

The Emergence of Rabbinic Judaism

As I explained in chapter 1, for the purposes of this book the “rabbinic period” begins in 70 CE and ends in the sixth century CE. Historians of the ancient world usually refer to these centuries as “late antiquity,” because they mark the end of the classical world. During this period, the Roman Empire declined and fell, polytheism was replaced by Christianity as the official religion of the state, and the institutions and social patterns that characterized the world of antiquity were replaced by those that would characterize the medieval world. For historians of Judaism, these centuries also mark the end of one world and the beginning of another. The shift from Second Temple Judaism to rabbinic Judaism is not a mere chronological transition but a substantive change. In this chapter, I shall briefly assess the nature of this change.

“THE RABBIS” AND “THE RABBINIC PERIOD”

“Rabbi” designates a member of that select society which, between the second and the sixth centuries CE, produced the Mishnah and numerous related works, notably the Talmud of the land of Israel, the Yerushalmi, and the Talmud of Babylonia, known as the Bavli (the plural of Talmud is Talmudim). Linked by their common education, vocabulary, values, and culture, the rabbis clearly constitute a unified group. Rabbinic literature is a remarkably homogeneous corpus. If by some magic we could deposit a second-century Galilean rabbi in a fifth-century Babylonian academy, he certainly would need to make several adjustments (not least because Babylonian Aramaic and

Galilean Aramaic are different dialects) but would soon feel at home. Because of these facts, rabbinic texts have usually been studied as if they constitute one seamless whole, as if all the works together constitute “the” Oral Torah. These facts have allowed me throughout this book to refer collectively to “the rabbis” and “the rabbinic period.”

But these facts do not mean that rabbinic literature really is seamless or that all rabbis of antiquity thought and behaved in identical fashion. The homogeneity of the rabbinic corpus is offset to some extent by geographical, chronological, and literary diversity. Works produced in the land of Israel have certain distinctive characteristics missing from works of Babylonian provenance, and vice versa. Every generation of rabbis had its own interests. In particular, the rabbis of the second century, known as *tannaim* (literally, “repeaters,” or “teachers”), who produced the Mishnah and other tannaitic works, must be distinguished from the rabbis of the third to fifth centuries, known as *amoraim* (literally, “speakers”), who produced the two Talmudim and other amoraic works. Each document within the rabbinic “canon” has its own characteristic methods, themes, and message.

An accurate interpretation of rabbinic Judaism requires an assessment of both sets of facts, both the unity and the diversity. Much of this scholarly work is just now being done. In the following discussion, I shall continue to refer to “the rabbis,” “the rabbinic period,” and “rabbinic literature,” but I shall also try to identify some of the distinctive characteristics of the rabbinic Judaism of the second century, and of the major literary monument of that Judaism, the Mishnah.

WHAT IS THE MISHNAH?

The Mishnah (“repetition” or “teaching”) is the first rabbinic book, written in Hebrew and edited around 200 CE. The work is anonymous and lacks a preface; nowhere does the author, widely assumed to have been Rabbi Judah the Patriarch, address his readership or explain the purpose or setting of the work. The Mishnah contains primarily material of a legal character: anonymous rulings, rulings ascribed to named sages, and debates between sages. The Mishnah also contains anecdotes, maxims, exhortations, scriptural exegesis, and descriptions of the rituals of the Jerusalem temple. The sages named in the Mishnah are customarily assigned by modern scholars to distinct generations; the bulk of the sages named in the Mishnah belong to either the generation of Yavneh (ca. 80–120 CE) or the generation of Usha (ca. 140–180 CE). Relatively little material is ascribed to named figures who lived before the destruction of the Jerusalem temple in 70.

The Mishnah covers a broad range of topics and is divided into six sections known as “orders”; each order in turn is divided into “tractates.” There are sixty-three tractates in all. The six orders are: *Zera'im* (“Seeds”), on the disposition of the agricultural products of the land of Israel; *Mo'ed* (“Feasts” or “Appointed Times”), on the festivals and pilgrimage to the temple; *Nashim* (“Women”), on marriage, divorce, and family law; *Neziqin* (“Damages”), on civil and criminal law, and judicial procedure; *Qodashim* (“Holy Things”), on temple sacrifices and rituals; and *Tobharot* (“Purities”), on the maintenance of ritual purity and the removal of ritual impurity.

The Mishnah is full of legal material but is not a law code. Rather, it is a digest or anthology; indeed, it resembles the *Digest* of Roman law published by the emperor Justinian in 533 CE. Both works are topical collections of legal dicta ascribed to various authorities who lived for the most part in the second and early third centuries CE. Neither work is a law code, since each contains historical reminiscences and narratives, quotations from Homer (in the *Digest*) or the Torah (in the Mishnah), polemics, and, of course, divergent opinions. But each work is a source of law; each work contains material from which later jurists could derive legal rulings.

The Mishnah constructs legal categories, which often appear to be theoretical and abstruse, and then discusses, usually in great detail, the precise definitions and limits of those categories. It creates lists of analogous legal phenomena, and then proceeds to define and analyze every item on the list. It posits legal principles, and devotes much attention to those objects, cases, or times which seem to be subject to more than one principle at once, or perhaps to none of the principles at all. These modes of thinking and writing, which can be characterized as *scholastic*, are endemic to the Mishnah, from one end to the other, and are not found in any pre-Mishnaic Jewish document. They will be developed further in the Talmudim.

