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The Meaning and End of Heresy in Rabbinic Literature

Grossberg, David Michael

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THE MEANING AND END OF HERESY IN RABBINIC LITERATURE

David Michael Grossberg

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Abstract

In this dissertation, I critically reexamine the category of heresy as scholars have applied it to the study of rabbinic literature, and I propose an alternative approach to rabbinic polemic and rhetoric of exclusion and inclusion. I suggest that the category of heresy is too multivalent and imprecise to allow for a rigorous historically-contextualized study of the rabbis and is best considered to be just one species of a broader phenomenon of polemical exclusion or boundary-drawing between communities in antiquity. Heresy and heretics are, properly considered, elements of a narrow technical lexicon that functions in the context of heresiology as an early-Christian literary genre rather than trans-historical archetypes for the entire endeavor of rhetorically delegitimizing those perceived as outsiders.

Approaching the rabbis in this way reveals significant diachronic shifts in the predominant rhetorical strategies that characterize various texts or textual strata of the classical rabbinic corpus. I argue that earlier rabbinic texts and textual strata tend to deploy a type of exclusionary polemic that aims to represent its targets as in some significant sense illegitimate and therefore rhetorically excluded from the Jewish community. This type of exclusion is typical both of polemic generally and of early Christian heresiology specifically and for this reason has been the primary focus of scholarly interest in this subject. However, a close analysis reveals that later rabbinic texts and textual strata tend to deploy an innovative type of polemic that is actually inclusionary in its immediate effect, rhetorically including even sinners and recreants within the Jewish community, but polemical in its implications, targeting those with different conceptions of the Torah by which this community is bound than that

promulgated by the rabbis. I argue that this shift from exclusionary to inclusionary polemic reflects developments in the rabbinic movement's social structure between second century Roman Palestine and seventh century Sassanid Persia. Although earlier scholarship tended to presume a unified and authoritative rabbinic community throughout this period, my dissertation supports the growing scholarly consensus that the development of a unified rabbinic self-conception and the achievement of practical judicial authority actually occurred gradually over the classical rabbinic period.

The Meaning and End of Heresy in Rabbinic Literature

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Ascent of Elisha ben Abuyah,” in *Hekhalot Literature in Context: Between Byzantium and Babylonia*, edited by Ra‘anan Boustan, Martha Himmelfarb, and Peter Schäfer (Tübingen: Mohr-Siebeck, 2013), 117–140. My sincere thanks to the editors of that volume for their immensely helpful comments, criticism, and corrections.

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Introduction

The title of this dissertation is an allusion to Wilfred Cantwell Smith's important and influential book on the formation of categories in the study of religion, *The Meaning and End of Religion: A New Approach to the Religious Traditions of Mankind*, first published in 1963. This allusion is an appropriate heading for this dissertation because this work, like Smith's, endeavors to problematize a category that has been of central importance in the study of a significant corpus of religious literature. In Smith's work, the category was "religion" itself. In this work, the category is "heresy," at least as it has been applied to the study of the rabbis. My work is thus perhaps less ambitious than Smith's because it concentrates on a more narrow concern, although this concern has certainly been of central importance to the study of rabbinic literature over the last century.¹

This aim of this dissertation, however, is quite different than the aim of *The Meaning and End of Religion*. I am not, as Smith was, endeavoring to discover the essence of the category that I am studying. Smith suggested that the category of religion be replaced by two proposed alternatives: first, what he considered to be the external manifestations of religion, its literature, traditions, and practices, which he referred to as the "cumulative tradition"; and second, what he believed to be the true core of religion,

¹ There has been a long-standing scholarly interest in heresy in rabbinic literature, and I review the extensive scholarship in n. 2, chapter one. There has not, however, yet been much critical attention to the category of "heresy" itself as it is applied to the study of the rabbis. Other categories frequently appealed to in the study of Judaism have, of course, already been scrutinized by scholars. See Ra'anan S. Boustán, Oren Kosansky, and Marina Rustow, "Introduction," in *Jewish Studies at the Crossroads of Anthropology and History: Authority, Diaspora, Tradition* (Jewish Culture and Contexts; ed. Ra'anan S. Boustán, Oren Kosansky, and Marina Rustow; Pennsylvania: University of Pennsylvania Press, 2011), 1–28, esp. 2 n. 1 for some relevant bibliography. Scholars of Judaism and Christianity in antiquity have also been interested in the category of religion (see the references to Nongbri and Schwartz in n. 2, below) and in other related categories such as "magic." On the latter, see the discussion of "'Magic' and 'Religion,'" in John G. Gager, *Curse Tablets and Binding Spells from the Ancient World* (Oxford: Oxford University Press, 1992), 24–25; and the response of Gideon Bohak, *Ancient Jewish Magic: A History* (Cambridge: Cambridge University Press, 2008), 61–63.

which Smith referred to as “faith.” Scholars have since criticized Smith on two of his methodological presumptions.² First, it is certainly doubtful whether religion as a category has a transcendent core at all. And second, there is no clear reason that faith, however we define this concept, should be given a privileged place over literature and practices. Why should faith be considered *a priori* as antecedent to and superior to other aspects of religious life such as ritual and scripture?

I am not in this dissertation seeking for the essence or transcendent core of heresy. Just the opposite. I am suggesting that “heresy” is just one particular species of a broader and seemingly ubiquitous phenomenon: the practice of rhetorically constructing as “other,” individuals or groups that a polemicist or ideologue wishes to represent as in some sense illegitimate relative to the legitimate community with which this polemicist identifies himself or herself. This would seem to be a common if not universal human endeavor, and the various strategies that have coalesced in specific cultures and literary traditions into fixed genres are best considered as particular instances of this general tendency rather than as archetypes for the entire enterprise. That is, I am suggesting that “heresiology” is best considered as a specific literary genre with its own characteristic textual practices, languages, rhetorical strategies, and technical lexicon. Heresiologists use these texts and themes to represent opponents as “other” and for that reason

² See Russell T. McCutcheon, “The Category ‘Religion’ in Recent Publications: A Critical Survey,” *Numen* 42 (1995): 284–309; Talal Asad, “Reading a Modern Classic: W. C. Smith’s ‘The Meaning and End of Religion,’” *History of Religions* 40 (2001): 205–222; Brent Nongbri, “Dislodging ‘Embedded’ Religion: A Brief Note on a Scholarly Trope,” *Numen* 55 (2008): 440–460; Seth Schwartz, “How Many Judaisms Were There? A Critique of Neusner and Smith on Definition and Mason and Boyarin on Categorization,” *Journal of Ancient Judaism* 2 (2011): 208–238 (in this paper, Schwartz critiques J. Z. Smith on the category of religion not W. C. Smith, though his critique is relevant to W. C. Smith’s work as well). And, see one of Smith’s more recent statements of his ideas on the matter, “Retrospective Thoughts on *The Meaning and End of Religion*,” in *Religion in History: The Word, the Idea, the Reality / La religion dans l’histoire: Le mot, l’idée, la réalité* (ed. Michel Despland and Gérard Vallée; Ontario, Canada: Wilfrid Laurier University Press, 1992), 13–22.

illegitimate. Other polemicists, in earlier periods and subsequently, around Roman Palestine and elsewhere in the ancient world, deployed different textual practices, lexicon, and rhetorical strategies to accomplish this same general end. But I believe that labeling as “heresiology” all attempts to represent rhetorical opponents as outsiders is at best imprecise and at worst elevating a specifically contextualized historical phenomenon to a trans-historical paradigm for the whole. This type of casual labeling inevitably distorts both the paradigm itself and the targets of comparison.

Thus, the deficiency in previous scholarship that I am addressing in this study is a persistent tendency over the last century or more to approach rabbinic polemics with a set of expectations determined not by the contours of rabbinic literature itself but by pre-conceived notions of what “heresy” is. I propose instead a more general set of analytical terminology such as rhetoric and polemic of inclusion and exclusion, the ideological construction of polemical targets, and the technology of list-making in a broad sense.³ By taking as my starting point many of the same texts that scholars of rabbinic heresy have read in the past, but approaching them with the alternative lens of a more flexible set of analytical tools, I am able to demonstrate the existence of historiographically significant developments in rabbinic polemical strategies over time, developments that are obscured by the implicit selectivity that many scholars have brought to their studies along with their own notions of what heresy is.

Approaching the rabbinic corpus in this way reveals diachronic shifts in the predominant rhetorical strategies being deployed and the ideological emphases in the construction of polemic targets, which I argue reflect changes within the social structure of the developing rabbinic movement from the second to the seventh century, between

³ See my discussion of the specific advantages of this approach in chapter one, and in n. 137, there.

Roman Palestine and Sassanid Persia.⁴ Although the tendency of a previous generation of scholars, and to some extent this tendency can still be discerned today, was to presume an essentially unified rabbinic community standing at the head of the Jewish people from the first century onwards, a number of facts militate against this assumption.⁵ The first fact is the relatively small impact the rabbinic community seems to have made as a community on the extant material, literary, and documentary evidence outside of the rabbinic corpus itself. And second, earlier rabbinic texts tends to project a less authoritative and more diverse rabbinic community than later text do. A more plausible picture is thus emerging from recent scholarship.⁶

Rather than supposing a static social structure over the centuries, it now seems more likely that the development of a unified rabbinic self-conception was an ongoing project over this period, coming to its fullest expression in sixth or seventh century Persian Babylonia and evinced most strongly in the ideology reflected by the editorial

⁴ Throughout this dissertation, I will be discussing diachronic trends in the social structure of the rabbinic movement and its gradual development from a loose association of relatively independent circles to an increasingly unified community with a strong sense of its own distinctness. I refer to this type of discussion generally as rabbinic “social history.” I mean by this the history of the gradual development of the rabbis as a unified community in interaction with other social currents in Late Antiquity. For a review of scholarship relevant to the “social-historical” approach to historiography of the rabbis, including criticism and suggested improvements to this approach, see Catherine Hezser, *Social Structure of the Rabbinic Movement in Roman Palestine* (Texte und Studien zum Antiken Judentum 66; Tübingen: Mohr-Siebeck, 1997), 23–42.

⁵ Perhaps the classic study of the rabbinic community that typifies this earlier consensus is Gedalyahu Alon, *The Jews in Their Land in the Talmudic Age (70-640 C.E.)* (2 vols.; ed. and trans. Gershon Levi; Jerusalem: Magnes, 1984). And, see Lawrence H. Schiffman, “At the Crossroads: Tannaitic Perspectives on the Jewish-Christian Schism,” in *Jewish and Christian Self-Definition, Volume Two: Aspects of Judaism in the Graeco-Roman Period* (ed. E. P. Sanders, A. I. Baumgarten, and Alan Mendelson; Philadelphia: Fortress, 1981), 115–156, 338–352, at 346 n. 134: “[t]he Tannaim had a large group of followers within the population of Palestine after 70 CE, perhaps including almost the entire Jewish community. The work of the rabbis was not limited to the four cubits of the schoolhouse but extended to areas of daily life in which the Tannaim functioned as judges, teachers, and religious leaders.” For a number of recent articles that are sympathetic in varying degrees to some version of this position, see Hillel I. Newman, “The Normativity of Rabbinic Judaism: Obstacles on the Path to a New Consensus,” in *Jewish Identities in Antiquity: Studies in Memory of Menahem Stern* (ed. Lee I. Levine and Daniel R. Schwartz; Texts and Studies in Ancient Judaism 130; Tübingen: Mohr-Siebeck, 2009), 165–171; Ze’ev Safrai and Chana Safrai, “To What Extent Did the Rabbis Determine Public Norms? The Internal Evidence,” in *Jewish Identities in Antiquity*, 172–194; and Moshe David Herr, “The Identity of the Jewish People Before and After the Destruction of the Second Temple: Continuity or Change?” in *Jewish Identities in Antiquity*, 211–236.

⁶ See n. 15, chapter two, for relevant scholarship.

layer of the Babylonian Talmud. By this time, it seems likely that a significant amount of institutionalization had occurred both in terms of a formal judicial role for the rabbis on behalf of the Persian exilarchate and in terms of the yeshiva as a place of formal learning and accreditation of rabbinic authorities.⁷ It is primarily the tendency of the Bavli's editors to project these institutions onto their constructions of the past in Talmudic narratives that had misled a previous generation of scholars in regard to the nature of the nascent rabbinic movement in early Roman Palestine.

My study of diachronic shifts in rabbinic rhetorical styles furthers this developing consensus. I demonstrate that there is strong textual evidence of significant changes in the types of polemical strategies deployed in relatively later and Babylonian strata of rabbinic texts as compared to earlier and Palestinian strata. I show how earlier strata are characterized by a tendency to represent polemical targets using a strategy that I refer to as "exclusionary." This style of polemic aims to represent its targets as in some sense illegitimate and thus excluded from the community with which the polemicist identifies. This might also be said to be the type of strategy characteristic of "heresiology" as it is popularly conceived. Later textual strata of the rabbinic corpus, in contrast, are characterized by a tendency to expand the conceptual boundaries of the community with which the polemicist identifies in such a way that even the targets of its rhetoric, sinners and recreants of various sorts, are conceptually included within that community.

⁷ For an excellent history of the rabbis in Babylonia, see Isaiah M. Gafni, *The Jews of Babylonia in the Talmudic Era: A Social and Cultural History* [Hebrew] (Monographs in Jewish History; Jerusalem: Zalman Shazar Center, 1990). On the question of the development of rabbinic institutions in Sassanid Persia, see David M. Goodblatt, *Rabbinic Instruction in Sasanian Babylonia* (Studies in Judaism of Late Antiquity 9; Leiden: Brill, 1975); Jeffrey L. Rubenstein, *The Culture of The Babylonian Talmud* (Baltimore: The Johns Hopkins University Press, 2003); and Gafni's review and response to Rubenstein's recent work, "Rethinking Talmudic History: The Challenge of Literary and Redaction Criticism," *Jewish History* 25 (2011): 355–375.

Unexpectedly, however, although this later style of rhetoric is more inclusionary than the earlier style, I suggest that it is actually no less polemical. The rhetorical aims of this “inclusionary polemic” become clear by discerning that the inclusion is predicated on the underlying assumption that the greater community that it imagines is bound together under the jurisdiction of a certain conception of what Torah is. The idea of Torah as the editors of the Babylonian Talmud conceive it is not merely what is written in the books of the Pentateuch or even what is preserved in tannaitic texts such as the Mishnah and the Tosefta. Rather, Torah encompasses all manner of human behavior, whether specifically legislated by text or tradition or not. And, the corpus of texts and traditions that express these standards of behavior are limited *de facto* to those traditions and judicial rulings deemed authoritative by the current generation of authorized rabbis themselves.⁸ I refer to

⁸ The idea of “authority” as a lens with which to analyze religious texts of Late Antiquity is gaining significant traction in recent scholarship. As this dissertation is concerned with a reconsideration of some basic categories that are prevalent in contemporary scholarship, it would be well for me to remain cognizant of the potential shortcomings of other categories on which I rely. The OED defines “authority” first as “power to enforce obedience” and second as “power to influence action, opinion, belief.” It is perhaps this first definition that explains the potentially pejorative overtones that the word might carry. The second definition is more relevant to my ensuing thesis. The rabbis’ concern for the Torah’s judicial authority was presumably a reflection of their religious worldview. From the perspective of that worldview, Torah reflects the divine will, and thus its authority reflects the divine authority and its promulgation is the highest human aspiration. This centrality of the Torah in the rabbis’ religious worldview also entailed representing the Torah in their own lives, ideally to the extent that they embody its teachings continually. Thus the Torah’s authority is inextricably intertwined with their own authority as its authorized interpreters. Perhaps this kind of intertwining between teacher and teaching is one species of a broader phenomenon: arguably, any polemicist or ideologue is implicitly concerned with authority—first with the authority of the ideology being promulgated, of course, but also by extension with their own present authority as the one currently furthering that ideology. It is notable that the Latin *auctor* from which the word “authority” is ultimately derived has to do with originating, furthering, or exemplifying a particular object such as a work of art or a law. I use the word “authority” in this sense, the facility to promulgate and exemplify an ideal. This connection between authority and ideology has been noted in the extensive scholarship on ideology. For example, Terry Eagleton’s relatively accessible *Ideology: An Introduction* (London: Verso, 1991), 2, enumerates a number of possible definitions of ideology. Most relevant to my purposes is “the conjuncture of discourse and power,” or, in my terms, this would be better stated as the conjuncture of worldview and authority. For notable works on the issue of ideology, all quite a bit less accessible than Eagleton, see Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment: Philosophical Fragments* (Cultural Memory in the Present; ed. Gunzelin Schmid Noerr; trans. Edmund Jephcott; Stanford, California: Stanford University Press, 2002); Louis Althusser, “Ideology and the Ideological State Apparatus (Notes towards and Investigation),” in *Lenin and Philosophy and Other Essays* (trans. Ben Brewster; New York: Monthly Review Press, 1971), 127–187; and Slavoj Žižek, *The Sublime Object of Ideology, New Edition* (London:

this maximal conceptualization of Torah as the “rabbinic Torah,” and I argue that this conceptualization of the Torah and its universal jurisdiction underlies the inclusionary polemic of the later rabbinic textual strata.⁹ As a polemical strategy, its targets seem to have been those contemporaries of the Babylonian rabbinic community who might have had reason to reject the rabbis’ jurisdiction or who may have had different ideas about what Torah is.

Thus, the broad trend that I demonstrate in rabbinic rhetoric mirrors a broad trend in rabbinic social history.¹⁰ The earlier, exclusionary, strata reflect the social circumstances of a more diverse and fractious nascent rabbinic movement whereas the later, inclusionary, strata reflect the social circumstances of a more unified, institutionalized, and judicially authoritative community.¹¹

Verso, 2008). This focus on ideology in relation to authority is significant in the context of this study because it has been suggested that the Babylonian rabbis actually work to limit their own practical authority relative to earlier generations of rabbis. See Christine Hayes, “Rabbinic Contestations of Authority,” *Cardozo Law Review* 28 (2006): 123–141. From the perspective of ideology, however, even limiting one’s own practical authority can further one’s ideological authority if it serves to further the acceptability of that ideology in the estimation of others.

⁹ Throughout this dissertation, I refer to the authority of the “rabbinic Torah” or the “rabbis’ Torah” or the Torah’s “universal jurisdiction” as a way of capturing the polemical issues that I believe to underlie this later rabbinic tendency to inclusion and to express the complex ways that authority, polemic, and ideology intersect as discussed in n. 8, above. This all-encompassing conception of Torah includes not only legislated precepts but also good deeds and acts of kindness, as discussed in chapter two, and even how one performs mundane acts such as defecation and marital intimacy, as discussed in n. 169, there. It is determined not by the written Bible nor by authorized tannaitic collections, but by those traditions and practices deemed authoritative by the current generation of authorized rabbis themselves, as discussed in chapter three. This Torah’s jurisdiction extends ineluctably over all Israel as discussed in chapter two.

¹⁰ On rabbinic “social history,” see n. 4, above.

¹¹ These broad trends seem to have been part of a gradual development over the rabbinic period from relatively less to more unified and institutionalized. I am suggesting that a more inclusionary rhetorical style more naturally reflects the polemical aims of a more institutionalized rabbinic community, especially from the perspective of the rabbis’ role as judges applying the Torah as they conceived it as the standard of practical judgment. It is also reasonable, however, to suppose that other social factors would also have been operative during this period that would have influenced this same kind of inclusionary trend. For example, Rachel A. Anisfeld, *Sustain Me with Raisin-Cakes: Pesikta deRav Kahana and the Popularization of Rabbinic Judaism* (Supplements to the Journal for the Study of Judaism 133; Leiden: Brill, 2009), argues for a “popularization” of Judaism during this period reflected in the rhetorical style of *Pesikta de-Rav Kahana* deriving from several social factors in the broader Roman and early Christian culture of fifth century Roman Palestine.

In chapter one, I review the scholarly treatment of heresy in rabbinic literature over the past century. I demonstrate how this treatment has been marked by a persistent lack of rigor in regard to the actual object of these studies. A number of significant recent works on heresy in rabbinic literature depend on the semantic ambiguity of this category in a fashion that undermines to some extent the otherwise very important contributions of these studies to our understanding of the rabbis. I argue that this fact suggests strongly that overall progress in this area would be better served by bracketing the entire category of heresy in rabbinic literature. I treat systematically the major ways in which the idea of heresy in rabbinic literature has been approached in more than a century of scholarship, and I show how each approach fails to meet the needs of a rigorous and historically contextualized analysis.

The subsequent three chapters then turn to an analysis of the ideas of heresy, heretics, and heresiology respectively, with the aim to demonstrate the benefits of non-reliance on these potentially misleading categories in our study of the rabbis. The second and third chapters concentrate on an analysis of how changes in the predominant rhetorical strategies deployed in rabbinic literature reflect developments in rabbinic social history over the second to seventh century. And, the fourth chapter concentrates on a comparison of rabbinic list-making techniques that I refer to using the term *Listenwissenschaft* popularized by J. Z. Smith and list-making by early Christian writers which can be conveniently described as heresiological in a technical sense.

In chapter two, I demonstrate the broad shift in rabbinic polemical strategies from relatively exclusionary to increasingly inclusionary. I demonstrate this trend through two modes of analysis. First, I undertake a diachronic study of a single polemical trope, that

of a pomegranate's many seeds, as it is deployed and redeployed through the various strata of the rabbinic corpus. I show how the earlier exclusionary uses of this metaphor give way to a hyperbolically inclusionary use in the editorial layer of the Babylonian Talmud that embraces even the "sinners of Israel," a category that itself is used in a sharply exclusionary sense in earlier textual strata. And second, I analyze synchronically a number of conceptual and judicial innovations unique to the Bavli's editorial layer or appearing in a distinctive form in the Babylonian textual tradition more broadly in comparison with the Palestinian textual tradition, which support my thesis of a more inclusionary tendency in later Babylonian texts relative to earlier Palestinian texts.

Chapter three examines the ideological construction of the "failed rabbi" as a polemical target through a close study of the ascent of Elisha ben Abuyah in the Bavli and a comparison both to Elisha's treatment outside of the Bavli and the treatment of other failed rabbis within the Bavli. I show how the Bavli's editors shift the focus of the narrative so that the moment of Elisha's estrangement occurs not when he exclaims "Perhaps, God forbid, there are two powers" but rather when he transgresses a rabbinic Torah precept by plucking a radish on the Sabbath. Moreover, the extended narrative of Elisha's continued alterity repeatedly highlights a tension between Elisha's defense of his own otherness based on a legitimate but apparently outdated exclusionary tradition about the effectiveness of repentance and the rabbis more inclusionary notions of repentance. I argue that these narrative elements taken together reflect a shift from exclusionary polemical issues such as two powers and irredeemable transgressions towards a more inclusionary conceptualization of the entire Jewish community bound together under the jurisdiction of a universally authoritative rabbinic tradition.

Finally, chapter four returns to a more direct comparison of rabbinic and early Christian textual practices through a close study of the science of list-making. I argue that the rabbis' method of forming lists is based primarily on traditional near-eastern scribal practice, whereas the early Christian heresiologists self-consciously adapt the literary practice of doxography inherited from the Hellenistic philosophical schools. The rabbis' lists are chaotic and inconsistent and their content reflects in complex ways both the needs of the generation of polemicists deploying a specific list and a conservative scribal hermeneutic that limits the extent to which earlier traditions can be modified. Early Christian list-making, particularly the lists of Jewish sects that appear in the work of such early heresiologists such as Justin Martyr and Hegesippus, reflect a more unified, more creative, and a more generically and typologically uniform textual practice. I suggest that the content of these lists reflect in a some distorted way a number of traditions preserved in early rabbinic collections that were intentionally transformed and at times misrepresented into a doxographic and heresiological form.

I will conclude this introduction with a few notes on style. Citations from the Mishnah and the Bavli are from the standard printed editions of these texts, unless otherwise indicated, with variants cited by manuscript. Citations from other rabbinic texts will indicate edition cited, as well as manuscript where appropriate. I will cite biblical texts from the Masoretic Text with translation cited from the Revised Standard Version unless otherwise indicated. All other translations in this dissertation are mine unless otherwise indicated.

Hebrew transliterations appear in italics using the SBL's general purpose style except for the letter *tzade* (instead of *tsade*); and I distinguish between 'alef and 'ayin, do not distinguish spirants where the pronunciation would be unchanged in modern Hebrew, and employ a diacritical mark for the letter *het*. For words in common scholarly use (such as mishnah and halakhah), for rabbis' names (such as Yehoshua and Eliezer), and for titles of rabbinic texts (such as Taanit and Moed Qatan), I use this same transliteration system non-italicized, omitting apostrophes and diacritical marks, with a few exceptions for stylistic reasons (e.g. Akiva and Resh Lakish because they are commonly accepted spellings; *min*, *minim*, and *minut* in italics even though they are common because of other less common words such as *zenut* and *meshummad* with which they are frequently paired in this work, etc.). The spelling of the names of biblical figures (Cain, Adonijah, etc.) follows the RSV translation and the spelling of historical figures (Alexander Jannaeus, etc.) follows common practice. I refrain from abbreviating the titles of most rabbinic works with a few exceptions for particularly cumbersome titles: the "Midrash Rabbah" texts GenR, DeutR, SongR (Song of Songs), which I refer to often; the Mekhilta texts MRI (Ishmael) and MRSBY (Shimon bar Yohai); and ARN (Avot de-Rabbi Natan).

Chapter I

RETHINKING RABBINIC HERESY: AN ARGUMENT FOR DISMANTLING A DUBIOUS CATEGORY¹

Scholars have been interested in heresy in rabbinic literature for over a century.² Much of the earliest scholarship on this subject attempted to identify the targets of rabbinic

¹ The title of this chapter is an allusion to Michael Williams by way of Daniel Boyarin. Boyarin's "Rethinking Jewish Christianity: An Argument for Dismantling a Dubious Category (to which is Appended a Correction of my Border Lines)," *Jewish Quarterly Review* 99 (2009): 7–36, refers to Michael Allen Williams, *Rethinking "Gnosticism": An Argument for Dismantling a Dubious Category* (Princeton: Princeton University Press, 1999). Although I am not arguing forcefully for "dismantling" the category of rabbinic heresy, Williams' introductory observation to his book can also serve as an appropriate introduction to this chapter: "The extended argument at the core of this book amounts to a case study in the construction of categories in the study of religions, and in how a category can become more an impediment than an expedient to understanding." I suggest that the category of "heresy," when applied to rabbinic literature has at times been an impediment to understanding. See n. 135, below.

² Starting most notably with R. Travers Herford's ground-breaking 1903 study, *Christianity in the Talmud and Midrash* (London: Williams & Norgate, 1903), the second section of which deals extensively with *minim* and *minut* in rabbinic literature. Other significant books and articles of the last several decades include: Alan F. Segal, *Two Powers in Heaven: Early Rabbinic Reports about Christianity and Gnosticism* (Leiden: Brill, 1977); E. P. Sanders, *Paul and Palestinian Judaism: A Comparison of Patterns of Religion* (Philadelphia: Fortress, 1977); Shaye J. D. Cohen, "A Virgin Defiled: Some Rabbinic and Christian Views on the Origin of Heresy," *Union Seminary Quarterly Review* 36 (1980): 1–11; Reuven Kimelman, "Birkat Ha-Minim and the Lack of Evidence for an Anti-Christian Jewish Prayer in Late Antiquity," in *Jewish and Christian Self-Definition, Volume Two*, 226–244; Lawrence H. Schiffman, "At the Crossroads: Tannaitic Perspectives on the Jewish-Christian Schism"; Marcel Simon, *Verus Israel: A Study of the Relations Between Christians and Jews in the Roman Empire (135–425)* (trans. H. McKeating; Oxford: Oxford University Press, 1986); Alan F. Segal, *Rebecca's Children: Judaism and Christianity in the Roman World* (Cambridge: Harvard University Press, 1986); Yaakov Sussmann, "The History of *Halakha* and the Dead Sea Scrolls — Preliminary Observations on *Miqṣat Ma'ase Ha-Torah* (4QMMT)," [Hebrew] *Tarbiz* 59 (1989): 11–76, translated as "Appendix 1: The History of the *Halakha* and the Dead Sea Scrolls, Preliminary Talmudic Observations on *Miqṣat Ma'ase ha-Torah* (4QMMT)," in *Qumran Cave 4, Volume 5: Miqṣat Ma'ase ha-Torah* (Discoveries in the Judaean Desert 10; ed. Elisha Qimron and John Strugnell; Oxford: Clarendon, 1994), 179–200; David Flusser, "Some of the Precepts of the Torah from Qumran (4QMMT) and the Benediction Against the Heretics," [Hebrew] *Tarbiz* 61 (1992): 333–374; Stuart S. Miller, "The Minim of Sepphoris Reconsidered," *Harvard Theological Review* 86 (1993): 377–402; Martin D. Goodman, "The Function of *Minim* in Early Rabbinic Judaism," in *Geschichte-Tradition-Reflexion: Festschrift für Martin Hengel zum 70. Geburtstag* (3 vols.; ed. H. Cancik, H. Lichtenberger, and P. Schäfer; Tübingen: Mohr-Siebeck, 1996), 1.501–510; Richard Kalmin, "Christians and Heretics in Rabbinic Literature of Late Antiquity," *Harvard Theological Review* 87 (1994): 155–169; Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (Philadelphia: University of Pennsylvania Press, 2004); Israel Jacob Yuval, *Two Nations in Your Womb: Perceptions of Jews and Christians in the Middle Ages* (trans. Barbara Harshav and Jonathon Chipman; Berkeley: University of California Press, 2006); Yaakov Y. Teppler, *Birkat haMinim: Jews and Christians in Conflict in the Ancient World* (trans. Susan Weingarten; Tübingen: Mohr-Siebeck, 2007); Adiel Schremer, "Midrash, Theology, and History: Two Powers in Heaven Revisited," *Journal for the Study of Judaism* 39 (2008): 230–254; Alon Goshen-Gottstein, "Jewish-Christian Relations and Rabbinic Literature—Shifting Scholarly and Relational Paradigms: The Case of Two Powers," in *Interaction Between Judaism and Christianity in History, Religion, Art, and Literature* (ed. M. Poorthuis, J. Schwartz, and J. Turner; Leiden: Brill, 2008), 15–44; Daniel Boyarin, "Rethinking

polemics against heresy, whether so-called gnostics, Jewish or gentile Christians, or conjectured Jewish binitarians. More recently, scholars have been increasingly interested in analyzing rabbinic heresy as a rhetorical construct. Although most of these studies have accepted the concept of heresy in rabbinic literature as unproblematic, a number of scholars have continued to maintain that there is no such concept in rabbinic literature in any meaningful sense.³ The observation that rabbinic literature is primarily concerned with practical precepts and proscriptions rather than the types of soteriological and christological concerns that animate much of the early Christian polemics against heresy often figure prominently in these arguments.⁴ Critics have questioned this type of argument both on the grounds that the rabbis are certainly concerned with polemicizing against proscribed theological ideas along with their concern for Torah precepts and, even were this not the case, it is not easy to draw sharp lines between these two areas of rhetorical concern because a wide range of ideological and doctrinal commitments certainly animate both.⁵

Jewish-Christianity”; idem, “Beyond Judaisms: Metatron and the Divine Polymorphy of Ancient Judaism,” *Journal for the Study of Judaism* 41 (2010): 323–365; Adiel Schremer, *Brothers Estranged: Heresy, Christianity, and Jewish Identity in Late Antiquity* (Oxford: Oxford University Press, 2010); Peter Schäfer, *The Jewish Jesus: How Judaism and Christianity Shaped Each Other* (Princeton: Princeton University Press, 2012); Adiel Schremer, “Thinking about Belonging in Early Rabbinic Literature: Proselytes, Apostates, and ‘Children of Israel,’ or: Does It Make Sense to Speak of Early Rabbinic Orthodoxy?” *Journal for the Study of Judaism* 43 (2012): 249–275.

³ This position has been defended most vigorously and recently by Adiel Schremer, though scholars whose work significantly limits the applicability of the concept of heresy to rabbinic literature include Lawrence Schiffman, Martin Goodman, Shaye Cohen, Stuart Miller, and Alon Goshen-Gottstein.

