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THE PHARISEES PRE-70

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In 70 C.E. the Romans razed the Jerusalem Temple and Judaism underwent a radical change. From that moment, normative Judaism was Pharisaic Judaism. As a result, our knowledge of the Pharisees after 70 C.E. is as extensive as our knowledge of the Pharisees before 70 C.E. is limited. When did the Pharisees first arise? What were their beliefs and practices? What role did they play in the growth of early Judaism? These questions have haunted scholars for decades and have given birth to a myriad of diverse theories. It is the purpose of this project to examine five of these hypotheses and then to offer some modest conclusions concerning the future of pre-70 Pharisaic scholarship.

Louis Ginzberg, "The Significance of the Halachah for Jewish History"

Synopsis

In his article "The Significance of the Halachah for Jewish History" Louis Ginzberg states that it is his intention "to demonstrate that the development of the halachah, at least of the most ancient halachah, is not a creation of the House of Study but an expression of life itself." (p. 79) He examines the ancient halachot--that is, "the halachah of Temple times, of the period of the first 'Pair' through the days of the last 'Pair,' including their disciples, the School of Shammai and the School of Hillel" (p. 79)--in order to show that these legal decrees and interpretations of the Torah express the political, economic, social, and spiritual motifs of their time.

After analyzing individual enactments attributed to the various Pairs or originating in the period of the Pairs and concluding that these halachot reflect political and economic measures "which had as their object the strengthening of the Jewish settlement in the Holy Land" (p. 84), Ginzberg discusses the conflicts between the School of Shammai and the School of Hillel. Before the establishment of these two Schools

there were not many conflicts of opinion among the sages of Israel. It is probable that the assertion that before Hillel and Shammai there was disagreement concerning only one matter, namely, the laying on of hands, is an exaggeration. However, it cannot be denied that the differences among the scholars of earliest times were few indeed, whereas in the era of the disciples of Shammai and Hillel we find hundreds upon hundreds of disagreements
(p. 89)

Ginzberg believes that not one, but many, factors caused

these differences. First, the School of Hillel made greater use of ratiocinations from the Biblical text than did the School of Shammai. Secondly, it is his contention "that from the beginning of the growth of the Pharisees . . . through the period of Hillel and Shammai, the Pharisees comprised . . . a right wing and a left, conservatives and progressives." (pp. 91-92) During the period of the first three Pairs, the Nasi of the Beth Din was a conservative and the Ab Beth Din was a progressive; this situation was reversed in the days of Shemaiah and Abtalion, and Hillel and Shammai. The two Schools were named after the last Pair "even though the basis of their conflict [i.e., the controversy concerning the laying on of hands] was as old as the time of the first Pair." (p. 94) The difference between these two groups, therefore, is "identical with the original differences between the two wings of the Pharisees." (p. 102) Thirdly, until the period of Hillel and Shammai, study had been confined to a practical and pragmatic level, and differences of opinion had been resolved by majority rule; now, however, a theoretical method of investigation was being used and "in the case of theoretical differences, not only was there no pressure to vote and decide the issue, but indeed there was a fear that by such a procedure academic freedom would be decreased." (p. 95)

What caused these differences of opinion? Ginzberg states

it is my view of the development of the halachah from the period of the first Pair to the time of the two Schools that the disagreements between the two wings of the Pharisees were not matters of personal temperament, but were caused

by economic and social differences. An analytical approach to many of the decisions on which the Schools of Shammai and Hillel disagreed will reveal that, in all their discussions and decisions, the former spoke for the wealthy and patrician class as over against the latter who reflected the needs of the lower social classes It is my theory that the adherents of the School of Shammai and the conservatives who preceded them belonged to the upper or middle classes, whereas the adherents of the School of Hillel were mostly of the lower classes. (p. 103)

Ginzberg then proceeds to discuss various halachot which pertain to laws concerning what is ritually forbidden or permitted and to laws of ritual purity and impurity in order to prove that the leniency of the School of Hillel and the strictness of the School of Shammai were based on differing economic and social considerations.

Primary Sources

Old Testament
 Mishnah
 Tosefta
 Babylonian Talmud
 Palestinian Talmud
 Aboth de Rabbi Nathan
Hazon Nahum
Book of the Covenant of an Unknown Sect
 Josephus

Relevancy of the Sources

Ginzberg believes that the information contained in the Old Testament accurately portrays some of the early thoughts and customs of the Jewish people; for example, when discussing the decree of the first Pair which states that it is possible for glass to become ritually impure, he quotes Job 28:17 in order to prove that "in the first generations of the period

of the Second Temple glass was more precious in the Holy Land than gold." (p. 80) It is with this same purpose in mind that he refers to Josephus's Jewish Wars II.8.3 and the Book of the Covenant of an Unknown Sect. In the first text it is stated that the Essenes had a strict rule against anointing themselves with oil, a view very similar to that held by the School of Hillel; in the second text reference is made to a decree forbidding the sale to Gentiles of animals or of fowl which are kosher to Jews.

It is Ginzberg's contention that the Rabbinic materials reflect the stance of the pre-70 period. The Mishnah, Tosefta, Talmudim, and Aboth de Rabbi Nathan are relevant because they contain ancient halachot; the commentary contained in the Talmudim and Hazon Nahum is of equal importance.

The Author's Understanding of the Sources

Due to the fact that Ginzberg was unable to break completely with his Jewish heritage, his examination of the relevant primary sources is, for the most part, uncritical. When quoting or referring to various passages in the Old Testament, he does not try to determine either the accuracy or the authenticity of the material. For example, on the basis of the information contained in Job 28:17, Ginzberg concludes that glass was very expensive in Palestine during the period of the first Pair.¹

The halachot contained in the Mishnah, Tosefta, Talmudim, and Aboth de Rabbi Nathan are considered to be factual--not only were the decrees stated by those to whom they were attributed,

but they were also enforced. No attempt is made to question the authenticity or to determine the dating of the materials used. When discussing the dual leadership that existed during the period of the Pairs, Ginzberg states, "no doubt should be cast on this tradition." (p. 90) Why? Ginzberg does not elaborate. For Ginzberg these halachot, which are an expression of life itself, contain accurate, historical information concerning the period he is talking about. He accepts the interpretations and explanations of the Mishnah presented in the Talmudim, and he uses information contained in Hazon Nahum, the Book of the Covenant of an Unknown Sect, and the writings of Josephus to support various points he has made.

It must also be noted that Ginzberg's theory, that the disputes presented in the Rabbinic materials dating from the time of the first Pair to the period of the two Schools were caused by the differing social and economic status of the two wings of the Pharisees, enables him to explain 'apparent inconsistencies' found in the various Mishnaic halachot and to offer new interpretations of particular texts. This is compatible with his contention that the Mishnah contains uncontested fact rather than redacted remembrances.

Connection Between the Above and the Conclusions

Ginzberg attempts to prove that the disagreements found in the Rabbinic materials from the period of the first Pair to the time of the two Schools were caused by the differing social and economic status of the two wings of the Pharisees. He, however,

does not present any archaeological or extra-Talmudic literary evidence to substantiate his theory.

Having postulated that economic issues were everywhere present, Ginzberg proceeded to use this postulate to "explain" a whole series of cases. The "explanations" are supposed to demonstrate the validity of the postulate, but in fact merely repeat and illustrate it. What is lacking in each particular case is the demonstration that the data could not equally well--or even better--be explained by some other postulate or postulates. At best we are left with "this could have been the reason,"² but with no concrete evidence that this was the reason.

When dealing with the relevant Rabbinic materials, Ginzberg, for the most part, does not try to determine either the dating or the reliability of these materials.³ He makes no conscious attempt to justify his use of particular sources: he assumes that the material he is dealing with dates from the period he is talking about and that the sources which he uses are accurate. He presupposes

not only that the decrees were made by those to whom they were attributed, but also that they were enforced. The Pharisees were in control of the government. Whatever they decreed had the force of law. The Hasmoneans were subservient to their wishes even at the very outset of their rule (the Yosi's) The government was, moreover, both sophisticated in matters of economics, and also able to carry out sweeping decrees pretty much as the Pharisaic masters issued them. One could argue in Ginzberg's behalf that the Pharisees might have decided their legal questions by considerations of public interest even though they knew their decisions would produce no practical consequences. If the presupposition that the law made by Pharisees was enforced were false, that fact would not render the rest of the structure impossible. What is weak is that Ginzberg never raises the question of whether and how the Pharisees enforced their rulings . . .⁴ . Everything is argued on the basis of what sounds reasonable.

In spite of the problems associated with Ginzberg's hypothesis itself and with the methodology employed in the examination of

the source materials, his theory makes a positive contribution to scholarship. His interpretation of the Rabbinic sources from an economic and sociological perspective illuminates the possible meaning of some of the material and lays the foundation for Louis Finkelstein's book The Pharisees: The Sociological Background of Their Faith.