FROM SECOND TEMPLE JUDAISM TO RABBINIC JUDAISM

Within a span of seventy years, the Jews of Israel suffered two major disasters. As a result of the war of 66–70 CE, the temple was destroyed, Jerusalem was devastated, hundreds of thousands of people were killed or enslaved, and, throughout the country, land and property were confiscated by the Romans. The effects of the Bar Kokhba war (132–135 CE) were equally serious. Judea was ruined, thousands of people were killed or enslaved, the Romans rebuilt Jerusalem as a pagan city and renamed the country Palestine (“land of the Philistines”) instead of Judea (“land of the Jews”). In many respects, Second

Temple Judaism had already laid the foundations for Judaism without a temple, a priesthood, and a sacrificial cult, but in others it had not, and adjustments now were required. Following the order of chapters 2 to 6 of this book, I shall briefly compare the dominant patterns of rabbinic Judaism with those of the Second Temple period.

Relations with Gentiles

Rabbinic attitudes toward political, cultural, and social relations with gentiles were substantially identical with those established by Second Temple Judaism. The two disasters confirmed the political wisdom of Jeremiah. Armed rebellion would not free the Jews from the grip of their gentile rulers. Instead, they were to pray for the peace of the state in which they lived and await the deliverance that would come from God at the appointed time. Perhaps a few rabbis supported Bar Kokhba, but most did not. The rabbinic stories about the wars of 66–70 and 132–135 depict the revolutionaries as misguided fools or wicked sinners. The righteous Rabban Yohanan ben Zakkai fled the city of Jerusalem during the siege and hailed Vespasian as the emperor and conqueror. Collaboration with the enemy was no sin, if the enemy was granted dominion by God and if the enemy's Jewish opponents were themselves sinners. (The rabbis debated to what extent they could or should collaborate with the Romans, but the principle of collaborating was clearly established.) The Jews had no choice but to accept the divine decree.

Many scholars have suggested that as a result of the disasters of 70 and 135 CE the rabbis turned their backs on the outside world and isolated themselves from gentiles and gentile culture. The matter is not so simple, however. The beauty of Japheth (Hellenism) dwelt in the tents of Shem (rabbinic Judaism), as the Talmud says.¹ The Mishnah contains hundreds of Greek and Latin words, and the Talmudim and other works add hundreds more. Some of the rabbinic modes of argumentation and scholarly analysis are those of Hellenistic rhetoricians. One of the major forms of rabbinic literary expression, the commentary, is of Greek origin, as I mentioned in the previous chapter. Rabbinic ethics closely resemble those of the Stoics. Even the "chain of tradition," by which the rabbis traced their spiritual ancestry back to Moses, is modeled on the chains of tradition that the Greek philosophical schools constructed to demonstrate their descent from their founding sages (Plato, Aristotle, etc.). These parallels and many others like them prove that the rabbis were not isolated from the cultural currents of their society and that, in their own way, they

1. *B. Megillah* 9b. See chap. 2.

were a typical group of scholars and philosophers doing what scholars and philosophers were supposed to do. Thus, the rabbis certainly were “Hellenized” to some extent.

But just as much evidence can be marshaled on the other side of the argument. It is unlikely that any rabbi in antiquity ever read Plato or Aristotle (who are never mentioned anywhere in rabbinic literature); some rabbis clearly never even heard of them. No rabbi evinces any knowledge of any of the technical jargon of Greek philosophy. Perhaps some rabbis knew enough Greek to communicate with Roman officials and with Greek-speaking Jews, but we may be sure that few rabbis acquired real facility with the language. And, most important, the content of the Mishnah and the Talmudim is so unlike anything in classical literature that it is difficult to imagine that their authors were active participants in classical culture.

The degree of rabbinic isolation from gentiles also is not easy to determine. The rabbis freely accepted converts to Judaism, even if they no longer sought them actively. Some rabbis had negative attitudes toward converts, but the dominant view was positive. Rabbinic literature is filled with disparaging remarks about pagans and paganism. The Mishnah devotes an entire tractate (*Avodah Zarah*) to the rules that Jews must observe in order not to derive benefit from any object which might have been used for idolatrous purposes (compare Paul’s ruling about meat sacrificed to idols). These rules are part of a larger effort to inhibit social (and sexual) intercourse between Jews and gentiles. Whether all this represents a distinct turning inward in the wake of the destruction of the temple is not so clear. Many Jews of the Second Temple period, even of the diaspora, would have agreed with the rabbinic disparagement of paganism and the effort to erect social barriers between Jews and gentiles.

An indication of a more ecumenical attitude toward gentiles and paganism is the notion of “Noahide laws” that was elaborated by the rabbis of the second century.² Righteous gentiles need not convert to Judaism in order to have a share in the world to come. They need obey only a certain basic minimum, which God revealed to Noah and which was to be observed by all of Noah’s descendants, that is, the gentiles. The rabbis debated among themselves the number and identity of these laws (the usual number was seven). According to the dominant view, one of these laws was the prohibition of idolatry, which meant that a pagan had to deny paganism in order to attain salvation in the hereafter. Nevertheless, the very idea of “Noahide laws” shows a remarkable tendency toward recognizing the validity of cultures other than one’s own, and

2. *T. Avodah Zarah* 8:4; *b. Sanhedrin* 56a–b.

of affirming the common bond of all civilized peoples. The Noahide laws, which perhaps are lurking in some form in the background to Acts 15, had a profound influence on the development of the concepts of international law and natural law in the sixteenth and seventeenth centuries.