⁴ Most recently, for example, Schremer, “Thinking about Belonging in Early Rabbinic Literature,” 249, writes: “[F]or Palestinian rabbis of the first, second, and early third century, Jewish identity was not a matter of belief and doctrine. Rather, it was either a matter of birth and descent, or a matter of loyalty to the covenant.” Schremer seems to rely quite a bit on Schiffman for this perspective. See, for example, “At the Crossroads: Tannaitic Perspectives on the Jewish-Christian Schism,” 139–140: “[T]annaitic Judaism . . . is primarily a religion of action rather than belief. Only a small number of beliefs have ever been seen as mandatory in Jewish life, and when compared with the requirements of action and behaviour, it is easy to see that the primary emphasis of Judaism is on the fulfillment of the commandments and not on faith.”

⁵ See, most recently, Schäfer, *The Jewish Jesus*, 8, who criticizes Schremer’s distinction between theology and politics in *Brothers Estranged*. This distinction is, in Schremer’s work, closely allied to his distinction between belief or doctrine and halakhic observance. See n. 21, below.

There has not yet, however, been a sustained and rigorous examination of the one objective difference between heresy in early Christian literature and heresy in rabbinic literature. In the context of early Christian literature, heresy, that is, the Greek word *hairesis*,⁶ is an important technical term, perhaps the most important technical term, in a number of developing Christian literary genres.⁷ These genres and their accompanying technical lexicon are themselves developments and adaptations from earlier Hellenistic philosophical genres. The meaning of the Greek *hairesis* develops and changes over time, and much important scholarship has traced the etymological and historical implications of these changes.⁸ *Hairesis* means one thing to Paul, another to the author of the book of Acts, and yet something else to Justin Martyr. We can thus always ground the study of early Christian heresy in an etymological and literary-generic study of a complex technical term's developing semantic functioning within a complex and growing body of genealogically interdependent literature.

Heresy in the rabbinic context, in contrast, is not a technical term used in an established rabbinic literary genre. The rabbis do not use the word *hairesis* nor do they intentionally adopt the Hellenistic or early Christian literary genres in which this term

⁶ Αἵρεσις.

⁷ The conventions of heresiology as a distinct early Christian literary genre develop over time. Its critical technical vocabulary is developed in polemical dialogues, in early epistles, and in a number of books of the canonical New Testament. See Alain Le Boulluec, *La notion d'hérésie dans la littérature grecque, IIe-IIIe siècles* (2 vols.; Paris: Études Augustiniennes, 1985), 1.21–36.

⁸ The literature on this topic is extensive. See John Glucker, *Antiochus and the Late Academy*, (Hypomnemata: Untersuchungen zur Antike und zu ihrem Nachleben 56; Göttingen: Vandenhoeck and Ruprecht, 1978), 159–225; Marcel Simon, “From Greek *Hairesis* to Christian Heresy,” in *Early Christian Literature and the Classical Intellectual Tradition* (ed. William R. Schoedel and Robert L. Wilken; Théologie Historique 54; Paris: Éditions Beauchesne, 1979), 101–116; Heinrich von Staden, “Hairesis and Heresy: The Case of the *haireseis iatrikai*,” in *Jewish and Christian Self-Definition, Volume Three: Self-Definition in the Greco-Roman World* (ed. Ben F. Meyer and E. P. Sanders; Philadelphia: Fortress, 1982), 76–100; Le Boulluec, *La notion d'hérésie*; Michel Desjardins, “Bauer and Beyond: On Recent Scholarly Discussions of Αἵρεσις in the Early Christian Era,” *The Second Century* 8 (1991): 65–82; David T. Runia, “Philo of Alexandria and the Greek *Hairesis*-Model,” *Vigiliae Christianae* 53 (1999): 117–147; Robert M. Royalty, Jr., *The Origin of Heresy: A History of Discourse in Second Temple Judaism and Early Christianity* (Routledge Studies in Religion 18; New York: Routledge, 2013).

develops in the first centuries of the Common Era. The terms that the rabbis do use, such as Epicureanism and *minut*,⁹ have their own complex etymological and literary-generic development and their own complex functions in rabbinic texts that are perhaps, in some ways, similar to the development and function of *haireisis* in early Christian literature, but are also, in other ways, quite distinct. Thus, while heresy set in its proper historical context in early Christian literature is a technical term in an established literary genre with a known and quite extensive genealogy, heresy in rabbinic literature is something else, though the scholarship has not yet clearly and convincingly articulated what this something else might be.

In discussing the scholarly use of the term “heresy” in his important study of early Christianity heresiology, Alain Le Boulluec notes:

The historian must ask what is the exact meaning of terminology used by authors of the second and third centuries and must examine whether it is legitimate to apply to the early days of the Church a concept [such as “heresy” that is] so loaded with meaning from the turmoil that has marked the subsequent development of Christianity.¹⁰

⁹ For the sake of precision, I have chosen to leave the Hebrew *min*, *minim*, *minut*, and *meshummad* untranslated throughout this dissertation. The sense of these terms in Hebrew will become clear as I proceed. *Min* can be provisionally thought of as “sectarian,” *minim* as “sectarians,” *minut* as “sectarianism,” and *meshummad* as an “apostate.” I will discuss these terms at length below. The term *mumar*, which appears in some manuscripts synonymously to *meshummad*, is a substitution made because of medieval censorship of rabbinic texts. *Mumar*, meaning something like “convert,” was apparently considered less pejorative than *meshummad*. See S. Zeitlin, “Mumar and Meshummad,” *Jewish Quarterly Review* 54 (1963): 84–86, and Saul Lieberman, “Some Aspects of After Life in Early Rabbinic Literature,” in *Harry Austryn Wolfson Jubilee Volume, Volume Two* (Jerusalem: American Academy for Jewish Research, 1965), 495–532, at 531–32. I will use the term *meshummad* in my translations even where I cite a censored text.

¹⁰ Alain Le Boulluec, *La notion d'hérésie*, 1.11: “L'historien cependant doit se demander quelle est l'acception exacte des vocables utilisés par les auteurs des II et III siècles et rechercher s'il est légitime d'appliquer aux premiers temps de l'Église un concept si chargé de sens par les troubles qui ont marqué l'évolution ultérieure du christianisme.” Le Boulluec is a good example of the kind of precision that a scholar of heresy in the early Christian and rabbinic period ought always to keep at the fore. He seems to use the term “heresy” only in describing the work of Justin and later heresiologists, preferring expressions such as *des représentations des désaccords* for early Christian thinkers like Ignatius and Clement of Rome. See, for example, *ibid.*, 1.26: “Les fluctuations de la terminologie d'un auteur à l'autre et chez un même auteur correspondent à des représentations diverses des désaccords. Il n'y a pas encore, à cette époque-là, de conception unifiée, même si certains des éléments de l'héresiologie ultérieure sont déjà en place”: “Fluctuations in terminology from one author to another and within one author correspond to different

Le Boulluec is arguing that we need to reexamine whether the semantic implications of the notion of heresy that derive from its usage subsequent to our period of interest undermine the legitimacy of its use in our analysis of earlier Christian writers, even in regard to those writers who actually use the Greek word *hairesis* in their treatises. If so, then the need to reexamine the legitimacy of this term in analysis of the rabbis, in a body of literature that does not use it at all, is all the more pressing.

In this chapter, I will examine how scholars of heresy in rabbinic literature have at times relied on semantic ambiguities inherent in the notion of heresy to support their analyses, and how our study of the rabbis would be better served by a clearer delineation of the object of our efforts. I will start with an analysis of the range of meanings that the modern concept of “heresy” might easily bear in scholarly discourse and demonstrate how this kind of imprecision and potential anachronism can lead to misleading conclusions. I will then proceed with a review of scholarship on the shifting meanings of the Greek *hairesis* in Second Temple Jewish and early Christian literature, which will then facilitate my analysis of the more sophisticated concept of “heresiological discourse,” which has been deployed in a number of recent studies of heresy in rabbinic literature. Finally, I will consider the primary technical term that actually does appear in rabbinic literature and which is most often associated with heresy, the Hebrew *minut*, as a possible parallel term to the Greek *hairesis*.

I will suggest as a result of this analysis that these three approaches: heresy as heresy,¹¹ heresy as heresiological discourse, and heresy as *minut*, all fall short of the

representations of disagreements. There is not, at this time, unified design, although some elements of the subsequent heresiology are already in place.”

¹¹ By which I mean to refer to the use the word heresy either undefined or with an explicit appeal to a simplified definition, but essentially using the term in its modern sense with its accompanying range of

requirements for a rigorous and historically contextualized analysis of rabbinic rhetorical styles and modes of constructing polemical targets. I will therefore describe what I believe to be a more useful conceptualization of the notion of heresy in rabbinic literature that might serve to bridge the gaps between the various scholarly approaches to this subject. I will suggest in the final section of this chapter that heresy in rabbinic literature might be better thought of as a modern analytical category created by analogy on the model of heresy in early Christian literature. We could thus explain scholarly disagreement on whether there is heresy in rabbinic literature as disagreement on the appropriateness and precision of this category in our analysis of the rabbis. This conceptualization of heresy in rabbinic literature will have a number of important implications for how this subject might be more productively approached as I will explain and develop in subsequent chapters.

I. Heresy as Heresy¹²

Research on heresy in rabbinic literature over approximately the last half century takes as its starting point Marcel Simon's *Verus Israel*, first published in French in 1948 with a revised French edition in 1964 and appearing in English translation in 1986,¹³ and Alan

meanings as I will explain in detail in what follows. The expression "heresy as heresy" is obviously redundant, but it sharply sets up the contrast that I am endeavoring to emphasize in the possible ways that the concept of heresy can be approached in rabbinic literature.

¹² On the intention of this purposively redundant expression to characterize the use of the concept of heresy in a loose contemporary sense in the study of the rabbis, see n. 11, above.

¹³ The subject of *Verus Israel* was, of course, not heresy as such, but relations between Judaism and Christianity in the Roman Empire. However, I believe that Simon's work in this book and in his articles about heresy (such as "From Greek *Hairesis* to Christian Heresy") are foundational to the study of rabbinic heresy over the last several decades because of Simon's tendency (like Segal) to relatively facily equate the rabbis as the purported representatives of synagogue orthodoxy with the Roman ecclesiastical authorities as the representatives of Christian orthodoxy, a tendency that I believe is representative in a general sense of the issues that I am addressing in this chapter. Simon's model is of a post-destruction triumphant Pharisaism imposing orthodoxy on Judaism and fighting heresy through the power of the patriarchate: "[After 70] Supreme authority belonged to the Patriarch. . . . the Sanhedrin . . . as a purely

Segal's, *Two Powers in Heaven*, published in 1977. Both of these books were innovative surveys that laid the foundations for subsequent studies of rabbinic heresy; and both contributed to an expanding recognition of similarities between rabbinic and early-Christian literature, specifically in terms of how these texts conceive of and target outsiders. However, neither of these studies are especially critical of the categories that they employ in their analyses. They do not sufficiently consider what precisely heresy might mean in the context of a corpus that does not actually adopt the literary genres and technical vocabulary characteristic of early Christian heresiology. Although many important studies have appeared since Simon's and Segal's ground-breaking work,¹⁴ I will discuss here only three recent books on this subject, in order to contextualize both the focus of this chapter and my work in this dissertation more broadly: Daniel Boyarin's *Border Lines* (2004), Adiel Schremer's, *Brothers Estranged* (2010), and Peter Schäfer's, *The Jewish Jesus* (2012)

The relevance of these works to my own will become clearer if we note that the history of scholarship on heresy in rabbinic literature is dominated by *comparative studies* dedicated to contrasting early Christian heresiology with rabbinic literature. I will address the structural causes for and the importance of this fact as I proceed in this chapter. However, even at this early stage of my analysis, a brief consideration of the history and theory of comparison in the study of religion will be instructive. I will thus take advantage of the theoretical framework that scholarship in the "history of religions,"

religious academy . . . was made subordinate to him and served as his council. Patriarchs of provinces and heads of local synagogues derived their powers from him . . . [his 'apostles'] organized the struggle against heresies, and in particular against Christianity . . . and were largely responsible for imposing on Judaism the uniformity that Talmudic orthodoxy required" (*Verus Israel*, 61–62). More directly, as well, Simon's chapter on "The Christians in the Talmud" and its discussion of the *minim* is frequently cited in the literature on this subject.

¹⁴ See n. 2, above.

which was dedicated to comparative projects from its inception in the late 19th and early 20th century, provides.¹⁵ Although early attempts at comparison found a wealth of potential similarities in geographically and temporally diverse religious phenomena, other scholars advised caution. For example, Morris Jastrow, an early American proponent of this school in the study of religion and son of the well known Talmud scholar Marcus Jastrow, criticized an earlier and over-enthusiastic proponent of comparative study, Charles-François Dupuis, known for finding primitive sun-worship at the heart of all religious phenomena:

Concerned as [Dupuis] is with what religions have in common, he neglects essential differences . . . This fondness for comparisons is a characteristic trait of the comparative method in its infancy, whereas a matured comparative method is as much concerned with determining where comparisons should not be made as with drawing conclusions from comparisons instituted.¹⁶

Although a fondness for comparisons at the expense of contrasts might be a trait of the comparative method in its infancy, it is arguably still present in the study of

¹⁵ The late 19th century school of scholarship that formed around the University of Göttingen in Germany, the *Religionsgeschichtliche Schule*, was a forerunner of the contemporary study of religion. One of the leading early programs in the academic study of religion in this country, led by Joachim Wach at the University of Chicago in the mid-20th century, follows on this German school and included such luminaries in the field as Mircea Eliade and J. Z. Smith. On the use of the comparative method in the history of religions, Ernst Troeltsch, “The Dogmatics of the ‘Religionsgeschichtliche Schule,’” *The American Journal of Theology* 17 (1913): 1–21, at 1, writes: “The German word *religionsgeschichtlich* has no exact English equivalent. The method of investigation indicated by the term is, of course, well known to English speaking scholars, and it has been variously employed. The nearest approach to the German term is the current expression ‘comparative religion.’” Max Müller, *Introduction to the Science of Religion: Four Lectures Delivered at the Royal Institution in February and May, 1870* (London: Longmans, Green, and Co., 1899), 12–13, applying Goethe’s maxim on languages to the study of religion, put this more succinctly: “He who knows one knows none.” Similarly, Mircea Eliade, “The History of Religions in Retrospect,” *Journal of Bible and Religion* (1963): 98–109, at 105, explains that “Many excellent scholars likewise consider themselves ‘historians of religions,’ because they accept exclusively historical methods and presuppositions. They are in fact, however, experts in just one religion, and sometimes in only one period or one aspect of that religion . . . the historian of religions, in the broad sense of the term, cannot limit himself to a single area. He is bound by the very structure of his discipline to study at least a few other religions so as to be able to compare them and thereby understand the modalities of religious behaviors, institutions, and ideas.” This approach has been contrasted to Adolf von Harnack’s rather peremptory declaration in reference to Christianity, *Reden und Aufsätze, Volume Two* (Geiszen: Töpelmann, 1906), 168: “Wer diese Religion nicht kennt kennt keine und wer sie samt ihrer Geschichte kennt kennt alle.”

¹⁶ Morris Jastrow, *The Study of Religion* (The Contemporary Science Series; London: Walter Scott, 1914), 27–28.

rabbinic heresy. A more recent observation by a contemporary scholar of comparative religion will prove to be very apropos and will clarify the position of my own work in regard to the three recent studies of heresy in rabbinic literature just mentioned. Mark C. Taylor notes that comparative analysis always involves “an interplay between sameness and difference.”¹⁷ However, this interplay can also devolve into “the reduction of differences to identity or the establishment of differences that have little or nothing in common.” The first two of the aforementioned three studies—Boyarin’s and Schremer’s—tend towards the opposite poles of “the reduction of differences to identity” and “the establishment of differences that have little in common,” respectively, and the third—Schäfer’s—advocates a more moderate approach to comparison that I intend to further in this dissertation.

Boyarin’s work is valuable for its advancement of new paradigms for analyzing rabbinic literature. Perhaps recognizing the problems inherent in applying the category of heresy to rabbinic texts that I will examine in what follows, he prefers rather to discuss a phenomenological abstraction that scholars of early Christianity refer to as “heresiological discourse.” Because this abstraction as Boyarin employs it is not dependent on technical lexicon or literary genre, there can in theory be heresiological discourse even in the absence of the intentional adoption of the genre of heresiology and the use of the Greek *hairesis*.¹⁸ Thus, this level of analysis facilitates the emphasis on sameness at the expense of difference. Boyarin is able to reduce the very large technical and literary differences between the corpora being compared to mere “modes of

¹⁷ Mark C. Taylor, ed., *Critical Terms for Religious Studies* (Chicago: University of Chicago Press, 1998), 14.

¹⁸ I will argue that this is so in regard to how Boyarin deploys the concept. In Le Boulluec’s work, however, which I will discuss below and from which the concept of heresiological discourse derives, the concept is more tightly dependent on the language of the texts.

textuality” and thereby to essentially dismiss the relevance of these differences to his comparison.¹⁹

I will address this framework’s shortcomings in section three, after setting the stage for my analysis with a discussion of scholarship on the use of the word *hairesis* in Hellenistic philosophical literature and early Christian literature. For now, I would just like to emphasize that Boyarin’s level of analysis does not actually require a precise definition for the concept of heresy. His conception of “heresiological discourse” is an abstraction that can be loosely defined in terms of broad polemical strategies rather than in terms of a historiographically contextualized exposition of heresy as a literary phenomenon. However, because this is a complex notion building upon scholarship in early Christianity, which is itself building upon the complicated theoretical structure developed by Michel Foucault, it will be easier to return to this issue after my analysis of Schremer’s work, where the crux of the argument turns more clearly on how he defines the concept of heresy.

Schremer, whose work is important for the challenges it presents to some well entrenched scholarly approaches to this subject, is at the opposite end of the spectrum of comparison from Boyarin. He aims to demonstrate the “absolute difference” between the rabbis and early Christians in regard to polemical concerns. For Schremer, heretics are

¹⁹ Boyarin, *Border Lines*, 66: “Both Justin and the Mishna were engaged in the construction of the borders of orthodoxy via the production of others who are outside them. These are the heretics, the *minim*. The difference between the two types of heresiological text is no more than the general difference between the modes of rabbinic and of Christian textuality”; and *ibid.*, 311 n. 50, “It might be objected at this point that there is really no comparability between the Christian and rabbinic situations, since the former is engaged with questions of theology, the latter with questions of practice. This difference is, to be sure, significant in itself but not at the level of analysis which I adopt here, the level of analysis of the history of systems of thought *per se*. Foucault already remarked that the systematicity characteristic of discursive practices and the shifts in such systematicity transcend particular disciplines.”

“people who hold false doctrines . . . concerning God.”²⁰ With this straightforward definition in mind, Schremer proceeds to demonstrate how rabbinic polemical texts often center on matters of Torah precepts and proscriptions that are in his view not “doctrines concerning God,” and therefore the targets of these texts are not heretics.²¹ For this definition, Schremer appears to rely on Lawrence Schiffman: “A heretic is one whose *beliefs* do not accord with those of the established religion to which he claims adherence. An apostate is one whose *actions* are not consonant with the standards of behaviour set by his religious group.”²² In both of these cases, it is clear that the definition of the word heresy is configured in such a way as to best facilitate the aims of the analysis.

It will be instructive to compare these definitions to those of other contemporary scholars, whose analytical aims differ from Schremer’s and Schiffman’s. Segal, for instance, defines a heretic not in terms of “belief,” as such, but in terms of the broader and potentially more flexible category of “orthodoxy.” For Segal, a heretic is “someone who began in the parent group but who has put himself beyond the pale with respect to some canon of orthodoxy.”²³ Martin Goodman, in contrast, defines a heretic in relation to an apostate as Schiffman does, but his basic assumptions are quite different from Schiffman’s:

²⁰ Schremer, *Brothers Estranged*, 14.

²¹ I do not wish to over-simplify Schremer’s analysis, which is concerned more broadly with a distinction between a political or socially oriented type of polemic as contrasted to the early Christian “discourse on heresy” that he sees as being concerned primarily with theological doctrine. However, as Schäfer, *Jewish Jesus*, 8, points out, “[Schremer’s] stark contrast of ‘theological’ versus ‘political’ . . . [sets up] a straw man that may be useful for developing a new theory but woefully fails to correspond to the historical reality. After all, it is futile and naïve undertaking an attempt to separate neatly ‘theology’ from ‘politics,’ and this is certainly true for late antiquity, the period in question.” I would suggest that, in Schremer’s analysis, the binary between belief and practice is tied up with the binary between the theological and the social or political, and it is as fundamental to his study. See n. 4, above, and n. 31, below.

²² Schiffman, “At the Crossroads: Tannaitic Perspectives on the Jewish-Christian Schism,” 139.

²³ Segal, *Two Powers*, 5.

A heretic is differentiated from an apostate by his claim to present another, better version of the theological system than that found in the mainstream. By contrast, an apostate may simply reject the system, offering nothing else in its place. If Judaism is categorised as a system of covenantal nomism, the distinction between types of sinner should be clear. All Jews are bound by the covenant between God and Israel. Ordinary sinners are those who try to observe the covenant but do so badly; apostates are those who deny the covenant explicitly; heretics are those who (in the eyes of others) break the covenant by willful misinterpretation of its meaning.²⁴

Schremer and Schiffman, by defining heresy in terms of proscribed belief, are able to remove from their analyses of this concept the idea of breaking the covenant by failing to observe its practical precepts. For Segal, heresy also concerns belief generally, but he defines the concept in terms of orthodoxy, which in the context of his study is primarily the rabbinic notion of monotheism. So, for Segal, heresy is defined explicitly in terms of the subject of his monograph, two powers in heaven.²⁵ Goodman brings theology and the practical observance of the Torah together in his definition, so that heretics are so named by their failure to observe the covenant because they reinterpret it in such a way as to present an alternate theological system. I would suggest that Boyarin does something similar to if a bit more sophisticated than Goodman by arguing that there is no practical difference between “rules of faith” and “rules that faith makes for practice,” so that a heretic can be, when it suits the requirements of his analysis, defined solely in terms of legal disagreements on, for example, details of the laws of purity.²⁶

²⁴ Goodman, “The Function of *Minim*,” 165. The reference to “covenantal nomism” is to E. P. Sander’s idea, as discussed in *Paul and Palestinian Judaism*.

²⁵ Segal, *Two Powers*, 267 writes that “[‘Two powers’] seems to have been one of the primary rabbinic categories for describing heresy.” He suggests, *ibid.*, 262, that “‘Two powers’ seems to be one of the basic issues over which Judaism and Christianity separated.”

²⁶ Boyarin, *Border Lines*, 55 defines a “rule of faith” as “both a rule for faith and the rules faith makes for practice that distinguishes the orthodox from the heretic.” In my reading this implies that a heretic may also be defined purely in terms of, say, of a person who declares the “wrong” kind of blood impure or puts on the “wrong” kind of tefillin. Thus, Boyarin, *ibid.*, 29, defines “rules of faith” in a Foucauldian sense as “practices of discourse expressed both in language and in action that serve to set the bounds of who is in and who is out of the religious group.” See *ibid.*, 60 and 64–65, for Boyarin’s discussion of Sadducean purity practices and of Akavya ben Mahalalel.

Thus, we see in these works a range of possible definitions: a definition of heresy in terms of belief or in terms of theological orthodoxy, a definition that attempts to bridge the conceptual categories of belief and practice through the theological concept of covenantal nomism, and a definition in terms of practice. At this stage of my study, I am not endeavoring to completely reject any of these approaches or to prefer one over another. I will therefore not address the question of whether the distinction that Schremer and Schiffman rely on between belief and practice has theoretical validity or if it is sensible to define heresy purely in terms of judicial disagreements.²⁷ Nor will I yet suggest what the definition of the concept of heresy in rabbinic literature ought to be. I review these diverse approaches to highlight the semantic ambiguity implicit in the concept of rabbinic heresy. It would seem that because these studies cannot be anchored in an analysis of a historically contextualized literary genre and its accompanying technical terminology, they have a fair amount of latitude regarding what the analytical terms that they deploy mean in the context of their studies.

I am also not suggesting that this range of definitions stems in any way from a lack of rigor or any especially problematic tendentiousness on the part of these scholars. Rather, I would like to suggest that this difficulty is an almost inevitable result of the semantic range implicit in the word heresy itself, if the word is to be used without further

²⁷ Emile Durkheim, *The Elementary Forms of Religious Life, A New Translation by Carol Cosman* (ed. Mark Sydney Cladis; Oxford: Oxford University Press, 2001), 36, famously suggested that belief and practice are two distinct modes of religious expression: “Religious phenomena fall quite naturally into two basic categories: beliefs and rites.” Scholars such as Catherine Bell have criticized this position, *Ritual Theory, Ritual Practice* (Oxford: Oxford University Press, 1992), 48–49: “In the final analysis the results of such a differentiation between thought and action cannot be presumed to provide an adequate position vis-à-vis human activity as such. Naturally, as many others have argued before, the differentiation tends to distort not only the nature of so-called physical activities, but the nature of mental ones as well. Yet the more subtle and far-reaching distortion is not the obvious bifurcation of a single, complex reality into dichotomous aspects that can exist in theory only. Rather, it is the far more powerful act of subordination disguised in such differentiation, the subordination of act to thought, or actors to thinkers.” It must be observed, however, that scholars do still routinely rely on this distinction to some degree.

qualification in its modern sense.²⁸ The Oxford English Dictionary (OED) includes a range of definitions for heresy, which it arranges in a hierarchy of increasing generality. It defines heresy first in terms of “theological or religious opinion or doctrine maintained in opposition, or held to be contrary, to the ‘catholic’ or orthodox doctrine of the Christian Church.” Secondly, by extension, the OED opposes “religious opinion or doctrine” to “any church, creed, or religious system, considered as orthodox.” And finally, again by extension, heresy is defined as “Opinion or doctrine in philosophy, politics, science, art, etc., at variance with those generally accepted as authoritative.”²⁹

It is remarkable, but I believe it is a quite accurate reflection of the complexity of this term, that in the definition of this single word, the OED appeals first to “theology” and “Christian orthodoxy” in a very narrow sense, then to “orthodoxy” decontextualized from the Christian Church, and finally to “authoritative opinion” decontextualized from any idea of orthodoxy or theology at all.³⁰

It is worth emphasizing the obvious: if heresy is defined in terms of the “orthodox doctrine of the *Christian Church*” then there cannot by definition be such a thing as *rabbinic* heresy. If, on the other hand, heresy is defined in terms of “opinion” at variance with what is “generally accepted as authoritative,” then there certainly is heresy in rabbinic literature, but the concept of heresy has been so decontextualized historically

²⁸ William’s observation is apropos, *Rethinking Gnosticism*, 3: “In fact, a good argument could be made that the very function of categories should be to make things clearer and easier to sort out, and that if it proves to be the case that researchers have difficulty agreeing on the definition of a category itself, then that category should be the very first thing shoved out the door to make way for better ones before we get on with the business of sorting.”

²⁹ *The Oxford English Dictionary, Second Edition* (20 vols.; ed. John Simpson and Edmund Weiner; Oxford: Clarendon Press, 1989).

³⁰ As Robert M. Royalty, Jr., *The Origin of Heresy*, 3, observes, “One can commit heresy by serving the wrong wine at dinner, breaking with your political party on a policy, running on third-and-long, or changing a business plan. Every business, group, club, and organization seems to have its ‘heretics’ who challenge the ‘reigning orthodoxy’ of the system.”

that this fact tells us nothing that is especially interesting about rabbinic social-history in Late Antiquity. I would therefore suggest that Schremer is able to carry out his analysis and conclude essentially that there is no heresy in rabbinic literature, to some extent because his definition for the term heresy is placed on the continuum from the highly contextualized “Christian orthodoxy” to the completely decontextualized “authoritative opinion” quite a bit nearer the former than the latter.³¹ Segal places his definition somewhere in the middle of these two poles. And perhaps Goodman and Boyarin are somewhat nearer the side of “authoritative opinion.”

It should be clear that precision and commensurability across various studies would be better served were we able to appeal to something other than such a loose usage of the word “heresy” in our analysis of rabbinic polemical strategies and rhetorical styles. Basing one’s analysis on a definition that arguably only captures part of what is in fact a very wide ranging and historically loaded technical term can too easily lead to unclarity or potentially tendentiousness readings of the data. As Taylor suggests, in our comparative projects we ought to seek neither for absolute sameness nor complete difference, but rather we should attempt to compare similarities and contrast difference as objectively as possible. In the study of heresy in rabbinic literature, as the first of the three OED definitions demonstrates, a certain amount of sameness is built into the use of

³¹ Schremer does occasionally mention a rabbinic discourse on heresy and articulates some notions regarding two types of heresy, “intellectual heresy” and “emotional heresy,” allowing that that the latter is more relevant to the rabbis than the former. However, discourse on “emotional heresy” is apparently more of a “social discourse” than a heresiological one per se (*Brothers Estranged*, 25–26). Unfortunately, Schremer is not entirely consistent on the matter of the application of his basic categories of analysis. As Schäfer, *Jewish Jesus*, 8, points out regarding Schremer’s distinction between “theology” and “politics”: “Schremer is clearly aware of this basic principle [that ‘theology’ cannot be neatly separated from ‘politics,’] but it appears that he keeps forgetting it and repeatedly lapses into the black-and-which picture.” For the most part, Schremer sets up the rabbinic discourse on *minut* against the Christian discourse on heresy: “This . . . is the perspective from which we need to approach the early rabbinic discourse of *minut*. In contrast to Justin, for example, for whom ‘heresy’ was a matter of false *belief*, *minut* was constructed by second-century Palestinian rabbis in terms of social-national loyalty no less than thru the perspective of doctrine and theological thought” (*Brothers Estranged*, 66). See nn. 4 and 21, above.

the terms that we choose for analysis. It might therefore be helpful for scholars to work a bit harder at identifying difference, without, however, going so far as to engineer that difference into the way the we choose to define these terms.

On this matter, I can cite the third of the recent works on heresy in rabbinic literature that I mentioned at the start of this section, Schäfer's *The Jewish Jesus*. In a comment that accords well with my analysis of Boyarin's work emphasizing similarity in rabbinic Judaism and early Christianity at the expense of under-emphasizing potentially significant historical dissimilarities, Schäfer notes that "differences matter and must not be dissolved in overarching ideas void of any attempt to anchor them in time and place."³² On the other hand, clarity is hardly achieved by setting up overly simple typological categories that emphasize difference at the expense of similarity as Schäfer suggests in his criticism of Schremer's sharp distinction between theology and politics.³³ Notable as well is Schäfer's assessment of Segal's earlier attempts to find the targets of rabbinic polemics: "[T]he static picture of early consolidated groups should be abandoned in favor of a more dynamic image of yet undefined and fluent clusters that were constantly changing, overlapping, and influencing each other."³⁴ In what follows, I will take Schäfer's observations a step further and seek to demonstrate how an appreciation of complexity and change, and an avoidance of reductionist categorization, combined with a more prevalent cognizance of the obvious etymological and literary-generic differences between the idea of heresy in rabbinic literature and the idea of heresy in early Christian literature, might have a salutary effect on the way that scholars

³² Schäfer, *The Jewish Jesus*, 1. In regard to Boyarin's work specifically, Schäfer, *ibid.*, 5, writes that Boyarin "blurs the boundaries and cavalierly disregards chronological and geographical . . . distinctions."

³³ Schäfer, *The Jewish Jesus*, 7–8.

³⁴ Schäfer, *The Jewish Jesus*, 62.

approach these corpora. To facilitate this, I will now turn to an analysis of the word *hairesis* in Second Temple Jewish and early Christian literature.