Footnotes

¹Jacob Neusner, however, claims that glass seems to have been cheap at this particular time in history (Jacob Neusner, "The Rabbinic Traditions About the Pharisees in Modern Historiography", Central Conference of American Rabbis Journal, XIX, No. 2 [April, 1972], 90). Neusner, however, does not present any evidence to support this statement.

²Neusner, "Rabbinic Traditions", p. 79.

³The statement that Ginzberg makes when examining the dual leadership that existed during the period of the Pairs--"The Mishnah states in passing that, wherever the Pairs are mentioned by name, the one mentioned first is the Nasi (President) and the other is the Ab Beth Din (Head of the Court). Even though no doubt should be cast on this tradition" (p. 90)--reflects his attitude toward the reliability of the Rabbinic sources. They are accurate and date from the period with which he is dealing.

When he does adopt a critical stance toward his sources, his conclusions do not take into account all possibilities; for example, the criteria used to date Mishnah Nedarim 3.4:

"The very language of this mishnah tends to prove that the discussion concerning vows to tax-collectors dated from Temple days--probably from the time of the last Pairs--for the phrase occurs here 'of the house of the king,' a term which signifies the domain of a Jewish king and not of a Roman king, who is invariably termed Caesar and not king in the tannaitic sources. The amoraim correctly noted that too, in the Mishnah Ber. V, 1: 'king' means a Jewish king and not the king of a gentile nation." (p. 87)

Is it possible to place a mishnah in the Temple period by means of a proof text that is dated after 200 C.E.? Is it not possible that this mishnah could have been written at a later time and projected back into the pre-70 period? Ginzberg neither raises nor attempts to answer these questions.

⁴Neusner, "Rabbinic Traditions", p. 92.

Louis Finkelstein, The Pharisees: The Sociological Background of Their Faith

Synopsis

In his book The Pharisees: The Sociological Background of Their Faith, Louis Finkelstein attempts to discover how the Pharisees came into existence and the content of their teachings; he does this by means of an historical approach which draws heavily upon the disciplines of economics and sociology. Thus, he continues and expands the work of Louis Ginzberg who also sought to discover the 'historical Pharisees' through these same media. Finkelstein employs this methodology in order to demonstrate that, although the sect called the Pharisees per se came into existence during the second century B.C.E., the thoughts and practices to which this group adhered were neither new nor original. Indeed, the origins of Pharisaic thought are found in the earliest history of Judaism, and the type of thought that the party of the Pharisees advocated is traceable throughout Jewish history.

Finkelstein states that the purpose of his book is "to present a comprehensive survey of the economic, social, and political factors which helped to determine the course of Jewish thought in the biblical and post-biblical periods." (I, 1) In order to accomplish this goal, one must take into consideration the following information: "the controversies between Sadducism and Pharisaism had developed far earlier [than the Persian and Hellenistic ages], in the later generations of the

First Commonwealth, or even before." (I, lxxv) By interpreting the former in the light of the latter, Finkelstein concludes

that the prophetic, Pharisaic and rabbinic traditions were the products of a persistent cultural battle, carried on in Palestine for fifteen centuries, between the submerged, unlanded groups, and their oppressors, the great landowners. . . . [This struggle began] in the primitive opposition of the semi-nomadic shepherd and the settled farmer . . . [and] developed into a new alignment of the small peasant of the highland against the more prosperous farmer of the valleys and the plains. From the province the conflict was transferred to the cities, where it expressed itself in the resistance of traders and artisans to the nobles and courtiers. Finally, it appeared in the sanctuary itself in the bitter rivalry between Levite and priest. (I, 2)

The points of contention change from period to period but the social catalyst remains the same.

By examining the relevant literature, Finkelstein is able to trace this economic and sociological polarity throughout the Biblical and post-Biblical periods. For example, by projecting Pharisaic thought back in time, he is able to state that Psalm 119:50, 71, 92 was composed by "a predecessor of the Pharisees, doubtless a plebeian Hasid, perhaps of the fourth or third centuries B.C.E." (I, 94) Why did this struggle continue throughout Jewish history? Finkelstein states that "By its very nature the struggle for the simple life had to be renewed in each generation. Fashions change, new discoveries are made, new delicacies are invented; and each of them has to be weighed in the balance to determine whether it belongs to the realm of the necessary or the superfluous." (I, 193-194) Thus, the plebeian was ruled by necessity and the patrician

courted by luxury; this meant that these two economically and sociologically dissimilar groups were in perpetual conflict.

Following from this interpretation of Jewish history, Finkelstein places all the disputes which arise in Biblical and Rabbinic literature within an economic and sociological framework. This enables him to interpret the differing practices and beliefs of the various groups and individuals-- Hillel and Shammai, Hillelites and Shammaites, proto-Pharisees and proto-Sadducees, Pharisees and Sadducees--as manifestations of this social disparity. These controversies include the date of Shabuot, the method for lighting the incense on the Day of Atonement, the belief in angels, and the belief in resurrection.

Primary Sources

Hebrew Bible
 Targumim
 Septuagint
 Peshitta
 Mishnah
 Babylonian Talmud
 Palestinian Talmud
 Aboth de Rabbi Nathan
 Midrashim
 Apocrypha
 Pseudepigrapha
 New Testament
 Aramaic and Greek fragments
 Josephus
 Philo
 Rashi

Relevancy of the Sources

Each of the sources which Finkelstein uses fulfils one

of the following criteria: either it contains pertinent, accurate information concerning the Pharisees themselves or it contains pertinent, accurate information concerning the 'thought world' which gave rise to this sect. Since Finkelstein sees early Jewish history as culminating in the emergence of the Pharisees, and since he is convinced that the Pharisees are new in name only, it is necessary that he begin his study as early as possible, that is, with the Hebrew Bible. The goal of his work is to trace Pharisaic thought as far back in history as possible, even to the period of the First Commonwealth. This, of course, makes the entire Hebrew Bible relevant, and he draws freely from this document in order to isolate the earliest strata of Pharisaic thought. He is concerned with the dating of the materials but not with their veracity and accuracy.

The Rabbinic literature, since it contains traditions concerning the Pharisees, must be used, and the results of its use are extremely productive if one postulates, as Finkelstein does, that this material is accurate and contains fact. The writings of Josephus are also accepted as being factual. Finkelstein is convinced that Josephus can be believed because

Though officially a Pharisee, Josephus was no fervent partisan. At the time he wrote his books, he had broken as much with Pharisaism as with Sadducism and led the life of a hated and despised apostate in Rome. Yet he retained sufficient affection for his people to wish to paint them all in fair colors. (I, 82)

In the same manner, he accepts the truth of the Apocryphal and

Pseudepigraphical documents.

Since there are references to the Pharisaic sect in the Gospels, it is incumbent upon Finkelstein to discuss the relevancy of these passages. His treatment of these sources, however, is not consistent: he accuses the Synoptic writers of exhibiting a prejudicial view toward the Pharisees, and yet he cites Gospel materials to support his thesis.

In conclusion, it may be stated that, although Finkelstein recognizes the composite nature of these various bodies of materials, he, for the most part, examines the information contained in them in an uncritical manner.

The Author's Understanding of the Sources

Finkelstein's purpose in writing his book is to trace the history of Pharisaic thought from its earliest origins to the point in time where the term 'Pharisee' is used to refer to an adherent of this thought. By referring to primary sources which he understands as containing accurate accounts of the deeds and words of the peoples of the past, he is able to bring a great deal of pre-70 Jewish history into conformity with his evolutionary view of Pharisaic thought. Although Finkelstein leads one to believe that he is going to deal with and interpret his sources in a critical manner-- "How just these writers were, appears only when we have succeeded in separating the facts preserved in Scripture from the legendary material in which they are embedded." (I, 399)--this is rarely the case. Like Ginzberg, he finds it difficult to break completely with his tradition.

The Pharisees per se were members of a haburah, and, although they impressed their doctrines on many, they admitted into their ranks only a limited number: "The Pharisaic movement thus transcended by far the Pharisaic Order." (I, xxxii) To determine the origins and trace the development of this movement, one must refer to and discuss those periods in history when Pharisaic thought was operative. Since the Pharisees represent the common people and since the opposition is always the landed, wealthy class, it is Finkelstein's contention that wherever these two groups appear in conflict, Pharisaic thought is discernible.

Finkelstein deals with his theory of class conflict not only in an historical manner but also through the use of various subjects, such as, resurrection, equality, and free will. This topical study illustrates the importance and all pervading nature of class distinction both in this life and in the next.

Other attestations of this thesis can be found in Rabbinic literature. For example, the various Midrashim and Talmudim are valuable sources which must be used to elucidate further the disputes in which the Pharisees were involved. According to Finkelstein, the Mishnah was compiled in its final form ca. 200 C.E. This work was not the creation of a single generation; rather, it was the product of many centuries of patient effort. The author believes that the materials contained in this work are accurate and reliable; for example, by examining the relevant pericopae, one can discern the characters of Akiba and Hillel.

