[^334] elaborates on *makkoth perushim* and defines it as an act of hypocrisy. First, it says that *makkoth perushim* characterizes a person who advises orphans cunningly to deprive the widow of the support due her. Subsequently, two acts of hypocrisy are cited to illustrate the meaning of *makkoth perushim*. The first

[^333]: Babylonian Talmud
[^334]: Palestinian Talmud
incident occurred in the amoraic period and was called *makkoth perushim* by Rabbi Eleazar (Amora). The second incident occurred at the end of the tannaitic period and was designated as *makkoth perushim* by Judah the Prince. We see that the term *makkoth perushim* was used, though obviously to a limited extent, during the second and third centuries in Palestine as a connotation for the hypocrisy of that day. This certainly could not have been the case had the Pharisees as a whole been considered by the Palestinian rabbis of the Talmud as the mainstream of Judaism or even a respectable wing of Judaism. The Pharisees they knew must have been a group antagonistic to the mainstream of Rabbinic Judaism, which in turn considered the Pharisees of their time a sect or quasi-sect.

In this connection Tosefta B. *Ber.* III,25 may be of significance "he includes the reference to the *minim* in the benediction of the *perushim.*" If *perushim* here means Pharisees, then Pharisees would be included in the category of heretical or quasi-heretical Jews. This appears so absurd to scholars that they suggest *perushim* here is a different term and does not denote Pharisees.

In the light of what we observed above, *perushim* may well mean Pharisees in this context; and this term was employed at a time when the antagonism between the rabbis and the Pharisees had grown strong.

Further indication as to the character of the Pharisees in later times may be found in Justin Martyr's "Dialogue with Trypho" where Justin lists the Baptist Pharisees (Hemero Baptists) among the heretical Jewish sects. If Justin's information is correct, this would mean that Jews of the second century C.E. considered at least one group of the Pharisees of their time a heretical sect, just as they considered the Sadducees to be heretical (ibid.).

2) The seven categories of the Pharisees.

The sources are P. *Soṭah* V,5; 20c, P. *Ber.* IX,7; 14b, a somewhat different version in B. *Soṭah* 22b, a markedly different and obviously corrupted version in *ARN.*

The Baraita cited in the Palestinian Talmud appears to have the best text. It reads:
There are seven kinds of Pharisees: 1. The shoulder Pharisee. 2. The wait-a-while Pharisee. 3. The balance Pharisee. 4. The deducting Pharisee. 5. The “I want to know my guilt and shall compensate for it” Pharisee. 6. The fearing Pharisee. 7. The loving Pharisee.

The meaning of some of these designations is obscure. The Palestinian Talmud, in its amoraic stratum, explain them thus:

1) The “shoulder Pharisee” is the one who carries his good deeds on his shoulders, i.e., displays them ostentatiously. 2) The “wait-a-while Pharisee” is the one who says: wait for me and I shall do a good deed. 3) The “balance Pharisee” is the one who commits a sin and does a good deed and balances them against one another. 4) The “deducting Pharisee” is the one who says: from that little I have, I shall take out some and perform a good deed. 5) The “I want to know my guilt and shall compensate for it” Pharisee is the one who says: Tell me the sin I have committed so that I can do a corresponding mitzvah. 6) The “fearing Pharisee” is the one like Job. 7) The “loving Pharisee” is the one like Abraham. Among the variants in B. Sotah 22b the following should be noted. In place of 4) “the deducting Pharisee,” B. reads “the pestle Pharisee” and the Gemara explains this as meaning a person who bends his head in mock humility. However, the similarity of the words מודך and ממכיר indicates that originally we had here the same word and one of them (if not both) was transmitted in a corrupt version.

The explanations in the Babylonian and Palestinian Talmudim differ quite markedly. It stands to reason that in Palestine the meaning of this Baraitha, a Palestinian source, was better known than it was in Babylonia. The basic difference is that while the Babylonian Talmud understands the Baraitha as a derogation of everyone in all seven categories, the Palestinian Talmud holds that the “loving
Pharisee,” one like Abraham, is a praise for an upright and pious man. The difference may be rooted in the erroneous premise held by the Babylonian Amoraim that the Baraita considers all the Pharisees as blemished. Consequently, they search for the blemish in the last two categories as well. The Palestinian Talmud, whose teachers knew the Pharisees of their time—they lived in their midst—expressed a realistic attitude. While blaming most members of the sect-like Pharisees of their time, the rabbis of the Palestinian Talmud admitted that there were also some genuinely pious men among them.