II. Heresy as *hairesis*

As the key technical term in early Christian heresiology, *hairesis* has an extraordinarily well documented literary history stretching back several hundred years before its innovative and sharply pejorative usage by Justin and other early Christian heresiologists.³⁵ In this section, I will review this term's development in Jewish and Christian literature leading up to the rabbinic period. It will be necessary to keep in mind that when a writer educated in the Hellenistic tradition used the word *hairesis* in the first centuries of the Common Era, the semantic resonances of the word for both the writer and the reader would have been rich, complex, and ancient. This is so even when the meaning of the term had already shifted decisively from its earlier neutral sense of "choice" to its later pejorative sense of "false doctrine," as I will describe presently. As Michel Desjardins writes, "the primary Greek understanding of *hairesis* [had] not changed: 'the change is to be found in the moral overtones: the choice cannot be anything other than a bad choice.'"³⁶ Thus it would seem that even well into Late Antiquity, an educated Roman hearing the word *hairesis* would think in terms of good and bad choices, philosophical schools, and religious sects along with whatever the immediate context might suggest of false doctrine.³⁷

³⁵ For studies tracing this development, see n. 8, above.

³⁶ Desjardins, "Bauer and Beyond," 75, citing Simon, "From Greek *Hairesis* to Christian Heresy," 114–115.

³⁷ See von Staden, "Hairesis and Heresy: The Case of the *haireseis iatrikai*," 76: "The use of 'heresy' to refer to an opinion or a doctrine at variance with orthodox beliefs seems to have its proximate roots in early Christian uses of the Greek word *hairesis* (plural, *haireseis*). In most phases of post-classical antiquity, however, *hairesis* had a considerably broader semantic spectrum than 'heresy' might suggest. Its classical meanings—'taking,' 'choice,' 'course of action,' 'election,' 'decision'—all continued to survive throughout

This kind of complexity and antiquity should serve as a caution against overly simplistic comparisons with the technical vocabulary characteristic of rabbinic polemics. Even a word in rabbinic literature such a *minut* that functions in some ways similarly to the way *hairesis* functions in early Christian literature could not have had precisely the same set of resonances or the same type of antiquity, as I will discuss later. An analysis of rabbinic heresy must always remain cognizant of the weight of tradition implicit in technical terms and the literary-generic history that these terms evoke when used. This is necessary in order to avoid reductionist analyses that conjecture the existence of cognate concepts based on one or two points of similarity, while deemphasizing significant differences.

As early as the fifth century BCE, some 600 years before the earliest Christian heresiologists, Herodotus uses the term *hairesis* in the very concrete sense of “taking”: “After *taking* Babylon, Darius himself marched against the Scythians.”³⁸ A millennium after Herodotus, Isidore of Seville explicitly defines the Latin *haeresis* in a fashion that shows an awareness of both its earlier neutral Greek usage and its derivative pejorative Christian sense: “Heresy is so called in Greek from ‘choice,’ doubtless because each person chooses for himself that which seems best to him, as did the Peripatetic, Academic, Epicurean, and Stoic philosophers. Or, just as others who, pondering perverse

the Hellenistic and later ancient periods of Greek culture. But *hairesis* also served to refer—positively, negatively, or neutrally—to any group of people perceived to have a clear doctrinal identity.” Also see Eduard Iricinschi and Holger M. Zellentin, “Making Selves and Marking Others: Identity in Late Antique Heresiologies,” *Heresy and Identity in Late Antiquity* (Texts and Studies in Ancient Judaism 119; ed. Eduard Iricinschi and Holger M. Zellentin; Tübingen: Mohr-Siebeck, 2008), 1–28, at 4: “Semantically, *hairesis* remained an open term all through third century CE . . . Yet the consequences of such ‘choice’ varied from case to case. . . . Even after *hairesis* developed into ‘heresy’ in early Christianity, one of the term’s most important denotations remained Hellenistic philosophy and its numerous schools.”

³⁸ Μετὰ δὲ τὴν Βαβυλῶνος αἵρεσιν ἐγένετο ἐπὶ Σκύθας αὐτοῦ Δαρείου ἔλασις (trans. A. D. Godley, 1920).

teachings, have withdrawn from the Church by their own will.”³⁹ Behind this remarkable 1000 years of documented literary development stands a fascinating incremental semantic evolution. David Runia, in a very cogent diachronic analysis, enumerates the following elements as key to understanding this term’s evolution from the earliest classic period into Late Antiquity: 1. “the taking of seizure of something”; 2. “the selection or choice of something or somebody”; 3. “the choice of a course or action”; 4. “a disposition or inclination based on the repeated taking of certain choices”; 5. “a direction of thought or action, a school of thought”; 6. “a group of people, a party or sect marked by common ideas and aims”; and, finally, 7. “a party or sect that stands outside established or recognized tradition, a heretical group that propounds false doctrine in the form of a heresy.”⁴⁰

An understanding of this complex development in the classical Hellenistic period, in Second Temple Jewish literature, in the New Testament, and among early Christian writers, is a necessary background for our further study of this concept as it is applied to rabbinic literature. The term is ubiquitous among writers in Greek in the classical period and throughout the first centuries of the Common Era into Late Antiquity. Perhaps it is this ubiquity combined with the fact that it has become conventional in scholarship to refer to rabbinic heresy in the somewhat loose sense discussed in the previous section that has led to some remarkably imprecise scholarly observations about the use of the Greek *hairesis* in Jewish literature.

³⁹ Isidore of Seville, *Etymologies*, 8.3.1. Translation from Stephen A. Barney, W. J. Lewis, J. A. Beach, and Oliver Berghof, ed. and trans., *The Etymologies of Isidore of Seville, Translated with Introduction and Notes* (Cambridge: Cambridge University Press, 2006), 174, slightly modified. See Simon, “From Greek *Hairesis* to Christian Heresy,” 104.

⁴⁰ David T. Runia, “Philo of Alexandria and the Greek *Hairesis*-Model,” *Vigiliae Christianae* 53 (1999): 117–147, at 118.

Reading the scholarship on this matter, one might forget that texts are in fact extant from only three Jewish writers in the period of our interest that use the Greek term at all: Josephus, Philo, and Paul in Galatians and 1 Corinthians.⁴¹ Only Paul uses the term in a sense that tends clearly to the pejorative. Yet none of these ancient writers uses the term in its fully developed sense of “a party or sect that stands outside established or recognized tradition, a heretical group that propounds false doctrine in the form of a heresy.” That is, there is no extant literature by any Jewish writer in antiquity that uses the term in this sense nor is there any explicit reference to the existence of such literature by any ancient writer at all.

It is therefore surprising that a number of scholars have included Jewish literature in some of their general remarks about the meaning of *hairesis* in the first centuries of the Common Era. For example, Marcel Simon writes:

[T]he term *hairesis* has undergone in Judaism an evolution identical to, and parallel with, the one it underwent in Christianity. This is no doubt due to the triumph of Pharisaism which, after the catastrophe of 70 C.E. established precise norms of orthodoxy unknown in Israel before that time. Pharisaism had been one heresy among many: now it is identified with authentic Judaism and the term *hairesis*, now given a pejorative sense, designates anything that deviates from the Pharisaic way.⁴²

As I will discuss in chapter four, recent scholarship has completely overturned the model of the triumphant post-destruction Pharisees taking over all of Judaism. But even so, it is remarkable that Simon draws his conclusions about changes in the meaning of the term *hairesis* in Jewish literature without actually citing a single work of literature written by a

⁴¹ Josephus uses the term, significantly, in reference to Jewish sects such as the Pharisees and Sadducees in *The Jewish War* and the *Antiquities*, presenting them to the Hellenistic world as if they were philosophical schools. On Philo’s use of the term, see Runia “Philo of Alexandria and the Greek Hairesis-Model.” Paul uses the term in the sense of “factions” in Galatians 5:20 and 1 Corinthians 11:19. It is worth noting that Runia’s important study convincingly suggests that neither Philo’s nor Josephus’ assessment of sectarianism was quite as irenic as scholars have tended to suppose.

⁴² Simon, “From Greek *Hairesis* to Christian Heresy,” 106.

Jewish author that uses the word in this new sense. He relies on the book of Acts and Justin only.

Similarly, Desjardins writes:

For Christians and Jews, the term soon came to mean, with few exceptions, “wrong choice,” and “a harmful choice which must be exposed and rooted out”; hence *hairesis* became “heresy.” In the first and second centuries, then, this term tended to have a very different “feel” to it in Christian and Jewish circles than it did among others.⁴³

Again, Desjardins refers casually to Christian and Jewish usage of a term in a sense that there is no actual evidence that Jews were using.

I am not at this stage of my analysis taking issue with the possibility that there may well have been changes in Jewish polemic styles that were quite similar to changes occurring among the early Christian heresiologists. However, we must always remain clear about the fact that there is no Jewish literature that provides evidence that such changes, if they were occurring, were reflected in changes in the way that Jews used the word *hairesis*. That is, we ought not conflate a study of a key Greek technical term’s changing meaning within the developing early Christian literary genre of heresiology with the broader question of similarities, differences, and possible mutual influences of polemical styles and strategies for constructing and rhetorically excluding polemical targets among Christians and Jews in the first centuries of the Common Era. The latter question can be examined by studying and comparing actual extant texts written by Christians and by Jews throughout the period of our interest. The former question can be studied only by reading extant texts written by Christians, and none of these texts explicitly informs us of how or even if Jews were using the term *hairesis* in this period.⁴⁴

Suggestions of possible shifts in the Jewish use of this term are very conjectural, and

⁴³ Desjardins, “Bauer and Beyond,” 65, slightly modified.

⁴⁴ Apart, of course, from the examples just cited, Philo, Josephus, and Paul, the first two of which use the term in a manner similar to its standard Hellenistic Greek sense.

prudence calls for a greater reticence in basing historiographically significant conclusions on such pure conjecture, as I will discuss at length in the fourth chapter of this dissertation.

Because the rabbis do not write in this developing literary genre or use this Greek technical term, we cannot at this stage of our consideration attempt to further understand what we mean by heresy in rabbinic literature by analyzing developments in the Greek. It is perhaps for this reason, along with the difficulty discussed in the last section that the unqualified use of the modern concept of heresy when applied to rabbinic literature is too flexible and imprecise, that scholars have recently turned to a more abstract category of analysis. This new category has the advantage of referring to heresy conceptually, while not relying on historically contextualized technical vocabulary or literary genres: the idea of “heresiological discourse.”

III. Heresy as Heresiological Discourse

As mentioned above, Boyarin makes extensive use of the concept of heresiological discourse in his analysis of heresy in rabbinic literature, thus avoiding some of the potential textual problems that studying this subject might entail. This idea of heresiological discourse derives from Le Boulluec’s work on early Christian heresiology. Le Boulluec applied Foucault’s concept of “discourse” to the study of Justin and Irenaeus in order to shift the focus of scholarly attention away from the question of who the so-called “heretics” actually were and whether so-called “heresy” preceded so-called “orthodoxy” or vice-versa, and to concentrate instead on the “*notion* of heresy.”⁴⁵ That is,

⁴⁵ For an introduction to some of Foucault’s ideas, see Arnold I. Davidson, *The Emergence of Sexuality: Historical Epistemology and the Emergence of Concepts* (Cambridge: Harvard University Press, 2001).

rather than attempting to identify heretics and heresies, Le Boulluec analyzes how these concepts function rhetorically in early Christian heresiological literature. Thus, the abstraction of “heresiological discourse” or the “notion of heresy” serves a very definite and salutary purpose in scholarship on early Christianity:⁴⁶ it serves to shift focus away from the sociological reality of a conjectured group of “heretics” to an analysis of how and why a particular polemicist endeavors to target opponents in this way.⁴⁷ Although Le Boulluec’s “notion of heresy” is an abstraction, it is an abstraction firmly grounded in the texts of the period.

However, when this idea is applied to rabbinic literature, I would suggest that we immediately encounter the same difficulty that I addressed in section one. In the context of early Christian literature, analysis of both the conjectured sociological reality of heresy and the “notion of heresy” are based in actual textual references to heresy. But what could it possibly mean to have a notion of heresy in a text that does not actually refer to heresy at all? The value of Le Boulluec’s approach is clear, but what is the value of applying this concept to rabbinic literature? Scholars could study the “notion of *minut*” or the “notion

Regarding the “notion of heresy,” earlier generations of scholarship tended to adopt in one form or another the type of ecclesiastical narrative innovated by Eusebius, which supposed an original church teaching attributable to Jesus and the first generations of apostles that became corrupted over time into any number of heresies. This standard narrative began to be overturned in the scholarship of the previous century, most notably in the work of Walter Bauer, *Rechtgläubigkeit und Ketzerei im ältesten Christentum* (Tübingen: Mohr-Siebeck, 1934). The 1964 second edition of this work was translated as *Orthodoxy and Heresy in Earliest Christianity* (ed. and trans. Robert A. Kraft and Gerhard Krodel, Philadelphia: Fortress, 1971). Le Boulluec, *La notion d'hérésie*, 1.19, writes on this matter: “En choisissant de parler de « représentations hérésiologiques », nous essayons de sortir du cercle des jugements de valeur impliqués par le terme « hérésie » et de l’abstraction de l’antithèse entre « hétérodoxie » et « orthodoxie ».” : “By choosing to rely on ‘heresiological representations,’ we try to break the cycle of value judgments implied by the term ‘heresy’ and the abstraction of the antithesis between ‘heterodoxy’ and ‘orthodoxy.’”

⁴⁶ Le Boulluec uses both of these expressions: *du discours hérésiologique* and *la notion d'hérésie*, as well as *les représentations hérésiologiques*.

⁴⁷ See Irincinchi and Zellentin, “Making Selves and Marking Others,” 7: “Le Boulluec also took Bauer’s efforts to de-legitimize the ecclesiastical position on the origins of heresy one step further and confined his analysis to the sole study of ‘heresiological representations.’ This approach reduces the risks of value judgments and, at the same time, makes clear the constructed character of ‘heresy.’ When seen from this new perspective, ‘heresy’ becomes a discursive structure rather than an historical object.”

of Epicureanism” in rabbinic literature in a fashion that is precisely parallel to Le Boulluec’s notion of heresy. However, I suggest that creating an abstraction for an entire category “heresy in rabbinic literature” creates a phenomenological entity with boundaries that are too flexible to allow for precise analysis. I would argue, therefore, that “heresiological discourse,” when applied to the rabbis, is not firmly enough anchored in the texts to be a sufficiently precise analytical tool. It is a bit misleading to acknowledge that heresiology as a literary genre does not exist in rabbinic literature, while assuming that “heresiological discourse” as a polemical style does exist.⁴⁸ Where Le Boulluec’s approach to early Christian literature serves to shift attention away from sociological reality to rhetorical strategy, applying this approach to rabbinic literature arguably serves only to shift attention away from the actual content and historical periodization of the texts themselves to abstract conceptions distinct from their textual manifestations.

More precision is called for because if “heresiological discourse” is to be a useful tool for studying the rabbinic and early Christian period comparatively, it must be defined as a period-specific phenomenon. However, as the cultural anthropologist Robert Redfield has noted, the binary pair “We-They” is ubiquitous among ancient and so-called primitive human cultures.⁴⁹ Conceptually, then, textually constructing and opposing

⁴⁸ I believe that Boyarin does this, for example, in his acknowledgement of distinct rabbinic “modes of textuality” (see n. 19, above), and when he writes, “I rather doubt that any rabbinic circle ever had such a list of Jewish heresies as Justin cites for them; it feels just so ‘Christian’” (see n. 164, chapter four, and my criticism there). Royalty, *Origin of Heresy*, 26, does something similar when he defines heresiology broadly as “a discourse that negotiates difference within religious communities by seeking ideological hegemony”; and, *ibid.*, 8, “The discursive practice of heresiology precedes Justin, even if the word *haireisis* is not used,” as I will discuss presently.

⁴⁹ See, Robert Redfield, “Primitive World View and Civilization,” in *The Primitive World and its Transformations* (Ithaca, New York: Cornell University Press, 1953), 84–110, and Jonathan Z. Smith, “Adde Parvum Parvo Magnus Acervus Erit,” *History of Religions* 11 (1971): 67–90. See also, Redfield, “The Primitive World View,” *Proceedings of the American Philosophical Society* 96 (1952): 30–36.

whichever group a specific “We” is imagining as a reified “They” is certainly not unique to Late Antiquity. If “heresiological discourse” is defined in such a way that it could be found in world religious literature in periods and geographical areas with no plausible genealogical connection to Roman Palestine in the first centuries of the Common Era, then the value of this concept as a comparative tool is greatly diminished.⁵⁰ Scholars such as Runia and Desjardins have articulated models of the kinds of literary characteristics that typify the early Christian heresiologists, but these are too specific to be directly applicable to rabbinic literature.⁵¹ Boyarin attempts to broaden the concept of heresiology by focusing on a more limited set of definitional characteristics, but he thus creates a category less closely bound to the historical period being studied. A more recent study by

⁵⁰ As I will discuss, Royalty, by defining the concept of “heresiological discourse” more broadly than Boyarin is able to push its genesis back into the second Temple period, though I will argue that examples could be found even earlier of this style of rhetoric. This same difficulty is encountered in the concept of “heresy” more broadly, which has been so divorced from historical context as to be found in far flung geographical and historical periods. For example, Daniel Jeremy Silver, “Heresy,” in *Encyclopaedia Judaica, Second Edition* (22 vols.; ed. Michael Berenbaum and Fred Skolnik; Detroit: Macmillan Reference, 2007), 9.20–22, at 20, writes: “The Bible, although it does not have a specific term for heretic, regards as a heretic one who ‘whores after strange gods.’” It seems odd to suppose that the Bible can have a concept of “heretic” but no word for one. A brief survey of scholarship on world religious literature resulted in the following similar loose applications of the concept, though I am certain a more serious study would be even more fruitful. In a discussion of first century China, Joseph A. Adler, “Chinese Religion: An Overview,” in *Encyclopedia of Religion, Second Edition* (ed. Lindsay Jones; Detroit: Macmillan Reference, 2005), 1580–1613, at 1588, writes: “Xunzi’s epistemology also set up the intellectual framework for a critique of heresy, conceived as inventing words and titles beyond those employed by general consensus and sanctioned by the state.” David J. Kalupahana, *Buddhist Philosophy: A Historical Analysis* (Honolulu: University Press of Hawaii, 1976), 9, writes: “But one should not forget that in his own day the Buddha was considered a heretic of the worst kind by the orthodox religious teacher.” And see Wendy Doniger O’Flaherty, “The Origins of Heresy in Hindu Mythology,” *History of Religions* 10 (1971): 271–333. The point is that if we define “heresy” as nothing more than, say, “proscribed ideology,” it can surely develop independently in many locations and time periods. See Ugo Bianchi, “History of Religions,” in *Encyclopedia of Religion*, 4060–4068, at 4063: “It will often be difficult to decide whether a given pattern is to be explained on the basis of diffusion or parallelism. What is important is to avoid an a priori theoretical option in favor of either . . . The fact is that one of the major gains in the field of comparative-historical research has been the discovery of partly similar cultural achievements in the field of religion and culture that are not due to phenomena of diffusion, not even stimulus diffusion. A typical example is the birth and diffusion of polytheism.”

⁵¹ Runia, “Philo of Alexandria and the Greek Hairesis-Model,” 119–124; Desjardins, “Bauer and Beyond,” 75.

Robert Royalty suggests an expanded definition of characteristics, but it still falls short of what precision requires.⁵²

For instance, Boyarin appeals to Max Weber and Ernst Troeltsch's distinction between church and sect, and emphasizes such discursive traits as the idea of a "church" representing itself as always having been the one true representative of the faith and representing its polemical opponents as later and derivative distortions and corruptions of that truth.⁵³ This style of discursive representation is set up in distinction to a sectarian discourse, in which a "sect" represents itself as a faithful splinter group that has broken off from a larger entity that has become corrupted. Armed with this distinction, Boyarin is able to argue that the early Christians and the rabbis are simultaneously innovating the same type of "heresiological discourse," a style of discourse characteristic of groups that represent themselves as a "church." But groups like the Johannine community and the Dead Sea Sect are typified rather by a sectarian style of discourse. Were we to adopt this definition, perhaps it would make sense to talk about a rabbinic heresiological discourse. But I suggest that applying this same definition to other historical periods would find instances of this style of rhetoric much earlier than Late Antiquity, as I will explain presently.

Similarly, Robert Royalty recently attempted a "genealogy of heresy" that endeavors to trace the origins of heresy by studying "the development of a cluster of rhetorical forms."⁵⁴ These rhetorical forms include such general themes as the concept that "membership depends of belief or ideas"; the concept that "disagreement was satanic

⁵² Robert M. Royalty, Jr., *The Origin of Heresy*, 26–27.

⁵³ See Boyarin, *Border Lines*, 49–54. For an overview of Church-Sect theory and some of its later developments see Lorne Dawson, "Church/Sect Theory: Getting it Straight," *North American Religion* 1 (1992): 5–28, and Williams, *Rethinking Gnosticism*, 109–113.

⁵⁴ Royalty, *The Origin of Heresy*, 26–27.

or demonic”; and the “doxography of opposing belief.” The problem with this approach is that successfully tracing such general ideas genealogically through the extant literary evidence entails fairly loose readings. On the face of it, it might be suggested that broad concepts such as “disagreement is satanic or demonic” could easily arise simultaneously and independently in otherwise unconnected literary traditions. Likewise, the word “ideology” in the suggested rhetorical form that “membership depends on ideas” is so broad as to potentially include any mode of rhetorical exclusion.

For example, Royalty describes the biblical narrative of Jeremiah’s conflict with false prophecy as non-heresiological in nature because “blasphemy does not challenge the beliefs or ideology of the opponent, as heresy does.”⁵⁵ His argument is that the narrative represents both Jeremiah and his opponents as accepting a shared ideological complex involving the authority of the “word of God” and the “Deuteronomic law.” But even so, he is drawing a rather fine line. Surely, in a general sense, it is precisely ideology that determines the difference between a legitimate utterance of the divine name and a blasphemous one. A person that a polemical text represents as blasphemous would, presumably, not suppose himself to be so. The difference thus depends on ideological commitments regarding the nature or content of the divine will.

More importantly, however, Royalty does not address a section of the book of Jeremiah that deploys a rhetorical strategy that fits neatly into these very abstract definitions of “heresiological discourse”: Jeremiah’s conflict with the “idolatrous” exiles in chapter 44.⁵⁶ Jeremiah, speaking for God and representing himself as the voice of what

⁵⁵ Royalty, *The Origin of Heresy*, 35, on Jeremiah 7:1–34 and 26:1–6.

⁵⁶ Jeremiah 44:1–30. For a good introduction to scholarship on the book of Jeremiah and its redactional structure, see William W. Holladay, *Jeremiah: A Commentary on the Book of the Prophet Jeremiah* (2 vols.; Hermeneia: A Critical and Historical Commentary on the Bible; Philadelphia and Minneapolis: Fortress,

scholars who adopt the sociological model discussed earlier might call a “church,”

accuses the exiles of idolatrously worshiping the queen of heaven. The exiles reply:

We will do everything that we have vowed, burn incense to the queen of heaven and pour out libations to her, as we did, both we and our fathers, our kings and our princes, in the cities of Judah and in the streets of Jerusalem; for then we had plenty of food, and prospered, and saw no evil. But since we left off burning incense to the queen of heaven and pouring out libations to her, we have lacked everything and have been consumed by the sword and by famine.⁵⁷

The exiles are claiming in effect that the worship of the queen of heaven is an authentic form of Judean religion as practiced by their ancestors in Israel. That is, they are claiming that their practice is as ancient and as legitimate as Jeremiah’s.

And indeed, the evidence, such as it is, would tend to support their claim. The Elephantine papyri demonstrate that such a practice likely existed among the Jews at the Elephantine Temple, and inscriptions been found in Kuntillet Ajrud and Khirbet el-Qom suggest a similar form of worship among the ancient Israelites.⁵⁸ Unless we take the ideological position of Jeremiah and the deuteronomistic historian that the worship of the Lord alone is the one true “always already-given” form of Israelite religion, to borrow Boyarin’s phrase that I will cite presently, there is no reason to privilege Jeremiah’s faith over that of the exiles. From this perspective, Jeremiah is rhetorically taking control of and delegitimizing a practice whose legitimacy predates his own prophetic calling.

Thus, Boyarin’s description of Late Antique “heresiological discourse” is apropos to a period that actually passed several hundred years earlier: “An innovative religious discourse claims hegemony and excludes traditional religiosity, as well as the modes of authority that preceded it, thus naming them as heresy. Moreover it portrays the ‘heresy’

1986–1989).

⁵⁷ Jeremiah 44:17–18.

⁵⁸ See Mark S. Smith, *The Early History of God: Yahweh and the Other Deities in Ancient Israel* (second edition with a forward by Patrick D. Miller; The Biblical Resource Series; Grand Rapids, Michigan: Eerdmans, 2002).

as a deviation from the always already-given originary orthodoxy.”⁵⁹ Boyarin describes this as an innovation in Justin and in the tannaitic literature thus finding the origin of “heresiological discourse” around the second century. Royalty pushes this origin back a bit further, to the texts of the New Testament and Dead Sea sect. However, I would argue that the presence of such strategies already in the Hebrew Bible suggests that a concerted effort would succeed in finding traces of such general approaches to polemical exclusion among works of world religious literature from its earliest manifestations with no plausible genealogical connections between them.⁶⁰

The problem with such phenomenological studies in the history of ideas is that an abstract notion can take any number of actual textual forms when manifested in a specific work of literature. Successfully tracing the same “idea” through variant manifestations in various texts therefore depends at least in part on the amount of latitude we apply to our readings and interpretations. Although these kinds of studies are certainly interesting for their own sake, the analytical tools that they employ arguably fall short of the requirements of a rigorous historically contextualized analysis of heresy in the early Christian and rabbinic periods.

IV. Heresy as *minut*

In the preceding discussion, I have emphasized that the rabbis do not use the Greek *hairesis* and that this fact is a significant datum in our analysis of rabbinic heresy.

However, the rabbis do consistently use several technical terms, such as Epicureanism and

⁵⁹ Boyarin, *Border Lines*, 59.

⁶⁰ See n. 50, above, for discussion and examples of this phenomenon in scholarship on world religions.

minut, to describe polemical targets.⁶¹ *Minut* in particular has been the focus of much scholarly attention in regard to rabbinic heresy.⁶² *Minim* certainly do appear relatively often in rabbinic literature, and *minut* appears as well, although less frequently as I shall discuss below, and these terms do not appear in Jewish literature before the rabbis. If the Hebrew *minim* and *minut* are precisely lexically equivalent to the Greek *hairetikos* (heretic)⁶³ and *hairesis* (heresy), then perhaps the question of what heresy means in rabbinic literature is unproblematically answered. And indeed, the *Theological Dictionary of the New Testament* goes as far as to suggest that *minut* is the “exact equivalent” of *hairesis*.⁶⁴ More recently, Desjardins writes, “The Hebrew equivalent for *hairesis* is *min*.”⁶⁵

However, it is obvious that these observations as they stand cannot possibly be correct, strictly speaking. While we might plausibly suggest that these words are in some sense similar in terms of function, it certainly cannot be correct that they are precisely equivalent. As described above, although *hairesis* is a complex term with a rapidly changing semantic sense in the early Christian period, in one of its primary functions it is an implicitly differentiated term: many varieties of *haireseis* (plural) exist, and each one is an instance of a particular *hairesis* (singular). *Minim*, in contrast, is quite as thoroughly

⁶¹ As mentioned in n. 9, above, I have chosen to leave this term untranslated in this dissertation. The semantic implications of the term will become clear as we proceed. The terms *min* (singular) and *minim* (plural) refer to the proscribed sectarians and sects themselves. The term *minut* refers to their teachings or ideology as I will explain.

⁶² Thus, Martin Goodman, “Function of *Minim*,” 166, writes, “The evidence for a rabbinic notion of heresy lies primarily in references to *minim* and *minuth* texts.” The bibliography on this topic is immense, and many of the most important studies are cited in n. 2, above. I will cite other relevant studies as I precede.

⁶³ Αἰρετικός.

⁶⁴ Gerhard Kittel and Gerhard Friedrich, ed., and Geoffrey W. Bromley, ed. and trans., *Theological Dictionary of the New Testament* (10 vols.; Grand Rapids, Michigan: Eerdmans, 1974), s.v. αἵρεσις.

⁶⁵ Desjardins, “Bauer and Beyond,” 76, slightly modified. Presumably, he intends *minut* not *min*.

non-differentiated.⁶⁶ None of the named groups that the rabbis target polemically—for example, Sadducees, Boethusians, Epicureans, Samaritans, or Hemerobaptists—are ever referred to as *minim* in rabbinic literature nor are their teachings generally referred to as *minut*. This fact is especially striking as both Justin and Hegesippus as cited by Eusebius include many of these groups in their lists of Jewish *haireseis* that I will discuss in chapter four, and yet the rabbis never enumerate them as types of *minim*. Indeed, Justin apparently includes the *minim* themselves in his list (referring to them with the otherwise obscure Greek Genistae, which appears to be a calque on the Hebrew *minim*) as an example of a specific sect rather than as the semantic equivalent of *hairesis*.⁶⁷

Furthermore, the so-called *locus classicus* of rabbinic heresy, m. Sanhedrin 10:1, which enumerates those excluded from the world to come, does not mention *minim*.⁶⁸ A similar list in the Tosefta does include *minim*, but alongside *minim* appear Epicureans, those who deny the resurrection, and those who deny the Torah.⁶⁹ Apparently, these latter three categories are not *minim*, but would it therefore be correct to say that they should not be considered heretics?⁷⁰ The importance of these distinctions must be stressed. If by heresy in rabbinic literature we mean heresy in the loose sense discussed in section one, then surely the Sadducees, Epicureans, and Boethusians would have to be considered heretics. And yet the rabbis never, in centuries of literature written in Roman Palestine

⁶⁶ At least this is so in the tannaitic literature. As I will argue below, it does appear to take on some sense of naming multiple instances of a general type in the later literature, perhaps indicating an influence from the developing Greek literature.

⁶⁷ As I discuss in chapter four, Justin includes in his list of Jewish *haireseis* the obscure Greek Genistae and Meristae, a pair that is very likely to be a Greek calque on the Hebrew *minim* and *perushim*, sectarian pejoratives that are paired in connection with the *birkat ha-minim* in t. Berakhot 3:25. See my discussion in chapter four, below.

⁶⁸ Lawrence H. Schiffman, *Who was a Jew?: Rabbinic and Halakhic Perspectives on the Jewish Christian Schism* (Hoboken, New Jersey: Ktav, 1985), 41.

⁶⁹ T. Sanhedrin 13:5.

⁷⁰ See my discussion of these texts in chapter three, section three and chapter four, section two. For a more extended analysis, see also David M. Grossberg, “Orthopraxy in Tannaitic Literature,” *Journal for the Study of Judaism* 41 (2010): 517–561.

and Persian Babylonia, refer to these groups as *minim*. We must conclude, therefore, that the term *minut* occupies a semantic space distinct from the Greek *hairesis* specifically and the concept of heresy more broadly, though perhaps with some overlap, as I will discuss in what follows.

I am not arguing here for or against the idea of rabbinic heresy. I am simply suggesting that however we understand *minut* in rabbinic literature, we cannot possibly consider it to be precisely the same as the Greek *hairesis*. And indeed, many of the most important texts that scholars have considered when analyzing heresy in rabbinic literature do not mention *minim* or *minut* at all.⁷¹ Thus, although the developing usage of the Greek term may perhaps have influenced the meaning of the Hebrew at various stages in its semantic development; and although the Hebrew might in some sense come to carry out some of the same semantic functions in rabbinic literature that the word *hairesis* comes to carry out in early Christian literature; it cannot realistically be considered to be an attempt by the rabbis to render in Hebrew the Greek term. Neither can *minut* exhaust the possibilities for heresy in rabbinic literature nor can heresy in rabbinic literature be confined entirely to the concept of *minut*.

However, if this is so, if *minut* is not Hebrew for *hairesis*, then we require a more nuanced understanding of the relationship of these terms, and as well for what *minut* is and how the term develops in rabbinic texts. The development of the term *hairesis*, reviewed above, is clear enough from the literature: a word meaning “taking” in a physical sense develops into an abstract sense of “taking a decision,” “choosing.” This abstraction becomes passivized as “choice.” The term then comes to designate an abstract

⁷¹ For example, the main body of the Elisha narrative in the Bavli, which I will consider in the third chapter, below, does not mention *minut*, nor is Elisha himself referred to there as a *min*. This, for a figure who Alan Segal, *Two Powers*, 62, calls the rabbinic “heretic *par excellence*.”

school of thought characterized by some degree of uniformity of ideological choices, then a concrete sect, then a false sect, then the doctrine of false sects more generally, then false doctrine most broadly. Can a historical-etymological sketch of the development of the Hebrew *minut* be constructed and, if so, how is it similar to and different from the development of the Greek?