Finkelstein also believes that one may use the Talmudic writings to confirm the picture of the Pharisees which is presented in the writings of Josephus and vice versa:

From both works the Pharisees emerge as a group which, accepting the Torah as the word of God and considering existence meaningful only so far as it provided opportunity for service to Him, adhered loyally to the rituals enjoined in Scripture. The Pharisees followed a series of norms in which the word of Scripture was elaborated. They studied the word of the Torah and indulged in continuous contemplation of the right, in an insistent search for the ethical life. They possessed a wide reputation for piety, tolerance, wisdom. This reputation clothed the Pharisees with enormous power used with remarkable self-restraint. They were loathe to impose punishment for crime, and when compelled by evidence to do so inclined toward leniency. They treated one another with great affection, and were generally mild and temperate to opponents. They despised present luxury, and sought instead to deserve future bliss. They realistically appraised the paradox of man's consciousness of freedom and of circumstances beyond his control, such as heredity and education, weighting his decisions. For generation after generation, this remarkable group--disciples of the Prophets--labored, studied, and taught in Jerusalem, to such effect that even Josephus (who had deserted their way of life) was stirred by profound admiration for the Pharisees and their achievements. (I, cxxxii)

Thus, the picture of the Pharisees presented in these two primary sources, the Rabbinic documents and the writings of Josephus, is similar; on the basis of this similarity, Finkelstein concludes that each one can be used to substantiate the validity of the other.

Finally, although the documents contained in the New Testament are of a polemical nature, they must be examined since they do contain references to the Pharisees. Finkelstein believes that, for the most part, the material in the Gospels can be used to obtain information concerning the various beliefs of the Pharisees; for example, the Pharisaic desire for absolute

purity. Acts of the Apostles is also used to corroborate and to elucidate further Finkelstein's understanding of Pharisaic thought:

It is true that neither Josephus nor the rabbinic sources mention the controversy between the Pharisees and the Sadducees regarding angels. Yet this silence cannot militate against the authenticity of the record in the Book of Acts. Josephus was writing for Greeks rather than for Jews, and may have found difficulty in reconstructing the issue in terms of the Stoic, Epicurean and Pythagorean philosophies which he tries to impose on the Jewish sects. . . .

But there was a special reason for the silence of the sages about this controversy: they had ceased to be a unit affirming the Pharisaic position. As Pharisaism absorbed into itself the larger part of the nation, including a majority of the provincials, the dispute about the angels was carried over into its midst. (I, 180-181)

Thus, by examining the information contained in various Christian and Jewish primary sources, Finkelstein is able to substantiate his theory to his satisfaction.

Connection Between the Above and the Conclusions

As has been stated above, Finkelstein believes that the various primary sources which he uses prove his theory. But do they? Throughout his work there is an almost totally uncritical analysis of the texts. He does not employ source, redaction, or form criticism to determine the authenticity, accuracy, or method of transmission of the various pericopae which he cites. In addition, he accepts the information contained in the various materials as factual. What is recorded in the relevant primary sources actually occurred.

The picture of the origins and development of Pharisaic thought that emerges from Finkelstein's book is too pat and perfect. Is one justified in stating that the origins of Pharisaic thought are found in the earliest history of Judaism and that the type of thought advocated by the party of the Pharisees is traceable throughout Jewish history, on the basis of the fact that the practices and beliefs of the Pharisees per se correspond to those adhered to by other groups and individuals in past periods? Does it necessarily follow that, because the Pharisaic sect and previous groups in history shared similarities, the former have to be the intellectual and spiritual successors of the latter? Is it really possible to explain all of the conflicts that occur throughout ancient Jewish history in economic and sociological terms? Should one also not take into consideration other factors, for example, those of a political, ethical, or ideological nature?

In conclusion, it may be stated that, although there are several problems associated with Finkelstein's book, his interpretation of individual pericopae from an economic and sociological perspective illuminates the possible meaning of some of the texts; this is his positive contribution to pre-70 Pharisaic scholarship.

Joachim Jeremias, "Appendix: The Pharisees"

Synopsis

Joachim Jeremias, in an appendix devoted to the study of the Pharisees, states, "Sociologically speaking, there is no question of including the Pharisees among the upper classes: their name means 'the separate ones', i.e. the holy ones, the true community of Israel." (p. 246) They formed closed communities (haburot) and "were by no means simply men living according to the religious precepts laid down by Pharisaic scribes, especially the precepts on tithes and purity; they were members of religious associations, pursuing these ends." (p. 247) According to Jeremias both the Pharisees and the Essenes originated in the second century B.C.E.; both sects were concerned with purity regulations and both made efforts toward separateness. "It is possible, therefore, to draw from the strict life of the Essene community inferences about the communal character of the Pharisees. Among the Essene writings the Damascus Document especially, shows important parallels with the Pharisaic organization" (p. 247)

Jeremias believes that various groups mentioned in early Rabbinic literature are related to, if not identical with, the Pharisees. For example, the 'holy community of Jerusalem' probably was "a Pharisaic community in the Holy City in the first century AD." (p. 249) The basis for this identification is the fact that both groups were concerned with the "faithful

observance of fixed times for prayer." (p. 249)

By using information found in the writings of Josephus, the Synoptic Gospels, the Tosefta, and the Babylonian Talmud, Jeremias is able to determine some of the characteristics of the Pharisaic communities: they had strict rules of admission, a period of probation before admission, leaders and assemblies, and an internal code of rules. During Herod's rule there were more than 6,000 Pharisees throughout his kingdom.

Jeremias believes that the Pharisaic communities were composed of scribes, priests, and laity.

. . . the leaders and influential members of Pharisaic communities were scribes. Tradition tells us that the following scribes belonged to a Pharisaic community or ruled their lives according to Pharisaic laws: before 162 BC, Jose b. Joezer (M. Hag. ii.7); about 50 BC Abtalion and Shemaiah (Ant. 15.3 and 370); about 20 BC perhaps Hillel

The sum total of these names is, as we see, not very great. Truth to tell, we know only a small number of names of scribes who belonged to a Pharisaic community; actually their number was much greater. Further, it must be noted that we know of a large number of scribes who opposed Sadducean teachers, and championed Pharisaic ideas, but we have been given no specific evidence that they belonged to a habūrah. . . . but we still must not underestimate the number of teachers who did not belong to a Pharisaic habūrah. In all cases this number is considerably higher than the Talmudic tradition would have it, the tradition derived from a purely Pharisaic point of view. (pp. 254-256)

For the most part, therefore, the members of the Pharisaic communities were not scribes.

A considerable number of priests were active in the Pharisaic movement "and this is explained by the fact that

this movement had its origin in the Temple. It sought to raise to the level of a general norm the practice of purity laws even among non-priestly folk, those laws which need only be enforced for priests when they ate the heave-offering." (p. 257)

Although the scribes and priests formed the leading faction among the Pharisees, the majority of the members were pious laymen.

The laity who joined the Pharisaic communities and undertook to observe the Pharisaic laws on tithes and purity were far more numerous, as we can see from the frequent occurrence of the 'scribes and Pharisees' in the New Testament. This expression shows that besides the leaders who were scribes, the great majority of members had not had a scribal education. . . .

The innumerable rules on commercial dealings between Pharisee and non-Pharisee give us more insight into the circles of the Pharisaic community (M. Dem. ii.2-3; vi.6; T. Maas. iii.13, 85, et passim). These passages leave no doubt that above all it was merchants, artisans and peasants who made up the haburāh. In short, the Pharisaic communities were mostly composed of petty commoners, men of the people with no scribal education, earnest and self-sacrificing; but all too often they were not free from uncharitableness and pride with regard to the masses, the 'ammē hā-'āres who did not observe the demands of religious laws as they did, and in contrast to whom the Pharisees considered themselves to be the true Israel. (pp. 258-259)

It is Jeremias's contention that "Analogies to the specific character and the organization of Pharisaic communities as we have just described them, appear in the Damascus Document (CD), and more recently but in less proportion, in the Manual of Discipline (I QS)." (p. 259) He believes that information contained in these documents concerning the organization of Essene communities can be used to elucidate and expand upon

the picture of the organization of Pharisaic communities gleaned from other primary sources.