What is the date of this Baraita? It is anonymous, making an exact dating impossible. It could not have been authored by a Pharisee. A Pharisee would certainly not admit that only one of their seven groups was genuinely pious. Since it is transmitted in various talmudic sources with no objection voiced against it, it was undoubtedly uttered by some rabbi at a time when Pharisaic and Rabbinic Judaism were clearly separated, i.e., after the destruction of the Temple.

Does our Baraita speak of the Pharisees in the technical sense of the word? The context shows clearly that the rabbis of the Talmud understood *perushim* of our Baraita as meaning “Pharisees.” Not only do they cite the Baraita to illustrate the “wounds of the Pharisees” of the Mishnah, but they also cite in connection with our Baraita (B. *Sotah* 22b) a historical incident in which *perushim* unequivocally designates “Pharisees.”

3) There is the following talmudic passage where derogatory statements have reference only to exceptions among the Pharisees. However, the reference is to the Pharisees of the past:

B. *Sotah* 22b:

אמר לה נא מלאך לדברתיה אל חירבי.fn167-

peroshim אלא מק הבその他 שדומים לפורושי סמך השותך כמשה ומיר

ומברשא שמד פסוה.

King Jannai said to his wife: Don’t be afraid of the Pharisees, nor of the non-Pharisees, but only of the “dyed” ones who appear like the Pharisees: whose deeds are like the deeds of Zimri, but who demand the reward of Pinhas.
According to this passage, there were among the Pharisees insincere individuals as early as the time of Alexander Jannaeus. However, we must keep in mind that the passage above is a relatively late source recounting an early event. Josephus' account, which is older and more detailed, does not speak of two kinds of Pharisees. The rabbinic sources, on the other hand, do not concur with the claim of Josephus that the Pharisees retracted their unfavorable opinion of Alexander Jannaeus. Whether the reference to the "dyed" Pharisees is historically true or represents a later addition of the non-Pharisaic rabbis relating the incident, is immaterial. In any large group we find individuals who join for other than idealistic reasons.

Besides the Talmud, the writings of Josephus are the most important source of our knowledge about the Pharisees. Does Josephus concur with the talmudic sources in dividing the Pharisees into two or more categories: a progressive group representing the mainstream of the Pharisees and peripheral groups, among them a group of exaggerating pietists? We do not find that Josephus divided the Pharisees into such categories. A division such as made by the Talmud into earlier, or classical Pharisees (until the destruction of the Temple) and later quasi-sectarian Pharisees would hardly be included in Josephus' writings since he did not continue his history beyond the destruction of the Temple. Nonetheless, Josephus' attitude toward the Pharisees was not always favorable as shown above.

There are a few passages in which perushim may mean "separatists," not Pharisees. Yet, even in these passages the undertone "Pharisees" may well have been on the mind of the critics. Such passages are:

1) Tosefta Soṭah XV,11,12 (see also B. B. 60b):

משהרב בֵּית המַקְדָּשׁ רָבָּה פְּרוֹשִׁים בִּישְׁרַל וָלָּא הָיָה אוֹכָל בֵּשֶׁר
וָלָּא הָיָה שְׁחָקִים יִנֶפֶשׁ לָתֵן רָּוִים שְׁאָרָה לָתֵן בֵּי מְפֻלֶּחָה אֵין
אָטָם אוֹכָל בֵּשֶׁר אָמְרָה לָא אוֹכָל בֵּשֶׁר שְׁבֵכֶל וָזָה הָוָה תְּמוּד קָרָב עַל
נֵי הָמוֹנָה וּצְפֵאָה בֵּטֵל רָמָה

After the destruction of the Temple the perushim increased in Israel, and they would not eat meat and would not drink wine. R. Joshua approached them and said to them: My sons, why don't you eat meat? They replied: Should we eat meat, when the Tamid was offered on the altar every day and it has been stopped...?
A possible meaning of *perushim* here is "separatists." But in what sense were they "separatists"? They were separatists by displaying an exaggerated piety, which R. Joshua considered improper. The "Seven categories of the Pharisees" were also displaying exaggerated forms of piety which, according to the Talmud, R. Joshua had in mind when he spoke about the "wounds of the Pharisees." Pharisees of the second century C.E. were considered by the rabbis as separatists in the sense that they were extremists and dissenters. It is questionable whether the rabbis drew a clear line between confessed Pharisees and other separatists of their time.