Rabbinic Religion

For some Jews, the destruction of the temple posed a theological crisis no less severe than that which had been felt in the wake of the destruction of the First Temple in 587 BCE and the profanation of the Second in the 160s BCE. Why did God abandon the Jews and allow the enemy to triumph? Why does the world appear to be dominated by evil? Is God still loyal to his people? These questions are addressed by Fourth Ezra and the *Syriac Apocalypse of Baruch*, both written shortly after 70 CE. (A very different sort of response was written by Josephus in his *Jewish War*.) In contrast, the rabbis of the second century seem thoroughly unconcerned with these questions. They certainly did react to the absence of the temple, but the sense of crisis and urgency that pervades Fourth Ezra and the *Syriac Apocalypse of Baruch* is absent. And when the rabbis did turn to these questions in the fourth, fifth, and sixth centuries, they did not write apocalypses, engage in detailed eschatological speculations, or attribute the dominion of this world to the forces of Satan. Instead, they told stories about the horrors of the wars and marveled, in the manner of the psalmist, at God's forbearance.

Why was the rabbinic response so moderate, so restrained? Why so little so late? Apparently because the piety of Second Temple Judaism had prepared the rabbis for a templeless world. If the ancestors of the rabbis were the Pharisees, and if the Pharisees were a sect, then the rabbis certainly would have been prepared to live without a temple, because even when the temple was standing, sects had a very ambivalent attitude toward it. But the sects were merely the extreme representatives of the democratization of Judaism, which affected sectarians and nonsectarians alike. The regimen of daily prayer, Torah study, participation in synagogue services, and observance of the commandments sanctified life outside the temple and, in effect, competed with the temple cult, just as the new lay scholar class, the scribes and others, in effect competed with the priests. After the destruction of the temple, which must have been felt keenly in all reaches of the population, what could have been more natural than to take the extratemple piety that had developed in the preceding centuries and view it as the equivalent or replacement for the temple cult? This perspective is advanced explicitly in the two Talmudim and various other works. For example, a tannaitic commentary on Deuteronomy remarks

that the phrase "love God and serve him" includes Torah study and prayer, as well as the sacrificial cult.³

The response of the Mishnah is much more subtle. More than half of the Mishnah is devoted to one aspect or another of the temple and its cult, either because the Mishnah is confidently awaiting the time of their restoration, or because the temple cult had been ordained by God and the study of its regulations was now the equivalent of their implementation, or because the rabbis were attempting to create in their minds an ideal and perfect world to which they could escape from the imperfect world around them (compare the apocalypses, which, in a very different way, are doing the same thing). What the Mishnah is saying by its very existence is that God can be found through the study of his laws, even those laws that cannot be observed in daily life. The Mishnah has very little to say about prayer, and almost nothing to say about synagogues, because initially the rabbis believed that Torah study was more important than prayer. Only later, when they began to extend their power into the synagogues, did they see prayer as an equally important means of communing with God.

There is much scholarly debate and little certainty about the origins and intent of the Mishnah's laws. All scholars, I think, would agree that some of the laws derive from Second Temple times, while others are the innovations of the rabbis of the second century CE; that some of the laws are of "sectarian" provenance or are quintessentially rabbinic, while others are part of the Judaism of all Jews; that some of the laws were meant to be applied in daily practice in contemporary society, either by the masses or by the rabbinic elite, while others were entirely speculative and utopian. The problem is to figure out which law belongs in which category, not an easy task. Aside from the laws that are attributed to the houses of Hillel and Shammai, which are concerned for the most part with purity, Sabbath and festivals, and meals (see chap. 5), few laws are attributed to figures of Second Temple times. As a result, in order to reconstruct the history and social setting of the Mishnah's laws, scholars have to rely on whatever clues the Mishnah itself provides (as I have done in my discussion of the Shema), or on parallels from other Jewish sources (for example, *Jubilees*, the *Temple Scroll*, Philo), or on parallels from other cultures (for example, the ancient law codes of the Semitic East, which illuminate much of the Mishnah's civil legislation), or on conjectural analysis of the logic and intent of the laws. Needless to say, there is much scholarly disagreement on both method and conclusions, and I shall not even attempt to treat these questions here.

3. *Sifre Deuteronomy* §41, pp. 87–88 in the edition of Louis Finkelstein.

I turn now from law to theology. As I discussed in chapter 3, Judaism is not a creedal religion. Not a single tractate of the Mishnah is devoted to a theological topic. We may be sure that the rabbis of the second century believed in a world to come, resurrection of the dead, messianic deliverance, corporate and individual reward and punishment, the efficacy of repentance, and an eternal covenant between God and Israel, but except for one chapter and an occasional paragraph, the Mishnah is not interested in these topics. The Talmudim show a markedly greater interest in theology, but no rabbinic work sets forth the dogmas or essential beliefs of Judaism. The lone chapter of the Mishnah that treats theological topics begins as follows:⁴

All Israel has a share in the world to come. . . . But these have no share in the world to come: he who says that there is no resurrection of the dead [or: he who says that the doctrine of the resurrection of the dead cannot be derived from the Torah]; [he who says that] Torah is not from heaven; and the Epicurean.