Jeremias concludes his discussion of the Pharisees by outlining some of the salient points in the formation and development of this sect. He sketches the rise and fall of Pharisaic influence from the reign of Alexander Jannaeus (103-76 B.C.E.) until the beginning of the revolt against Rome (66 C.E.). He believes that the Pharisaic movement owed its origin to the hasidim of Maccabean times and that it

developed as an opposition to the Sadducean [movement]. Among the priesthood this opposition grew up in the second century BC, that is under the Seleucid domination before the beginning of the Maccabean wars, when a group of priests, the Pharisaic section, instituted great changes. Whereas the Torah laid down rules of purity and rules on food for the officiating priests alone, the Pharisaic group made these rules a general practice in the everyday life of the priests and in the life of the whole people. In this way they meant to build up the holy community of Israel, the 'true Israel' The Sadducean group, on the other hand, was conservative and held that the priestly laws were limited to the priests and the cultus, in conformity with the text of Scripture. (pp. 265-266)

From the time of Herod until 66 C.E. the influence of the Pharisees in the realms of politics and of administration of justice in Palestine was limited; Pharisaic laws, however, did govern the religious life of the people, and the procedures followed in the liturgical ceremonies performed in the Temple were according to Pharisaic practices. The Sadducean high priests "were quite resigned, because they well understood that it was impossible to succeed against the all-powerful Pharisees" (p. 265) who had the support of the common people.

The masses followed and supported the Pharisees even though this sect "as the true Israel . . . drew a hard line between themselves and the masses, the 'ammē hā'āreṣ who did not observe as they did the rules laid down by Pharisaic scribes on tithes and purity." (p. 266)

Primary Sources

Hebrew Bible
 Septuagint
 Mishnah
 Tosefta
 Babylonian Talmud
 Palestinian Talmud
 Midrashim
 I and II Maccabees
 New Testament
 Josephus
 Oxyrrhynchus Papyrus V
Damascus Document
Manual of Discipline
Assumption of Moses

Relevancy of the Sources

It is Jeremias's contention that the sources which he uses contain information about, or relevant to, the formation, development, organization, and history of the Pharisees. The primary materials which he employs are of two types: sources in which various aspects of the Pharisaic movement are discussed, and sources in which information is given about a group or sect which Jeremias believes to be related to, or identical with, the Pharisees.

The Rabbinic literature, the New Testament, and the writings of Josephus are relevant because they contain pertinent, accurate

information about the Pharisees. For example, Josephus, in his Antiquities and in his Jewish Wars, describes and comments upon the organization, history, and beliefs of this sect. Information of a 'secondary nature' is found in various Rabbinic traditions, the Pauline writings, and the remainder of the primary sources listed above. For example, the Damascus Document and the Manual of Discipline, which, according to Jeremias, are Essene in origin, are of help in understanding the organization of Pharisaic communities: "we may make use of our information on the organization of Essene 'camps', though with the greatest caution, to give clearer outline to the picture of the organization of Pharisaic communities which emerges from the rare references we have." (p. 262)

The Author's Understanding of the Sources

Jeremias quotes from, or refers to, various primary sources in order to obtain information about pre-70 Pharisaic communities. It is his contention that the traditions found in the Rabbinic literature are authentic, accurate, and date from the period about which he is talking. For example, he believes the information contained in Mishnah Hagigah 2.7 conclusively proves that Jose b. Joezer, a member of the priesthood, was a Pharisaic scribe and illustrates "the conscientiousness of the members of the priesthood in matters of Pharisaic demands on purity." (p. 257)

Jeremias believes that the Damascus Document and the Manual of Discipline are Essene in origin: "Since the publication of the Qumran writings, it is quite certain that

they are Essene in origin. Proof of this is in the resemblance of subject matter and the fact that fragments of the Damascus Document have been found at Qumran." (p. 259) This assumption, plus the fact that he sees a close resemblance between the Essenes and the Pharisees, enables him to postulate that information contained in these two documents concerning the organization of the Essene community can be used to clarify the picture of the organization of Pharisaic communities gleaned from other primary sources.

Taking into account the similarities of organization between Essene and Pharisaic communities which we have studied above, we can represent the functions of the Pharisaic ~~ἱερονομία~~ (Luke 14.1), on which the sources tell us very little, as analogous to the functions of the Essene m^ebaqqēr. The fact that this m^ebaqqēr also shows some affinity with the Christian bishop is also in favour of the analogy. (p. 261)

Throughout his study of the Pharisees, Jeremias extensively refers to the New Testament materials. While he admits that there are errors of transmission in the texts, he accepts the statements concerning the Pharisees per se found in the Gospels and in Acts of the Apostles as factual. Similarly, he believes that the traditions about the Pharisees found in the writings of Josephus are accurate and reliable.

Connection Between the Above and the Conclusions

There are several problems associated with the conclusions which Jeremias draws from his study of the relevant primary sources and with the methodology employed in the examination of these materials. His uncritical analysis of the various

texts results in unsubstantiated, hypothetical assertions. Jeremias does not attempt to use redaction, source, or form criticism to determine the dating and the reliability of the materials which he cites. Instead, he accepts the information contained in the various bodies of literature at face value; the pericopae which are relevant to his study contain exact historical records of what actually happened. With regard to the Rabbinic texts, he does not make sufficient use of the Houses' materials, and he relies on secondary accounts of Rabbinic traditions; that is, he considers Strack-Billerbeck's Kommentar zum Neuen Testament aus Talmud und Midrasch to be a primary source, not a secondary reference work.

It is Jeremias's contention that various groups in early Judaism which practised customs and beliefs similar to those of the Pharisees are related to, if not identical with, this sect. Although these groups may possess similarities, this does not necessarily mean that they are identical. Jeremias, however, does not consider this possibility. In addition, he formulates his theories about the organization of the Pharisaic communities by means of a 'chain of association'. He postulates that

The Essenes [as well as the Pharisees] also originated in the second century BC. and whatever the foreign influences which must have affected their beginnings, they were in origin very close to the Pharisees, as witness their strict rules of purity and their efforts towards separateness. It is possible, therefore, to draw from the strict life of the Essene community inferences about the communal character of the Pharisees. (p. 247)

He then identifies the Qumran sectaries with the Essenes even though much of the documentary evidence about these two sects points to their individual uniqueness. This identification enables him to use the information contained in the Damascus Document and in the Manual of Discipline about the organization of the Essene community to clarify the picture of the organization of the Pharisaic sect. This methodology is questionable, to say the least.

The various difficulties associated with Jeremias's thesis itself and with the methodology employed in examining the primary sources cast doubt upon the accuracy and the validity of his conclusions.

Ellis Rivkin, "Defining The Pharisees: The Tannaitic Sources"

Synopsis

Ellis Rivkin, in his article "Defining The Pharisees: The Tannaitic Sources", criticizes the methodology used by scholars to obtain an objective definition of who and what the Pharisees were on two grounds. First,

When, therefore, scholars seek to construct a definition built out of all these sources [i.e., the writings of Josephus, the New Testament, and the Tannaitic literature], the amalgam tends to be a compound of highly selective ingredients which do not necessarily yield an objective definition--Josephus will be drawn on for this element, the New Testament for that, and the tannaitic literature for still another. (p. 205)

Secondly, most scholars construct their definition of the Pharisees on the basis of the information contained in Mishnah Hagigah 2.7. In this passage

the prušim are contrasted with the am ha-arets, the mass, as being in a higher state of cleanness. Scholars thus seem to be merely following the source when they declare that the prušim are indeed Pharisees; and these prušim, as is evident from the text itself, are a sect-like grouping whose differentiating feature is a concern for ritual purity, a feature which separates them both from the am ha-arets--who are on a lower rung--and the priests who eat truma--who are on a higher rung. . . .

The methodology followed by these scholars is clear: First the word prušim is detected and translated "Pharisees"; secondly, the context is read in the light of the translation of the word; thirdly, the content of the text is utilized to define the word prušim; fourthly, the definition, having been secured via the word, is then freely used to determine its meaning in other texts. (p. 207)

Rivkin maintains that this procedure is legitimate

only if the word prušim is never used to mean anything else but Pharisees. If prušim is used, even in a single instance, to mean something other than Pharisees, then choice and not necessity is operative. Only possibility

remains. And the moment possibility takes over, the scholar must justify his translation by stating his grounds. The appeal must be to something other than the word itself. Yet the word itself is the only ground for the meaning Pharisees in the Hagiga text. (p. 207)

Rivkin proposes an alternative methodology. Instead of gathering information from all of the primary sources, he constructs his definition of the Pharisees solely on the basis of the information contained in the Tannaitic literature. This definition is then compared with those which emerge from the writings of Josephus and from the New Testament. He also states that

An adequate methodology must therefore abandon the verbal approach to the definition of the Pharisees. It must determine the meaning of the word pruṣim by criteria that cannot be challenged; by a standard that remains fixed, firm, and independent of the individual scholar's wish, whim, or need. But such a standard and such criteria are not easily come by when the tannaitic literature is the source! This literature does not make its own demarcations. It never distinguishes explicitly between the term pruṣim, Pharisees, and the term pruṣim, not Pharisees. The spelling in all texts is identical, no explanatory glosses are provided. The Mishnah no more warns the reader that the pruṣim in Hagiga does not mean Pharisees than it reassures him that it does. The criteria and the standard must therefore be built without explicit support from the tannaitic texts, even though the implicit support is not only there, but presupposes the criteria and the standard itself. (pp. 207-208)