The best starting point for such a sketch is the basic question of whether *minim* or *minut* is diachronically prior. Did *minim* develop as a concretization of the abstract *minut* or did the abstract *minut* develop from the concrete *minim*? It is clear that the substantive *hairetikos* and earlier cognate terms developed from the abstract *hairesis*.⁷² And expectedly, in the extant literature in Greek written by Jews in the late Second Temple period and in the first generations of early Christian literature, *hairesis* is used much more frequently than *hairetikos*: Philo uses *hairesis* some 32 times, and cognates to *hairetikos* only twice.⁷³ Josephus uses *hairesis* 31 times and does not use *hairetikos*. The canonical New Testament uses *hairesis* nine times and *hairetikos* once.⁷⁴ Ignatius uses *hairesis* twice and does not use *hairetikos*.⁷⁵ Justin use *hairesis* six times and a cognate of *hairetikos* once.⁷⁶ And, Eusebius' citations of Hegesippus use *hairesis* five times and

⁷² *Hairetikos* has a number of earlier cognate terms such as αἰρεσιώτης in Justin, which for the sake of the following analysis I consider as equivalent.

⁷³ Though, according to Runia, "Philo of Alexandria and the Greek Hairesis-Model," most of the instances of *hairesis* in Philo are not in the sense of "school of thought." Philo does not use αἰρετικός, but he uses αἰρεσιώμαχος twice.

⁷⁴ *Hairesis*: Acts 5:17, Acts 15:5, Acts 24:5, Acts 24:14, Acts 26:5, Acts 28:22, 1 Corinthians 11:19, Galatians 5:20, 2 Peter 2:1. *Hairetikos*: Titus 3:10.

⁷⁵ I refer here to the epistles that are generally considered genuine. The references occur in Ephesians 6:2: ἐν ᾧ οὐδεμία αἵρεσις κατοικεῖ: "no sect has any dwelling-place among you," and Trallians 6:1: ἀλλοτριᾶς δὲ βοτάνης ἀπέχεσθε, ἥτις ἐστὶν αἵρεσις: "abstain from herbage of a different kind; I mean heresy" (trans. Roberts-Donaldson). See Le Boulluec, *La notion d'hérésie*, 1.22–26, for a discussion of these texts. A search in TLG including pseudepigraphically attributed epistles for αἵρεσις shows 6 instances, including the two just mentioned. A search on αἰρετικός and αἰρεσιώτης shows one each.

⁷⁶ See chapter four, section four, for a discussion of Justin's usage of these terms.

hairetikos once.⁷⁷ From the late second century onward, the term *hairetikos* appears to become more frequent in early Christian literature, perhaps parallel to the process of the secondary meaning of *hairesis* as “heterodoxy” starting to overshadow its primary meaning of choice.

Just the opposite would certainly seem to be the case for the Hebrew *minim* and *minut*: the concrete *minim* came first and the abstraction *minut*, meaning something like the teaching or the ideology of the *minim*, was derived from the concrete term.⁷⁸ The first piece of evidence suggesting this is the most likely etymology of the term. By scholarly consensus and by the sheer implausibility of any of the suggested alternatives, we must conclude that the rabbinic Hebrew *minim* derives from the biblical Hebrew *min* meaning “type” or “kind.”⁷⁹ The uniformity of agreement on this fact needs to be stated clearly because, as recently as 2007, Daniel Sperber has written that “no truly convincing

⁷⁷ Referring only to text presented as direct quotes of Hegesippus rather than Eusebius’ introductory words to such quotations. *Church History* 2.23.8: τινὲς οὖν τῶν ἐπὶ αἵρέσεων τῶν ἐν τῷ λαῷ: “Now some of the seven sects, which existed among the people”; 2.23.9: αἱ δὲ αἵρέσεις αἱ προειρημέναι οὐκ ἐπίστευον: “But the sects mentioned above did not believe”; 2.23.21: αἵρεσιν δὲ μετῆι τὴν Σαδδουκαίων: “He belonged, moreover, to the sect of the Sadducees”; 3.32.6: Σίμων υἱὸς Κλωπᾶ, συκοφαντηθεὶς ὑπὸ τῶν αἵρέσεων: “and until the above-mentioned Symeon, son of Clopas . . . was informed against by the [sects]”; 4.22.5: ἀπὸ τῶν ἐπὶ αἵρέσεων, ὃν καὶ αὐτὸς ἦν, ἐν τῷ λαῷ: “He also was sprung from the seven sects among the people”; and 3.32.3: ἀπὸ τούτων δηλαδὴ τῶν αἵρετικῶν κατηγοροῦσιν τινες Σίμωνος τοῦ Κλωπᾶ: “Certain of these heretics brought accusation against Symeon, the son of Clopas” (trans. NPNF).

⁷⁸ Most scholars assume this to be correct self-evidently. See, for example, Simon, *Verus Israel*, 181. It will be worthwhile here, however, to examine the evidence more carefully and more explicitly. Simon’s suggested development of *min* from a term meaning “heretics” in general (a conclusion that he draws based on a naïve historical reading of y. Sanhedrin 10:5, 29c as a Second Temple text) to a more specific sense of “Nazarenes” (based on Jerome) is surely incorrect. His forced understanding of *minut* based on his prior conception of the idea of heresy is well reflected in his use of the impossibly awkward expression the “*min* of the Sadducees” (ibid., 182) and his purely imaginary reading of a text of the *birkat ha-minim* from the Cairo genizah as if it said, “the Nazarenes and other *minim*” (ibid., 198). I discuss the importance of y. Sanhedrin 10:5, 29c below.

⁷⁹ See Segal, *Two Powers*, 5 n. 2; Boyarin, *Border Lines*, 54–55; and Schäfer, *The Jewish Jesus*, 3. מִין appears in the Bible only idiomatically as לְמִינָהּ, לְמִינֵהּ, etc. A genizah fragment of Ben Sira 13:14–15 (MS A, ed. Beentjes), if it accurately reflects the second c. BCE text, could be one of the earliest extant usages as an ordinary noun. The context suggests a compelling possibility of the source of the later usage: כָּל הַבָּשָׂר יֵאָהֵב מִיָּנֹה וְכָל אָדָם אֶת הַדּוֹמָה לוֹ, מִן כָּל בָּשָׂר אֲצִלּוֹ וְאֵל מִיָּנֹה יֵחֻבֵּר אָדָם. This is especially so given the start of the next verse, מִה יֵחֻבֵּר זָאֵב אֶל כֶּבֶשׂ כִּי רָשָׁע לְצַדִּיק, implying that all the wicked *minim* stick together. The LXX has *genos* (in the second verse), a significant fact given Justin’s Genistae for *minim*, discussed above. Time does not allow a more in depth analysis here, but I will treat this in more detail in a forthcoming paper. Thanks to Naphtali Meshel for pointing out the biblical idiom’s limited range.

etymology has yet been found” for the term.⁸⁰ This can be contrasted with Marcel Simon’s observation several decades earlier that, “There is almost complete agreement now about its etymology.”⁸¹ Simon is certainly correct on this matter. It is true that scholars from the early part of the last century had suggested a wide array of possible derivations. But I see no need to continue considering as realistic possibilities the more ambitiously speculative suggestions that Herford so succinctly reviewed (and rejected) more than a century ago: *min* as a contraction from *ma’amin*, “believe”; *min* as acronym for *ma’aminei yeshu ha-notzri*, “believers in Jesus the Nazarene”; *min* from Manes, the founder of Manichaeism; or *min* from *me’en* in the sense of deny.⁸² Nor are the additional speculations that Segal reviewed (and rejected) more recently any more realistic.⁸³

Thus, surely the biblical Hebrew *minim* is the source of the rabbinic usage in the most general sense of a “kind” of Jew or a “sectarian.” This fact itself strongly suggests that *minut* was derived as a nominal abstraction from the rabbinic Hebrew signification of the word *minim*. It would not make much sense to adapt the biblical Hebrew *minim* meaning “kinds” into the abstract rabbinic Hebrew *minut* without first having adapted the biblical Hebrew noun into the rabbinic meaning of “sectarians.”

Another fact suggesting this conclusion is that the relative frequency of *minut* compared to *minim* in the tannaitic literature is just the opposite to that of *hairesis* and *hairetikos* in Greek reviewed above. As the greater frequency of *hairesis* in Second Temple Jewish and the earliest Christian literature reflects the later derivation of *hairetikos*, so the greater frequency of *minim* in tannaitic literature reflects the later

⁸⁰ Daniel Sperber, “Min,” in *Encyclopaedia Judaica*, Second Edition, 14.263–264.

⁸¹ Simon, *Verus Israel*, 181.

⁸² Herford, *Christianity in the Talmud and Midrash*, 365.

⁸³ Segal, *Two Powers*, 5 n. 2.

derivation of *minut*. The concrete *minim* appears seven times in the Mishnah, seventeen times in the Tosefta, nine times in the halakhic midrash, and once in Seder Olam, for a total of 34 times.⁸⁴ *Minut* appears nine times in tannaitic literature; however several of these instances are rapid repetitions in a well-edited short narrative tale from a relatively late stratum of the Tosefta.⁸⁵ If counted in terms of unique occurrences, *minim* appears in 30 places and *minut* in only four.

Thus, the data adduced indicates that the diachronic development of the pair *minim-minut* is opposite to that of *hairexis-hairetikos*. Given this fact, it will be relevant to our further study to consider the most likely lexical circumstances behind the coinage of *minut* as a technical term and its subsequent historical development. I will now therefore turn to a philological analysis of the four places in which *minut* appears in the tannaitic literature. This analysis will further support the conclusion that *minut* is derivative from *minim* and will moreover suggest a plausible reconstruction of its etymological derivation.

In three out of the four tannaitic occurrences of *minut*, the text connects the word either explicitly or implicitly with the idea of *zenut* meaning faithlessness or licentiousness in a metaphorical or spiritual sense.⁸⁶ This connection is very important because, as Herford already noticed in his monograph, the Aramaic for the biblical Hebrew *min* is *zan*.⁸⁷ And, the biblical Hebrew *zenut*, meaning literally harlotry, appears already in Numbers 14:33 in the metaphorical sense of faithlessness to God. Although the

⁸⁴ This count does not include texts generally recognized as later interpolations (such as m. Sotah 9:15 and t. Taanit 1:10), poorly attested readings (such as Sifre Number 112), or untenable scholarly reconstructions (such as Sifre Numbers 218, on which see Schremer, *Brothers Estranged*, 191–192 n. 63).

⁸⁵ T. Hullin 2:20–24. See Schremer, *Brothers Estranged*, 87–99.

⁸⁶ M. Sotah 9:15, although generally considered a later interpolation and thus not included in my count here, also makes this connection: והמלכות תהפך למינות ואין תוכחה בית ועד יהיה לינות.

⁸⁷ Herford, *Christianity in the Talmud and Midrash*, 362–364.

Hebrew *zenut* and the Aramaic *zan* do not in fact share the same root, their similarity in form apparently led to the coinage of the rabbinic Hebrew *minut* based on the false etymology of *zan-zenut* and the linguistic equivalence of *zan-min*.

The likelihood of this reconstruction of the coinage of *minut* as an abstraction from *minim* on the model of *zenut* is supported by the frequency with which the tannaitic literature makes this connection. For example, in Sifre Numbers 115, the connection between *minut* and *zenut* is clearly expounded:⁸⁸

“[Do not] follow after your own heart . . .”⁸⁹—this is *minut*, as it is said, “and I found more bitter than death the woman whose heart is snares and nets, and whose hands are fetters”;⁹⁰ and it is said, “But the king shall rejoice in God.”⁹¹ “. . . and [after] your own eyes . . .”—this is *zenut*, as it is said, “Samson said to his father, ‘Get her for me; for she pleases me well.’”⁹² “. . . which you are inclined to go after wantonly”—this is idolatry, as it is said, “and [Israel] played the harlot after the Baals.”⁹³

This text is commenting on Numbers 13:39: “and it shall be to you a tassel to look upon and remember all the commandments of the LORD, to do them, not to follow after your own heart and your own eyes, which you are inclined to go after wantonly.” “After your own heart” means *minut*; “after your own eyes” means *zenut* (harlotry); and “to go after wantonly” means idolatry. The Sifre associates *minut* strongly with *zenut* by placing it in a list immediately prior to *zenut*, which it then connects to idolatry, a transgression that the Bible commonly describes metaphorically using the term *zenut*. Thus, the Sifre sets up *minut*, *zenut*, and idolatry as various forms of faithlessness, whether spiritually or physically.

⁸⁸ Sifre Numbers 115 (ed. Horowitz): ולא תתורו אחרי לבבכם זו מינות כענין שנאמר ומוצא אני מר ממות את האשה אשר היא מצודים וחרמים לבה אסורים ידיה ואומר והמלך ישמח באלהים וגו' אחרי עיניכם זו זנות כענין שנאמר ויאמר שמשון אותה קח לי כי היא ישרה בעיני אשר אתם זונים אחריהם זו ע"ז כענין שנאמר ויזנו אחרי הבעלים.

⁸⁹ Numbers 15:39.

⁹⁰ Ecclesiastes 7:26.

⁹¹ Psalms 63:11. Horowitz explains this as referring to the second half of the verse, “for the mouths of liars will be stopped.”

⁹² Judges 14:3.

⁹³ Judges 8:33.

However, the Sifre takes this connection one step further. The citation from Ecclesiastes 7:26 associates *minut* all the more strongly with *zenut*: “And I found more bitter than death the woman whose heart is snares and nets, and whose hands are fetters; he who pleases God escapes her, but the sinner is taken by her.” Remarkably, the Sifre proves that “following after you own heart” refers to *minut* by citing a text referring to the “woman more bitter than death,” a text that refers to harlotry in an ambiguous sense that could be taken literally or metaphorically.

This same conceptual connection appears in a second place that *minut* is mentioned in tannaitic literature, in the Mekhilta:⁹⁴

Rabbi Natan said, “Keep far from a false charge”⁹⁵—this is a warning to separate yourself from *minut*, and thus it says, “And I found more bitter than death,”⁹⁶ and it says, “But the king shall rejoice in God.”⁹⁷

The Mekhilta here is commenting on Exodus 23:7: “Keep far from a false charge.” The connection of literally “a false thing” with *minut* is clear enough, but again *minut* is connected with the idea of faithlessness through this same biblical figure of a harlot.

This figure also appears elsewhere in wisdom literature as snare to the wise. The best known example is Proverbs chapter 5: “the lips of a loose woman drip honey, and her speech is smoother than oil.”⁹⁸ And again in a third reference to *minut* in the tannaitic literature, the connection is made between *minut* and *zenut* through a reference to this text in Proverbs. Proverbs 5:8 warns, “Keep your way far from her, and do not go near the door of her house.” This verse appears as an explanation for *minut* in the well known

⁹⁴ MRI *kaspa* ' 20 (ed. Horowitz-Rabin): רבי נתן אומר מדבר שקר תרחק הרי זה אזהרה לפרוש מן המינות וכן הוא אומר ומוצא אני מר ממות וגו' ואומר והמלך ישמח באלהים וגו'.

⁹⁵ Exodus 23:7.

⁹⁶ Ecclesiastes 7:26.

⁹⁷ Psalms 63:11. See n. 91, above, on the relevance of this reference.

⁹⁸ Proverbs 5:3.

narrative of Rabbi Eliezer's arrest in the Tosefta.⁹⁹ After he is acquitted, Eliezer explains:¹⁰⁰

Once, I was walking in the road in Sepphoris. I came across Yaaqov of Kefar Sikhnin, and he said a teaching of *minut* in the name of Yeshua ben Pantiri, and it pleased me. For this reason I was arrested on the charge of *minut*, because I transgressed on the words of the Torah, "Keep your way far from her, and do not go near the door of her house"¹⁰¹ . . . for many a victim has she laid low."¹⁰²

The connection here between *minut* and *zenut* is clear enough by the association with

Proverbs 5:8. But it is made even clearer in the parallel version that appears in

Ecclesiastes Rabbah, which, although appearing in a later collection, surely catches the sense of the Tosefta:¹⁰³

And on this matter, I was arrested [on the charge] of *minut*. And not only this, but also I transgressed what Torah says, "Keep your way far from her"—this is *minut*; "do not go near the door of her house"—this is *zenut*; And, why? "For many a victim has she laid low; yea, all her slain are a mighty host."¹⁰⁴

Here the midrash makes explicit the Tosefta's connection between *minut* and harlotry

implied by the citation of the verse from Proverbs by pairing *minut* and *zenut*.¹⁰⁵

⁹⁹ The scholarship on this text is extensive, especially in connection with its parallel in the Babylonian Talmud. My argument here only concerns the relatively narrow issue of the etymological circumstances of the early coinage of the term *minut*, rather than this narrative's broader historiographical implications. For scholarship on this aspect of the text, see most recently Daniel Boyarin, *Dying for God: Martyrdom and the Making of Christianity and Judaism* (Figuræ: Reading Medieval Culture; Stanford, California: Stanford University Press, 1999), 26–41; Peter Schäfer, *Jesus in the Talmud* (Princeton: Princeton University Press, 2007), 45–46; Boyarin's response in "Nostalgia for Christianity: Getting Medieval Again," *Religions and Literature* 12 (2010): 49–76, at 61–62; Schäfer's response to Boyarin in the afterword of a second edition in German translation, *Jesus im Talmud* (2nd ed., with a new afterword; Tübingen: Mohr-Siebeck, 2010), 290–292; and Schremer, *Brothers Estranged*, 87–99.

¹⁰⁰ Tosefta Hullin 2:24 (ed. Zuckerman): פעם אחת הייתי מהלך באיסתרטיא של ציפורי מצאתי יעקוב איש כפר סכנין ואמר דבר של מינות משום ישוע בן פנטירי והנאני ונתפסתי על דברי מינות שעברתי על דברי תורה הרחק מעליה דרך ואל תקרב אל פתח ביתה כי רבים חללים הפילה וגו'.

¹⁰¹ Proverbs 5:8.

¹⁰² Proverbs 7:26. The text continues: שהיה ר' אליעזר אומר לעולם יהא אדם בורח מן הכיעור ומן הדומה לכיעור: "As Rabbi Eliezer used to say, 'A person should always flee from the disreputable and what appears disreputable.'"

¹⁰³ Ecclesiastes Rabbah 1:24 (ed. Hirshman, 1982): על אותו דבר נתפשתי למינות ולא עוד אלא שעברתי על מה שאמרה תורה הרחק מעליה דרך זה מינות ואל תקרב אל פתח ביתה זה זנות למה כי רבים חללים הפילה ועצומים כל הרוגים.

¹⁰⁴ Proverbs 5:8, Proverbs 7:26.

¹⁰⁵ Ecclesiastes Rabbah 7:39 also makes this connection of *minut* to *zenut* in regard to the verse from Ecclesiastes cited above, Ecclesiastes 7:26.

The only other tannaitic occurrence of *minut*, in m. Megillah 4:8–9, is thus the only place in tannaitic literature in which the text makes no connection, either implicitly or explicitly, with *zenut*.¹⁰⁶ This suggests that the abstraction *minut* was coined as a way of expressing in a general way the spiritual faithlessness of the *minim* based on the false-etymology of *zan-zenut*, which was taken as suggesting *min-minut*.

Thus, in summary, the data strongly indicates that the Hebrew *minim* was coined sometime in the late Second Temple period or early tannaitic period to refer to sectarians of some sort based on the biblical Hebrew *min* meaning “kind.” After *minim* had been in use as a technical term for a period long enough to establish the few dozens of traditions referring to the *minim* preserved in the tannaitic literature, the word *minut* was coined to denote the faithlessness of the *minim*, and then, perhaps subsequently to this, it came to mean their teachings, halakhic practice, or ideology more specifically.¹⁰⁷

This will serve as a general sketch of the most plausible reconstruction of the middle stage of the development of *minim-minut* from its biblical Hebrew roots leading into the terms’ subsequent development in the amoraic period, which I will discuss presently. This reconstruction already demonstrates that the Hebrew terms have a literary and etymological history that is quite distinct from the Greek pair *hairesis-hairetikos*. Because my aim for this section, to examine whether *minut* is in any sense lexically equivalent to *hairesis*, can already be confidently answered in the negative, it is not strictly necessary for me to endeavor to fill in the earlier and later stages of the

¹⁰⁶ M. Megillah 4:8–9 refers to the way that the *minim* put on tefillin and to their liturgy.

¹⁰⁷ The only tannaitic references to *minut* that are not connected with *zenut* are in m. Megillah 4:8–9, which refers to the liturgy of the *minim* and to the way that they put on tefillin as *minut*. If the other tannaitic references to *minut-zenut* suggest the lexical circumstances of the early coinage of the term *minut* as I am arguing, then m. Megillah 4:8–9 might represent its first application in the sense of the *minim*’s teachings more specifically.

development of *minim-minut*. However, both for its intrinsic interest and for the further aims of this dissertation, it will be worthwhile to dedicate some attention to these matters even though it will necessarily be a rather speculative exercise, especially in regard to the social-historical circumstances behind the original coinage of the term *minim* in its rabbinic meaning.

The questions, then, are as follows. Given that the tannaitic Hebrew *minim* in the sense of sectarians developed in the Second Temple or early tannaitic period from the biblical Hebrew *min* meaning “kind”; and furthermore, given that the derivative nominal abstraction *minut* developed later in the tannaitic period, first in the sense of the spiritual faithlessness of the *minim* and later as the teachings and ideology of the *minim*; were there significance changes in the sense of *minut* that occurred after the tannaitic period suggesting a broadening of meaning that is relevant to the idea of heresy in rabbinic literature? And, what were the social-historical circumstances that led to the development of the term *minim* in its new rabbinic meaning from its original biblical roots, and who or what were the original referents of the term? I will attempt to address the second question first even though it is much more difficult to answer definitively.

The uniformity of scholarly agreement on the etymology of the rabbinic Hebrew *minim*, discussed above, is matched historically by the uniformity of scholarly disagreement regarding to whom or to what the term *minim* actually refers. On this issue, we must agree with Sperber as strongly as I disagreed with him on the former issue: “any attempt to identify *minim* with one single sectarian group is . . . doomed to failure.”¹⁰⁸

¹⁰⁸ Daniel Sperber, “Min,” 14.263. Earlier scholarship certainly did endeavor to identify the *minim*. For three representative studies see Hereford, *Christianity in the Talmud and Midrash*; Simon, *Verus Israel*; and Segal, *Two Powers*. More recent scholarship has become increasingly skeptical of these earlier attempts. See Cohen, “Virgin Defiled,” 3; Sussmann, “The History of *Halakha*,” 54 n. 176; Goodman, “The Function

The literature of the Second Temple period and of the first centuries of the Common Era describes no sect whose characteristics as enumerated in extant texts can be aligned with the collection of characteristics that the tannaitic literature attributes to *minim*: belief in two powers, disbelief in life after death, putting tefillin on the hand, objecting to the rabbinic calendar, etc. And of course, there is no extant literature attributable to any group or sect that refer to themselves in this fashion, nor is there any indication in the classical rabbinic literature that *minim* actually call themselves *minim*.

So, rather than asking who the *minim* were, I will ask a different question. How do the earliest traditions preserved in the classical rabbinic literature represent or construct the *minim*? Do the texts themselves represent *minim* as if the term is an appellation referring to a specific sect or do they use the term similarly to how the early Christian literature uses *haireisis-hairetikos*, as a very general pejorative for individuals or groups considered somehow deviant? For the purposes of my comparison of the development of the term *minim* to the development of the term *haireisis*, it is of little importance whether the referent that the texts construct actually existed as a sociological reality. It is quite possible that the rabbinic traditions of these *minim* traditions had an interest in representing as a distinct sect an array of perceived deviants who would not have thought of themselves in this fashion. Thus scholars of early Christian heresiology have applied Louis Althusser's concept of interpellation—the idea of substantiating a subject by naming it—to the early Christian heresiologists' construction of polemical targets.¹⁰⁹ A

of Minim,” 507; Boyarin, *Border Lines*, 55–56; Schäfer, *Jewish Jesus*, 4–5; Schremer, *Brothers Estranged*, 14–15.

¹⁰⁹ See Iricinschi and Zellentin, “Making Selves and Marking Others,” 20: “one profitable way to approach heresiological writings is as ‘performative discourses’ that strive to bring ‘the heretic’ into being by the ‘social magical’ act of naming - whether performed from within ecclesiastical structures of power or as expressions of fantasies of such power.” Also see Virginia Burrus, “Hailing Zenobia: Anti-Judaism, Trinitarianism, and John Henry Newman,” *Culture and Religion* 3 (2002): 163–177.

polemicist might represent an array of ideological opponents or even straw men standing in for theoretical opposing ideological positions as if they were a single well formed sociological entity as a way of marshaling opposition and unifying the community that the polemicist is defending. However, I am concerned here with rhetoric and the lexical function of the term *minim* rather than with how accurately that rhetoric reflects the sociological facts of the early rabbinic period.

To further clarify the distinction that I am making, it will be useful to compare the term *minim* to other terms that the tannaitic literature employs for its polemical targets. Some of these terms, such as *tzeduqim* and *tovelei shaḥarit*, are most reasonably read as intending to describe specific sects, real or imaginary. *Tzeduqim* is certainly a reference to the Sadducees, who, based on references in other period literature, would seem to have referred to themselves in this way. *Tovelei shaḥarit* apparently refers to a group that also appears in early Christian heresiological literature, the Hemerobaptists, but there is little data to indicate the extent or nature of this group or how they referred to themselves.¹¹⁰ It is clear that the one reference to this group in the tannaitic literature, in t. Yadayim 2:20, intends to represent them as a sect similar to the Pharisees and Sadducees, but we have no way of knowing if this representation is self-descriptive or somehow pejorative. Similarly, other terms such as *kutim* and *kushim* clearly aim to reference a particular circumscribed ethnos, Samaritans and North Africans, respectively. *Kutim*, as well, is a good example of a pejorative designation applied to a group that would not have

¹¹⁰ For more on this obscure sect, see my discussion in chapter four, section three, and the textual references and bibliography there. See n. 146, chapter four.

designated themselves in this fashion but are nonetheless represented in the texts as a circumscribed entity.¹¹¹

However, there are also tannaitic technical terms for polemical targets that clearly do not intend to represent their referents as a sect or ethnos, or as any kind of collective sociological entity at all, for example, *meshummadim* and informers.¹¹² These terms describe individual Jews who have distinguished themselves by shortcomings either in behavior or ideology. But the texts are not imagining these Jews as if they have banded together as a group or sect and named themselves collectively as followers of a perceived deviant teaching, nor are these polemical targets represented as belonging to any specific ethnos other than the Jews generally.¹¹³

So the question with which I am concerned can be phrased rather simply. Does the term *minim* function in the earliest strata of the classical rabbinic literature more like terms for known sects or ethnos such as the Sadducees and Samaritans or does it function more like terms for individual transgressors such as *meshummadim*? Phrased in this way, of course, the question does not seem especially difficult to answer: it must be acknowledged that the term *minim* does, at least at times, and indeed rather frequently, function in tannaitic literature as if its referent were a circumscribed sect. The few clear facts relevant to the matter that I already mentioned bear repeating. In all of the tannaitic literature, no rabbinic opponents are ever described as *minim* apart from *minim*

¹¹¹ As I discuss in the introduction to chapter two, the relationship of the rabbis to the Samaritans is complex. The rabbis do at times treat the Samaritans as similar to Jews but at other times they treat them as non-Jews. In any case, the term *kutim* itself, derived as it is from an ethnic designation that appears in 2 Kings 17:30 is suggestive of a distinct ethnos. See n. 2, chapter two, on this issue, and nn. 1 and 3, there, for additional bibliography.

¹¹² As mentioned in n. 9, above, I have chosen to leave the former term untranslated in this dissertation. Its referent would appear to be any Jew who refuses to observe the Torah precepts as taught by the rabbis. Later rabbinic texts distinguish between two types of *meshummad*, as I will discuss in the next chapter.

¹¹³ I will expand on this claim presently. See n. 114, below.

themselves. Sadducees are not *minim*, nor are Samaritans, Boethusians, or Hemerobaptists. Only *minim* are *minim*. The *minim*, on the other hand, are placed in conversation with Pharisee and are lined up in parallel traditions alongside Samaritans and Sadducees; they speak with a unified voice and specific liturgical and judicial practices are attributed to them.¹¹⁴ It is significant, as well, that Justin apparently considered the *minim* as just another example of a *hairesis* alongside these other sects rather than a general term that is in some sense lexically equivalent to *hairesis*.¹¹⁵ These facts would tend to suggest that the term does function rhetorically mainly as if its referent were a specific sect.¹¹⁶

Not only do the texts tend to treat the *minim* as a specific sect, but a series of apparently early traditions preserved at the end of tractate Yadayim of the Mishnah and the Tosefta actually present the *minim* as arguing alongside Pharisees, Sadducees, and other named sects as equal partners in debate.¹¹⁷ The arrangement and editing of these

¹¹⁴ In m. Yadayim 4:5, a *min* argues with the Pharisees; in m. Rosh ha-Shanah 2:1–2:2, m. Parah 3:3 and 3:7 (in all major MSS), and Sifre Deuteronomy 331, *minim* are lined up in parallel traditions with other sects or ethnos; in m. Berakhot 9:5, m. Sanhedrin 4:5, m. Parah 3:3, t. Yoma 2:10, t. Megillah 3:7, t. Sanhedrin 8:7, and MRI *ba-hodesh* 5, just to cite a few examples, *minim* express ideological stances or speak with a unified voice; in m. Hullin 2:9, m. Megillah 4:8–9, t. Shabbat 13:5, and t. Yadayim 2:13, *minim* are said to observe specific halakhic and liturgical practices and to have their own scripture. These types of constructions, in contrast, are not used for *meshummadim* in the tannaitic literature, who are represented as individual Jewish transgressors. They never speak with a unified voice and are not lined up in parallel traditions with sects or ethnos. They are compared with gentiles or Samaritans in the sense of being judicially equivalent to non-Jews or semi-Jews but not in the sense of being themselves a distinct ethnos. Indeed, the expression *ysisra'el meshummad*, which I suggest below as the source of the stand-alone substantive *meshummad*, clearly implies that the tannaitic literature conceptualizes the *meshummad* as an individual Jewish sinner rather than as a sect or ethnos, but this is not the case for the *minim*.

¹¹⁵ See my discussion above and n. 67, there.

¹¹⁶ *Minim* are, of course, occasionally listed alongside *meshummadim* or informers, as in b. Bava Metzia 2:33 and t. Sanhedrin 13:5, but these are just diverse lists of sinners of different kinds rather than typological enumerations. See my discussion of these texts in chapter four, section three.