Rabban Gamaliel II was well aware of the danger of disintegration for his people. He saw the inroads Christianity had made at the expense of the Jewish people. Like the responsible leader of his people that he was, he took steps whenever signs of heresy or serious dissent were present. He did not merely introduce *birkath haminim*, the benediction against heretics (and other serious offenders of Judaism), but watched most carefully even over his closest associates for signs of serious dissent. He did not even spare Rabbi Joshua, his *Av Beth Din*, deputy head of the *Beth Din Ha-Gadol*, when the latter differed with him in matters of calendation or other important issues. He also excommunicated R. Eliezer the Great, his own brother-in-law, when he believed that the latter was not quite in accord with Rabbinic Judaism. We also know that Rabbi Joshua assisted R. Gamaliel in trying similarly to preserve the unity of the Jewish people. In the dispute resulting in R. Eliezer's excommunication, R. Joshua led the fight against R. Eliezer. When R. Hananja, Joshua's nephew, showed signs of Christian influence, Joshua sent him to Babylonia to save him from possible heresy. In another instance Joshua engaged a disciple of the Shammaites outside of the Academy in a discussion trying to persuade him to accept the Hillelite position in a specific instance. R. Joshua is the man who spoke so emphatically about "the wounds of the Pharisees" and the Pharisaic women. Now he engaged *perushim* in a discussion—it was not an academic discussion—in order to persuade them to give up their exaggerated way of piety: refraining from drinking wine and eating meat as an expression of their mourning for Jerusalem. Noteworthy is the use of the words יִנסָמַל לָהּ "he joined them,"
here meaning “he approached them.” These are the very same words used by the Talmud (Baraita) when R. Joshua engaged the disciple of the Shammaite in a dispute. The discussion was not held in the academy (‘למען is not used in connection with a dispute within the academy), allowing the inference that these perushim were men who separated themselves from Rabbinic Judaism and may have been a Pharisaic group. Interesting is the fact that these perushim utilized for their expression of sorrow customs known to be followed by the Essenes, even before the destruction of the Temple. Whether Essene influence was responsible for the ascetic behavior of these perushim, is difficult to determine.

2) B. Pes. 70b:

Juda, son of Dortai perash, i.e., separated himself [from the sages], he and his son Dortai and he went and settled in the South. He said: If Elijah should come and say to Israel, “Why did you not sacrifice the Hagigah on the Sabbath?” what can they answer him? I am astonished at the two greatest men of their generation, Shemaiah and Avtalion, who were great sages and great interpreters, yet who have not told Israel that the Hagigah overrides the Sabbath. . . . Rab Ashi said: “Should we interpret [i.e., consider] the reasoning of the perushim?”

This Juda was apparently a disciple of Shemaiah and Avtalion, which makes him a contemporary of Hillel. The problem referred to in our passage is similar to that of Pes. 66a, except that it does not concern the Pesah, but the Hagigah sacrifice. Juda claims that Shemaiah and Avtalion never said that the Hagigah supersedes the Sabbath. This implies that he questioned the validity of the opposing view, since it was not based on the tradition of the Zugoth. On the other hand, he speaks of the possibility that the opposition was right; but he adds that even in such a case there would be no harm done in not sacrificing the Hagigah on the Sabbath. The lack of an authoritative tradition is sufficient excuse for omitting this sacrifice on
a Sabbath. It is interesting that the impact of the dispute was so strong that Juda and his son left the scene of the controversy, undoubtedly Jerusalem, and settled in the South. The wording יְרֵשׁ מְרַשֶּׁב may be significant. When Rab Ashi said, “Should we interpret the reasoning of the perushim?” it is quite possible that he had the Pharisees in mind in conformity with the later usage of perushim when this term was used only to designate a group of exaggerating (or hypocritical) pietists.348