In conformity with this, Rivkin assumes that "only in those texts where the term pruṣim is used in juxtaposition to sduqim (Sadducees) does it necessarily mean Pharisees. These texts and only these texts can, at the outset, be called upon to furnish a definition." (p. 208)

Rivkin then proceeds to follow this methodology. First,

after collecting, analyzing, and comparing all Tannaitic texts in which the term pruṣim occurs in juxtaposition and opposition to the sduqim, he concludes that the 'Pharisee' corpus of materials consists of the following categories:

- (1) Texts where pruṣim is juxtaposed to Sadducees--the Ph texts. (2) Texts where synonymy is established by virtue of juxtaposition of hakamim, of individual sages, of the anonymous halaka to Sadducees-Boethusians. (3) Texts where synonymy is established by virtue of a dictum [sic] that is affirmed by the pruṣim in the Ph. texts, yet the same dictum is attributed either to the anonymous halak or to the sufrim in texts, where the Sadducees-Boethusians do not appear The [second and third] categories thus appear as extensions of the first; indeed, hypothetically deducible from it, as it, in turn, follows directly from them. (p. 234)

In attempting to determine the Tannaitic picture of the Pharisees which emerges from these texts, it does not matter whether one uses the information contained in the most rigorously constructed category (i.e., category one), or that contained in the other categories and subdivisions. The image that emerges from both sets of texts is identical: "The Pharisees are in all texts the champions of the twofold Law, the Oral and the Written, and are the opponents of the Sadducees-Boethusians who adhere to the Written Law alone." (p. 234)

Secondly, Rivkin examines texts in which pruṣim is deemed by scholars to mean something other than Pharisees. This corpus of materials serves as a control, since it demonstrates that pruṣim does not necessarily have to mean Pharisees. "The existence of these controls thus precludes an invariable, single meaning for pruṣim. The meaning of pruṣim can be

determined only by contextual criteria and not by the word itself. Surely if the same word can mean A, non-A, and anti-A, it cannot be self-defining." (p. 238)

Thirdly, he collates the ambiguous texts--"texts where pruṣim is not found juxtaposed and in opposition to sduqim, but which the overwhelming majority of scholars have regarded as utilizing the term pruṣim to mean Pharisees." (p. 208) By analyzing the usage of pruṣim in this corpus of materials, Rivkin is able to construct a definition of the Pharisees. He then compares this definition with that derived from the 'Pharisee' texts, finds that they are different, and "If there is difference, then it must be objectively affirmed that the pruṣim of the ambiguous texts of the third corpus are not the Pharisees at all. They thus must be assimilated with the control texts." (p. 208)

Having collected and analyzed all the Tannaitic texts in which the term pruṣim occurs, "we are now ready to construct the tannaitic definition of the Pharisees from the texts that have met the criteria of authenticity. Only those that have found their way into corpus Ph. can legitimately communicate information about the Pharisees. . . ." (p. 246) What is the Tannaitic definition of the Pharisees? Rivkin states

The Pharisees were a scholar class dedicated to the supremacy of the twofold Law, the Written and the Unwritten. They actively opposed the Sadducees who recognized only the Written Law as authoritative, and they sought dramatic means for proclaiming their overriding authority. Their unwritten laws, the halaka, were operative in all realms:

cultus, property, judicial procedures, festivals, etc. The Pharisees were active leaders who carried out their laws with vigor and determination. They set the date for the cutting of the omer. They set up the procedures for the burning of the red heifer and compelled priestly conformance. They insisted that the High Priest carry through his most sacred act of the year in accordance with their regulations. They determined judicial procedure, the rightful heirs to property, the responsibility of slaves for damages, the purity status of Holy Scriptures. (p. 247)

According to Rivkin, this definition of the Pharisees pre-70 is identical with that presented in the writings of Josephus, in the Pauline letters, and in the Gospels. "The hitherto discordant sources are now seen to be in agreement. Josephus, Paul, the Gospels and the tannaitic literature are in accord that the Pharisees were the scholar class of the twofold Law, nothing more, nothing less." (p. 249)

Primary Sources

Hebrew Bible
 Mishnah
 Tosefta
 Babylonian Talmud
 Palestinian Talmud
 Mekilta
 Sifra
 Sifre
 New Testament
 Josephus

Relevancy of the Sources

It is Rivkin's contention that one cannot determine who and what the Pharisees were by "drawing on all the sources [i.e., the writings of Josephus, the New Testament, and the Tannaitic literature] indiscriminately." (p. 205) He, therefore,

constructs his definition of this sect solely on the basis of the information contained in the Tannaitic corpus of materials; he then compares this definition of the Pharisees with those found in the writings of Josephus and in the New Testament.

With regard to the Tannaitic sources, he "begins with the assumption that only in those texts where the term prušim is used in juxtaposition to sduqim (Sadducees) does it necessarily mean Pharisees." (p. 208) After examining the information contained in the texts which meet this criterion of authenticity, Rivkin states that one can deduce other categories and subdivisions from this corpus of materials.

Each of these categories are not only separable from each other, but the subdivisions in each can be clearly distinguished. The tannaitic image of the Pharisees may thus, in the interests of the most rigorous criteria, be restricted to the Ph₁ texts alone, or it may draw on all subdivisions of Ph., or on all the other categories and subdivisions. Whatever the decision, the outcome is identical: the image that emerges from the most rigorously determined corpus is identical with that drawn from the other subdivisions and categories. The Pharisees are in all texts the champions of the twofold Law, the Oral and the Written, and are the opponents of the Sadducees-Boethusians who adhere to the Written Law alone. (p. 234)

He then proceeds to collect and examine the Tannaitic texts in which the term prušim is not translated by scholars as Pharisees; these sources serve as a control since they demonstrate that prušim need not mean Pharisees. After examining the ambiguous texts--texts where prušim is not juxtaposed to sduqim, but in which most scholars consider the term prušim to mean Pharisees--and comparing the definition

of the Pharisees extracted from this corpus of materials with that derived from the 'Pharisee' texts, he concludes that the prušim mentioned in these sources (i.e., the ambiguous texts) are not the Pharisees. These materials, therefore, must be assimilated into the control texts. The Tannaitic definition of who and what the Pharisees were is to be constructed solely from the 'Pharisee' texts.

The Author's Understanding of the Sources

Rivkin constructs his definition of the Pharisees solely on the basis of the information contained in the relevant pericopae of the Tannaitic literature; that is, pericopae in which the term prušim is in juxtaposition and opposition to the sduqim and pericopae which are subdivisions of this criterion. For example, in Mishnah Yadaim 4.6 there is a controversy between the prušim and the sduqim concerning whether or not Holy Scriptures render the hands unclean. In this pericope Johanan ben Zakkai opposes the Sadducean position; he, therefore, must be a Pharisee. Similarly, in Mishnah Yadaim 3.5 there is an anonymous halachah which states that Holy Scriptures render the hands unclean. "A dictum of the prušim-Pharisees thus appears as an anonymous halaka, when the Sadducees are not involved. The prušim-Pharisees must therefore have been the authorities responsible for this halaka." (p. 230) In Mishnah Yadaim 3.2 this same anonymous halachah is attributed to the sofrim.

But this very same halaka is identified as a dictum that distinguished the Pharisees from the Sadducees in Yadayim 4:6. Hence the pruṣim must be identical with the sofrim! If identical with the sofrim, then entitled to all the rights and privileges pertaining to that honorific class. And these are considerable: The sofrim have the right to make law that is not deducible from Scripture; they can make law that is not dependent on a logical connection with any other law that they themselves have made; they can make law that has no connection with Scriptures whatsoever. The Pharisees-sofrim are thus the source of the unwritten laws, irrespective of whether or not they are scripturally grounded. But these unwritten laws are the halaka. The Pharisees-sofrim must therefore be the legislators of the halaka. (p. 231)

Rivkin's examination of Mishnah Yadaim 4.6 results in the construction of an elaborate equation explaining who and what the Pharisees were: pruṣim=Johanan ben Zakkai=authors of an anonymous halachah=sofrim. It is his contention that these 'Pharisee' texts accurately describe what was said and done by the pre-70 Pharisees.

He then proceeds to analyze the Tannaitic texts in which, according to a scholarly consensus of opinion or according to his own analysis of various, ambiguous texts, pruṣim does not mean Pharisees. He accepts the authenticity and accuracy of the information contained in these sources. Similarly, he believes that the various texts which he cites from the writings of Josephus and from the New Testament contain factual, accurate information.