¹¹⁷ As I discuss in n. 118, below, the relevant literature is extensive. Several studies cite these texts as data on the first century CE Pharisees: Ellis Rivkin, “Defining the Pharisees: The Tannaitic Sources,” *Hebrew Union College Annual* 40 (1969): 205–249; idem, “Who Were the Pharisees?” in *Judaism in Late Antiquity Part 3 Volume 3, Where We Stand: Issues & Debates in Ancient Judaism* (Handbuch der Orientalistik 1/53; ed. Alan J. Avery-Peck and Jacob Neusner; Leiden: Brill, 2000), 1–34; Jacob Neusner, *The Rabbinic Traditions about the Pharisees before 70* (3 vols.; Leiden: Brill, 1971), 1.2–4, 1.161–162, 166, 3.164;

traditions suggests that the Mishnah and Tosefta preserve here an early collection of sectarian disputes that was imported and adapted into these tannaitic works.¹¹⁸ Although

Martin Jaffee, *Torah in the Mouth: Writing and Oral Tradition in Palestinian Judaism 200 BCE –400 CE* (Oxford: Oxford University Press, 2001), 55–57; Aharon Shemesh, “King Manasseh and the Halakhah of the Sadducees,” *Journal of Jewish Studies* 52 (2001): 27–39, at 33–39; Menahem Kister, “Law, Morality, and Rhetoric in Some Sayings of Jesus,” in *Studies in Ancient Midrash* (ed. James Kugel; Cambridge: Harvard University Press, 2001), 145–154; and Jack K. Lightstone, “The Pharisees and the Sadducees in the Earliest Rabbinic Documents,” in *In Quest of the Historical Pharisees* (ed. Jacob Neusner and Bruce D. Chilton; Waco, Texas: Baylor University Press, 2007), 255–295. Other studies read these texts on the background of second century CE Christian heresiology, on which see my discussion in chapter four. Most of the relevant scholarship, however, is concerned with purported similarities to texts from Qumran: Saul Lieberman, *Tosefeth Rishonim: A Commentary based on Manuscripts of the Tosefta and Works of the Rishonim and Midrashim in Manuscripts and Rare Editions* (4 vols.; Jerusalem: Bamberger & Wahrman / Mossad Rabbi Kook, 1937–1939), 4.159–160; idem, “Light on the Cave Scrolls from Rabbinic Sources,” *Proceedings of the American Academy for Jewish Research* 20 (1951): 395–404; Joseph M. Baumgarten, “The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts,” *Journal of Jewish Studies* 31 (1980): 157–170; Joseph Patrich, “The Aqueduct from Etam to the Temple and a Sadducean Halakhah,” [Hebrew] *Cathedra: For the History of Eretz Israel and its Yishuv* 17 (1980): 11–24; Yaakov Sussmann, “The History of *Halakha*”; Lawrence H. Schiffman, “The New Halakhic Letter (4QMMT) and the Origins of the Dead Sea Sect,” *The Biblical Archaeologist* 53 (1990): 64–73; Daniel R. Schwartz, “Law and Truth: On Qumran-Sadducean and Rabbinic Views of Law,” in *The Dead Sea Scrolls: Forty Years of Research* (Studies on the Texts of the Desert of Judah 10; ed. Devorah Dimant and Uriel Rappaport; Leiden: Brill, 1992), 229–240; Yaakov Elman, “Some Remarks on 4QMMT and the Rabbinic Tradition, Or, When is a Parallel not a Parallel,” in *Reading 4QMMT: New Perspectives on Qumran Law and History* (SBL Symposium Series 2; ed. John Kampen and Moshe J. Bernstein; Atlanta: Scholars, 1996), 99–128; Jeffrey L. Rubenstein, “Nominalism and Realism in Qumranic and Rabbinic Law: A Reassessment,” *Dead Sea Discoveries* 6 (1999): 157–183; Lawrence H. Schiffman, “Halakhah and Sectarianism in the Dead Sea Scrolls,” in *The Dead Sea Scrolls in Their Historical Context* (ed. Timothy H. Lim, with Larry W. Hurtado, A. Graeme Auld, and Alison Jack; London: T&T Clark, 2000; repr. 2004), 123–142; Eyal Regev, “Differences in Halakhic Perceptions Between the Qumran Sectarrians and the Pharisees-Rabbis: Dynamic Holiness Versus Static Holiness,” [Hebrew] *Tarbiz* 72 (2002–2003): 113–132; Martha Himmelfarb, “The Polemic Against the Tevul Yom: A Reexamination,” in *New Perspectives on Old Texts: Proceedings of the Tenth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 9–11 January, 2005* (Studies on the Texts of the Desert of Judah 88; ed. Esther G. Chazon and Betsy Halpern-Amaru, in collaboration with Ruth A. Clements; Leiden: Brill, 2010), 199–214; Yair Furstenberg, “‘We Protest Against You, Pharisees’: The Shaping of Pharisaic Worldview in the Mishnah,” [Hebrew] in *Halakhah: Explicit and Implied Theoretical and Ideological Aspects* (Philosophy of Halakhah; ed. Avinoam Rosenak and Dafna Schreiber; Jerusalem: Magnes, 2012), 283–311. Also relevant are Daniel Sperber, “Rabbinic Knowledge of Greek,” in *The Literature of the Sages Second Part: Midrash and Targum Liturgy, Poetry, Mysticism, Contracts, Inscriptions, Ancient Science and the Languages of Rabbinic Literature* (Compendia Rerum Iudaicarum ad Novum Testamentum; ed. Shmuel Safrai, Zeev Safrai, Joshua Schwartz, and Peter J. Tomson; Assen, The Netherlands: Van Gorcum, 2006), 627–640, at 631; and Tal Ilan, *Silencing the Queen: The Literary Histories of Shelamzion and Other Jewish Women* (Texts and Studies in Ancient Judaism 115; Tübingen: Mohr-Siebeck, 2006), 138–146.

¹¹⁸ The traditions appear in m. Yadayim 4:6–8 and t. Yadayim 2:20. As I will explain, taken collectively they include five named sectarian groups in debate on six legal issues. These texts have been extensively treated in the scholarship, apparently because such a large array of named sects debating on relatively equal footing such a wide variety of issues is otherwise unprecedented in the classical rabbinic corpus. It is this fact together with the consistent and unusual rhetorical format (especially the repeated formula, “we take issue with you”; see Kister, “Law, Morality, and Rhetoric”) that suggests a collection which existed independently of and was adapted and imported into the Mishnah and the Tosefta. Almost all of the scholars who have dealt with these texts do treat them as early, whether reflecting the second century CE,

these arguments are arranged and edited in such a way as to give preference to the Pharisees' judicial position in each case, the preference is not decisive nor is the tone of the disagreements any more polemical than a disagreement between rabbinic sages would be elsewhere in the classical rabbinic literature. Indeed, in one of these traditions, Rabbi Yohanan ben Zakkai, the hero and imagined progenitor of the post-destruction rabbinic movement, is made as least provisionally to take the side of the Sadducees against the Pharisees:¹¹⁹

The Sadducees say, "We take issue with you Pharisees because you say that scripture makes the hands impure, but the books of Homer do not make the hands impure!" Rabbi Yohanan ben Zakkai said, "Do we not have anything about which to argue against the Pharisees but this? Indeed, they also say that the bones of an ass are pure and the bones of Yohanan the high priest are impure!"

the late Second Temple period, or a period as early as the second century BCE. See n. 117, above, for bibliography. However, as Jack K. Lightstone, "The Pharisees and the Sadducees in the Earliest Rabbinic Documents," 467–468 n. 12, and Martha Himmelfarb, "The Polemic Against the Tevul Yom," 213, have argued, caution is called for. These texts as they appear in the Mishnah and the Tosefta clearly have been edited and adapted, and the extensive scholarship that endeavors to read these texts on the background of the Dead Sea Scrolls relies on relatively loose readings and generalizing assumptions about the historical continuity of the "halakhah," a rather vague conceptual entity that apparently predates the rabbis by several centuries. See Schiffman, "Halakhah and Sectarianism in the Dead Sea Scrolls," 123–126, for a defense of this approach. I agree with Lightstone and Himmelfarb that a more cautious approach is called for. I argue here only that these texts reflect in a general and indirect way the sectarian landscape in Roman Palestine of a time that predates the third century editing of the first rabbinic texts sufficiently enough as to be relevant to my study of how the term *minim* functions lexically in the earliest literary texts in which it appears. I remain agnostic and uncertain as to whether this limited window into the early usage of the term *minim* takes us only into the mid-second century or perhaps into an even earlier period. To some extent, this would depend on how far past the destruction of the Second Temple these sectarian groups continued to be active, a question for which little relevant data exists.

¹¹⁹ M. Yadayim 4:6: אומרים צדוקים קובלין אנו עליכ' פרושים שאתם אומרים כתבי הקודש מטמאין את הידים וספרי הומרים אינו מטמא את הידים א"ר יוחנן בן זכאי וכי אין לנו על הפרושים אלא זו בלבד הרי הם אומרים עצמות חמור טהורים ועצמות יוחנן כהן גדול טמאים. Of course, Yohanan's statement is certainly rhetorical here, intended to elicit a response that he then uses to demonstrate an inconsistency in the Sadducee's position. Even so, however, Yohanan's language ("Do we not have . . . they say"), especially when compared to the several other rhetorically parallel arguments in m. Yadayim 4:7–8 and t. Yadayim 2:20, does on the face of it identify with the Sadducees rather than against them. Many of the scholars mentioned in n. 117, above, notice this and offer various explanations involving possible editorial layering in the text. See Jaffee, *Torah in the Mouth*, 56; Furstenberg, "We Protest Against You, Pharisees," 290 n. 22; and Lapin, *Rabbis as Romans: The Rabbinic Movement in Palestine, 100–400 CE* (Oxford: Oxford University Press, 2012), 47. Cf. Baumgarten, "The Pharisaic-Sadducean Controversies about Purity," 162–163; and Lightstone, "The Pharisees and the Sadducees in the Earliest Rabbinic Documents," 277.

It is this remarkable affiliation along with the lack of a decisive rejection of the minority opinion in each case that suggests the likelihood of a relatively early collection. They appear to date to a time before a firmly developed unified rabbinic self-conception.

These traditions in the Mishnah and the Tosefta, considered collectively, include disagreements on six different halakhic issues among five named interlocutors. The interlocutors include the Pharisees, Sadducees, Hemerobaptists, Boethusians, and *minim*.¹²⁰ In each of the six disagreements, one of these latter four groups takes issue with the Pharisees on a specific halakhah, and the Pharisees respond. The *minim* are thus treated exactly like all of these other named groups, as a specific sect with judicial positions to be defended in public disputation. I would therefore argue that these traditions are certainly plausibly read as reflecting, at least in some indirect way, a period of sectarian disagreements where the *minim*, whoever they might have been, were conceptualized as a sect with enough equality of standing and authority to debate seriously on halakhic matters with the Pharisees and the Sadducees.

¹²⁰ M. Yadayim 4:8 features a Galilean *min* in debate with a Pharisee. This appears as a Galilean Sadducee in standard printed editions of the Mishnah, but it is *min* in the manuscripts. Saul Lieberman, “Light on the Cave Scrolls from Rabbinic Sources,” 401–402, and *Tosefeth Rishonim*, 4.160, argues that this is a reference to an obscure sect called the “Galileans,” which Justin Martyr refers to as the Γαλιλαίων. However, the Hebrew גלילי does not function here as a nominal sectarian designation. Rather, it as an adjective modifying *min* (thus the variant Galilean Sadducee is semantically equivalent—*min* and Sadducee function as nominal sectarian designations and Galilean as an adjectival ethnic moniker modifying that designation). Justin may well have misinterpreted or misrepresented a tradition of this sort in order to fit it into his doxographic schema of seven Jewish *haireisis*, as I argue in chapter four, but I see no reason to read Galilean here in any sense other than as an ethnicity. See Shaye J. D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Hellenistic Culture and Society 31; Berkeley: University of California Press, 1999), 72–73. The same could be said of the appearance of the word הגללים in one of the Bar Kokhba letters, which scholars have read in various ways, including as a reference to “Christians” generally. See J. T. Milik, “Une Lettre de Siméon Bar Kokheba,” *Revue Biblique* 60 (1953): 276–294; J. L. Teicher, “Documents of the Bar-Kochba Period,” *Journal of Jewish Studies* 4 (1953): 132–134; Arie Rubinstein, “The Appellation ‘Galileans’ in Ben Kosebha’s Letter to Ben Galgola,” *Journal of Jewish Studies* 6 (1955): 26–34; and Hanan Eshel, “The Bar Kochba Revolt: 132–135” in *The Cambridge History of Judaism, Volume Four: The Late Roman-Rabbinic Period* (ed. Steven T. Katz; Cambridge: Cambridge University Press, 2006), 105–127, at 114–115.

Finally, one additional piece of evidence that bears on this question of the lexical function of the term *minim* in tannaitic literature, and serves as well to further contrast the development of the pair *minim-minut* to the pair *hairesis-hairetikos*, is the fact that *min* is a nominal form whereas *hairetikos* is a substantive adjective. *Hairetikos* developed as an adjectival abstraction of the concept of *hairesis* to indicate a tendency to choose a particular *hairesis*.¹²¹ From this meaning it developed into a substantive to characterize the one who has so chosen, the heretic. *Minim*, in contrast, like the other terms characterizing sects or ethnos in the tannaitic literature such as Sadducees, Boethusians, and *kutim*, is an ordinary noun. This can be contrasted with the apparent development of a term mentioned earlier that clearly does function as a general pejorative appellation rather than as a sectarian designation, the term *meshummad*. Like the Greek *hairetikos*, the Hebrew *meshummad* is a substantive, which, in what appears to be its earliest usage in tannaitic literature, functioned adjectively to characterize a certain individual type of Jew, a *yisra'el meshummad*—literally this might be rendered approximately as a “destroyed Israelite” or a “persecuted Israelite”—meaning a Jew who fails to observe the precepts of the Torah.¹²² It seems only later to have developed into the stand-alone substantive, *meshummad*, carrying this same sense and appearing commonly throughout the classical rabbinic literature.

Thus, it is clear that the term *minim*, unlike the term *hairesis*, functions conceptually as if it refers to a specific sect rather than as a more general pejorative

¹²¹ LSJ defines αἱρετικός as “able to choose.”

¹²² Half of the usages of *meshummad* in the tannaitic literature are in the expression *yisra'el meshummad*, yet this expression appears only very rarely in later rabbinic literature if at all. These facts, together with the fact that the word *meshummad* is a passive participle that functions as an adjective, suggest that it functioned as an ordinary adjective before it developed into a substantive. See t. Demai 2:4, t. Hullin 1:1, MRI *pisha* ' 15, MRI *kaspa* ' 20, and MRSBY 12. My literal rendering of “destroyed” or “persecuted” Israelite is approximate and is meant only to give a sense of the term. The etymology is uncertain.

appellation within the earliest rabbinic traditions. In this way too, then, the development and function of the pair *minim-minut* is quite distinct from the development and function of the pair *haireisis-hairetikos*. We cannot therefore hope to answer the question with which we are occupied in this chapter, of what heresy in rabbinic literature actually means, by a naïve appeal to *minim-minut*. It is worth noting in conclusion, however, that there does appear to have been a distinct semantic shift in the sense of these terms around the fifth century. As I have already demonstrated, in the tannaitic literature the term *minim* is always undifferentiated. There are neither lists of *minim*, nor are opponents such as the Sadducees or Boethusians ever addressed collectively as if they were different types of *minim*. The Greek *haireisis*, in contrast, is generally differentiated. *Hairesis* does develop in Late Antiquity into a general abstraction meaning “heterodoxy,” but the Greek term represents by its etymological nature diversity: there is not one *haireisis* (singular), but many examples of *haireseis* (plural), such as Stoics and Epicureans or Marcionites and Valentinians. Nothing similar exists in the classical rabbinic literature in the use of the term *minim* until the time of the Jerusalem Talmud.

Y. Sanhedrin attributes to Rabbi Yohanan the saying, “Israel was not sent into exile until it split into 24 groups of *minim*.”¹²³ This is a remarkable text, and it is significant evidence of a notable shift in the semantic range of the term *minim*. This is the first time that the idea that there may be different kinds of *minim* is explicitly mentioned in the classical rabbinic literature, and it is plausibly explained as reflecting the influence of the growth of *haireisis* as an early Christian technical term for false religion.¹²⁴ Thus, I

¹²³ Y. Sanhedrin 10:5, 29c (ed. Venice): אמר רבי יוחנן לא גלו ישראל עד שנעשו עשרים וארבע כיתות של מינים.

¹²⁴ Also, the interpolation in m. Sotah 9:5 about the kingdom turning to *minut*, which is plausibly taken as a reference to the Christianization of the Roman Empire, may also be an example of a later shift in the sense

would suggest that the historical-etymological development of the term *minim* from its earliest usage as a term representing a specific sect expanded over time to include additional undesirable characteristics and eventually, perhaps under the influence of the developing concept of heresy in early Christian literature, began to expand into a more general term for sects considered to be deviant.

In any case, the evidence adduced strongly indicates that the scholars cited at the start of this section who suggest that *minim-minut* is precisely equivalent to *hairesis-hairetikos* are misrepresenting the textual complexity of rabbinic polemics and their accompanying technical lexicon. The Hebrew and the Greek each have their own distinct semantic ranges and their own distinct historical-etymological development. This, of course, is not to deny the possibility of significant similarities in semantic function within certain strata of their respective corpora. And, such a possibility does indeed suggest potentially fruitful areas of further study in comparative projects of the mutually implicated development of rabbinic and early Christian polemical styles. Moreover, the evidence does suggest that the Greek may well have influenced the lexical development of the Hebrew at various times in Late Antiquity. Even so, however, even a very thorough understanding of the Greek *hairesis* or the Hebrew *minim* would not in itself serve to answer the question of what heresy in rabbinic literature actually means.

Thus, if heresy in rabbinic literature is not *minut*, nor *hairesis*; if it is not “heresiological discourse” nor the modern concept of heresy, then of what value is the idea of heresy in rabbinic literature? I will attempt to provide an answer to this question in the final section of this chapter.

of the term under Hellenistic and early-Christian influence.

V. Heresy as an Analytical Category

I have considered the idea of heresy in rabbinic literature understood loosely as the modern concept of heresy, heresy as *haireisis*, heresy as “heresiological discourse,” and heresy as *minut*. I have found that none of these ways of conceptualizing heresy is adequate to the task of a rigorous historically contextualized analysis of the rabbinic corpus. While an analysis of the concept of heresy in early Christianity can appeal as necessary to actual literary instantiations of *haireisis* as its meaning changed in the developing literary genre of early Christian heresiology, we cannot appeal to similar literary facts in the classical rabbinic texts. The fundamental problem with applying this concept to rabbinic literature is that historical precision requires a definition for heresy that is broad enough to include the kinds of polemical styles that are typical of the early Christian heresiologists yet narrow enough to exclude polemical styles that also appear in earlier literature. If “heresy” exists already in first millennium BCE, then its existence in Late Antiquity is hardly a novum worthy of extended comment.¹²⁵ However, a definition with this kind of precision would almost certainly not include the rabbis, whose textual modes of representing polemical opponents are, despite important similarities with the early Christian polemicists, also different in significant ways. None of the definitions of heresy considered above have proved sufficient in this regard. Another approach is therefore called for.

I began this consideration with a framework of concepts developed in the history of religions for the comparative study of religion. I believe that this area may as well have something to offer in better understanding the concept of rabbinic heresy. Over the

¹²⁵ As Williams, *Rethinking Gnosticism*, 3, observes (citing Ioan Culianu): “The problem . . . is with a word . . . that has come to mean too much, and therefore perhaps very little.” See n. 50, above, for examples of the use of the term “heresy” in a wide variety of contexts in the study of world religions.

last century, scholars of the history of religions have come increasingly to realize that some of the basic concepts that seemed so fundamental to the study of religion, indeed, the term “religion” itself, are actually better understood as scholarly abstractions. An early proponent of this idea in the study of the sociology of religion was Max Weber, who developed the concept of an ideal type.¹²⁶ As Daniel Pals explains:

Almost everything we meet in social analysis can be fashioned into an ideal-type, and the formulas can vary greatly in kind and scope. A concept like “revolution” is an obvious example from politics; “democracy” might be another. . . . Broad historical concepts such as “Greek civilization” and “modern capitalism” and terms such as “Renaissance” and “Impressionism” from the history of art can all serve the purpose, but so can quite specific types comparable to “kings,” such as “artisan” or “merchant.” The same is true in the realm of religion for types like “priest,” “mysticism,” “church,” or “sect” or a similar conception that supports the explanatory process.¹²⁷

Typically this concept in the contemporary study of religion is expressed in the idea of an *analytical category*.¹²⁸ I suggest that it is in this way that we ought to approach the concept of heresy in rabbinic literature. That is, rather than attempting to characterize rabbinic polemics using the complex and changing Greek concept of *hairesis*, which although it has the advantage of being native to the time-frame of the rabbinic period, it

¹²⁶ Weber, of course, was a pioneer in the developing field of sociology and not a “historian of religion” as such. However, scholars who associate themselves with the approach to the study of religion pioneered in the nineteenth century in the University of Göttingen tend to place their work in the context of sociological and anthropological studies of religion. On the idea of the “history of religions” in relation to sociological and other approaches to the study of religions, see Mircea Eliade, “The History of Religions in Retrospect.” For example, Eliade, *ibid.*, 100, writes of Joachim Wach, “He was mainly a historian of religion, or, more precisely, a student of *Religionswissenschaft*, of which, to him, the sociology of religion was one of four branches (with the history of religions, phenomenology of religion, and psychology of religion).” Wilfred Cantwell Smith, *The Meaning and End of Religion: A New Approach to the Religious Traditions of Mankind* (New York: Macmillan, 1963), 245 n. 159, writes: “In the latter part of the nineteenth century the Germans launched the term *Religionswissenschaft*, for which no English equivalent has yet been found. Its several branches, the History of Religion(s), Psychology of Religion, Sociology of Religion, Comparative Religion, and more recently Phenomenology of Religion, etc., indicate the range of study that has been vigorously pushed, with results of quite imposing dimensions.” See, also, n. 15, above.

¹²⁷ Daniel L. Pals, *Eight Theories of Religion, Second Edition* (Oxford: Oxford University Press, 2006), 156.

¹²⁸ On the importance of the use of analytical categories in the study of religion in the context of the *Religionsgeschichtliche Schule*, see Robert Baird, *Category Formation and the History of Religions, Second Edition* (Berlin: Mouton de Gruyter, 1991). Baird’s distinction on pp. 6–13 between functional and lexical definition is apropos: heresy in rabbinic literature ought to be defined in a way that suits analysis (functional) whereas the meaning of heresy in early Christian literature is better determined by its actual historical usage in that genre (lexical).

has the disadvantage of not being native to rabbinic modes of textuality; and, rather than attempting to construct abstractions such as “heresiological discourse” that tend to fall short of the requirements of strict historiographical contextualization; and, rather than relying on a loose usage of the modern concept of heresy with its rather wide and imprecise semantic range; I suggest instead that we endeavor to think about heresy in rabbinic literature as a helpful abstraction that modern scholarship has created by analogy to heresy in early Christian literature in order to facilitate our study of the rabbis.¹²⁹ This conceptual approach to our subject will encourage us to shift our attention from the dubious question of whether there is heresy in rabbinic literature in an essentialist sense in order to focus on a more relevant question. How does an analysis of rabbinic literature in terms of heresy as an analytical category further or perhaps hinder our understanding of the social historical development of the rabbinic community in its late antique context, influenced by and perhaps influencing the larger Greco-Roman and early-Christian world of which it was an integral part?¹³⁰

However, as scholarship in comparative religion, sociology, and cultural anthropology over the past century has well taught us, we must remain ever vigilant to the fact that any analytical category is merely a heuristic tool for the sake of analysis.¹³¹

¹²⁹ Cf. Ugo Bianchi, “History of Religions,” *Encyclopedia of Religion Second Edition*, 4062, whose distinction between analogical and univocal descriptions is apropos: “Things are described analogically when they correspond to each other in certain important respects but differ from one another in other, equally important respects. Analogical notions thus contrast sharply with univocal notions.”

¹³⁰ Thus, Bianchi, “History of Religions,” 4062, describes the adequacy of analytical categories in the study of the history of religions: “The sole criterion of adequacy becomes empirical. What must be shown is the adequacy of a particular account to the facts it claims to describe, both the facts of a given historical situation and the relationship between one such situation and others. Ultimately, in the comparative context proper to the discipline, this will lead to a principle of holism as the final criterion of adequacy. Accounts will be more adequate as they encompass broader ranges of concrete data.”

¹³¹ See, for example, Baird, *Category Formation*, 2, where he refers to this difficulty in the context of his discussion of the category of “religion” itself, as “essentialism” or “realism.” His study is applicable to category formation more generally. William E. Paden, *Method and Theory in the Study of Religion* 6 (1994): 393–398, at 394, reviewing Baird, writes: “His enemy, here, is ‘essentialism’, which slips an

If we forget this fact and suppose that our constructed abstraction is as real as the reality it is attempting to simplify by analogy or generalization, our analytical category introduces as many problems into our scholarship by its imprecise or unproved assumptions as it solves by its heuristic simplification.¹³² In the case of heresy in Late Antiquity, one important potential pitfall is especially noteworthy. Because the ancient *technical term* “heresy” derives from early Christian literary practice; and because the *analytical category* “heresy” as applied to rabbinic literature is created by analogy to early Christian literary practice; the tendency exists of erroneously concluding that the fixed standard of comparison is early Christian literary practice. That is, the terms of analysis might be taken as implying that the question with which we are concerned is “in what ways is rabbinic literature similar to early Christian literature?” rather than “in what ways are these two related and contemporaneous corpora similar to and different from one another?”

I suspect that much of the scholarly disagreement over the question of whether or not there is heresy in rabbinic literature can be traced to a typically unstated reliance on the implicit difference between these two senses of the word “heresy.” To oversimplify a bit for clarity, scholars who argue that there is no heresy in rabbinic literature might be better understood as meaning that the types of polemical strategies, rhetorical modes of representing opponents, and characteristic textual practices of ideological formulation in

ontological or moral world view into its definitions, as an *a priori* reality, and assumes that ‘religion’ (or ‘Christianity’ or ‘Hinduism’) is a thing or essence.” On how this difficulty might be encountered in the study of religion more broadly where the object of study is itself a vague category, see Ugo Bianchi “History of Religions.” The classic study of the latter question is, of course, Smith, *The Meaning and End of Religion*. See also Williams’ discussion of category formation in early Christianity in *Rethinking Gnosticism*, 29–31.

¹³² Smith, *The Meaning and End of Religion*, 47, writes in regard to the construction of the category “religion”: “This is to carry the process of reification to its logical extreme: endowing the concepts that an earlier generation has constructed (rather haphazardly, and dubiously, in this case) with a final and inherent validity, a cosmic legitimacy.”

rabbinic literature are in some ways quite different from and in any case not precisely the same as those that typify heresy as a technical term and heresiology as a literary genre in early Christian literature. That is, there is in fact no heresy or heresiology in a limited etymological literary-generic sense in rabbinic literature. On the other hand, scholars who assume that there undoubtedly is heresy in rabbinic literature might be better understood as meaning that the types of polemic strategies, rhetorical modes of representing opponents, and characteristic textual practices of ideological formulation in rabbinic literature are in some ways quite similar to those that typify heresy as a technical term and heresiology as a literary genre in early Christian literature; and these similarities form a necessary background for the analysis of rabbinic literature. That is, heresy as an analytical category is useful and even necessary for a proper understanding of the rabbis.

This approach to the concept of heresy in rabbinic literature can also shed light on the controversial position that Schremer takes in his recent study mentioned earlier. Schremer writes that, historically, studies in rabbinic literature “suppress rabbinic Judaism and ‘Christianize’ it. Rather than allowing rabbinic Judaism to stand on its own—and thus offer a different perspective that, potentially, can enrich the dominant culture’s perceptions and views—they paint rabbinic Judaism with Christian colors and thus ‘colonize’ it.”¹³³ I believe that this is an unnecessarily polemical characterization of the scholarly landscape. Rather, I would suggest that because the analytical category of heresy when applied to rabbinic literature is created on the model of the literary genre of heresy in early Christian literature, the enterprise of studying heresy in rabbinic literature is at least to some extent implicitly comparative.¹³⁴ This would explain why in fact, as I

¹³³ Schremer, *Brothers Estranged*, x. See Schäfer’s response, *Jewish Jesus*, 8.

¹³⁴ See, for example, Goodman, “The Function of *Minim*,” 165: “It will be best to start by saying what I

mentioned at the start of this section, almost all of the great many studies on the subject of heresy in rabbinic literature have involved an explicit comparative study to early Christian heresiology. This is not, as Schremer suspects, an effort to suppress or colonize rabbinic Judaism, but rather it is a natural structural consequence of the terms that scholars have adopted for their analyses. Even so, Schremer's observation may have some value in prompting us to think more carefully about what might be gained by analyzing rabbinic literature with a different set of concepts.

Thus in the following chapters, I will not attempt to definitively solve the scholarly disagreements reviewed above. I will endeavor rather to bridge the gaps between these various positions through an analysis of rabbinic literature that concentrates on the various literary characteristics that typify different aspects of "heresy" as useful analytic category for heuristic purposes, but avoids the use of those specific technical terms and genres current in early Christian literature that have been historically so contentious in the study of rabbinic literature.¹³⁵ I intend in this to follow the sage advice of J. Z. Smith: "What is required is the development of a discourse of

mean by the concept of heresy. The paradigm is the use of the term by Christians from early patristic times to refer to a theological position held in opposition to what those Christians considered to be the mainstream church. Adoption of the concept presupposes both that a mainstream exists and that separation from the mainstream in certain ways is inherently wicked."

¹³⁵ My position, then, on the validity of the concept of heresy as applied to rabbinic literature will remain to somewhat agnostic, although generally speaking I am advocating for bracketing its usage to the extent practicable. The following observations by some of the leading scholars of religion are apropos to my approach. Smith, *The Meaning and End of Religion*, 121: "Although, I will argue later that these concepts are inadequate, nonetheless they are not arbitrary or grotesque. They have arisen in relation to concrete situations, and they represent something real (even though they many not represent it well)"; and, *ibid.*, 125: "I do not claim, then, that the old concepts are meaningless; rather that they are imprecise and liable to distort what they are asked to represent"; Williams, *Rethinking Gnosticism*, 263: "It is not the mere choice of terminology but the category itself that needs rethinking"; Talal Asad, "Reading a Modern Classic: W. C. Smith's *The Meaning and End of Religion*," *History of Religions* 40 (2001): 205–222, at 206: "Criticism, in my view, is most useful when it aims at reformulating the questions underlying a work, not at demolishing it"; Jonathan Z. Smith, *Drudgery Divine: On the Comparison of Early Christianities and the Religions of Late Antiquity* (Jordan Lectures in Comparative Religion 14; Chicago: University of Chicago Press, 1990), 52: "A comparison is a disciplined exaggeration in the service of knowledge."

‘difference,’ a complex term which invites negotiation, classification and comparison, and, at the same time, avoids too easy a discourse of the ‘same.’”¹³⁶

I will therefore undertake an analysis of many of the same texts that scholars of heresy in rabbinic literature have studied in the past, but I will adopt a set of analytical concepts that are less historiographically loaded in the context of the rabbinic and early Christian period. Rather than discussing heresy, heretics, and heresiology in rabbinic literature, I will discuss rhetoric and polemic of inclusion and exclusion, the ideological construction and representation of polemical targets, and the process of list formation in rabbinic literature.¹³⁷

I hope in this way to demonstrate explicitly the benefits of such an approach. But I will also be asking implicitly throughout whether it would be in any way advantageous to the present study were I to adopt instead the more traditional scholarly approach of applying analytical terms derived from Late Antique technical vocabulary and literary genres. If, indeed, the use of these concepts does not make our analysis of rabbinic polemical and rhetorical styles any clearer and if, as I suggested above, their use is at least potentially misleading as well as being fraught historically, then the outcome of this study will indicate that overall scholarly progress would better be served by adopting a

¹³⁶ Jonathan Z. Smith, *Drudgery Divine*, 42.

¹³⁷ To those who might object to the specific alternatives that I am suggesting, I would respond with the following four differences between the conventional terms of analysis and my own: 1. The lexical shifts in the terms *hairesis* and *hairetikos* from “school of thought” to “Jewish sect” to “Christian heresy” is critical to the development of early Christian heresiology; no similar lexical shift is occurring in the early Christian and rabbinic period to the terms that I am suggesting; 2. The modern sense of the terms heresy, heretic, and heresiology, along with terms such as dogma, creed, and rule of faith, are much more tightly associated with historical developments in the Christian church than are the terms that I am suggesting, as evidenced by the Oxford English Dictionary definitions cited earlier; 3. The terms that I am bracketing have been the subject of significant scholarly contention in the study of the rabbis; I suggest bracketing them as a way of shedding light on the substance of these disagreements and of bridging the gaps between them; 4. because of their historical usage and owing to contemporary values, terms such as heresy and heretic have a normative pejorative coloring; the terms that I am suggesting are not burdened by this distinction.

more neutral analytical terminological apparatus more broadly in our study of the classical rabbinic literature.