This Mishnah refers to three core doctrines of rabbinic Judaism: resurrection of the dead, the divine origin of the (written and the oral) Torah, and divine supervision of human affairs (which the Epicureans deny). But the Mishnah does not elevate these beliefs to the status of dogmas, and does not compose any creeds that would demonstrate how essential these beliefs are to the self-definition of Judaism. Nor does this Mishnah attempt to be complete; it omits, for example, the belief in the messiah (an omission that was sensed by the Talmudim). Those who deny these rabbinic doctrines are not excluded from synagogues or cursed, but are excluded from the world to come. This is a punishment that is administered by God, not humans. Denial of these beliefs carries no social penalty.

One of the major distinctions between the theology of the rabbis and the theology of the Second Temple period is the rabbis' complete lack of interest in either apocalyptic literature or eschatological speculations. Instead of writing apocalypses, those rabbis who saw visions and heard heavenly voices wrote mystical works that described journeys to the seventh heaven in order to see God sitting on his throne and hear the angels singing "Holy, holy, holy is the Lord of Hosts." These works, known as *bekhalot* (the "chambers" of the heavenly palace) or *merkabab* (the "throne" or "chariot" of God) literature, have much in common with the "angelic liturgy" of Qumran and the apocalypses, but also differ markedly from them. The Qumran "angelic liturgy" was recited by the Jews of the Qumran community, since the goal of the sectarians was to

4. *M. Sanhedrin* 10:1.

join their prayers to those of their heavenly counterparts, but the rabbinic mystical literature did not, as far as is known, have either a communal setting or a liturgical function. Some apocalypses (notably *1 Enoch* 14) contain descriptions of the seer's ascension to heaven and tour of its wonders. These descriptions closely resemble the rabbinic *bekbalot* literature. But, as a rule, in the apocalypses the direction of movement is from heaven to earth: the heavenly forces descend to earth and involve themselves in the affairs of humanity. An angel reveals heavenly secrets to a visionary; history comes to an end when God creates the world anew, fights a cosmic battle against the forces of evil, or causes the heavenly Jerusalem to descend to earth. In the rabbinic mystical literature, however, the direction of movement is exclusively from earth to heaven; the mystic ascends to the seventh heaven and enjoys his proximity to God. How many rabbis in Israel and Babylonia sought to commune with God in this fashion, and how they relate to the rabbis who produced the Mishnah and related works, are questions that still have not been answered.

Society and Institutions

In 70 CE, the temple was destroyed, the high priesthood and the Sanhedrin ceased to exist, and the priests lost not only their jobs but also the institutional base of their power. The Jewish community of the land of Israel no longer had a recognized social elite or "establishment," and the Jews of the diaspora no longer had a center that bound them together. This was the vacuum the rabbis tried to fill. Ultimately they succeeded, but victory was gained only after a struggle. The rabbis were opposed by various segments among the wealthy and the priesthood, and by the bulk of the masses in both Israel and the diaspora. The local aristocracies, especially in the cities, were not going to subject themselves voluntarily to the hegemony of a new power group; the priests still thought of themselves as the leaders of the people; and the masses were indifferent to many aspects of rabbinic piety. The rabbis triumphed over their opponents among the aristocracy and the priesthood by absorbing them into their midst, or at least coming to terms with them. The rabbis triumphed over the indifference of the masses by gradually gaining control of the schools and the synagogues. The exact date of the triumph is hard to determine, but it was not earlier than the seventh century CE.

The central political office of the Jewry of the land of Israel after the destruction was the *nasi* (Hebrew) or *patriarch* (Greek and Latin). The powers claimed and exercised by the patriarch rose substantially from the second century, when the office first appears, to the end of the fourth century. At the beginning of the second century, the patriarch was: the head of the central rabbinic academy (in contrast with other rabbis who led disciple circles); the chair

of the rabbinic Sanhedrin (an assembly of rabbis that intended to replace the Sanhedrin of the Second Temple, which had been chaired by the high priest); and the officer in charge of regulating the calendar (a function formerly exercised by the priests of the temple). By the end of the second century, the patriarch was recognized by the Roman government as the *de facto*, if not *de jure*, leader of the Jews of the land of Israel; was collecting taxes from the Jews of the land of Israel for the support of his administration; was appointing judges to the internal court system of the Jewish community; and, as befitted a man of his importance, was claiming descent from King David. In the third century CE, the patriarch was appointing school instructors and communal functionaries in some of the Jewish communities of Syria and the land of Israel, and was described by the church father Origen as a veritable “king of the Jews.”⁵ In the course of the fourth century, the patriarch was authorized by the Christian Roman emperors to claim jurisdiction over all the Jews of the empire, including their synagogues and synagogue officials; was granted senatorial rank by the emperors; and collected taxes not only from the Jews of the land of Israel but from all the Jews of the empire. In approximately 425 CE, everything came crashing down when, in unclear circumstances, the office was abolished.