Connection Between the Above and the Conclusions

Although Rivkin criticizes the shortcomings of prior pre-70

Pharisaic scholarship, he realizes that

the problem simply cannot be definitively solved. Every crucial question which must be answered first, before the sources can even be used, still awaits definitive resolution because no source exists which tells us specifically and unambiguously: 1. when the Pharisees emerged; 2. the historical context of that emergence; 3. the course of their evolution and development; and 4. the nature and provenance of their distinctive institutions. . . .

The sources thus leave us in the lurch. These [i.e., the Rabbinic literature, the writings of Josephus, and the New Testament] are the only contemporary sources that directly mention the Pharisees, and they do not tell us what we need to know. They do not answer the questions of how, or why, or when. All the other writings that are contemporaneous with the Pharisees, or border on contemporaneity--and this includes the Dead Sea Scrolls as well--can be drawn upon for whatever supplemental data they may contain only after we know for certain what the sources that mention them by name are communicating to us.

The methodology which he employs to determine who and what the Pharisees were--i.e., his assumption that "only in those [Tannaitic] texts where the term pruṣim is used in juxtaposition to sduqim (Sadducees) does it necessarily mean Pharisees" (p. 208)--is innovative, plausible, and a positive contribution to pre-70 Pharisaic scholarship. Unfortunately, however, there are several problems associated with this methodology and with the conclusions he draws from his examination of the primary source materials.

First, he does not critically analyze the texts themselves or the information contained in them. He does not employ source, redaction, or form criticism either to determine the authenticity, the accuracy, and the dating of these texts or to examine the method of transmission, the various versions, and the literary

qualities of the materials. He assumes that the materials he is dealing with date from the period he is talking about and that the information contained in the various sources is accurate.

. . . he does not distinguish among the texts before him according to the authorities to whom sayings are attributed and the compilations in which they occur, nor does he analyze the literary and formal qualities of those texts. He takes for granted that all texts accurately describe what really was said and done."

In addition, it is Rivkin's contention that the controversies between the Pharisees and the Sadducees center around the validity of the Oral Law--"The Pharisees are in all texts the champions of the twofold Law, the Oral and the Written, and are the opponents of the Sadducees-Boethusians who adhere to the Written Law alone." (p. 234) Jack Lightstone, however, maintains that

Our data [i.e., the Tannaitic traditions in which the Sadducees and Pharisees are juxtaposed with one another], however, give evidence of no such general basis for disagreement. In fact, the sources supply no evidence about any general rubric which formed the basis of conflict between the Pharisees and Sadducees. Appeals by either group to general criteria, such as Oral Law versus Written Law, or exegetical versus literal interpretation of Scripture, are conspicuously absent. With respect to one source (M. Yad. 4:7b), we mentioned that it was possible that what lay behind the tradition was a Pharisaic polemic against Sadducean appropriation of Hellenistic law. In our discussion of Tos. Yad. 2:20, we noticed that the Sadducean law is more faithful to the literal sense of Scripture. The Sadducees themselves, however, made no appeal to Scripture in the pericope.

Another point of note is that the represented Pharisaic position is in every case paralleled by Mishnaic law. Now we could suggest that the Tannaim when in possession of a Pharisaic, legal tradition always adopted

it. But given the rhetorical nature of the modes of argumentation in these disputes and the tendency to vilification, it is not unlikely that the Tannaim have projected some of their laws on the Pharisees believing them to have been the basis for the inter-party conflict. The latter explanation is as plausible as the former.³

Secondly, Rivkin's

discussion . . . tends to slide across the line between philological analysis, on the one side, and historical judgment, on the other, producing the impression of a less critical, and more fundamentalist, approach than is explicitly claimed at the outset. From a generally persuasive analysis of the use of PRS in various texts, Rivkin proceeds to make groundless "historical" statements, e.g., "The Pharisees did not make the laws of ritual purity rigorous for themselves but for the priests." [p. 233] However, having at the outset excluded evidence pertinent to such statements deriving from other traditions and collections, he seems to me without justification in coming to any historical conclusions at all.

For example, at one point in his article he states, "Since all the tannaitic texts utilizing pruṣim have now been collated and, in addition, other texts pertaining to the problem have been investigated, we are now ready to construct the tannaitic definition of the Pharisees from the texts that have met the criteria of authenticity." (p. 246) He, however, does not proceed to define the meaning of 'authenticity' and to present 'the Tannaitic definition of the Pharisees'; rather, he gives an historical, descriptive statement about this sect.

Thirdly, Rivkin does not adequately relate the methodology which he uses and the resulting conclusions to the extra-Rabbinic literature. On the basis of a few quotations from the writings of Josephus and from the New Testament, is one justified in

concluding that "The hitherto discordant sources are now seen to be in agreement. Josephus, Paul, the Gospels and the tannaitic literature are in accord that the Pharisees were the scholar class of the twofold Law, nothing more, nothing less"? (p. 249)

Fourthly, Rivkin's assertion that the pru^usim are not to be identified with the haverim is a revolutionary break with contemporary Pharisaic scholarship.

The haverim are juxtaposed to the am ha-arets, not to the Sadducees-Boethusians. They are the subjects of halaka, not its formulators. They utter no dicta; offer no legal opinion. They are not synonymous with hakamim or sofrim. . . . They are not a scholar class, but individuals who have voluntarily undertaken to tithe doubtful produce. The halaka does not require one to be a haver, but it regulates the regimen of a haver once he undertakes this obligation. (p. 245)

E. P. Sanders, however, in his article "The Pharisees and the Haverim", states "that the Pharisees were early concerned with the application of laws of ritual purity to the laity and to hullin may serve as a prima facie case that there may have been more connection between the Pharisees and the haverim than Rivkin would grant."⁵ After examining Tannaitic passages in which

the 'amme ha-'arets are contrasted either with those who are obviously Pharisees or with anyone on a point of ritual purity or tithing . . . [Sanders concludes] that Rivkin was not correct in maintaining that the Pharisees had no more concern for laws of ritual purity and tithing, the special interests of the haverim, than they had for the laws governing the nazirite vow: that both were voluntary, and that the Pharisees only regulated how such laws should be kept once one voluntarily undertook to keep

them. To the contrary, the halakha seems to suppose that people should be scrupulous about tithing and maintaining ritual purity, even though it is known that some (the 'amme ha'arets) do not accept the oral law on those points, but keep only the commandments regarding the tithe for the priests and its ritual purity.

Both the Pharisees and the haverim distinguished themselves from the 'amme ha-'arets, presumably because the latter did not obey the laws of tithing and did not eat hullin in ritual purity; one may conclude, therefore, that the Pharisees were closely related to the haverim though not identical with them.

In spite of the problems associated with Rivkin's implementation of his methodology and with the conclusions drawn from his examination of the primary sources, his attempts to correct the shortcomings of prior pre-70 Pharisaic scholarship are innovative, illuminating, and sometimes revolutionary.

Footnotes

¹Ellis Rivkin, "Prolegomenon", Judaism and Christianity: The Age of Transition, ed. W. O. E. Oesterley (New York: Ktav Publishing House, Inc., 1969), I, xii-xiii.

²Jacob Neusner, The Rabbinic Traditions About the Pharisees Before 70 (Leiden: E. J. Brill, 1971), I, 2-3.

For a more detailed critique of Rivkin's use of the Tannaitic sources, see Jack Lightstone, "Sadducees Versus Pharisees: The Tannaitic Sources", Christianity, Judaism and Other Greco-Roman Cults: Studies for Morton Smith at Sixty; Part III: Judaism Before 70, ed. Jacob Neusner (Leiden: E. J. Brill, 1975), III, 206-217.

³Lightstone, "Sadducees", p. 216.

⁴Neusner, Rabbinic, I, 3.

⁵E. P. Sanders, "The Pharisees and the Haverim" (unpublished article, McMaster University, Hamilton); p. 10.

⁶Sanders, "Pharisees", p. 29.