Chapter II

RETHINKING HERESY: TALMUDIC RHETORIC OF EXCLUSION

In the previous chapter, I argued that approaching heresy in rabbinic literature as an analytical category will facilitate the development of an alternative set of tools for analyzing this corpus. Rather than concentrating on what heresy is and who the heretics are in rabbinic texts, bracketing these notions entirely will allow us to concentrate on those aspects of rabbinic rhetoric that best promise to shed light on the life and times of the rabbis in the first centuries of the Common Era and into Late Antiquity. Freed from the need to fit an imperfectly aligned ancient lexicon onto a corpus that has its own literary genres and accompanying technical terminology, we can construct modes of analysis that better fit the growth and development of these traditions. For example, the Samaritans as a polemical opponent would seem to fall into a troublesome liminal space when analyzed from the perspective of heresy.¹ The rabbis frequently treat the Samaritans as ethnically distinct from their own community, and thus perhaps we might suppose that the Samaritan's ethnos rather than their ideology sets them apart.² From this perspective,

¹ On the complex relationship of the rabbis and the Samaritans, see Ferdinand Dexinger, "Limits of Tolerance in Judaism: The Samaritan Example," in *Jewish and Christian Self-Definition, Volume Two*, 88–114; L. H. Schiffman, "The Samaritans in Tannaitic Halakhah," *The Jewish Quarterly Review* 75 (1985): 323–350; and Alan D. Crown, "Redating the Schism between the Judaeans and the Samaritans," *The Jewish Quarterly Review* 82 (1991): 17–50.

² See m. Niddah 4:1–2 (which I discuss at length below), t. Terumah 4:12 and 4:14 (הכותי כגוי דברי ר' (הנוכרי והכותי ששקלו אין מקבלין מידן), m. Sheqalim 1:5 (לא זזו משם עד שעשאוהו גוים גמורים), and b. Hullin 6a (הנוכרי והכותי ששקלו אין מקבלין מידן). The Bible uses the word "Samaritans" only once, in 2 Kings 17:29: "But every nation still made gods of its own, and put them in the shrines of the high places which the Samaritans had made, every nation in the cities in which they dwelt." But, as Dexinger, "Limits of Tolerance," 91, points out, the reference there is to Israelites rather than to Samaritans in its later sense (as Rashi notes as well, commenting: ישראל בעודם שם). Only later (already in Josephus, though perhaps originally around the Hasmonean period) was this verse connected with the context in 2 Kings 17:24, 30 ("And the king of Assyria brought people from Babylon, Cuthah, Avva, Hamath, and Sepharva'im, and placed them in the cities of Samaria instead of the people of Israel; and they took possession of Samaria, and dwelt in its cities . . . the men of Babylon made Succoth-be'noth, the men of Cuth made Nergal, the men of Hamath made Ashima") as if the Samaritans were Kutim. The rabbis typically refer to the Samaritans as Kutim, suggesting that they considered them (at least polemically) as a distinct ethnos.

then, the category of heresy might seem to be an inappropriate lens with which to analyze the Samaritans in rabbinic literature.³ On the other hand, however, tannaitic traditions attack the Samaritans in a fashion parallel to attacks against the Sadducees or *minim*, based on their rejection of the resurrection of the dead.⁴ The fact that these texts represent the Samaritans as well in terms of ideological deviations perhaps suggests the relevance of the notion of heresy to our analysis. And indeed, the second century Christian heresiologist Hegesippus includes the Samaritans in a list of Jewish heresies, at least according to the church historian Eusebius' report in the fourth century.⁵

Yet it is my contention that asking if the rabbis represent the Samaritans as a heresy is not a well formed question, and so seeking an answer to it does not much further our understanding of either the Samaritans or the rabbis. Certainly the Samaritans are frequent targets of rabbinic polemics and certainly the texts represent them as excluded from or at least marginalized in respect to the rabbinic community. Taking a cue from Runia's description of the final developmental stage of the Greek *hairesis* in early Christian literature as "a party or sect that stands outside established or recognized tradition,"⁶ I suggest that we might approach the notion of heresy as a category of

See Lawrence Schiffman, "Cuthaeans," in *A Companion to Samaritan Studies* (ed. Alan D. Crown, Reinhard Pummer, and Abraham Tal; Tübingen: Mohr-Siebeck, 1993), 63–64, at 63: "The use of this term is clearly dependent upon the opinion, held by most of the Tannaim, that the Samaritans were not Jewish in origin." However, cf. Andreas Lehnardt, "The Samaritans (Kutim) in the Talmud Yerushalmi: Constructs of 'Rabbinic Mind' or Reflections of Social Reality," in *The Talmud Yerushalmi and Graeco-Roman Culture III* (Texts and Studies in Ancient Judaism 93; ed. Peter Schäfer; Tübingen: Mohr-Siebeck, 2002), 139–160, at 139 n. 2: "It is, however, doubtful if this term does clearly indicate the status of this group in the eyes of the rabbis."

³ Thus, Dexinger, "Limits of Tolerance," 111, writes, "in Samaritan studies . . . the terminological question is asked whether the Samaritans were a sect at all, or whether one should speak of a 'heresy' or whether we are dealing with a 'schism'. It is very questionable whether it is appropriate to apply any of these concepts, which were formed against the background of Christian ecclesiology, to Judaism and more concretely to the Samaritans."

⁴ See, for example, Sifre Numbers 112.

⁵ Eusebius, *Church History*, 4.22.

⁶ Runia, "Philo of Alexandria and the Greek Hairesis-Model," 118.

analysis in rabbinic literature more fruitfully as a style of rhetoric aiming to represent a particular target as “standing outside of” or excluded from the group with which the polemicist associates himself. The rabbis do indeed have a number of characteristic modes of excluding polemical targets, and an analysis of these modes of exclusion and how they develop and change over time will thus be a potentially valuable analytical tool.

Rather than limiting our analysis artificially to a set of rabbinic texts that conform most closely to a pattern that the early Christian heresiologists established, we can thus allow the internal dynamics that the genres characteristic of rabbinic literature itself dictate to determine the scope of our consideration. Rabbinic texts are not as a rule original compositions by single authors but are rather collections of traditions adapted to changing contemporary requirements of subsequent generations. For this reason, a diachronic approach to the redeployment of related themes and traditions in various texts or textual strata can reveal broad social historical trends that can illuminate important developments in the history of the rabbinic movement.

In this chapter, then, I will endeavor to trace temporal and geographical shifts in the predominant modes of rabbinic polemics by tracing a specific polemical trope through its various manifestations in the classical rabbinic literature. The underlying metaphor of my analysis first appears in Song of Songs 4:3 and 6:7, which praises the beauty of the narrator’s beloved with an evocative if somewhat obscure metaphor: “Your temples are like a pomegranate split open behind your veil.”⁷ Precisely what this metaphor might have evoked in its time is difficult to determine.⁸ However, a number of

⁷ Song of Songs 4:1 (JPS, 1917, slightly modified). I use JPS for this verse because the translation “temples” is nearer to the Targum to SOS’s interpretation as “head” in the sense of “king,” which I touch on in what follows. RSV translates, “Your cheeks are like halves of a pomegranate.”

⁸ See Roland E. Murphy, *The Song of Songs: A Commentary on the Book of Canticles or the Song of Songs*

texts of the classical rabbinic period associate the metaphor of a pomegranate's numerous seeds as a symbol of abundance with an exegetical rendering of the Hebrew for "temple" in the verse from the Song of Songs, *raqqah*. By the time of the editing of the Babylonian Talmud, *raqqah* becomes *reiqanin*, "empty ones," in the sense of non-righteous Jews. These are the "sinners of Israel," who even so are as filled with mitzvot as a pomegranate is full of seeds.⁹ The later Targum to the Song of Songs also interprets the pomegranate in terms of being full of mitzvot, but *raqqah* becomes, more plausibly, "head" in the sense of "ruler" or "king."¹⁰ Instances of this trope in earlier texts compare a pomegranate's seeds to a Jew's fullness of Torah or good deeds rather than mitzvot. But, in what I will argue is among the earliest strata of this tradition, in GenR 32:10, the "empty one" is an unlettered Jew who is full of clever answers.

The textual evolution from an unlettered Jew to the sinners of Israel and from being full of clever answers to being full of mitzvot accompanies an evolution in polemical styles that I believe reflects developments in the rabbinic movement between early Roman Palestine and the editing of the Babylonian Talmud in sixth and seventh century Sassanid Persia. In what follows, I will argue that this evolution of the metaphor "as a pomegranate is full of seeds" as a polemical trope¹¹ from GenR to the Babylonian

(Hermeneia: A Critical and Historical Commentary on the Bible; ed. S. Dean McBride, Jr.; Minneapolis: Fortress, 1990), 155: "it is not easy to see how [her temples] would be singled out for beauty. Hence it is preferable to consider that the 'temple' can include the jaw, and the veil would emphasize her cheeks rather than temples. Then the reference would be to their redness, the color of the interior of a pomegranate. On the other hand, one cannot rule out the possibility of 'brow' . . . which would be partially covered by her veil."

⁹ I cite b. Hagigah 27a below, where a tradition is cited in the name of Resh Lakish to this effect. Parallels appear in the name of Resh Lakish in b. Eruvin 19a and b. Sanhedrin 37a. The metaphor also appears unattributed in b. Berakhot 57a; and in b. Hagigah 14a and b. Megillah 6a unconnected to the Song of Songs, as I will discuss in what follows.

¹⁰ Philip S. Alexander, *The Targum of Canticles: Translated, with a Critical Introduction, Apparatus, and Notes* (The Aramaic Bible 17A; London: T & T Clark, 2003), 133, translates the Targum to Song of Songs 4:3 as "And the King, who was their head, was as full of precepts as a pomegranate." See n. 15, there.

¹¹ In this chapter, I only consider the metaphor of the pomegranate when it is connected exegetically to the

Talmud reflects a shift from what I will refer to as “exclusionary” polemic to a type of “inclusionary” polemic more characteristic of the Bavli’s editorial layer.¹² The former aims at rhetorically constructing the polemical target as in some sense illegitimate and thus outside of the Jewish community. The latter aims at constructing its target as included within the Jewish community, but that inclusiveness is based on a certain conceptualization of the Torah by which this community is bound. The Torah as the Bavli conceives it has jurisdiction over all of Israel, even its deviants and sinners, and its scope encompasses all aspects of a Jew’s life, including not only legislated precepts and proscriptions but also ordinary good deeds and even how one behaves in the bedroom and the privy.¹³ Its content is determined not by text or tradition alone but by consensus of the current generation of authorized rabbis. For clarity, I will in what follows refer to this

verse from Song of Songs 4:3/6:7. The pomegranate appears in other exegetical and metaphorical contexts as well.

¹² I am not endeavoring to define “inclusion” and “exclusion” absolutely, but rather I treat them as poles in a continuum of rhetorical styles that are relatively more or less exclusionary or inclusionary based on the range of expression within the classical rabbinic corpus itself. And, of course, I am not claiming that exclusionary polemical styles do not exist at all in the Bavli. For example, one especially important exclusionary category in the Bavli is the *‘am ha-‘aretz*, literally “the people of the land.” As will become clear, I am not arguing that the editors of the Bavli do not exclude others, but that they tend to shift the borders of exclusion from a wide range of transgressions and ideological divergences to the relatively narrow issue of the universal authority of the rabbis’ Torah. Thus, for example, an important text that appears only in the Bavli in b. Berakhot 47b (with a similar but not precisely parallel text in b. Sotah 22a) defines the *‘am ha-‘aretz* in terms that suggest this ideological concern: “Who is an *‘am ha-‘aretz*? ‘Anyone who does not recite the Shema in the evening and in the morning’—these are the words of Rabbi Eliezer. Rabbi Yehoshua says, ‘Anyone who does not put on tefillin.’ Ben Azzai says, ‘Anyone who does not have fringes on his clothing.’ Rabbi Natan says, ‘Anyone who does not have a mezuzah on his entrance.’ Rabbi Natan ben Yosef says, ‘Anyone who has sons and does not raise them up to the study of Torah.’ Other say, ‘Even if one studied scripture and Mishnah yet did not attend the sages, this is an *‘am ha-‘aretz*.’” This can be contrasted with earlier texts that tend to define the *‘am ha-‘aretz* primarily in terms of tithing and purity concerns. The sharpest exclusionary polemic, as well, against the *‘am ha-‘aretz* occurs in the Bavli’s editorial layer, for example, in b. Pesahim 49a–49b. See Jeffrey L. Rubenstein, *The Culture of The Babylonian Talmud*, 123–142. Indeed, it has been suggested that amoraic Palestinian texts are hardly negative at all and are occasionally even positive about the *‘am ha-‘aretz*. See Rachel A. Anisfeld, *Sustain Me with Raisin-Cakes: Pesikta deRav Kahana and the Popularization of Rabbinic Judaism* (Supplements to the Journal for the Study of Judaism 133; Leiden: Brill, 2009), at 148–162. For more on the *‘am ha-‘aretz*, see Ephraim E. Urbach, *The Sages: Their Concepts and Beliefs* (2 vols.; trans. Israel Abrahams, Jerusalem: Magnes, 1975), 630–648; Aharon Oppenheimer, *The ‘Am Ha-aretz: A Study in the Social History of the Jewish People in the Hellenistic-Roman Period* (trans. I. H. Levine; Arbeiten zur Geschichte des Antiken Judentums und des Urchristentums 8; Leiden: Brill, 1977).

¹³ See n. 169, below, for some illustrations from the Babylonian Talmud.

maximal conceptualization of the Torah, typical especially of the editorial layer of the Babylonian Talmud, as the “rabbinic Torah.”¹⁴

The earlier polemical style is plausibly explained as aiming rhetorically to exclude competing elites from within the Jewish community in Roman Palestine of the first centuries of the common era, whose ideology the rabbis considered irreconcilable with their own. However, the later polemic seems aimed at expanding the reach of the rabbis’ Torah as widely as possible among sub-elites in Persian Babylonia who were at the margins of or outside of the rabbinic movement. I attribute this development to a broad social-historical shift as the rabbis evolved from a relatively small, diverse, and perhaps even fractious collection of sages, sects, and dynastic families with little imperial standing to an increasingly unified and increasingly institutionalized rabbinic community with actual judicial authority on behalf of the Babylonian exilarchate.¹⁵

I. The Early Palestinian Polemics of Exclusion in Genesis Rabbah

I begin my study with two polemical texts from the classical Palestinian midrash targeting the Samaritans, one of which incidentally appears to praise a Jewish commoner. I will undertake a philological analysis of these texts in order to determine their most likely diachronic relationship. This will reveal an initial direction for the development of

¹⁴ See my discussion of the expression “rabbinic Torah” in the introduction to this dissertation and n. 9, there.

¹⁵ On developments between the nascent rabbinic community in early Roman Palestine and later Sassanid Babylonia; on the changes from amoraic Babylonia into the period of the editing of the Bavli; and on how the culture of the Bavli’s editors is reflected in the editing of the text, see the following studies: Hezser, *Social Structure of the Rabbinic Movement in Roman Palestine*; Seth Schwartz, *Imperialism and Jewish Society: 200 B.C.E. to 640 C.E.* (Jews, Christians, and Muslims, from the Ancient to the Modern World; Princeton: Princeton University Press, 2001); Lapin, *Rabbis as Romans*; Goodblatt, *Rabbinic Instruction in Sasanian Babylonia*; Gafni, *The Jews of Babylonia in the Talmudic Era*; and Rubenstein, *The Culture of The Babylonian Talmud*. Also, see Anisfeld, *Sustain me with Raisin Cakes*, on the “popularization” of rabbinic Judaism in fifth century Roman Palestine and my discussion in n. 11 in the introduction to this dissertation. On the idea of rabbinic “social history,” and my intention with this expression, see n. 4 in the introduction.

polemical styles within traditions that deploy the pomegranate trope, which will then set up my analysis of their further development in the later Palestinian midrash and in the Babylonian Talmud.

The pomegranate metaphor first appears in GenR 32:10 in a polemical narrative against the Samaritans:¹⁶

Rabbi Yonatan was going up to pray in Jerusalem, and he passed by the Palatinus [that is, Mt. Gerizim].¹⁷ A Samaritan saw him and said, “Where are you going?” [Rabbi Yonatan] said to him, “To pray in Jerusalem.” [The Samaritan] said, “Is it not preferable for you to pray at this blessed mountain rather than at that dunghill?” [Rabbi Yonatan] said to him, “Why is [Mt. Gerizim] blessed?” [The Samaritan] said to him, “Because it was not inundated by the waters of the Flood!” Rabbi Yonatan was momentarily at a loss to reply, so his donkey-driver said, “Rabbi, permit me and I will answer him.” [Rabbi Yonatan] said, “do so.” [The donkey-driver] said [to the Samaritan], “If [you would claim that Mt. Gerizim] is one of the high mountains then Scripture says, ‘all the high mountains . . . were covered,’¹⁸ but [if you claim that Mt. Gerizim] is one of the low ones then Scripture ignored it completely!” Immediately, Rabbi Yonatan climbed down off the donkey and let [the donkey-driver] ride for three miles [in order to honor him]. Rabbi Yonatan [praised] him with three verses: “there shall not be male or female barren among you, or among your cattle”¹⁹—even among the drivers of your cattle. “Your temples (*raqqatekh*) are like a pomegranate split open”²⁰—even the “empty ones” (*reiqanin*) among you are as full of answers²¹ as a

¹⁶ GenR 32:10 (ed. Theodor-Albeck): עבר בהדן פלאטנוס וחמתיה, אמר ליה להן את אזיל, אמר ליה למיצליה בירושלם, אמר ליה לא טב לך מצלי בהדן חד שמריי, אמר ליה להן את אזיל, אמר ליה למיצליה בירושלם, אמר ליה דלא טף במוי דמבולא, טורא בריכא ולא בייתה קיקלתא, אמר ליה למה הוא בריך, אמר ליה דלא טף במוי דמבולא, נתעלמה הלכה מר' יונתן לשעה, אמר ליה חמריה ר' תרשני ואני משיבו, אמר ליה הין, אמר ליה אין מטוריא רמיה הוא הא כת' ויכסו כל ההרים הגבוהים, ואין ממכייא הוא לא אשגח ביה קריא, מיד ירד ר' יונתן מן החמור והרכיבו ג' מילים וקרא עליה ג' מקראות לא יהיה ברך עקר ועקרה ובבהמתך אפילו בבהמין שבכם, כפלא הרימון רקתך אפילו ריקנין שבכם מליאין תשובות כרימון הה"ד כל כלי יוצר עליו לא יצלה וגו'.

¹⁷ The text has the very obscure פלאטנוס, *pl'inws* (variants from ed. Theodor-Albeck: מלאטנוס, פלטנוס, פלטנוס, פלטניס). Jastrow suggests that this is a Samaritan term for Mt. Gerizim and thus I translate here, following the translations of the Soncino edition and of Jacob Neusner, which I will cite presently (see nn. 26, 27, and 28, below). However, I will argue in what follows that this explanation is problematic.

¹⁸ Genesis 7:19.

¹⁹ Deuteronomy 7:14.

²⁰ Song of Songs 4:3 (JPS, 1917, slightly modified). See n. 7, above, on the choice of the JPS translation for this verse.

²¹ MS London (British Museum Codex Add. 27169) has “full of mitzvot,” but Theodor, 1.297, writes: “I correct here according to the version in the other books, ‘answers,’ and in MS London this has been corrupted to ‘full of mitzvot like a pomegranate.’”

pomegranate [is full of seeds]. And thus it is written, “no weapon that is fashioned against you shall prosper.”²²

Much of this story is self-explanatory. Rabbi Yonatan’s donkey-driver provides a clever answer to a wicked interlocutor in Rabbi Yonatan’s stead and is praised as a result. Of interest to us is the interpretation of Song of Songs 4:3: *ke-felah ha-rimmon raqqatekh*: “Your temples are like halves of a pomegranate.”²³ *Raqqatekh*, “your temples,” becomes *reiqanin*, “empty ones,” who are then said to be like pomegranates: as a pomegranate is full of seeds, so even the “empty ones” of Israel—in this case the context suggests a simple or uneducated Jew—are full of clever answers.

This version of the story, apart from the rather implausible interpretation of *raqqah*, is clearly a well composed and balanced narrative. The tale appears as a midrash on Genesis 7:19, “And the waters prevailed so mightily upon the earth that all the high mountains under the whole heaven were covered,” which is part of the donkey-driver’s clever answer to the Samaritan. The clever rabbi, Rabbi Yonatan, is completely dumbfounded, but his ostensibly empty-headed donkey-driver is actually filled with cleverness. The donkey-driver is rewarded with a three mile journey on his donkey and is praised with clever interpretations of three verses by the rabbi who has now regained his wits. Thus, both Yonatan the Rabbi and the simple Jew prove how smart they are, and apparently the only loser in the story is the wicked Samaritan who is demonstrated to be foolish in comparison to even an unlettered Jew.

However, one peculiarity of this narrative is the reference to Mt. Gerizim, the holy mountain of the Samaritans, as the “Palatinus,” that is, the Palatine Hill, one of the seven hills of Rome. In what follows, I will demonstrate that this obscure reference is the result

²² Isaiah 54:17.

²³ Song of Songs 4:3 (JPS, 1917, slightly modified). See n. 7, above, on the choice of the JPS translation for this verse.

of an erroneous reading and that an understanding of the correct reading indicates that the narrative in GenR 32:10 is likely derivative of an earlier tradition. Understanding this narrative's place in a diachronic development in the rabbinic corpus will then facilitate my analysis of developments in the polemical strategies at work in the use of this metaphor.

The Hebraicized *pl'tnws* appears in rabbinic literature only in variants of this narrative in GenR, SongR, and Yalqut Shimoni,²⁴ though its similarity to the Latin *palatinus*, meaning “Palatine” in an adjectival sense, is certainly suggestive.²⁵ Thus, the 11th century exegete Nathan ben Jehiel translates the word in his well known Arukh as “mountain.” In this vein, Jastrow translates the text as “passed by that Palatinus,” explaining that this is “a name given by the Samaritans to Mount Gerizim.”²⁶ And thus as well ed. Soncino translates, commenting: “Lit. ‘the Palatine Hill,’ a name given by the Samaritans to Mount Gerizim, which they held sacred.”²⁷ More recently, Neusner

²⁴ It appears in the two versions of this narrative in GenR 32:10 and GenR 81:3, in a parallel to GenR 32:10 in SongR 4:8, and in parallels to both versions in Yalqut Shimoni Genesis (parshat *noah* and *vayishlah*). A closely related term more commonly (and I believe more correctly) signifies a court official, and in this sense appears more frequently (also the similar פלטיין signifies “palace” elsewhere; see Jastrow). Other texts have parallels to these traditions without using this term: DeutR 3:6 has a text similar to GenR 32:10, and a text close to that version is cited by Tosafot on b. Zevahim 113a, s.v. לא ירד מבול לא"י (though it cites it as coming from GenR and the subject of the narrative is Yishmael as in the second version from GenR). A parallel to GenR 81:3 appears as well in y. Avodah Zarah 5:4, 44d (ed. Venice). In the latter case, the text has גריזים. In DeutR 3:6, ed. Lieberman has גריזים and ed. Vilna has גריזים. The Tosafot text leaves off this sentence but later explicitly mentions גריזים, as does DeutR 3:6. Although DeutR 3:6 and the version cited by the Tosafot are similar to GenR 32:10, neither includes the pomegranate metaphor. Midrash ha-Gadol (ed. Solomon Schechter; Cambridge: Cambridge University Press, 1902), 531, on Genesis 35:4, cites this text from GenR 81:3, and it is quite similar except that it cites more of the verse within the midrash—ועקב תחת האלה אשר עם שכם—and it vocalizes *platanos*: פלאטינוס. It also comments: תחת האלה בהר גריזים.

²⁵ Thought it must be noted that the correct Latin term for the Palatine Hill is *palatium* not *palatinus*. The latter is an adjective and has the sense of “palatial.”

²⁶ Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli, and Yerushalmi, and the Midrashic Literature* (2 vols.; London: Luzac, 1903), s.v. פלטינוס, citing the versions of the text in GenR 32:10, GenR 81:3, SongR 4:8, and Yalqut Shimoni Genesis 57.

²⁷ *Midrash Rabbah, Translated into English with Notes, Glossary and Indices* (10 vols.; ed. H. Freedman and Maurice Simon; London: Soncino, 1939), 1.255, on GenR 32:10. GenR 81:3 is translated the same way (ibid., 1.748).

“And they gave Jacob, etc.”: Rabbi Yishmael the son of Rabbi Yossi was going up to pray in Jerusalem, and he passed by the *pltnws*.³² A Samaritan saw him and said, “Where are you going?” [Rabbi Yishmael] said to him, “To go up to pray in Jerusalem.” [The Samaritan] said, “Is it not preferable for you to pray at this blessed mountain rather than at that dunghill?” [Rabbi Yishmael] said, “I will tell you what you are comparable to: a dog that desires carrion! Thus, because you know that idolatry is hidden under it³³—“and Jacob hid them”—therefore you are desirous of it. [The Samaritan] said, “this person wants the [idols]!”³⁴ So, [Rabbi Yishmael] rose up and fled in the night.³⁵

Thus, Rabbi Yishmael reveals the truth of the Samaritans’ attachment to Mount Gerizim:

Jacob buried idols under the mountain, and the Samaritans are excited by the idols.

This narrative is well-structured and coherent. However, one potential peculiarity is that the midrash might be read as implying that the idols are buried under the mountain itself, whereas the biblical verse specifies that Jacob buried them under a tree and does not mention Gerizim. This might not be especially problematic were it not for the fact that although the Latin *palatinus* and its Greek equivalent may perhaps refer to the Palatine hill, the very similar Greek *platanos* is the name for a kind of tree, the plane-tree or sycamore, known to botanists as *platanus orientalis*.³⁶ This tree’s name derives, apparently, from the Greek *platus*, meaning “broad,” “because of its broad crown.”³⁷ The Hebrew characters *pltnws* in these narratives could equally well signify *platanos* as *palatinus*.³⁸ Furthermore, the Hebrew for the “terebinth” under which Jacob buried the

³² I transliterate the Hebrew פלטנוס here for reasons that will become clear shortly.

³³ Thus תחתיו is typically translated in this narrative, though perhaps in this context the sense would be better captured with “at its foot,” that is, at the foot of the mountain, as will become clear. See n. 41, below.

³⁴ The Hebrew מסאבה is an adjective meaning “repulsive; unclean” (Jastrow). Ed. Soncino has “This man [R. Ishmael] wants to take the uncleanness [the idols] away.”

³⁵ Apparently the intent of this somewhat obscure text is that Rabbi Yishmael overhears the Samaritan expressing concern that Rabbi Yishmael is plotting to steal the idols. Rabbi Yishmael understands that the Samaritan is threatening to do him harm and thus flees. This is clearer in the Yerushalmi parallel discussed below.

³⁶ I say “may *perhaps* refer to the Palatine hill” because the reference is not unproblematic. See n. 25, above. In Greek characters, the plane-tree is *πλάτανος*. The phonological similarity between *palatinus* and *platanus* is coincidental; the two words derive from distinct roots.

³⁷ LSJ s.v. *πλατύς*.

³⁸ Or nearly equally well. The latter would require a *hiriq* under the *tet*, suggesting that the correct spelling

idols in Genesis 35:4, *‘elah*, is translated elsewhere in Greek as *platanos*: Symmachus translates Hosea 4:13, “under oak, poplar, and terebinth (*‘elah*) because their shade is good” as *upo thn drun kai peukhn kai platanon episkiazousan*.³⁹ And indeed, the so-called Pilgrim of Bordeaux attests that there was a grove of plane-trees near Shechem in the fourth century associated with Jacob: “Here is Mount Gerizim . . . Beyond this at the foot of the mountain itself is a place called Sichem . . . A mile from these is a place called Sichar . . . in which place there are plane-trees, which Jacob planted.”⁴⁰

Thus, although English translations of this midrash typically take the Hebraicized *pltnws* as *palatinus*, it certainly fits the context better to translate as *platanos*. The midrash reads Genesis 35:4—“Jacob hid [the idols] under the terebinth which was by Shechem”—as if the terebinth “near Shechem” was on Mt. Gerizim, which is in fact near Shechem. Given that Symmachus translates the Hebrew for “terebinth” as *platanos* in Hosea 4:14, perhaps a Greek text was extant in Late Antiquity rendering “terebinth” in Genesis 35:4 as *platanos*, and this gave rise to a tradition connecting this Greek word with Jacob’s terebinth as the Pilgrim of Bordeaux’s report confirms. According to the midrash, then, Rabbi Yishmael is passing by this famous terebinth or plane-tree on Mt. Gerizim under which Jacob buried the idols when he is accosted by the Samaritan. When

should be פלטינוס in the plene form, which is not actually attested in any textual witness apart from the late collection Midrash ha-Gadol (ed. Schechter, which has the word vocalized as פלטינוס and would seem by context to understand this word correctly as referring to Jacob’s plane-tree). This is not, in any case, an insurmountable problem as the defective form פלטנוס is attested.

³⁹ Hosea 4:14: *כי טוב צילה, תחת אלון ולבנה ואלה*, Frederick Field, *Hexapla* (2 vols.; Oxford: Clarendon, 1875), 2.946: ὑπο τῆν δρῦν καὶ πεύκην καὶ πλάτανον ἐπισκιάζουσιν.

⁴⁰ *Itinerary from Bordeaux to Jerusalem* (trans. Aubrey Stewart, London: Committee of the Palestine Exploration Fund, 1887), 18–19. The Latin for the final phrase is: *ubi sunt et arbores platani, quos plantavit iacob*.

Rabbi Yishmael says “you know that idolatry is hidden under it,” he is referring to the tree, not the mountain.⁴¹

Late 19th and early 20th century German scholarship understood the midrash in this way. August Wünsche in his 19th century German translation of Genesis Rabbah and Strack & Billerbeck, citing the texts in their *Kommentar zum Neuen Testament aus Talmud und Midrasch*, use the German *Platane*, “plane-tree” for both GenR 32:10 and GenR 81:3, a translation made more obvious by the similarity of the German to the Greek.⁴² And, thus as well Adolf Schlatter reads the narrative in GenR 32:10, GenR 81:3, and in the parallel in SongR 4:8.⁴³ Theodor notes in his critical edition of Genesis Rabbah that the midrash here seems to understand *pltnws* as the tree where Jacob hid the idols.⁴⁴ And, finally, Urbach translates the relevant phrase in GenR 32:10 into Hebrew as ‘*avar bi-zeh ha-’ilan*,⁴⁵ rendered as “he passed by a certain terebinth” in the English translation of his monumental work, *The Sages: Their Concepts and Beliefs*.⁴⁶

However, there are a number of problems with this reading as well. First of all, this translation fits GenR 81:3 quite well, which at least alludes to Jacob burying idols under a tree, thus explaining the plane-tree’s significance in the narrative. In GenR 32:10, however, the translation is more problematic because no tree is part of the narrative.

Furthermore, even in GenR 81:3, the narrative as it stands is a bit confused because

⁴¹ This explanation is based on reading תחתיו in the narrative as “under it,” as English translations have typically done. I believe, however, that the proper context of the narrative better suggests a translation of “at its foot” and thus the reference would be to the grove of plane-trees at the foot of the mountain rather than to the mountain itself.

⁴² August Wünsche, *Bibliotheca rabbinica: Midrasch Bereschit rabba ; Midrasch Schemot rabba* (Leipzig: Schulze, 1881), 141. Hermann L. Strack and Paul Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrasch* (5 vols.; München: Beck, 1922), 1.549.

⁴³ Adolf von Schlatter, “Verkanntes Griechisch,” in *Textkritische Bemerkungen zu Matthäus* (ed. Adolf von Schlatter and K. Eremer; Gütersloh: Bertelsmann, 1900), 49–84, at 75.

⁴⁴ Julius Theodor, with Ch. Albeck, *Bereschit rabba : mit kritischem Apparat und Kommentar* (4 vols.; Berlin: Druk von H. Itzkowski, 1912–1936), 1.297.