The patriarchate began as a rabbinic office. Its most enduring product is the first rabbinic document, the Mishnah, which was edited in about 200 CE by Rabbi Judah the Patriarch, often called simply “Rabbi.” However, as the office expanded its power and prestige, it became less rabbinic. The goals of the patriarch were no longer identical with those of the rabbis. Most of the rabbis of the second century, if we may trust the evidence of the Mishnah and related corpora, were well-to-do landowners who lived in villages and small towns. The civil legislation of the Mishnah (and some of its religious legislation as well) treats questions that interested this economic class. In the third century, however, the rabbinic estate came to include the poor, who depended on charity or public employment for their survival, and became increasingly urban, with centers in Caesarea, Tiberias, and Sepphoris. In other words, the patriarchate was becoming the leader not just of the rabbis but of the Jewry of the land of Israel as a whole, and the office of rabbi was becoming a profession as much as the affectation of a social elite. This transition was largely the work of Judah the Patriarch and his immediate successors. The urban elites who originally opposed rabbinic hegemony were gradually brought into the patriarchal government. Many rabbis resisted these changes, and the two Talmudim preserve many stories of great tension between the rabbis and the

5. Origen, *Epistle to Africanus on the Story of Susanna*, in J. P. Migne, *Patrologia Graeca* 11.81, 84.

patriarch in the third century. But these changes were essential to the ultimate triumph of rabbinic Judaism, because they broadened the rabbis' reach and placed them at the center of communal life.

It took much longer for the rabbis to establish control over synagogues. As I explained in chapter 3, synagogues were neither a rabbinic invention nor a uniquely rabbinic institution. The patriarch in the fourth century was granted jurisdiction over synagogue officials throughout the Roman Empire, but it is unclear to what extent he actually exercised this authority and to what extent he would have been interested in promoting the interests of the rabbis abroad. In any case, the Mishnah and the two Talmudim have little legislation concerning the synagogue, and few narratives which imply that the rabbis were authority figures in the synagogue. The synagogue was the home of popular piety, and as a result many rabbis in both the second century and later recommended prayer in the *bet midrash*, the safe confines of the rabbinic school, rather than the synagogue. Some said outright that study was more important than prayer.⁶

Archaeologists have discovered the remains of dozens of synagogues of the late third to seventh centuries throughout the land of Israel. These synagogues were built in a wide variety of styles, sizes, and shapes. Many of them were decorated with mosaics or carvings of geometric patterns, animals, fruits, birds, zodiacs, Jewish cult objects (like the menorah), or biblical scenes. Most striking are those synagogues, predominantly in Galilee in the fourth to sixth centuries, that have on the floor at the center of the main hall a mosaic of the twelve signs of the zodiac revolving around the sun chariot. The diaspora has provided one remarkable example of a decorated synagogue; this is the third-century synagogue of Dura Europos on the Euphrates (in modern-day Syria), whose four walls were covered with paintings of biblical scenes. Before these discoveries were made, it was widely believed that the second of the Ten Commandments, the prohibition of graven images, effectively precluded the existence of "Jewish art." After the discoveries were made, scholars restudied the rabbinic interpretation of the prohibition and concluded that some rabbis, at least, would not have objected to these synagogue decorations. But even if some rabbis in antiquity would have tolerated this art, would they have wanted it in the first place? If the synagogues had been bastions of rabbinic Judaism, would they have been decorated in this fashion? The answer to this question is still being debated as more archaeological evidence is being assembled, but the answer seems to be no.

Furthermore, many of the synagogues contain inscriptions that record

6. *B. Shabbat* 10a; *Berakhot* 64a; *Menahot* 110a.

donations or name the officers of the congregation. Rabbis seldom figure in these inscriptions, and when they do, they invariably are donors, not officers. Therefore, it is most unlikely that the rabbis were in control of the synagogues of the land of Israel in the second to sixth centuries. Some synagogues undoubtedly were under their sway—one seventh-century synagogue from the Beisan valley (south of the Sea of Galilee) featured a central mosaic containing an excerpt from the Yerushalmi concerning tithes—but many, if not most, were not. And if this was true of the land of Israel in the sixth century, it most certainly was true of the land of Israel in the second century and the diaspora throughout antiquity. Rabbinic domination of the synagogue was the result of a long and gradual process.

The End of Sectarianism

In the first century CE, Judaism was marked by numerous sects and groups: Pharisees, Sadducees, Essenes, the Jews of Qumran, Zealots, Sicarii, “the Fourth Philosophy,” Christians, Samaritans, Therapeutae, and others. Judaism after 70 CE, in contrast, was not marked by sectarianism. Samaritans persisted as a marginal group in Jewish society (even if they were numerous and active in their own right); Christians became predominantly gentile and ultimately a separate religion; but all the other groups virtually disappeared from the historical record, except for occasional rabbinic and patristic references to the Second Temple period. In their stead, the rabbis emerged as virtually the only group about which any information is extant. How can these facts be explained? There are two basic possibilities: either the shift in the nature of the available evidence gives the erroneous impression that sectarianism ceased, or the cessation of sectarianism was somehow caused by the war of 66–70 and the destruction of the temple. Scholars agree that the latter is far more likely than the former, but the subject is complex and both possibilities require discussion.