Jacob Neusner, The Rabbinic Traditions About the Pharisees Before 70

Synopsis

Jacob Neusner's purpose in writing The Rabbinic Traditions About the Pharisees Before 70 is not "to speculate about the 'historical Pharisees'." (III, 244); rather, he wishes to "gain a better perspective on the sorts of traditions the later rabbis preserved about, and assigned to, the pre-70 Pharisees." (III, 244) He intends to gain this perspective by bringing

to bear upon rabbinic traditions about the Pharisaic masters of the Second-Temple period some of the critical techniques commonplace in the study of other sources pertaining to the history of the same time and place Here historical questions will not be raised at all. In no instance do I propose to speculate on what saying or event may have originally given rise to the "original" rabbinic tradition, the remnants or later developments of which are now in our hands. Such questions include these: When and why did the Pharisees emerge? What was their historical context? the course of their evolution and development? the nature and provenance of their doctrines and distinctive institutions? (I, 1-2)

It is Neusner's belief that

critical study is a priority for formulating, then finding and evaluating the answers to, historical questions. We cannot speculate, for instance, on who was Simeon the Just or Hillel, if we have not first of all considered whether and how we know anything at all about Simeon the Just or Hillel. We certainly cannot innocently amalgamate Pharisaic-rabbinic stories with those deriving from other sources, e.g. Josephus, Ben Sira, and the Synoptic Gospels, and come up either with a harmonious "life" of a man whose name occurs in several ways in several sets of materials, or with an account of an event, institution, or practice alluded to in them. (I, 2)

Any historical information gleaned from Neusner's analysis of the sources must be understood in the light of the primary thrust of the study: "At the end, to be sure, I offer some

judgments as to what those traditions may tell us about the historical movement to which they refer, but there the main effort is to suggest a perspective on the nature of the traditions themselves." (I, 4)

It is Neusner's belief that the Rabbinic traditions about the Pharisees before 70 C.E. are pericopae

in which we find either pre-70 masters or the Houses of Shammai and Hillel. Pre-70 masters are the men named in the chains of authorities down to and including Simeon b. Gamaliel and masters referred to in pericopae of those same authorities. In addition I rapidly surveyed traditions of others who were evidently presumed by the Tannaitic tradents both to have lived before 70 and to have been Pharisees. These do not add up to much; the traditions are mostly concerned with the masters named in the Pharisaic chains. (III, 301)

Thus, he excludes all source materials in which there is not a reference either to a named, pre-70 master or to the Houses. In addition, he also omits "the whole corpus of rabbinic law not attributed to any authority, before or after 70, which may derive from, or pertain to, pre-70 Palestinian Judaism." (III, 301)

It is his contention that, since he does not intend to study the legal system of pre-70 Palestine, there is no need to deal with the anonymous material which might be attributed to or reflect the pre-70 period. The Rabbinic traditions about the Pharisees before 70 C.E. consist of approximately 371 separate items--stories, sayings, or allusions--which occur in approximately 655 different pericopae.

In volume one of his book Neusner studies the sayings of and traditions about the named, pre-70 masters; in attempting

to critically analyze the various traditions, he gives an English translation of each pericope, offers comments, and then compares and discusses several versions of the same story through the use of synoptic tables. Neusner's comments

on the pericopae of the named masters (Part I) are divided into three parts: 1. Classification: legal, moral, theological, narrative, biographical; 2. Setting: the document in which a story is now preserved, the school responsible for its compilation, the later masters who tell the story or refer to it, thus supplying a terminus ante quem; 3. Analysis of contents: is the story or saying unitary or composite? If the latter, what are the units of composition? Do we detect a peculiar tendency reflecting later issues or concerns? (I, 7)

By doing synoptic studies, Neusner hopes to answer the question, "Did the several versions of the same pericope arise separately, or did one depend upon the other?" (I, 7) If one can determine a chain of dependence, one eventually may be able to isolate the original version of the tradition and to account for the variants in the different pericopae.

In volume two Neusner analyzes the materials of the Houses by means of this same method of investigation; that is, by using form-critical, form-historical, and redactional-critical methods. He does this in an attempt to answer two major questions: "First, what was the substance of the law attributed to the Houses? . . . [Secondly,] What words are essential to the pericope, and what are glosses, interpolations, developments, or supplements? What are the mnemonic patterns?" (II, 5)

In volume three Neusner synthesizes and interprets the conclusions put forward in the first two volumes. First, he

discusses the types and forms of the Rabbinic materials previously cited and analyzed; he then proceeds to compare the types of Rabbinic traditions about pre-70 Pharisees, and the forms in which these traditions are transmitted, with those of other groups in ancient Judaism. Secondly, he analyzes 'small units of tradition'--"fixed, recurrent formulae, clichés, patterns, or little phrases, out of which whole pericopae, or large elements in pericopae, e.g. complete sayings, are constructed" (III, 101)--which were used for mnemonic purposes, and also the mnemonic patterns themselves. Thirdly, he discusses the invalidity of the Rabbinic tradition that the 'Oral Torah', since the time of Moses, had been transmitted from master to disciple by means of memorization and oral repetition. Finally, before stating his final conclusions, Neusner places all of the pericopae which he has discussed into one of four categories: pericopae without verifications before ca. 200 C.E.; pericopae which are verifications of Yavneh; pericopae which are verifications of Usha; pericopae which are verifications of the circle of Judah the Patriarch.

On the basis of the above analysis of the relevant sources, what picture did the later rabbis have of the pre-70 Pharisees? This sect was interested primarily in purity laws, particularly in ones that pertained to table fellowship. The bulk of the laws of this group deal with agricultural tithes, offerings, taboos; uncleannesses; and Sabbath and festival statutes. These rules affected the sectarian life of the party: they were of

great importance to this particular group but not to the Jewish nation as a whole. The paucity of laws concerning the Temple and Temple procedures allows one to conclude that the Pharisees were not in charge of this institution. In summary, it may be stated that

we have from the rabbis a very sketchy account of the life of Pharisaism during less than the last century of its existence before 70, with at most random and episodic materials pertaining to the period before Hillel. We have this account, so far as it is early, primarily through the medium of forms and mnemonic patterns used at Yavneh and later on at Usha. What we know is what the rabbis of Yavneh and Usha regarded as the important and desirable account of the Pharisaic traditions: almost entirely the internal record of the life of the party and its laws, the party being no more than the two factions that predominated after 70, the laws being mainly rules of how and what people might eat with one another. (III, 319)

Primary Sources

Neusner discusses all the pericopae in Tannaitic literature in which either named, pre-70 masters or Houses' materials are cited. In addition, he either discusses relevant passages from, or refers to, the Hebrew Bible, the New Testament, the Apocrypha, the Pseudepigrapha, the Qumran documents, and the writings of Josephus.

Relevancy of the Sources

Neusner believes that Rabbinic materials attributed either to the pre-70 masters or to the Houses of Hillel and Shammai contain traditions about the Pharisees before 70 C.E. These 655 different pericopae form the corpus of the Rabbinic material pertinent for his study. It is from this body of sayings, stories,

and allusions that he will draw his conclusions concerning "the sorts of traditions the later rabbis preserved about, and assigned to, the pre-70 Pharisees." (III, 244)

The information contained in the writings of Josephus and in the Gospels about the Pharisees differs from that found in Rabbinic literature. In order to harmonize these different accounts, scholars have tried to synthesize, dismiss, or explain away the various discrepancies. Neusner, however, believes that each of the sources must be allowed to speak for itself:

from the rabbinic-Pharisaic materials we could not have envisaged the picture drawn by Josephus [apart from the banquet of John Hyrcanus] We learn that what interested the one was of no concern to the other. From that fact it does not follow that stories absent in the one or the other actually never happened. No one maintains that what Josephus ignores never existed. Nor is it a necessary inference that stories present in both must assuredly have in fact taken place. (III, 243-244)

Neusner compares the literary types and forms present in the Biblical, Qumranian, Apocryphal, Pseudepigraphical, and Synoptic literature with those found in the Rabbinic traditions of the Pharisees in order to determine whether these bodies of materials share similar traits.

The Author's Understanding of the Sources

It is Neusner's contention that (1) the final redaction of the Tannaitic collections occurred in the early to middle third century C.E., (2) what was said during and done at the various incidents recorded in the Rabbinic traditions was not taken down verbatim, (3) the historical reliability of the

sacred texts cannot be taken for granted, (4) the attributions of sayings to post-70 masters can be taken seriously and post-140 attributions are absolutely reliable, (5) the Rabbinic literature is a 'collective literature'--many elements of a particular tradition probably began with a single author, were publicly transmitted, and rapidly made the property of the community of the schools, (6) form-critical, form-historical, and redactional-critical methods are very helpful in analyzing Rabbinic materials. (III, 2-4) By utilizing these six presuppositions, one is able to recover original, pre-70 materials; by studying these materials, one is able to draw some conclusions about the traditions assigned to the pre-70 Pharisees by the later rabbis.

After analyzing the various Rabbinic sources concerning the pre-70 Pharisees, Neusner comes to the following understanding of the Tannaitic materials. First, "materials known to Yavneans may be presumed to have come into being and formed part of the normative tradition before, or by the time of, authorities that refer to them." (III, 224) Secondly, "the evidence we do have points toward beginnings at Yavneh of the claim that people possessed verbatim traditions framed by ancient authorities and handed down orally from then on." (III, 178) Finally, "important Yavnean masters give evidence of a tendency to refer to oral teachings, of the discipline of oral transmission through mnemonic means to disciples, and, one need hardly add, of belief in the Oral Torah." (III, 178) This process of formulation, transmission,

and redaction is further developed by the Ushan masters and by the circle of Judah the Patriarch.