While the rabbis of the second century C.E. and later did not consider themselves as Pharisees and criticized them for their exaggerated piety, they were not condemnatory in regard to those of the earlier part of the tannaitic period. They did not use the same harsh language in criticizing the Pharisees as they used in criticizing the ‘amme ha-arez, the unaffiliated who displayed laxity in some areas of religious law, and who failed to pledge allegiance to the law as interpreted by the rabbis. There is also a difference between law and casual criticism. The latter was often harsh, revealing the feelings toward the opposing groups, whereas the law intended to dispense justice even for the opposition and refrained from expressing subjective criticism.

We find no anti-Pharisaic legislation, but there are a few anti-‘am ha-arez laws. The few anti-‘am ha-arez laws that exist were based on objective criteria. Since the ‘amme ha-arez were lax in some areas of ritual purity and in matters of the tithe, etc., the rabbis felt the necessity of introducing corrective measures. No such measures were deemed necessary (or effective) in regard to the Pharisees.

The attitude of the rabbis toward the Pharisees of the Temple period was friendly, for they were well aware that these Pharisees were their predecessors. Most significant in this respect is the account in Qid. 66a (a Baraita) for which there is a parallel in Ant. XIII. x.5,6.

In the talmudic account of this incident, Ḥakhamim, sages and Pharisees are used as synonyms while Josephus uses throughout “Pharisees.”349 This fact is significant because it shows that the rabbis of the Talmud considered the Pharisees of the past to be “the sages of Israel,” a term used for the sages of classical Rabbinic Judaism.
The equation Pharisees = sages (in the past), implied in this talmudic passage is, historically speaking, not quite accurate. Josephus describes the Pharisees as the most accurate interpreters of the law who had great influence with the masses. This obviously means that the Pharisees were a class of teachers, but not the masses. On the other hand, their number at Herod's time, according to Josephus, was about 6000, which number appears to be too large if all the Pharisees were teachers. New Testament accounts shed light on this issue by often referring to "scribes and Pharisees," for example in Matt. 15:1; 23:2; Mark, 7:5; Luke, 5:30, etc.; and in Acts 23:9 to "the scribes that were of the Pharisees." This means that the Pharisees were a group composed of both learned men and laymen, adhering to a certain theology, a system of law and ritual and exerting a leading influence on the masses. Further clarification of the distinction between Pharisees and sages prior to the destruction of the Temple is found in a Baraita, B. Niddah 33b, where the following incident is related: Once, while talking to the high priest, the spittle of a Sadducee fell upon the garment of the high priest. This upset the high priest because of a possible defilement. Immediately he enquired of the wife of this Sadducee about her observance of the laws of (menstrual) defilement. She replied that the wives of the Sadducees, fearing the Pharisees, show their blood stains to the sages in order to be declared clean or unclean. Consequently the high priest was not defiled by the spittle of her husband since she, by complying with the proper Pharisaic law, did not render her husband and his spittle ritually unclean.

In this passage Pharisees and sages appear to be two different categories but components of the same larger Pharisaic group: 1) The sages among whose tasks was the decision of matters pertaining to religion. 2) Pharisees who were not themselves sages, but possessed the power and zeal to force the Sadducees to comply with the Halakhah of the Pharisaic sages.

Friendly relationship between the Pharisees and the masses prevailed perhaps primarily because the Pharisees emerged from the masses and remained, to a certain extent, part of them. Significant in this respect is an incident in which the 'amme ha-arez actively complied with the Pharisaic law, opposed to the Boethosians, that
the flogging with the willow branches on the Festival of Tabernacles supersedes the Sabbath. In another incident, the people supported a Pharisaic view by militant action. We refer to their pelting King and High Priest Alexander Jannaeus with citrons (ethrogim) when he violated the Pharisaic water libation ceremony of the Sukkoth festival by pouring the water upon his feet instead of upon the altar.

The situation changed after the destruction of the Temple. The Sadducees lost their importance making unnecessary further joint endeavors against them by Pharisees and the “people of the land.” On the other hand, with the passage of time the gap widened between the learned class and the masses, the ‘amme ha-areẓ, who were mostly but not always uneducated people.