The Nature of the Available Documentation

Our knowledge of the history of Judaism in the post-70 period derives almost exclusively from rabbinic texts. Pagan, Christian, and archaeological sources contribute isolated details, nothing more. The expression “rabbinic period” reflects the fact that we are well informed about the rabbis and about no one else. One of the remarkable characteristics of the Mishnah is how little information the text reveals about itself, its origins, authors, history, sources, and social setting. The two Talmudim and the rest of rabbinic literature are more forthcoming with such information (whether the information is reliable is another matter entirely), but at no point do the rabbis feel constrained to identify their opponents precisely or to describe competing groups in Jewish society.

The rabbis often refer to gentiles, heretics, and irreligious or nonobservant Jews, but had no interest in describing the manifold varieties of each of these categories. Rabbinic literature is an “internal” literature, written by, about, and for the rabbis.

Perhaps, then, we could argue that sects and groups did continue a vigorous existence after 70 CE, and that it is an accident of literary history that we are poorly informed about this fact. Aside from the Qumran scrolls, most of the documentation illustrating the varieties of Judaism in the Second Temple period (Josephus, Philo, apocalypses, pseudepigraphic literature of whatever genre, etc.) was preserved by Christianity, but the increasing distance between Judaism and Christianity at the beginning of the second century meant that very few Jewish works written after 100 CE were incorporated in the literary heritage of the new religion. The fact that so little Jewish nonrabbinic literature exists from the rabbinic period proves that neither the rabbis nor the Christians desired to preserve this material; it does not necessarily prove that such literature never existed. Perhaps the demise of sectarianism really took place long after 70 CE, and some future discovery, like that of the Dead Sea Scrolls, will prove how variegated Judaism was even after the destruction of the Second Temple.

What future discoveries may bring is, of course, unknown. No one could have predicted the treasures revealed at Qumran, and no one can predict what discoveries await the historian of the rabbinic period. But the evidence now available is consistent. Except for Samaritans and Jewish Christians, sects disappeared after 70 CE. Many Jews, perhaps most Jews, did not yet regard the rabbis as their leaders, and did not regard rabbinic Judaism as the standard of behavior and belief. The rabbis themselves refer to *ammei ha'aretz*, literally “peoples of the land,” Jews who observe the Sabbath and various other commandments but who slight or ignore the rules of purity and tithing, or who simply do not affect a rabbinic way of life.⁷ These are the Jews, we may presume, who built and frequented those synagogues in which the rabbis did not feel at home. The church fathers refer to Jews who deny the resurrection of the dead, pray to angels, and do various other things of which the rabbis would have disapproved.⁸ And outside the rabbinic pale altogether were the Greek-speaking Jews of the diaspora who had minimal contacts with the rabbis of the land of Israel and were well established in their own communities with their own religious traditions.

The absence of sectarianism, therefore, does not mean the absence of diversity. But no source claims that this diversity consisted of sects, or even hints that sects and other organized groups continued to exist. One Christian writer

7. See especially *B. Berakbot* 47b and *Pesabim* 49a–b.

8. For example, Origen, *Against Celsus* 1.26, p. 26, and 5.14, p. 274, in the translation of Henry Chadwick (Cambridge: University Press, 1953).

of the third century remarks that after the destruction of the temple and the rejection of the Jews by God, Satan no longer bothers to tempt the Jews to sin. Instead Satan directs his attentions to the Christians. Therefore, Christianity is beset with heresy and discord, while Judaism is not.⁹ After 70 CE, Jewish society was not marked by sects.

The Destruction of the Temple and the Disappearance of Sectarianism

During the war of 66–70 CE, the Romans exterminated or at least greatly weakened many of the sects. The revolutionary groups (Zealots, Sicarii, Fourth Philosophy) were destroyed. Groups of Sicarii held out at Masada and other places for a few years, but their numbers were few and their actions (even if spectacular) were inconsequential. The Qumran community was destroyed in 68 CE. Insofar as the Sadducees consisted of temple priests and high priests, their numbers were severely reduced by the military actions of both the Romans and the revolutionaries. Aside from removing various sects, the war also removed the focal point of sectarianism. Sectarianism requires an evil reality against which to rail and protest, something that can serve as the focal point of its separatist energies. The chief focal point of ancient Jewish sectarianism was the temple (see chap. 5), and with its destruction and the humbling of the high priesthood, the sects lost much of their reason for existing. Thus the war prepared the way for a society without sects.

The Pharisees disappeared too, but transformed themselves into rabbis. As I discussed in chapter 5, the rabbis see themselves not as “Pharisees” but as “the sages of Israel.” Neither the Mishnah nor any other rabbinic work betrays a Pharisaic self-consciousness. When the rabbis told stories about the Second Temple period, they were sure that their opponents were Sadducees (and Boethusians, a group mentioned only in rabbinic literature), but they were not as insistent that their ancestors were Pharisees. We might be tempted to conclude that the rabbis really have little connection with the Pharisees, a thesis that has been defended by several scholars in recent years, but there are links between the two groups, most conspicuously the house of Gamaliel. Gamaliel was a distinguished Pharisee of Jerusalem, a member of the Sanhedrin in the time of Paul (Acts 5:34; 22:3). Simon ben Gamaliel, Josephus tells us, was a Pharisee “of an illustrious family” and one of the leaders of the revolutionary coalition in Jerusalem in 66–67 CE. Rabban Gamaliel was the leader of the first generation of rabbinic sages after the destruction of the temple in 70 CE, and

9. *Didascalia Apostolorum* 23, p. 211 in the translation of Arthur Vööbus (*Corpus scriptorum christianorum orientalium*; Louvain: CSCO, 1979).

the founder of the patriarchal house.¹⁰ Rabbi Judah the Patriarch was his grandson. From leader of Pharisees to patriarch of rabbis—the continued prominence of the house of Gamaliel provides strong evidence for a close connection between the Pharisees of the first century CE and the rabbis of the second.