In summary, it is Neusner's contention that the Rabbinic halachot which he has isolated as relevant to his study reflect the historical realities of pre-70 Pharisaism as understood by the later rabbis. The historical traditions about this sect arise later in the development and transmission of the materials.

Neusner does not attempt to determine either the authenticity or the accuracy of the Hebrew Bible, the Qumran documents, the Apocrypha, and the Pseudepigrapha. Only the literary types and forms of these documents interest him. After comparing them with the types of Rabbinic traditions about pre-70 Pharisees, and the forms in which these traditions are transmitted, Neusner makes the following observations. First, "the forms of the Pharisaic-rabbinic tradition differ from the forms of biblical literature even where the same types of material [i.e., laws and moral sayings] are under discussion." (III, 73) Secondly, "while Apocryphal and Pseudepigraphic writings and the Qumran materials exhibit many of the same types (fragments of the former are found among the latter), the Pharisaic-rabbinic pericopae scarcely correspond to either in form or type." (III, 77) The Synoptic Gospels, however, contain both types and forms similar to those in the Rabbinic materials about the pre-70 Pharisees.

They are indeed so close at a few points as to present a remarkable congruence. Conflict sayings = debates, a type shared between the two bodies of tradition, sometimes make use of the same form. The narrative style has much in common. Biographical apophthegms are an identical

type using identical form, though the materials are not abundant on the Pharisaic-rabbinic side Practically the whole repertoire of types of Pharisaic-rabbinic aggadic materials finds a counterpart in the Synoptic Gospels. The contrary is not the case, that is, not all Synoptic types and forms occur in the Pharisaic materials. (III, 89)

In conclusion, it may be stated that

While the rabbinic traditions of the Pharisees exhibit only two types in common with biblical, Qumranian, Apocryphal and Pseudepigraphical literature, namely, laws and moral sayings, and have no form in common at all, the Pharisaic traditions by contrast do manifest both types and forms in common with the Synoptic Gospels. (III, 89)

After discussing Josephus's portrayal of the Pharisees, which is significantly different from the one presented in the Rabbinic materials, Neusner concludes

Apart from the banquet of John Hyrcanus, we could not, relying upon Josephus, recover a single significant detail of the rabbinic traditions about the Pharisees, let alone the main outlines of the whole.

And the contrary also is the case: from the rabbinic-Pharisaic materials we could not have envisaged the picture drawn by Josephus, with the same exception noted above. (III, 243)

He also believes that there are close correspondences between the references to Pharisees contained in the Synoptic Gospels and in the Rabbinic traditions about the pre-70 Pharisees. Although the Synoptic writers do not mention the Houses of Shammai and Hillel which, according to Neusner, "ought to have been important in the period with which they deal, but assuredly were important in the period in which they wrote" (III, 244), they do emphasize practices and observances discussed in the Rabbinic traditions.

The legal agenda at every point has a counterpart in the rabbinic traditions of the Pharisees. Moreover,

the stress of the Gospels seems just about right: cleanness laws, agricultural taboos, Sabbath and festival observance, family laws. We further observed attention to Temple-consecration and oaths. Only fasting seems to play no significant part in the rabbinic traditions about the Pharisees. (III, 247)

Connection Between the Above and the Conclusions

Neusner concludes that

what we know is what the rabbis of Yavneh and Usha regarded as the important and desirable account of the Pharisaic traditions: almost entirely the internal record of the life of the party and its laws, the party being no more than the two factions that predominated after 70, the laws being mainly rules of how and what people might eat with one another. (III, 319)

Unfortunately, there are a number of problems associated with this theory.

The first problem concerns Neusner's decision not to include the anonymous materials in his sources. He defends this on the grounds that he is not interested in writing a history of pre-70 halachot. As a result, he ignores the anonymous Temple materials that could be assigned to the pre-70 period. Some information might have been found, for example, in the anonymous Passover materials, which would have altered his conclusions concerning the practices and beliefs of the pre-70 Pharisees.

The second difficulty consists of a major break in the hermeneutic circle. Although Neusner examines the various pericopae individually, he ignores the possibility of extrapolations from discovered patterns in the materials or from the relative position of the material within the larger corpus.

Thirdly, Neusner assumes that the pre-70 masters and the Houses were Pharisaic. What factual bases can be found to substantiate this presupposition?

Finally, although Neusner derides other scholars for their blind acceptance of the veracity of the Rabbinic materials, he himself occasionally falls into the same pitfall: "as a working hypothesis, I take seriously the attributions of sayings to post-70 masters, and, moreover, regard post-140 attributions as absolutely reliable." (III, 3)

In spite of these problems, it is important that one not forget the positive contributions that this work has made to pre-70 Pharisaic scholarship. Neusner's application of form-critical methods to Rabbinic materials has laid the groundwork for many future and more extensive treatments of the Rabbinic literature. His second contribution is his critical analysis of the Rabbinic tradition that the 'Oral Torah', since the time of Moses, had been transmitted from master to disciple by means of memorization and oral repetition.

Having carefully examined the theories presented by Ginzberg, Finkelstein, Jeremias, Rivkin, and Neusner concerning the pre-70 Pharisees, one is able to formulate some general conclusions about the accuracy and validity of these hypotheses and to speculate about the future of pre-70 Pharisaic scholarship.

Louis Ginzberg, the earliest writer discussed, was unable to break completely with his tradition. As a result, his examination of the relevant primary sources is, for the most part, uncritical; he assumes that the materials with which he is dealing date from the period he is talking about and that the sources which he uses are accurate. In addition, he does not present any archaeological or extra-Talmudic literary evidence to support his theory, and he presupposes that the various decrees which he discusses were enforced. In spite of the problems associated with Ginzberg's theory itself and with the methodology employed in the examination of the primary sources, his interpretation of the Rabbinic materials from an economic and sociological perspective illuminates the possible meaning of some of the pericopae and lays the foundation for Louis Finkelstein's book The Pharisees: The Sociological Background of Their Faith.

Louis Finkelstein adopts the methodological principles used by his teacher. He, like Ginzberg, does not employ source, redaction, or form criticism to determine the authenticity, accuracy, or method of transmission of the various pericopae which he cites. He believes that the information contained

in the various materials is factual; what is recorded in the relevant primary sources actually occurred. In addition, it is Finkelstein's contention that the Pharisaic movement manifests itself throughout Jewish history in the form of economic and sociological disputes. While it is valid to interpret individual pericopae from an economic and sociological perspective, it is questionable to explain all of the conflicts that occur throughout ancient Jewish history in economic and sociological terms.

Joachim Jeremias, like his predecessors, does not critically examine the sources which he uses. Instead, he accepts the information contained in the various bodies of literature at face value; the pericopae which are relevant to his study contain exact historical records of what actually happened. Jeremias believes that one can determine who and what the Pharisees were by examining the information contained in the various primary texts (i.e., the Rabbinic literature, the writings of Josephus, and the New Testament) and by assuming that various groups in early Judaism which had beliefs and customs similar to those of the Pharisees are related to, if not identical with, this sect. He does not consider the possibility that groups could possess similarities without being the same.

Ellis Rivkin and Jacob Neusner, although not totally correct in their theses, make significant contributions to pre-70 Pharisaic scholarship. Rivkin, realizing that the

sources do not answer the questions of how, or when, or why the Pharisees came into existence, attempts to construct a definition of this sect solely on the basis of the information contained in the relevant pericopae of the Tannaitic literature; that is, pericopae in which the term pruṣim is in juxtaposition and opposition to the sduqim and pericopae which are subdivisions of this criterion. Although his philological analysis of the word pruṣim and his contention that the Pharisees are not to be identified with the haverim are innovative and somewhat revolutionary concepts, there are several problems associated with his methodology and with the conclusions drawn from his examination of the primary sources; for example, his uncritical analysis of the texts.

In order to determine the later rabbis' picture of the pre-70 Pharisees, Neusner examines approximately 371 separate items--stories, sayings, and allusions--which occur in approximately 655 different pericopae. Although there are methodological problems associated with his study, his examination and analysis of the relevant Rabbinic materials by means of form-critical, form-historical, and redactional-critical methods has laid the groundwork for many future and more extensive treatments of the Rabbinic literature. His critical analysis of the Rabbinic tradition that the 'Oral Torah', since the time of Moses, had been transmitted from master to disciple by means of memorization and oral repetition is important and innovative.

What is the future of pre-70 Pharisaic scholarship?

Unless a different methodological approach is developed or new primary sources are discovered, there does not seem to be much hope for advancement beyond the present point. It can be stated that the Pharisees in the pre-70 period were a group interested primarily in purity laws, particularly in ones that pertained to table fellowship. The questions which were raised above--Who were the Pharisees? When did this group first arise? What were their beliefs and practices? What role did they play in the growth of early Judaism?--remain unanswered. No primary source exists which provides one with an objective, unambiguous definition of the Pharisees.

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