⁴⁵ עבר בזה האילן, for the Aramaic עבר בהדן פלאטנוס in GenR 32:10.

⁴⁶ Urbach, *Sages*, 641.

Jacob's tree is alluded to, but not explicitly connected to the *pltnws*. The text is coherent with the Greek *platanos* but is still a bit unclear. Yet the same could be said were the text to be understood with the Latin *palatinus*: it would also be coherent but somewhat unclear. Indeed, the version that appears in y. Avodah Zarah 5:4, 44d mentions neither the plane-tree nor the Palatine Hill but is still more or less understandable.⁴⁷

Rabbi Yishmael the son of Rabbi Yossi was going to Neapolis. Samaritans⁴⁸ came before him, and [Rabbi Yishmael] said, "I will demonstrate to you that you do not worship that mountain but rather the idols that are under it." As it is written, "Jacob hid them under the terebinth⁴⁹ which was by Shechem." [Rabbi Yishmael] heard voices saying, "Let us arise early in the morning and take care of these thorns." [Rabbi Yishmael] knew that they wanted to kill him so he rose up early and fled."

Thus, although the translation "plane-tree" clearly fits the narrative in GenR 81:3 very well and is almost certainly original, I would like to suggest that at some point after this narratives' composition, the original meaning of the Greek term was obscured, and it was taken as the Latin *palatinus* and an oblique reference to Mt. Gerizim.⁵⁰

The evidence presented thus plausibly supports the following reconstruction. The original context for this story was in fact a rabbi passing by the grove of plane-trees near Gerizim under which, by folk tradition, Jacob buried the idols. But both the original context and the meaning of the Greek *platanos* became uncertain over time. This confusion led to variants of the story as in the Yerushalmi and to an entirely new hermeneutical context for the story as in GenR 32:10. In other words, I am suggesting

⁴⁷ Y. Avodah Zarah 5:4, 44d (ed. Venice): רבי ישמעאל בי רבי יוסי אזל להדא ניפולים אתון כותייא לגביה אמר לון אנא מחמי לכון דלית אתון סגדין לאהין טורא אלא לצלמייא דתחותוי דכתיב ויטמון אותם יעקב תחת האשיר' אשר עם שכם שמע קלין אמרין נקרוץ נסדר לאילין כובייא וידע דאינון בעו מיקטלוניה וקרץ ונפק ליה.

⁴⁸ The text has כותייא, "Cuthaeans," a term typically used in rabbinic literature for the Samaritans based on 2 Kings 17. See n. 2, above.

⁴⁹ Genesis 35:4 in the MT does not have האשירה as does the Yerushalmi here, it has: ויטמון אותם יעקב. תחת האלה אשר עם שכם. I have translated according to the MT.

⁵⁰ One of the parallels in the later Midrashim refers to Gerizim rather than to the פלאטנוס. See n. 24, above.

that the earliest stratum of this text, most closely preserved in GenR 81:3, was connected with Genesis 35:4 and that the Hebrew *pltnws* should be translated there as “plane-tree.” The narrative in GenR 32:10 came about through a confusion of the Greek *platanos* with the Latin *palatinus*. And, thus, taking *pltnws* as an (obscure) reference to Mt. Gerizim, the narrative was completely decontextualized from its original background of Jacob’s burying idols under a tree.

If this reading is correct, it suggests an interesting development in the polemical strategies evolving in these texts. The earlier narrative in GenR 81:3 is a clear and trenchant attack, accusing the Samaritans of idolatry. The developing narrative in GenR 32:10 also attacks the Samaritans, but not for idolatry specifically. Rather, the polemic seems to be aimed at general ridicule. Thus, Neusner writes correctly that in this narrative “the debate on the status of the Samaritan’s mountain is secondary”⁵¹ From this perspective, the praise of the simple Jew for his cleverness is somewhat double-edged. The donkey-driver’s cleverness is highlighted relative to the Samaritan’s lack thereof so that the praise of the former serves primarily as a greater condemnation of the latter. And indeed, the exegetical context of this praise in terms of Deuteronomy 7:14, “there shall not be male or female barren among you, or among your cattle,” implicitly compares the driver of beasts to the beasts that he drives. Thus, perhaps this narrative should not be read so much as a praise of simple Jews as it is a condemnation of Samaritans. This, *pace* Urbach who writes, “At times the Sages came to realize—no doubt with pleasure—that even simple folk, who were unknown to them, not only possessed noble qualities of character and fine manners, but also had knowledge of Torah and could debate

⁵¹ Jacob Neusner, *Rabbinic Narrative: a Documentary Perspective* (4 vols.; Leiden: Brill, 2003), 3.58, commenting on the parallel in SongR.

successfully.”⁵² This difference will become clearer as I compare this text to later manifestations of the pomegranate metaphor in the Bavli where the simple Jew becomes the sinners of Israel and the metaphor’s polemical thrust becomes significantly more complicated.

II. The Later Palestinian Song of Songs Rabbah Pomegranate Cycle

This metaphorical tradition connecting the figure of a pomegranate’s seeds to verses from the Song of Songs also appears several times in a cycle of narratives in the fourth chapter of Song of Songs Rabbah. An analysis of these texts will show that they are mostly secondary to the traditions in Genesis Rabbah and non-polemical in focus. However, one of the texts in this cycle deploys the pomegranate metaphor in a fashion similar to the Bavli traditions that I will discuss shortly. This text will serve as a point of contrast to the Bavli, which I will then compare in terms of polemical style to the narratives in GenR.

The cycle of texts in SongR chapter four includes several variant interpretations of the praise of beauty of the narrator’s beloved from the Song of Songs. Six of these variants, in 4:4–4:8 and 4:12, include an interpretation of Song of Songs 4:3, in which “empty ones” of Israel are said to be as full of various things as a pomegranate is full of seeds. SongR 4:8 closely parallels the narrative in GenR 32:10, which is apparently the source of the other variants in SongR.⁵³ The other five variants are clearly derivative

⁵² Urbach, *Sages*, 641. Cf., Catherine Hezser, *Jewish Travel in Antiquity*, 144: “The low status of the ass driver, despite his alleged Torah learning, is made evident by the fact that the reward for his cleverness is a mere three mile ride on the rabbi’s (or ass driver’s) donkey, which involves a temporary inversion of the hierarchical relationship between the scholar and his servant. Another reference to the actual status of the ass driver is his comparison to an unlearned person or *ignoramus*, who may give good answers occasionally but does not equal the real scholar in his learning. The association of the ass driver with Torah knowledge is presented as exceptional here and the status difference between a rabbi and an ass driver forms the background of the story.”

⁵³ As I will explain, I suggest this because SongR 4:8 features the only truly appropriate use of the

traditions on a related theme that interpret the verses from Song of Songs in structurally parallel but thematically diverse ways:⁵⁴ in terms of the Song of the Sea,⁵⁵ giving of Torah on Mount Sinai,⁵⁶ the war with Midian,⁵⁷ the crossing of the Jordan at the time of Joshua,⁵⁸ and the Sanhedrin.⁵⁹ Among these variants, a number of things are said to be as numerous as seeds in a pomegranate: mitzvot,⁶⁰ Torah,⁶¹ “mitzvot and good deeds,”⁶² and answers.⁶³ I maintain that these are derivative traditions because in all of them the idea of the “empty ones” of Israel does not fit the interpretation’s thematic context at all, suggesting the borrowing and recontextualizing of earlier material, as, for instance, in SongR 4:4:⁶⁴

“Your lips are like a scarlet thread”⁶⁵—while [the children of Israel] sang the Song [of the Sea], *then Moses sang*⁶⁶ “your mouth is lovely.”⁶⁷ They pointed with their fingers and said, “this is my God, and I will praise him”;⁶⁸ simultaneously, Moses began to

metaphor, and it is the only text with an earlier parallel (in GenR 32:10). I would argue that a coherent narrative with an earlier parallel that appears with several variant texts in which the basic metaphor is expanded in clearly forced ways tends to indicate that the former is the source of the latter. GenR is generally dated earlier than SongR so it seems reasonable to see this as the source. Furthermore, the addition of “the modest and self-restrained among you” in SongR 4:8, which otherwise closely parallels GenR 32:10, makes little sense in context and seems to come from the general hermeneutical pattern of the SongR cycle. I will demonstrate below that the Bavli Resh Lakish traditions that use the pomegranate metaphor are even later because they are part of the Bavli’s editorial layer and are radically innovative in terms of the way they praise the sinners of Israel.

⁵⁴ SongR 4:5–4:7 most clearly parallel one another as they each include a series of interpretations of the verses from Song of Songs opening with the parallel phrase פתר קרייה.

⁵⁵ SongR 4:4.

⁵⁶ SongR 4:5.

⁵⁷ SongR 4:6 (parallel in 6:17–18).

⁵⁸ SongR 4:7.

⁵⁹ SongR 4:12.

⁶⁰ SongR 4:4.

⁶¹ SongR 4:5, 4:7.

⁶² SongR 4:6 (parallel in SongR 6:17–18 and a partial parallel in SongR 1:40).

⁶³ SongR 4:8 as in Genesis Rabbah 32:10.

⁶⁴ SongR 4:4 (ed. Vilna): כחוט השני שפתותיך בשעה שאמרו את השירה אז ישיר משה ומדברך נאווה שמראין באצבע ואומרים זה אלי ואנוהו באותה שעה התחיל משה משבחן כפלח הרמון רקתך הריקן שבכם רצוף מצות כרמון הזה אין צריך לומר מבעד לצמתך על הצנועין והמצומתין שבכם.

See n. 70, below, for manuscript variants.

⁶⁵ Song of Songs 4:3.

⁶⁶ Exodus 15:1.

⁶⁷ Song of Songs 4:3.

⁶⁸ Exodus 15:2.

praise them saying, “your temples are like a pomegranate split open”⁶⁹—the emptiest among you are as full of mitzvot⁷⁰ as this pomegranate [is full of seeds]. And there is thus no need to mention “behind your veil”—regarding the most modest and self-restrained⁷¹ among you!

This midrash weaves together the opening verse of the Song of the Sea in Exodus 15:1–2 with Song of Songs 4:3, thus describing the Israelites singing God’s praises after crossing the Red Sea and at the same time Moses singing in praise of the Israelites. Part of Moses’ praise includes the idea that Jews are filled with mitzvot. However, unlike the narrative in GenR 32:10, in which a simple Jew is considered empty of knowledge, there is nothing in context here that suggests an interpretation of the Hebrew *raqqatekh* as “empty ones.” Rather, it seems that here and in all of the other instances of this interpretation in SongR 4:4–4:7, 4:12, the expressions “the empty ones among you,” “as a pomegranate is full of seeds,” and the addition, “the modest and self-restrained among you,” are derivative interpretations forcing a conventional trope into a variety of more or less arbitrary contexts.⁷² The scriptural hermeneutics are being forced by the text of the verse and its received interpretation (from the narrative in SongR 4:8 based on GenR 32:10) rather than by the fictive setting in which it is deployed.

⁶⁹ Song of Songs 4:1 (JPS, 1917). See n. 7, above, on my choice of the JPS translation for this verse.

⁷⁰ MS Vatican Ebr. 76 and ed. Pesaro (1519) have רצוף מצות in place of רצוף בינים. The 16th century commentator Samuel ben Isaac Ashkenazi Jaffe in his commentary on Song of Songs Rabbah, *yefeh qol*, explains רצוף בינים as: בזת מצרים ובזת הים. The word בינים also appears in Pesiqta de-Rav Kahana 17, כמה בינים נתתי לכם בינת מצרים בינת הים בינת סיוחן ועוג בינת שלשים ואח' מלכים, which William G. Braude, *Pesikta dē-Raḥ Kahāna: R. Kahana's Compilation of Discourses for Sabbaths and Festal Days Translated from Hebrew and Aramaic by William G. (Gershon Zev) Braude and Israel J. Kapstein, Second Edition* (JPS Classic Reissues; Philadelphia: Jewish Publication Society, 2002), 382, translates, “Have I not already given thee many booties—the booty of Egypt, the booty of the Red Sea, the booty of Sihon and Og, and the booty of the thirty-one kings of Canaan?” I am uncertain whether רצוף בינים or רצוף מצות is primary. The former perhaps does fit the context a bit better, but is still forced in relation to the ending, “And there is thus no need to mention ‘behind your veil’—regarding the most modest and self-restrained among you!”

⁷¹ Following ed. Soncino. מצומתין is obscure.

⁷² The addition of “the modest and self-restrained among you” is especially striking in the parallel to GenR 32:10 in SongR 4:8 where the addition makes little sense. See n. 53, above.

The only text in the SongR cycle in which the idea of emptiness is at all relevant is SongR 4:6. This text expands on the behavior of the Israelite soldiers in the war against Midian described in Numbers 31. There, Moses becomes angry at the soldiers for not having killed the Midianite women along with the men. In the narrative as it appears in SongR 4:6,⁷³ however, the soldiers are praised for their restraint. But, they are also said to admit the possibility that they experienced at least some small bit of passion when encountering the Midianite women, although they did not act on this passion. For this minor indiscretion they request to bring a sin offering as specified in Numbers 31:50: “And we have brought the LORD’s offering . . . to make atonement for ourselves before the LORD”:⁷⁴

[The soldiers admitted,] is it possible that our desire was not excited even a little bit? It is for this small excitement of our desire that we seek to bring an offering. At that time, Moses began to praise them saying, “Your temples are like a pomegranate split open”⁷⁵—the emptiest among you are as full of mitzvot and good deeds as this pomegranate [is full of seeds]. Because anyone to whom an opportunity to sin comes and he overcomes it does a great mitzvah! And there is thus no need to mention “behind your veil”—regarding the most modest and self-restrained⁷⁶ among you.

The “emptiness” here might be construed as emptiness of virtue in the sense that even one who is empty of virtue can perform a pious act by refraining from vice. However, in context, the soldiers are not said to be empty of virtue. Just the opposite, they are earlier in the narrative praised for being exceptionally righteous.⁷⁷

⁷³ Parallel in SongR 6:17–18 with a partial parallel in SongR 1:40.

⁷⁴ Numbers 31:50. SongR 4:6 (ed. Vilna): אפֿשר שלא הזיע יצר הרע קימעה, על אותה הזיעה של יצר הרע אנו אומרים להביא קרבן, באותה שעה התחיל משה משבחן כפלח הרמון רקתך, רקנין שבכם רצופין מצות ומעשים טובים כרמון הזה, שכל מי שבא עבירה לידו וניצל ממנה ולא עשה אותה מצוה גדולה עשה, ואין צריך לומר מבעד לצמתך על הצנועין ועל המצומתין שבכם MS Vatican Ebr. 76 has no significant variation.

⁷⁵ Song of Songs 4:1 (JPS, 1917). See n. 7, above, on my choice of the JPS translation for this verse.

⁷⁶ See n. 71, above.

⁷⁷ שעלו מן הרחצה, רבי הונא אמר שלא הקדים אחד מהן תפילין של ראש לתפילין של יד, שאלו הקדים אחד מהן תפילין של ראש לתפילין של יד לא היה משה משבחן ולא היו עולין משם בשלום, הוי אומר שהיו צדיקים ביותר.

Thus, in most instances of this metaphor in the SongR cycle there is little meaningful context for its actual sense, suggesting derivate traditions. Moreover, unlike the anti-Samaritan polemic in evidence in GenR 32:10 and in the parallel in SongR 4:8, none of the other instances of this expression in SongR 4:4–4:7, 4:12 have any clear polemical target. As the main interest of this chapter is to examine developments in the polemical uses of this trope, the Bavli texts will be more relevant in this regard than those in SongR. However, as will become clear, it is notable that the Bavli's use of this metaphor is similar to the example of the soldiers in SongR 4:6, except that in the Bavli, the targets of the metaphor are clearly empty of virtue, indeed they are explicitly called sinners, the “sinners of Israel.” These are praised in b. Hagigah 27a.⁷⁸

Resh Lakish says, “The fire of gehinnom does not have any power over the sinners of Israel. This is learned *a minori ad majus* from the Golden Altar [near the entrance to the Holy of Holies in the Temple]. Just as the Golden Alter that has on it only the width of a *dinar* of gold, and for so many years the fire [of the burning incense] has not destroyed it, so also the sinners of Israel, who are as full of mitzvot as a pomegranate [is full of seeds]—as it is written, ‘your temples are like a pomegranate split open,’⁷⁹ do not read ‘temples’ (*raqqatekh*) but rather the ‘empty ones’ (*reiqanin*) among you—how much more so is this true!”

Similar to the implied context of the soldiers in SongR, the “empty ones” here are empty of virtue. In SongR they are empty of virtue but are full of good deeds because they refrain from active transgression. In the Bavli, they are empty of virtue because they are sinners, yet it is not at all clear in what sense they are full of mitzvot. In the former case, there is no obvious polemical target—the Israelite soldiers being praised as “empty ones” are, incongruously, also said to be exceptionally righteousness. In the latter case, there is also no clearly stated polemical target, but in the next two sections I will suggest that

⁷⁸ B. Hagigah 27a: אמר ריש לקיש: אין אור של גיהנם שולטת בפושעי ישראל, קל וחומר ממזבח הזהב; מה מזבח הזהב שאין עליו אלא כעובי דינר זהב, כמה שנים אין האור שולטת בו, פושעי ישראל שמלאין מצות כרמון, דכתיב כפלח הרמון רקתך, אל תקרי רקתך אלא רקנין שבך - על אחת כמה וכמה.

⁷⁹ Song of Songs 4:1 (JPS, 1917). See n. 6, above, on my choice of the JPS translation for this verse.

there is actually a subtle polemic at work in this text. Moreover, I will suggest that this type of subtle polemic is characteristic of the Bavli and can be contrasted to the type of sharply exclusionary polemic seen in the GenR texts against the Samaritans discussed above.

III. Rhetoric of Inclusion and the Editors of the Babylonian Talmud

In GenR, the narratives aim at rhetorically ridiculing and delegitimizing the Samaritans. The mountain that they worship on is actually just the cast off idolatry of the Jewish patriarch; and their cleverness is inferior to the banter of a simple-minded donkey driver. I propose to characterize this type of polemic as “exclusionary” polemic. This is, of course, what we typically expect from polemic: the drawing of exclusionary borders between communities. As I will discuss in chapter four, I believe that it would be correct to consider heresiology as an early Christian literary genre to be just one specific textual expression of exclusionary polemic more generally. Rabbinic literature, as well, has no shortage of sharply exclusionary polemic. Along with the Samaritans, the rabbis frequently target Sadducees, Boethusians, *minim*, and, perhaps most importantly, the well known but still somewhat obscure “those who say that there are two powers.”⁸⁰ Examples of exclusionary polemic in rabbinic literature include trenchant hermeneutical attacks against “two powers” exegesis and traditions that exclude opponents from the world to come. A good example of the former is Pesiqta Rabbati 21:6, which begins: “If a son of whore should say to you that there are two powers. . .”⁸¹ The latter includes, perhaps most

⁸⁰ See discussion and bibliography in chapter one.

⁸¹ Pesiqta Rabbati 21:6 (ed. Friedman): אמר ר' חייא בר אבא אם יאמר לך ברא דזניתא תרין אלהים אינון, אימר ליה אנא הוא דימא אנא הוא דסיני.

importantly, m. Sanhedrin 10:1 and t. Sanhedrin 13:5, which discuss various categories of Jews excluded from the world to come.⁸²

However, I would like to suggest that this type of sharply exclusionary sectarian polemic is less characteristic of the editorial layer of the Bavli than it is of earlier texts. Or at least, the Bavli adds to this former type of polemic a characteristic style of rhetoric that, from a certain perspective, can be thought of as inclusionary, as I will explain shortly. As discussed in the introduction to this chapter, I believe that the more exclusionary style of polemic reflects a more fractious period of early rabbinic history, during which the exclusion of competing Jewish elites was a primary concern. The more inclusionary style of polemic reflects the social circumstances of a more unified and more institutionalized rabbinic community in Sassanid Babylonia, who were more actively working to expand the jurisdiction of their Torah among sub-elite Jews outside of their community.

This shift in polemical styles reveals itself in two ways. Diachronically, the editors of the Babylonian Talmud rework earlier traditions in such a fashion as to shift their polemical focus in a more inclusionary direction. Synchronically, the Bavli innovates a number of halakhic concepts that shift the borders of exclusion to include within the sphere of conceptual legitimacy Jews that might have earlier been considered excluded owing to impiety. In the previous two sections, I have been studying the diachronic evolution of traditions that deploy the pomegranate metaphor, setting the stage for the development of that tradition within the Bavli. I will complete that analysis in the next section. However, I will first undertake in this section a synchronic analysis of two

⁸² I will discuss these texts in what follows and also in chapter four. For an extended analysis of their relationship with bibliography, see Grossberg, "Orthopraxy in Tannaitic Literature."

innovations within the editorial layer of the Bavli that demonstrate this same shift in polemical focus: the idea of a *meshummad*⁸³ who sins in order to satisfy his appetite; and, the idea that an Israelite, even if he sins, remains an Israelite. I will argue that both of these ideas are unique to the Bavli's editorial layer and both are characteristic of the Bavli's inclusionary polemic in that they portray sinners as still within the community of Israel provided that they acknowledge conceptually the Torah's authority.⁸⁴

First, I will consider the distinction that the Bavli draws between a “*meshummad* who [sins] in order to provoke,” who is condemned, and a “*meshummad* who [sins] in order to satisfy his appetite,” who is in some sense acceptable. The development of this distinction between a *meshummad* to provoke and an *meshummad* from appetite has a complex history in the classical rabbinic literature and in the pre-rabbinic material. It will be necessary to explore this history in some detail to demonstrate that this distinction is emphasized especially by the Bavli's editors for an inclusionary polemical purpose.

The idea of committing a transgression in order to provoke God is biblical, appearing for instance in 1 Kings 16:33: “And Ahab made an Asherah. Ahab did more to provoke the LORD, the God of Israel, to anger than all the kings of Israel who were before him.”⁸⁵ The Bavli takes up this biblical concept in b. Sanhedrin 103b, where Amon is said to have committed incest with his mother:⁸⁶

⁸³ As mentioned in nn. 9 and 112, chapter one, I have chosen to leave the terms *meshummad* untranslated in this dissertation. See discussion there.

⁸⁴ On the idea of “authority” generally and how I use it in this dissertation in connection to the rabbinic community and its concept of the Torah, see my discussion in the introduction and, especially, nn. 8–9, there.

⁸⁵ 1 Kings 16:33: וְיוֹסֵף אַחָאב לַעֲשׂוֹת לְהַכְעִיס אֶת יְהוָה אֱלֹהֵי יִשְׂרָאֵל מְכַל מַלְכֵי יִשְׂרָאֵל אֲשֶׁר הָיוּ לִפְנֵי. The concept is common and appears earlier than 1 Kings. I cite this example because of its connection with b. Sanhedrin 103b, where several biblical kings of ill reputation including Ahab and Amon are discussed.

⁸⁶ b. Sanhedrin 103b: וְהָיָה אִם יִשְׁרָאֵל יִשְׁרָאֵל אֲמִן רַבִּי יוֹחָנָן וְרַבִּי אֱלִיעֶזֶר חֵד אָמַר שֶׁשָּׂרָף אֶת הַתּוֹרָה וְחֵד אָמַר שֶׁבָּא עַל אִמּוֹ אִמְרָה לֹא אִמּוֹ כְּלוּם יֵשׁ לָךְ הִנָּה מִמְּקוֹם שִׁצְאָתָא מִמֶּנּוּ אָמַר לֵה כְּלוּם אֲנִי עוֹשֶׂה

“But this Amon incurred guilt more and more”⁸⁷—Rabbi Yohanan and Rabbi Eleazar, one of them said that he burned the Torah and the other said that he committed incest with his mother. She said to him, “Surely you cannot be having any enjoyment from the place whence you issued?” He said to her, “Surely I do not do this for any reason other than to provoke my creator!”

The idea of committing a transgression from appetite, in contrast, is rabbinic not biblical.

It appears already in the tannaitic period, in t. Horayot 1:5, although it is not yet

conceived as the opposite of transgressing to provoke. There, an early attempt to define

the word *meshummad* includes the idea of appetite:⁸⁸

A person who eats vermin is a *meshummad*; [likewise] a person who eats carcasses or carrion, vermin or worms, who eats swine’s flesh or drinks libation wine, or who desecrates the Sabbath or stretches [his foreskin]. Rabbi Yehudah says, “Even one who wears wool and linen mixed.” Rabbi Shimon ben Eleazar says, “Even one who does anything that the soul does not have an appetite for.”

Along these lines, m. Makkot 3:15 also considers the role of appetite in transgression:⁸⁹

Just as the person who abstains from eating blood, which in any case the soul has no appetite for, receives a reward, thievery and fornication, which a person’s soul has an appetite for them and desires them, the person who abstains from them, how much more of a reward shall he receive? And also his descendants and the descendants of his descendants [shall receive a reward] until the end of all generations.

However, the distinction between a transgression committed in order to provoke and one

committed from appetite first appears in the rabbinic literature in amoraic Babylonia.

Two amoraic dicta are cited in various places in the Bavli dealing with this

distinction. One concerns an argument between Abaye and Rava in fourth century

Babylonia and one concerns an argument between Rav Aha and Ravina in Babylonia

אלא להכעיס את בוראי.

⁸⁷ 2 Chronicles 33:23.

⁸⁸ T. Horayot 1:5 (ed. Zuckerman): האוכל שקצים הרי זה משומד אכל נבילות וטריפות שקצים ורמשים האוכל בשר חזיר והשותה יין נסך והמחלל את השבת והמשוך ר' יוסי בר' יהודה אומ' אף הלבוש כלאים ר' שמעון בן אלעז' אומ' אף העושה דבר שאין היצר תאב לו. Cf. b. Horayot 11a, where a version of this halakhah appears as a baraita. Schiffman, “At the Crossroads: Tannaitic Perspectives on the Jewish-Christian Schism,” 349 n. 169, suggests that the Tosefta version seems corrupt. See *ibid.*, 145–146, on this Tosefta generally.

⁸⁹ M. Makkot 3:15: מה אם הדם שנפשו של אדם קצה ממנו הפורש ממנו מקבל שכר גזל ועריות: שניפשו של אדם מתאוה להן ומחמדתן הפורש מהן על אחת כמה וכמה שיזכה לו ולדורותיו ולדורות דורותיו עד סוף כל הדורות.

more than a century later. There is no reason to reject these attributions at least provisionally and, as we shall see, the editor of the Babylonian Talmud later repurposes this distinction. The temporal strata that the attributions suggest, when compared to the work of the editor, reflect a clear direction of development as I will demonstrate.

The fourth century dictum appears in b. Sanhedrin 27a:⁹⁰

Regarding a *meshummad* who eats carcasses from appetite, all agree that he is invalid as a witness. Regarding a *meshummad* who eats carcasses to provoke, Abaye says that he is invalid and Rava says that he is valid. Abaye says that he is invalid because he is wicked and the Merciful One said, “You shall not join hands with a wicked man, to be a malicious witness.”⁹¹ Rava says that he is valid because only “a *malicious* witness” is proscribed [and a *meshummad* to provoke is not malicious]. An objection was raised from a tannaitic tradition: “‘You shall not join hands with a wicked man, to be a malicious witness’—you shall not join with a malicious witness: these are thieves and those who defraud their oaths.” Does not [the plural “oaths” in the tannaitic tradition] include both vain oaths and monetary oaths? No! [The plural] refers only to monetary oaths, and why “oaths” [in the plural]? Oaths in general! An objection was raised from another tannaitic tradition: “‘You shall not join hands with a wicked man, to be a malicious witness’—you shall not join with a malicious witness: these are thieves and usurers.” This objection to Abaye is an incontrovertible objection.

The complicated hermeneutics in this section come down to a simple halakhah. Abaye reads Exodus 23:1, “You shall not join hands with a wicked man, to be a malicious witness,” as forbidding all types of wicked men from being witnesses, and this includes both types of *meshummad*. Rava, however, reads the verse as proscribing only a person that has the specific characteristic of being malicious. The Bavli understands the Hebrew word translated here as “malicious,” *ḥamas*, as also implying avariciousness. According to Rava, it is the specific quality of greed that prevents a *meshummad* from being a witness, not wickedness more generally. A *meshummad* to provoke can be a witness

⁹⁰ B. Sanhedrin 27a: מומר אוכל נבילות לתיאבון דברי הכל פסול להכעיס אביי אמר פסול רבא אמר כשר אביי אמר פסול דהוה ליה רשע ורחמנא אמר אל תשת רשע עד ורבא אמר כשר רשע דחמס בעינן מיתיבי אל תשת רשע עד אל תשת חמס עד אלו גזלנין ומועלין בשבועות מאי לאו אחד שבועת שוא ואחד שבועת ממון לא אידי ואידי שבועת ממון ומאי שבועות שבועות דעלמא מיתיבי אל תשת רשע עד אל תשת חמס עד אלו גזלנין ומלוי רביות תיובתא דאביי תיובתא

the term *mumar* in censored texts, see n. 9, chapter one.

⁹¹ Exodus 23:1 (only discontinuous sections of the verse are actually cited).

because he is not necessarily avaricious; a *meshummad* from appetite cannot be a witness but only because he is avaricious. The first tannaitic tradition is cited as proof against Rava's opinion that a *meshummad* to provoke can be a witness. The tradition says that thieves and defrauders of oaths cannot be witnesses. The Talmud interprets the plural "oaths" as implying both oaths violating a monetary trust (which would indicate avariciousness) and vain oaths (lying under oath, which would indicate wickedness more generally). The latter category of oath would seem to include a *meshummad* to provoke in the proscription. This proof is rejected because the plural "oaths" can be read as indicating all types of monetary oaths while still excluding vain oaths. The second tannaitic tradition is cited as proof against Abaye's opinion that a *meshummad* to provoke cannot be a witness because it cites only thieves and usurers who are both avaricious, but they are not necessarily wicked in a more general sense. This is taken as a successful proof. Thus, Rava's opinion that a *meshummad* to provoke can be a witness is considered to be correct.

From the perspective of inclusion and exclusion, it is notable that a *meshummad* to provoke is considered to be a more inclusionary judicial category relative to all Jews than a *meshummad* from appetite.⁹² The latter is excluded from testimony but not the former. This is notable because the other amoraic dictum on this matter from a few generations later reverses the earlier order of priority. This saying appears in b. Avodah Zarah 26b and b. Horayot 11a:⁹³

⁹² The Bavli's editors do not appear to take a strong stand on this matter here. On the one hand, the editors are generally considered to be responsible for the *shaqla' ve-tarya'* and the *shaqla' ve-tarya'* here supports Rava's position. Yet on the other hand, the editors present this as one in a series of judicial disagreements in which the halakhah is according to Abaye: הלכתא כוותיה דאביי ביע"ל קג"ם. In any case, the exclusion of a *meshummad* from desire would seem to reflect a tradition that predates its later more decisive inclusion by the Bavli's editors that I will discuss in what follows.

⁹³ B. Horayot 11a (MS Munich 95): פליגי בה רב אח' ורבינ' חד אמ' לתאבון הוי מושמד להכעיס מין

Rav Aha and Ravina disagree: one says that a *meshummad* [is a person who sins] from appetite and a *min* [is a person who sins] to provoke and one says that a *meshummad* also [is a person who sins] to provoke, and who is a *min*? An idolater.

The most reasonable reading of the normative hierarchy driving this attempt to define these terms would make an idolater and a *min* worse than a *meshummad*. Thus, one of these two rabbis teaches that a person who sins to provoke and a person who sins from appetite are normatively equivalent. The other rabbi believes that sinning to provoke is the more severe transgression and is thus equal not to a *meshummad* but to a *min*. The one who believes that both kinds of a sinner are equal equates the more serious transgression of the *min* with that of an idolater.