The rabbis were latter-day Pharisees who had no interest in publicizing the connection, not only because sectarian groups seldom see themselves as sects, but also because the rabbis had no desire to exclude anyone. There is no evidence that *all* the members of the new rabbinic movement were Pharisees or the descendants of Pharisees, or that the rabbis wished to exclude non-Pharisees. Until recently, scholars argued that the final separation between Judaism and Christianity was caused by the rabbis of Yavneh (in Greek: Jamnia), the first generation of rabbis after the destruction who assembled at this town west-northwest of Jerusalem. There, according to both Talmudim, the rabbis instituted the “benediction against the heretics” (*birkat ha minim*), a prayer to God to destroy “heretics” or “sectarians” and to frustrate their plans.¹¹ Who were these “heretics”? Scholars argued that the intended victims were the Christians. Since the Christians could not recite this benediction, and presumably would have been uncomfortable in the presence of those who did, the effect of the institution of this benediction was to expel Christians from the synagogues. Scholars found confirmation for this interpretation in John’s references to the expulsion of Christians from synagogues (John 9:22; 12:42; 16:2), and in the assertions of various church fathers that the Jews curse Christ and/or Christians in their daily prayers. If this reconstruction is correct, the rabbis were triumphalist Pharisees who eagerly excluded their rivals.

But this reconstruction no longer commands universal assent. Obviously the Christians of John’s community were expelled from their local synagogues, or at least believed themselves to have been expelled, but this hardly means that all Jews everywhere expelled Christians. Synagogues were not beholden to any central body; every community ran its synagogue in its own way. Even if the rabbis wished to expel Christians from all the synagogues of the Roman Empire, they lacked the power and the authority to do so. Furthermore, although by the fourth century the “benediction against heretics” was directed against Christians or some Jewish-Christian sects, its original version was a generic denunciation of all heretics. The intent was not to single out Christians or any other specific group, but to proclaim the end of sectarianism.

One of the peculiar characteristics of the Mishnah is the prevalence of legal disputes. The very first paragraph of the Mishnah opens with a three-way

10. Josephus, *Vita* 38 §191; *m. Rosh HaShanah* 2.

11. *B. Berakhot* 28b; *y. Berakhot* 4:3 8a.

dispute, and virtually every following page contains legal disputes of one kind or another. This characteristic of the Mishnah is new in two respects. First, for the most part, Second Temple literature attributes legal disputes to sects, not individuals. Even in rabbinic literature the vast majority of legal disputes ascribed to pre-70 figures involve the houses of Hillel and Shammai, not individuals. After 70 CE, the disputes between the houses, no less than the disputes between sects, cease, to be replaced by disputes between individual rabbinic masters. Second, sectarian dispute was the consequence of exclusivity and social division, but rabbinic dispute was not. The rabbis of the Yavnean period, who were able to maintain normal social intercourse among themselves in spite of their legal disputes, imagined that the houses of Hillel and Shammai had been able to do the same.¹²

It is unlikely, therefore, that the rabbis felt a need to exclude anyone from their number; on the contrary, their ultimate success derived from the fact that they were prepared to absorb even those elements which originally opposed them. The real concession that the rabbis demanded of all corners was that they forgo any sectarian affiliation. Legal disputes would be tolerated, even fostered, but sectarian disputes must cease. This was the message of the benediction against heretics. The rabbis prayed that God destroy all those who persisted in maintaining a separatist identity in a world without a temple and in a society that was prepared to tolerate disputes.

If this reconstruction is correct, the institution of the benediction against heretics was an important milestone in the self-definition of rabbinic Judaism, but not a crucial moment in the birth of Christianity. The separation of Christianity from Judaism was a process, not an event. The essential part of the process was that the church was becoming more and more gentile, and less and less Jewish, but the separation manifested itself in different ways in each community where Jews and Christians dwelt together. In some places, the Jews expelled the Christians; in others, the Christians left of their own accord. The benediction against heretics perhaps shows why the Christians would have felt unwelcome in the rabbinic community of the land of Israel, but it has only minimal relevance to the process as a whole.

Canon and Literature

The canonization of the Tanak is another action that, until recently, was widely credited by scholars to the Yavnean rabbis. According to this view, as part of their program to define "orthodoxy" and expel unwanted elements, the Yavnean rabbis eliminated all the apocalypses (except Daniel) from the canon, and ignored, if not suppressed, all the literature written in Greek. This recon-

12. *M. Yevamot* 1:4; see chap. 5 above.

struction has few adherents today, not only because the evidence for this Yavnean program is tenuous, as I have just discussed, but also because the formation of the canon is too complex a process (again, a process, not an event) to be attributed to a single generation of scholars whose authority over the people was dubious. The rabbis debated the canonical status of various books, but for the most part they were not creating a canon so much as they were confronting a canon that was already in existence. The rabbis did, to be sure, ignore apocalypses and Greek Jewish literature, but these facts can be explained in various ways and need not be attributed to anti-Christian animus. Apocalypses in general were esoteric, not popular, works, and if the majority of the framers of the Mishnah were country squires, as I suggested above, their ignorance of Greek literature, both Jewish and pagan, is scarcely surprising.