Successors to the mainstream of the Pharisees were now the haverim, including the rabbis, while the designation “Pharisees” remained in usage for peripheral Pharisaic groups. That Pharisees and haverim were not identical is evidenced by their respective relations to the masses, the ‘amme ha-areẓ. Pharisees lived in full harmony with the ‘amme ha-areẓ as we have seen while between haverim and ‘amme ha-areẓ considerable tension persisted.

The requirement of a pledge for becoming a haver constituted an official barrier between the two groups. More antagonism developed on the part of the ‘amme ha-areẓ due to the introduction of certain laws and rules concerning the ‘am ha-areẓ, no matter how justified these laws were.

The transition from Pharisees to haverim was not a sudden one. A few matters concerning the haver had been discussed already by the schools of Hillel and Shammai whose existence terminated shortly after the destruction of the Temple.

It is to be noted that the haver played an important role only in tannaitic times as indicated by the numerous rules about him in Tos. Demai, II and III, and in Baraitoth, particularly in B. Bekhor. 30b. His importance already had diminished by the end of the tannaitic period as indicated by the fact that Mishnah contains but few references to the haver. In amoraic times haver or havra, its Aramaic equivalent, are relatively seldom used in a technical sense, the reason being that most of the laws introduced against the ‘amme ha-areẓ became obsolete or less important in later talmudic times
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which reduced the enmity between them and the learned class. The primary meaning of the term 'am ha-arez became ignorant, uncultured people.

In a few tannaitic passages parush and 'am ha-arez are contrasted to each other in a way similar to the more frequent contrasting of haver and 'am ha-arez. These passages may date from the transition period. Examples: B. Shab. 13a (Baraita): לא יאכל בו פרוש עץ וдоб וסא הארץ "A Pharisee that has a flux may not eat with an 'am ha-arez that has a flux." M. Hag. II, 7: "For the Pharisees the clothes of the 'am ha-arez count as suffering midras—uncleanliness." R. Hananel explains 360 that “Pharisees” here is synonymous with “haverim.” He would have been more accurate had he said that the Pharisees here correspond to the haverim, who succeeded them.

Rashi 361 explains that “Pharisees” here refers to those eating Ḥul- lin (secular food) in cleanliness. Therefore, according to Rashi, the word “Pharisee” was no longer a term designating teachers and leaders as before— (these are now the rabbis and haverim)—but a designation for the ritualistic pietists, who had not yet seceded from Rabbinic Judaism.

Our investigation of the attitude of the Talmud toward the Pharisees shows the following:

The Talmud makes a clear distinction between Pharisees that lived before the destruction of the Temple and those that lived afterward. 362 Its attitude toward the former is friendly; toward the latter, however, it is just the opposite. The reason thereof is that talmudic Judaism evolved from the mainstream of Pharisaic Judaism whereas several peripheral Pharisaic groups continued their separate sect-like existence for centuries. Since “Pharisees” remained the designation of these groups while the leaders of the mainstream were now the haverim including and particularly the rabbis, the word “Pharisees,” because of its obnoxious contemporary sound, had been avoided with reference to the (good) Pharisees of the past whenever possible. Thus, e.g., the Talmud never designates a Jewish leader of the past a Pharisee, as is done by Josephus and the New Testament. The Talmud, referring to the past, uses the term Pharisee only when
it is unavoidable, as in the discussions between Sadducees and Pharisees.

Classical Pharisaism and Rabbinic Judaism are not identical but they are congenial. As the historical and spiritual successor of Pharisaic Judaism, Rabbinic Judaism continues to interpret Judaism meaningfully. However, Rabbinic Judaism possesses characteristics of its own, the most significant being the vast development of the law and the relative neglect of theology. This shift of emphasis began already before the destruction of the Temple — note the controversies between the two leading schools of Hillel and Shammai — and continued steadily throughout the ages.

Enlightening in this respect is an incident related by Qirqisani stating that he asked Jacob ben Ephraim of Palestine, “You [Rabbanites] draw near the Isunians [followers of Abu Isa Al-Isfahani] and intermarry with them, though you yourself know that they ascribe prophecy to men who did not possess it,” i.e., to Jesus, Mohammed, and Abu Isa. Jacob ben Ephraim replied, “[We do so because] they do not differ with us with regard to the festivals....”