The rabbis preserved and developed the Targums and prayers, but ignored the histories, apocalypses, testaments, romances, wisdom books, hymns, and biblical paraphrases that had been written in such abundance in Second Temple times. They wrote a series of commentaries on the Torah (and, at the end of the rabbinic period, on several other biblical books as well) that far exceed in length and detail anything written before 70 CE. Mystical circles took many motifs and ideas from the apocalypses and developed the *bekhalot* literature (see above). But the most distinctive and most important rabbinic works, namely the Mishnah and the two Talmudim, were written in new genres.

The Mishnah, the first rabbinic book, is, as I discussed above, not a legal code but a digest of legal material. The Talmudim, however, assume that the Mishnah's main purpose was legislative. They reduce the ambiguity of the Mishnah's legal disputes by determining which of its divergent opinions on any given subject is correct. The Talmudim also clarify the Mishnah's obscurities, reconcile its contradictions, and expand its rulings into areas that the Mishnah did not consider. The Talmudim comment on the Mishnah and treat it as a canonical source of law, but because the Talmudim are so discursive, so elaborate, so prone to expansion, and so ready to follow their own agenda, they are not really "commentaries" at all.

One item on the agenda of both Talmudim is to connect the laws of the Mishnah to the Torah. Only on rare occasions does the Mishnah show how its laws can be derived exegetically from the words of the Torah; even rarer are those occasions when the Mishnah claims that a certain law was received from ancient tradition or was innovated by a specific rabbi at a specific time. The Mishnah does not reveal the origin either of itself as a whole or of its constituent laws. The only passage that does is the chain of tradition that opens the tractate *Avot*: "Moses received Torah [or: the Torah] from Sinai and transmitted it to Joshua, and Joshua [transmitted it] to the elders," etc. The chain of masters and disciples ends with the patriarchal house and the sages of the

Mishnah. Like Moses, the Mishnaic sages teach and transmit “Torah.” What exactly is meant by “Torah” here is not clear. A minimal definition might be “rabbinic authority,” so that this text is saying that the Mishnaic sages have the authority of Moses to teach and to issue legal decisions. They sit “on the seat of Moses” (cf. Matt. 23:2) and teach “with authority” (cf. Matt. 7:29). In this conception, Moses will not necessarily have known all the details of Mishnaic law, but his ignorance does not prevent the Mishnaic sages from believing that they were working within a Mosaic framework. Or perhaps “Torah” here should be understood maximally: as the Talmud would later explain, “any teaching ever to be taught by a disciple before his master was already revealed to Moses at Mount Sinai.”¹³ In this conception, all of Mishnaic law—indeed all of rabbinic law as explicated by the Talmudic sages of antiquity, and later by the interpreters and legal codifiers of the Middle Ages—was known to Moses. Humans do not have the authority to innovate religious law.

But whether understood minimally or maximally, the notion of “Torah” in the opening paragraph of tractate *Avot* seems to adumbrate the Talmudic idea of “the Oral Torah,” according to which Moses at Mount Sinai received two Torahs from God: the written Torah, what we call the five books of Moses, the Pentateuch, Genesis through Deuteronomy, and “the Oral Torah,” which supplemented and explicated the written Torah. According to various passages in the Talmud, the contents of the Mishnah derive from the Oral Torah.¹⁴ Rabbinic Judaism is the Judaism of the Oral Torah.

Just as the Jews gained mastery over the Torah through interpretation, the rabbis of the Talmud gained mastery over the Mishnah through interpretation. They subordinated it to an earlier canonical text of higher authority. In practice, of course, the rabbis of both the Mishnah and the Talmudim were innovators as well as conservators, but whereas the Mishnah admitted this implicitly by not linking its rulings to the words of the Torah, the Talmudim felt constrained to deny it. The tension between these rival perspectives continued in medieval Judaism; and in the ongoing debates between fundamentalist and liberal Judaism, it continues to this day.

CONCLUSION

From the Maccabees to the Mishnah is a span of about three hundred and fifty years. During this period, Judaism gradually assumed the shape that it would maintain until the rise of modernity. It became a “book” religion, which

13. *Y. Peab* 2:6 17a and parallels.

14. Classic text: *B. Gittin* 60a–b.

sought God not only through prayer and liturgy but also through the study of, and total immersion in, the written word of God. Study was for its own sake, as well as for the sake of learning the requirements of the religion. In the Torah, Moses detailed the rules and regulations that the Israelites had to obey if they were to remain loyal to the covenant. The rabbis, following the precedent that had been established in Second Temple times, took the scriptural regulations and expanded them, added to them, and changed them. They accepted many of the theological, legal, and institutional innovations of the Second Temple period. But like their ancestors and their descendants, the rabbis saw themselves not as the creators of something new, but as the bearers of something old. They were Israel, heirs to the eternal promise that God had sworn to Abraham, Isaac, and Jacob.