After citing Jacob ben Ephraim’s reply, Louis Ginzberg observes that Jacob's words are characteristic not merely for the end of the first millennium but are just as valid for earlier centuries and suggests that even Judeo-Christianity was considered a legitimate part of Judaism as long as it did not differ from it with respect to the attitude toward the law. While the full validity of this view may be questioned, the paramount importance of the law for Rabbinic Judaism, including the period of transition from Pharisaic to Rabbinic Judaism, remains a well-established fact. Noteworthy in this connection is, in spite of a midrashic setting, a statement of R. Johanan, Amora of the third century c.e. (B. Shab. 118b and parallels), “Everyone who keeps the Sabbath according to the Halakhah, even if he worship idols like the generation of Enosh, is forgiven.”

LEADERSHIP AFTER HILLEL

The known sources give insufficient information for dating accurately the office tenures of the Nesi'im, the Princes. One of
the most important pieces of chronological information about this matter is the talmudic and midrashic account that Hillel became Nasi one hundred years before the destruction of the Temple and officiated for forty years. Accepting the historicity of this account, Graetz gives Hillel a tenure of forty years, i.e., from 30 B.C.E. to 10 C.E. Then he divides the remaining sixty years evenly allotting the three succeeding Princes, Simon I, Gamaliel I, and Simon II, twenty years each.

Such unrealistic dating is unacceptable even as conjecture. A sound conjecture must be based on whatever pertinent indications are present in the sources. Thus, e.g., the fact that nothing (or almost nothing) is transmitted either in the name of or about Simon I, while a considerable amount of tradition is transmitted in regard to Gamaliel I, convincingly indicates that the latter must have held leadership much longer than Simon I.

Further, since Johanan ben Zakkai, who officiated still after the destruction of the Temple was among the disciples of Hillel in the literal sense of the word, Hillel's leadership probably ended later than given in the Talmud. Again the talmudic numbers 100 and 40 are not to be taken literally. Taking into consideration the traditions about the individual Nes’iim, the following conjectural dates may be more realistic than those suggested by Graetz (and some other scholars):

- Hillel I .......... between 30 and 20 B.C.E. to between 10 and 20 C.E.
- Simon I .......... between 10 and 20–25 C.E.
- Gamaliel I ........ 25–55 C.E.
- Simon II .......... 55–70, or close to 70 C.E.
- Johanan ben Zakkai .... 70–85 C.E.
- Gamaliel II .......... 85–135, or close to 135 C.E.
- Simon III ........... 140–175 C.E.
- Judah I ............. 175–217 C.E.
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SIMON BEN HILLEL

Except for his name — see B. Shab. 15a — nothing (or almost nothing) is known about Simon, son of Hillel. The reason for this is unknown. While we may safely assume that he accomplished nothing important enough to be transmitted to later generations, a more weighty reason for the silence about him was probably the brevity of his career as the head of the Sanhedrin. The baseless conjectures of some scholars that Simon I never existed and that Gamaliel I was the son and direct successor of Hillel are not acceptable.

GAMALIEL I

The date of Gamaliel’s presidency is controversial. Graetz’ dating is 30–50 while I. Halevy claims that Gamaliel I came to power shortly after 10 c.e. and officiated until close to the destruction of the Temple in 70 c.e. We have previously put forth the reason for our dating: about 25–55 c.e.

Gamaliel I is the first Nasi to be called Rabban, “Our Master.” Z. Frankel believes that he was given this title because he apparently presided over the Sanhedrin alone, without an Av Beth Din. While it is certain that Gamaliel I officiated without an Av Beth Din of the opposition leader type present in the Zugoth, the same holds true with regard to Simon I, yet we do not find that he was called Rabban. Rabban may have been a title recognizing Gamaliel I as the legitimate leader of the Jewish people. However, we must not rule out Roman influence, which is apparent throughout the talmudic (especially early talmudic) period. Roman officials of any standing were, as a matter of course, bearers of titles. The Aramaic form Rabban suggests that this was not a title coined in the Sanhedrin or academy. Had it originated in the academy a Hebrew