It is this former opinion, which considers sinning to provoke as a more serious type of transgression than sinning from appetite, that the editors of the Babylonian Talmud take up in b. Avodah Zarah 26a–b:⁹⁴

It was taught in a tannaitic tradition that Rabbi Abbahu repeated the following before Rabbi Yohanan: idolaters and shepherds of small cattle are not raised and are not lowered, but *minim*, informers, and *meshummadim* are lowered and are not raised. [Rabbi Yohanan] said to him, “I interpret ‘so you shall do with any lost thing of your brother’s’⁹⁵ to include the *meshummad*, yet you said that they are lowered.” [Rabbi Abbahu replied,] “Remove the *meshummad* from my list.” Yet he could have replied, “This case concerns a *meshummad* who eats carcasses from appetite and this case concerns a *meshummad* who eats carcasses to provoke.” However, he was of the opinion that one who eats carcasses to provoke is a *min*.

Here Rabbi Abbahu teaches in Rabbi Yohanan’s presence that idolaters and herdsmen of small cattle are considered relatively severe categories of transgressors, so that if one

וחד אמ' להכעיס נמי משומד אל' איזהו מין זה העובד ע"ז. Censored texts varies between *mumar* and *meshummad*, and between *min*, Sadducee, and Epicurean. On the appearance of the term *mumar* in censored texts, see n. 9, chapter one.

⁹⁴ B. Avodah Zarah 26a–b: תני רבי אבהו קמיה דר' יוחנן העובדי כוכבים ורועי בהמה דקה לא מעלין לא מורידין אלא מורידין אבל המינין והמסורות והמומרים היו מורידין ולא מעלין א"ל אני שונה לכל אבידת אחיך לרבות את המומר ואת אמרת היו מורידין סמי מכאן מומר ולישני ליה כאן במומר אוכל נבילות לתיאבון כאן במומר אוכל נבילות להכעיס קסבר אוכל נבילות להכעיס מין הוא. On the appearance of the term *mumar* in censored texts, see n. 9, chapter one.

⁹⁵ Deuteronomy 22:3.

comes across such a person who had fallen into a pit, he is not to be helped out.⁹⁶ This is apparently the expression of a kind of passive aggression against types of behavior that the rabbis considered to be impious. However, there are even more serious categories of transgression that call for a more actively aggressive response. *Minim*, informers, and *meshummadim* merit being actively thrown into a pit. Rabbi Yohanan objects based on a tannaitic tradition that he had heard, which includes *meshummadim* under the biblical command to return lost objects to one's "brother." According to Yohanan, *meshummadim* count as one's brothers and thus they should be removed from the list. The Bavli's editors attempt to harmonize these opinions by suggesting that the *meshummad* in Rabbi Abbahu's opinion is a *meshummad* to provoke. It is only this more severe category of transgression that merits being thrown into a pit. The less severe *meshummad* from appetite is still considered "one's brother."

Thus, the Bavli's editors turn around an uncertain category from an earlier period based on subsequent precedent and give it both an ideologically and a halakhically inclusionary implication. Even a *meshummad*, if his transgression derives from appetite only, is still considered one's brother, and one is obligated to help him. This is a halakhic innovation, which I suggest accomplishes two ideological aims. First, it shifts the borders of those rhetorically included within the rabbinic community to include a very severe category of transgression, the *meshummad*, that in earlier texts is treated in an

⁹⁶ This is, at least, how a number of Talmudic texts and most scholars interpret this tannaitic tradition. I will suggest in chapter four that its original meaning was likely significantly more benign, being concerned with the order of priority of seeking for and returning lost objects. Here the Talmudic text is somewhat ambiguous, but I translate following the generally accepted sense of the tradition as it has been treated in modern scholarship. Relevant texts include b. Avodah Zarah 13b, b. Avodah Zarah 26a–b, b. Avodah Zarah 26b, b. Sanhedrin 57a, and b. Hullin 13b. See discussion and bibliography in chapter four. The rabbis apparently considered herding of small cattle, such as goats, to be a moral failing because these kinds of animals are liable to damage personal property.

exclusionary sense.⁹⁷ And second, it shifts the line over which one must cross to be rhetorically excluded from the Jewish community from observing the practical precepts and proscriptions of rabbinic Torah as such, to accepting the authority of that Torah conceptually. The *meshummad* to provoke is not excluded because he fails to observe the Torah (which is also true of a *meshummad* from appetite) but rather because he fails to recognize its jurisdiction.

Indeed, in these latest Talmudic strata, the use of “to provoke” intransitively has strong resonances of a shift in implication from the biblical sense of “to provoke God” to a new sense of “to provoke the Torah,” implying a conceptual rejection of the Torah’s authority. Thus, ed. Soncino translates the expression as “in defiance of the law” or as “if his purpose is provocative,” noting “i.e., to defy, and show his contempt for, the law.”⁹⁸ And, of course, provoking the Torah entails provoking those teachers of the Torah whose highest aim is to be its very embodiment. We may thus understand the expression “to provoke” as implying, at least to some extent, “to provoke the rabbis” by rejecting their role as interpreters of the practice of Torah.⁹⁹ And in fact, Shlomo Aviner, in his commentary to *Avot* defines a *meshummad* to provoke as “one who eats food that is not fit intentionally, to provoke the rabbis.”¹⁰⁰

I argue therefore that at least one of the ideological aims of the Bavli’s editors with this innovation is to expand the borders of the Torah’s jurisdiction over Jews at the

⁹⁷ T. Sanhedrin 13:5, for example, excludes *meshummadim* from the world to come.

⁹⁸ Ed. Soncino, b. Horayot 11a and b. Sanhedrin 27a, respectively.

⁹⁹ On the category of authority generally and the mutually implicated conceptualization of the authority of the Torah with the authority of the rabbis as its authorized interpreters, see nn. 8–9 in the introduction to this dissertation.

¹⁰⁰ Shlomo Chaim Aviner, *Pirkhei 'Avot: Peirush* (2 vols.; Beit El: Sifriyat Havah, 2007), 2.26: מומר להכעיס – אוכל דווקא לא כשרות, להכעיס את הרבנים. On the term *mumar*, see n. 9, chapter one.

margins of or outside of their own circles. The polemic at work in these texts is therefore inclusionary in the sense that I suggest.

My second example of an innovation on the part of the Bavli's editors that serves this same kind of inclusionary rhetorical aim can be seen in b. Sanhedrin 44a.¹⁰¹ There, the Bavli comments on Achan's stealing of consecrated objects and his subsequent confession and punishment as narrated in Joshua 7. The Bavli text reflects a tension between a hermeneutical inclination to multiply Achan's transgressions, which is typical of the Talmud's representation of impious biblical figures,¹⁰² and at the same time a desire to stress rhetorically that he is still included within the Jewish people:¹⁰³

“Israel has sinned”¹⁰⁴—Rabbi Abba bar Zavda said, “And though they sinned, they remain Israel!” Rabbi Abba said, “Thus people say, ‘a myrtle that stands among willows is still called a myrtle.’” “And they have also transgressed my covenant which I commanded them; and they have also taken some of the devoted things; and they also have stolen, and also lied, and also put them among their own stuff.”¹⁰⁵—Rabbi Ilai said in the name of Rabbi Yehudah bar Masparta, “This teaches that Achan transgressed all of the five books of the Torah because ‘also’ is said five times!” And Rabbi Ilai also said in the name of Rabbi Yehudah bar Masparta, “Achan stretched his foreskin: here it is written, ‘And they have also transgressed my covenant,’ and there it is written, ‘[Any uncircumcised male who is not circumcised in the flesh of his foreskin shall be cut off from his people;] he has broken my covenant.’”¹⁰⁶ This is obvious! On the contrary, this was taught because otherwise you would have thought that he would not have behaved wantonly in regard to the precepts of the body. “And

¹⁰¹ On this text, see Jacob Katz, “Though He Sinned, He Remains an Israelite,” [Hebrew] *Tarbiz* 27 (1958): 203–217; Boyarin, *Border Lines*, 224; and Schiffman, “At the Crossroads: Tannaitic Perspectives on the Jewish-Christian Schism,” 351 n. 207, and the bibliography there.

¹⁰² There are several examples of this in Bavli. For one important instance, see my discussion of Gehazi in chapter three, whose sins are also multiplied beyond what the Bible relates.

¹⁰³ B. Sanhedrin 44a: חטא ישראל אמר רבי אבא בר זבדא אף על פי שחטא ישראל הוא אמר רבי אבא היינו דאמרי אינשי אסא דקאי ביני חילפי אסא שמיא ואסא קרו ליה וגם עברו את בריתי אשר צויתי אותם גם לקחו מן החרם גם גנבו גם כחשו גם שמו בכליהם אמר רבי אילעא משום רבי יהודה בר מספרתא מלמד שעבר עכן על חמשה חומשי תורה שנאמר חמשה גם ואמר רבי אילעא משום רבי יהודה בר מספרתא עכן מושך בערלתו היה כתיב הכא וגם עברו את בריתי וכתיב התם את בריתי הפר פשיטא מהו דתימא במצוה גופיה לא פקר קא משמע לן וכי עשה נבלה בישראל אמר רבי אבא בר זבדא מלמד שבעל עכן נערה המאורסה כתיב הכא וכי עשה נבלה וכתיב התם כי עשתה נבלה בישראל פשיטא מהו דתימא כולי האי לא פקר נפשיה קא משמע לן.

¹⁰⁴ Joshua 7:11.

¹⁰⁵ Joshua 7:11 (RSV, slightly modified).

¹⁰⁶ Genesis 17:14.

because he has done a shameful thing in Israel”¹⁰⁷—Rabbi Abba bar Zavda said, “This teaches that Achan had relations with a betrothed young woman: here it is written, ‘and because he has done a shameful thing in Israel,’ and there it is written, ‘because she has done a shameful thing in Israel.’”¹⁰⁸ This is obvious! On the contrary, this was taught because otherwise you would have thought that he would not have behaved so wantonly in regard to his own soul.

This is a complex text that is partially in Hebrew and partially in Aramaic. It appears, however, that the Hebrew sections, if taken by themselves, preserve an earlier midrash on a verse from Joshua 7, into which the Bavli’s editors have woven their own ideas. This core Hebrew text underlying the Bavli is cited in the names of Abba bar Zavda and Ilai, who were third century Palestinian amoraim, so perhaps the core midrash can be dated to this period. Following, I repeat the text excluding the Aramaic additions. It clearly reads as a simple commentary on God’s response to Achan’s theft in Joshua 7:11: “Israel has sinned; they have transgressed my covenant which I commanded them; they have taken some of the devoted things; they have stolen, and lied, and put them among their own stuff”:

“Israel has sinned”—Rabbi Abba bar Zavda said, “And though they sinned, they remain Israel!” “And they have also transgressed my covenant which I commanded them; and they have also taken some of the devoted things; and they also have stolen, and also lied, and also put them among their own stuff.”—Rabbi Ilai said in the name of Rabbi Yehudah bar Maspata, “This teaches that Achan transgressed all of the five books of the Torah because ‘also’ is said five times!” And Rabbi Ilai also said in the name of Rabbi Yehudah bar Maspata, “Achan stretched his foreskin: here it is written, ‘And they have also transgressed my covenant,’ and there it is written, ‘[Any uncircumcised male who is not circumcised in the flesh of his foreskin shall be cut off from his people;] he has broken my covenant.’” “And because he has done a shameful thing in Israel”—Rabbi Abba bar Zavda said, “This teaches that Achan had relations with a betrothed young woman: here it is written, ‘and because he has done a shameful thing in Israel,’ and there it is written, ‘because she has done a shameful thing in Israel.’”

¹⁰⁷ Joshua 7:14.

¹⁰⁸ Deuteronomy 22:21 (RSV, modified to match the language of Joshua 7:14). This text appears in regard to a man who claims that his betrothed was not a virgin.

This third century Palestinian Hebrew text is a fairly straightforward hermeneutical expansion on Joshua 7:11.¹⁰⁹ It starts with a comment on the expression “Israel has sinned.” In context in the book of Joshua, this expression refers to all of Israel rather than to an individual Israelite. Thus, there is no reason to think that Rabbi Abba bar Zavda was referring to Achan specifically when he said *’af ‘al pi she-ḥata’ yisra’el hu’*,¹¹⁰ which could be translated either as “And though they sinned, they remain Israel” or “And though he sinned, he remains an Israelite.” The more natural reading is that Abba is interpreting the verse as referring to Israel’s collective guilt but also to their collective redemption—even though some among the people might sin, the people collectively remain Israel. The rest of the midrash then goes on to discuss Achan specifically, but it discusses him only to increase his culpability by accusing him of sins that the biblical narrative does not mention. In the book of Joshua, Achan misappropriates consecrated items, but he does not commit the other transgressions that the Talmudic text enumerates. The overall impetus of most of this midrash to present Achan as a more severe sinner would stand in tension with the saying of Rabbi Abba bar Zavda, if we were inclined to read its original intent as referring to Achan individually. Rather it is more plausible to suppose that Abba’s saying in the original midrash refers, as the biblical verse does, to Israel collectively.

However, it might be suggested that the Bavli editors’ addition of the Aramaic explanation, “a myrtle that stands among willows is still called a myrtle,” changes the

¹⁰⁹ The only slight peculiarity is that the text “he has done a shameful thing in Israel” is actually from Joshua 7:14. It may thus be that the editor joined together a number of distinct midrashim. However, as the first half Joshua 7:14 has, “he has transgressed the covenant of the LORD,” which is almost verbatim to the text from Joshua 7:11, “they have transgressed my covenant which I commanded them,” perhaps the original midrash connected them together in its hermeneutical efforts to find a scriptural basis for some additional sins that Achan committed.

¹¹⁰ אף על פי שחטא ישראל הוא.

meaning of Abba's saying.¹¹¹ As an individual myrtle standing among many willows is still called a myrtle, so also the sinner Achan, even standing among other sinners, is still called an Israelite. The meaning is thus changed from "And though Israel sinned, they remain Israel" to "And though an individual Israelite sins, he remain an Israelite."

The resultant tension in the edited text is striking and significant. The original midrash works very hard to multiply Achan's sins, and the editor of the Babylonian Talmud does nothing to temper this part of the text. One outcome of the collective effort is thus a more severely excluded figure of Achan as a serial transgressor. At the same time, however, the editor slips into the heart of this midrash a text that has the opposite rhetorical effect: even given the severity of his many sins, Achan is still included within the people Israel. I suggest that this then serves as another example of the inclusionary rhetorical tendencies of the Bavli's editors. It is the rabbis themselves who have the authority to declare Achan an even worse sinner than the Bible declared him, and even so it is the rabbis themselves who have the authority to determine the boundaries of inclusion within Israel.

Having demonstrated the rhetorical significance of the two editorial innovations that I mentioned at the start of this section—the idea of a *meshummad* from desire and the idea that an Israelite who sins remains an Israelite—I would like to take a moment to consider a relevant issue related to the second innovation. Although for the most part, rabbinic literature adopts the biblical model of a corporate Israel that includes both sinners and righteous people,¹¹² there are a few texts that scholars have read as intending

¹¹¹ See Katz, "Though He Sinned, He Remains an Israelite."

¹¹² See Martha Himmelfarb, *A Kingdom of Priests: Ancestry and Merit in Ancient Israel* (Jewish Culture and Contexts; Philadelphia: University of Pennsylvania Press, 2006), 160–185, esp. 174–175.

to deny the name Israel to some types of sinners.¹¹³ A number of scholars have stressed the importance of this distinction, apparently because early Christian polemicists such as Ignatius and Justin are very concerned with the question of on whom the name “Christian” ought to be legitimately bestowed.¹¹⁴ Conjectured similarities in this regard between the rabbis and the early Christian heresiologists would thus support claims of mutual influence between their respective corpora. This text in b. Sanhedrin 44a, however, which stresses that even very severe sinners remain part of corporate Israel, might be seen as challenging the existence of this type of polemic in rabbinic literature. Given the importance of this issue to the study of heresy, polemics, exclusion, and inclusion in Late Antiquity, it will be worthwhile to digress to examine these texts. This examination will be of value for its intrinsic interest, but it will also lend further support to this section’s overall thesis.

¹¹³ This observation is most often applied to m. Sanhedrin 10:1, which I discuss below. See, for just a few examples, Louis Finkelstein, *Introduction to the Treatises Abot and Abot of Rabbi Nathan* [Hebrew] (Texts and Studies of the Jewish Theological Seminary of America 16; New York: The Jewish Theological Seminary, 1950), 226 n. 4: *כאמור נלע"ד לפרש משנה זו שלפיה אלה המעטים שהודחו מחיי העולם הבא אינם נחשבים על עם ישראל לגמרי*; Christine Hayes, “Displaced Self-Perceptions: The Deployment of *Mînîm* and Romans in B. Sanhedrin 90b–91a,” in *Religious and Ethnic Communities in Later Roman Palestine* (Studies and Texts in Jewish History and Culture 5; ed. Hayim Lapin; Lanham, Maryland.: University Press of Maryland, 1999), 249–289, at 276: “[T]he mishnah’s formulation makes it clear that those who doubt resurrection are those outside the community of Israel, and they are by definition *mînîm* of various types”; Boyarin, *Border Lines*, 252 n. 128: “According to the versions preserved in the *textus receptus* of the Sanhedrin Mishna, it would be the case that there too the deviants are excluded from the name ‘Israel.’” Other scholars have contested this reading. See Schiffman, “At the Crossroads: Tannaitic Perspectives on the Jewish-Christian Schism,” 144: “The fact that certain heretics or non-believers are excluded from the world to come in no way implies expulsion from the Jewish people”; and, most recently, Adiel Schremer, “Thinking about Belonging in Early Rabbinic Literature,” 269: “this mishnah says nothing about belonging in the Jewish people, and it does not deny the name ‘Israel’ from a Jew who espouses these theological opinions.”

¹¹⁴ See, for example, Royalty, *The Origins of Hersey*, 6: “[N]ames were important to [Justin], particularly the use of the name ‘Christian,’ which, as with the name and identity of ‘Jews,’ was in considerable flux at this time.” Royalty notes how Justin complains in the Apology that Christians are condemned merely for this name. For recent monographs on Christian identity in Antiquity, see Judith Lieu, *Christian Identity in the Jewish and Greco-Roman World* (Oxford: Oxford University Press, 2004) and Denise Kimber Buell, *Why This New Race: Ethnic Reasoning in Early Christianity* (New York: Columbia University Press, 2005).

As I will demonstrate in what follows, I am skeptical that the very few texts that scholars have concentrated on in this regard are best read as intending to deny the name “Israel” to their polemical targets. But I would also like to qualify this discussion at the outset with the observation that the scholarly focus on these texts seems at times to have imbued this difference with more normative significance than it ought to have. I would argue that there are any number of exclusionary rhetorical strategies that a polemicist might adopt in the literary construction of groups that he wishes to represent as “other” in some sense. One strategy common among early Christian polemicists is to deny the name “Christian” to their opponents. I will argue in what follows that the rabbis do not seem to deploy this specific technique. Even the worst sinners, those who lose their portion in the world to come, are still called “Israel.” Indeed, t. Sanhedrin 13:4, which I will discuss in the next section, collectively denies a portion in the world to come to the sinners of Israel and to the sinners of the nations, yet even so, each group retains its distinctive ethnic appellation. However, there is no reason that, as a rhetorical strategy, focusing on exclusion by denying the name of one’s own preferred affiliation to one’s opponents ought to be considered any more exclusionary or any “worse” (or, indeed, any better!) than denying them a portion in the world to come. I would argue that we should approach these primarily as stylistic variants of exclusionary polemical techniques adopted for complex social-historical reasons or to meet specific short-term political aims, rather than as normatively distinct polemical modes.¹¹⁵

¹¹⁵ Of course, the question of why this difference may have come about from a social-historical perspective is certainly an interesting one. See Himmelfarb, *A Kingdom of Priests*, 160–185; Kimber-Buell, *Why this New Race*. Also, see Goodman, “Function of *Minim*,” 169: “In the history of early Christianity, theology and practice both developed to a large extent through polemic against deviants.” And, n. 23: “One of the corollaries of the present study is that transfer of the same assumptions to self-definition by rabbinic Jews may be mistaken.”

With this being said, however, as characteristic divergences in polemical strategies might well tell us something about the social-historical circumstances that stand behind instances of various types of polemic, it is worthwhile to clarify the extent to which the rabbis did adopt the strategy of rhetorically denying the name “Israel” to their opponents. The three texts that scholars typically discuss in this regard are this text in b. Sanhedrin 44a and two texts in the Mishnah: m. Sanhedrin 10:1 and m. Niddah 4:2.

I will start with m. Sanhedrin 10:1. The text as it appears in standard printed editions of the Bavli is as follows:¹¹⁶

All Israel have a portion in the world to come, as it is said, “Your people shall all be righteous; they shall possess the land for ever, the shoot of my planting, the work of my hands, that I might be glorified.”¹¹⁷ And these have no portion in the world to come . . .

The Mishnah then goes on to enumerate various types of transgressors who have no portion in the world to come. This first sentence and the verse cited from the book of Isaiah, however, do not appear in the best Mishnah manuscripts, MSS Kaufmann and Cambridge. These begin directly with “These have no portion in the world to come . . .,” a sentence whose first words match the formulaic pattern of the previous and subsequent mishnayot, m. Sanhedrin 7:4, 9:1, and 11:1, each of which serves as a subject heading for the various topics under consideration. It is therefore now generally recognized that the first sentence of the standard text is a later editorial addition.¹¹⁸ Yet even as an editorial addition, it seems oddly self-contradictory. The text that the editors produced says that all Israel have a portion in the world to come and then immediately lists those who do not!

¹¹⁶ M. Sanhedrin 10:1: כל ישראל יש להם חלק לעולם הבא שנאמר ועמר כלם צדיקים לעולם יירשו: ארץ נצר מטעי מעשה ידי להתפאר ואלו שאין להם חלק לעולם הבא.

¹¹⁷ Isaiah 60:21.

¹¹⁸ See, most recently, Schremer, “Thinking about Belonging in Early Rabbinic Literature,” 269–270 n. 64. For additional bibliography, see n. 113, above, and Grossberg, “Orthopraxy in Tannaitic Literature,” 520 n. 7.

Thus, it has been suggested that these later editors' intention, at least, although not the intention of the original Mishnah, is to imply that those who do not have a portion in the world to come do not merit the name Israel.¹¹⁹

Although this is one possible reading of this text, I believe that it is not the most likely one. As mentioned, the terms of the contest in rabbinic polemic never *explicitly* involve the name "Israel," whereas even very severe sinners are still called Israel as a matter of course. In order to support this reading, we would have to suppose that one or two texts in an entire corpus diverge radically from the predominant metaphors that it adopts almost universally. This is certainly not out of the question. But in such a case, if an equally plausible possibility exists near at hand then this possibility should be preferred. In this case, traditional commentators have already suggested an alternative. According to these commentators, the meaning of the editors' addition is essentially "all Israel has a portion in the world to come . . . but, they can lose it!" Both this reading and the reading that some scholars suggest— "all Israel has a portion of the world to come . . . and these are no longer called Israel!"—require adding to what is written. However, the former reading, which I am endorsing, has the advantage of being consistent with the ubiquitous rabbinic metaphor of a corporate Israel rather than a mostly unprecedented and therefore surprising denial of the name "Israel" to Jewish sinners.

Moreover and more importantly, I would argue that it is not necessary to assume that the editors responsible for this addition had such a specific ideological expression in mind. There is some evidence, although it is admittedly not very extensive, that this tradition regarding all Israel having a portion in the world to come may have circulated as an independent midrash on the verse from Isaiah 60:21: "Your people shall all be

¹¹⁹ For bibliography, see n. 113, above.

righteous; they shall possess the land for ever, the shoot of my planting, the work of my hands, that I might be glorified.”¹²⁰ The late midrashic collection Yalqut Shimoni includes a text that is essentially the same as the addition to m. Sanhedrin 10:1 as a short stand-alone midrash on the book of Isaiah unconnected to the Mishnah.¹²¹ At some point in the development of these traditions, this short midrash also became joined with m. Avot 1:1 as an introduction to that chapter. It appears thus in Mahzor Vitri and in MS Munich 95’s text of m. Avot.

Thus, I am suggesting that the editor of m. Sanhedrin 10:1 may have joined together two independent traditions because they both discuss having a “portion in the world to come,” without having any carefully considered ideological aim and without being overly concerned with the logical contradiction that the pairing entailed. This would certainly not be atypical of the editorial style of rabbinic collections. For instance, in y. Sanhedrin 10:1, 27c, commenting on this very mishnah, the Yerushalmi brings a tradition that immediately contradicts the text it is commenting on.¹²² Contradictions at the seams of editorially joined traditions are not at all uncommon in rabbinic literature.

Furthermore, if we must seek for an ideological message in the final version of m. Sanhedrin 10:1, perhaps the simplest solution would be a desire on the part of the editors to add an optimistic message to the rather judgmental tone of chapter ten of the

¹²⁰ Isaiah 60:21.

¹²¹ Yalqut Shimoni on Isaiah 60: *שנו רבותינו כל ישראל יש להם עמך כלם צדיקים לעולם יירשו ארץ, חלק לעוה"ב שנאמר ועמך כלם צדיקים וגו'*. Of course, this may well be the partial citation of a Talmudic text that includes this mishnah with the addition rather than the preservation of an independent tradition, especially given its formulaic introduction. Given the certainty that the first line of m. Sanhedrin 10:1 is a post-tannaitic addition and, at the same time, the lack of significant evidence regarding the source and timing of the addition, I offer this only as a conjectural but plausible reconstruction.

¹²² See n. 73, chapter four, for the text. In this case the contradiction is a redundancy that the Yerushalmi corrects by modifying the tradition it cites.

Mishnah.¹²³ Indeed, I would suggest that this solution is most likely given the scant evidence available. And, this as well might further support my overall claim that one of the notable ideological aims of the Bavli's editors was an expansion of the Torah's jurisdiction through a subtly inclusionary mode of polemic. This addition is certainly post-tannaitic because it does not appear in the best Mishnah manuscripts, but it is likely pre-geonic because it does appear in the best Bavli manuscripts.¹²⁴ If it is a late addition to this mishnah by the Bavli's editors, the expression "All Israel has a portion in the world to come" might be best understood as also implying that all Israel is included within the sphere of the Torah's authority and thus within the jurisdiction of the rabbinic halakhah.

The third text, along with m. Sanhedrin 10:1 and b. Sanhedrin 44a, that we might read as implying a polemical context based on the issue of who gets to be called "Israel" is m. Niddah 4:2. There, the Mishnah is discussing the differences between rabbinic teachings on menstrual purity and those of the Sadducees.¹²⁵

Regarding the daughters of the Sadducees, when they are accustomed to follow the customs of their fathers, they are like Samaritans. If they separated themselves in order to follow the customs of Israel, they are like Israel. Rabbi Yossi says, they are always like Israel until they separate themselves to follow the customs of their fathers.

This mishnah classifies Sadducean women as either *like* Israel or *like* the Samaritans depending on how they observe precepts regarding menstrual purity. Although the phrase

¹²³ Solomon Luria already suggests this in the 16th century. He writes in his commentary on the Talmud, *hokhmat shelomoh*: *הך בבא אינו מזו המשנה אלא אגדה בעלמא וכתובה כאן כדי להתחיל הפרק בדבר טוב*.

¹²⁴ It appears, for example, in MS Munich 95 (in an inset block of larger script), in MS Florence II-I-9 (in a separate section that includes the whole chapter of the Mishnah preceding the gemara, and in headwords introducing the gemara), and in MS Yad Harav Herzog 1 (with the individual mishnah introducing the gemara as in the printed texts).

¹²⁵ M. Niddah 4:2: *בנות צדוקין בזמן שנהגו ללכת בדרכי אבותיהן הרי הן ככותיות פרשו ללכת בדרכי ישראל הרי הן כישראליות ר' יוסי אומר לעולם הן כישראל עד שיפרשו ללכת בדרכי אבותיהן*.

“like Israel” is rather vague, Boyarin has argued that this mishnah implies that the rabbis did not consider the Sadducees to be part of Israel.¹²⁶ This reading cannot be rejected out of hand. But it must be admitted that there is another reading, which I believe is both simpler and more likely.

The previous mishnah, m. Niddah 4:1, lists a number of practical halakhic rulings regarding Samaritan purity practices:¹²⁷

The daughters of the Samaritans are menstrually impure from their cradles. And, Samaritans transmit impurity to what lies beneath them as well as what is above them because they have sex with their wives while they are menstrually impure, since [their wives] wait on every type of menstrual blood.¹²⁸ However, one is not culpable on their account when coming into the sanctuary, and we do not burn on their account the heave offering, because their impurity is uncertain.

This mishnah considers the halakhic purity status of a woman who does not observe rabbinic teachings on menstrual purity and the implications of that uncertain status. It must be noted that the text is not especially polemical in tone and is not explicitly pejorative. The Mishnah’s halakhic concerns with those outside of the community of sages are in cases such as these much more practical. For example, scholars have discussed how the tannaim create a set of rules to facilitate interactions with commoners in regard to tithing so as not to obligate them to compromise their own practices.¹²⁹ I am

¹²⁶ Boyarin, *Border Lines*, 60. On this text, see Charlotte Elisheva Fonrobert, “When Women Walk in the Way of Their Fathers: On Gendering the Rabbinic Claim for Authority,” *Journal of the History of Sexuality* 10 (2001): 398–415, and the bibliography, there. Also see Schremer’s response to Boyarin in “Thinking about Belonging in Early Rabbinic Literature,” 271–272.

¹²⁷ M. Niddah 4:1: בנות כותים נדות מעריסתן והכותים מטמאים משכב תחתון כעליון מפני שהן בועלי נדות והן יושבות על כל דם ודם ואין חייבין עליה על ביאת מקדש ואין שורפין עליהם את התרומה מפני שטומאתן ספק.

¹²⁸ According to traditional commentators, the matter is that Samaritan women count seven impure days from the first appearance of menstrual blood. However, not all types of blood are impure according to the rabbis. Thus, if the first appearance is of a pure type of blood, and an impure type of blood appears subsequently within the seven days of counting, then the days of impurity will be thought to be completed too soon. The parallel in t. Niddah 5:1 makes this a bit clearer by adding: יום שהיא טהורה בו סופרת מתוך שבעה.

¹²⁹ See Rubenstein, *Culture of the Babylonian Talmud*, 124: “While there is certainly no deep respect for the *am ha’arets*, there is little opprobrium either. The sources expect that sages and *amei ha’arets* associate in a

not, of course, arguing that the rabbis are incapable of ideological attacks against those outside of their community. Indeed, these are quite common in rabbinic literature generally as discussed throughout this chapter. However, I do argue that this is not the concern of this text.

Rather, this text is concerned with the problem of how a person who is committed to specific purity practices interacts with those who are not. Because impurity can be transmitted, this is a very practical matter. M. Niddah 4:1's lack of any explicit polemical attack against the Samaritans suggests that its main aim is addressing this practical concern. I would argue therefore that the subsequent mishnah in m. Niddah 4:2 is considering the same question: is the halakhic status of women who follow Sadducee purity practices similar to those of the Samaritans or not? Thus, this mishnah cites "Israel" as the opposite of "Samaritan" as a way of making the comparison. But there is no reason to read this text as claiming that Sadducees are not Israel in an ontological sense. As a more conservative reading, I suggest that this mishnah specifies that the Sadducees are "like Samaritans" only in the very limited sense that the rules establishing Samaritan purity enumerated in the previous mishnah determine their purity status. I do not think that it is reasonable to read this text as "excommunicating" the Samaritans from Israel, as Boyarin suggests.¹³⁰ Rather, the implications regarding legitimate Jewish identity are subtle and structural consequences that emerge implicitly from any polemical efforts to draw borders between groups.¹³¹

variety of contexts; they provide rules to govern interactions, but they frown on too much intimacy." Also see Goodman, "Function of *Minim*," who sees a similar impetus behind some of the rabbinic *minut* texts.

¹³⁰ *Border Lines*, 60: "If that is a paradigm, then those fathers' traditional ways (very likely ancient norms), and indeed those fathers themselves, have been semantically excommunicated from Israel."

¹³¹ That these issues are not the explicit concern of these texts does not mean that they are unimportant. My argument here is about the textual polemical strategies that these texts deploy not about their social consequences or discursive assumptions. On this aspect of the text, see Fonrobert, "When Women Walk in

Thus, none of the three texts discussed, b. Sanhedrin 44a, m. Sanhedrin 10:1, or m. Niddah 4:2, is best read as denying the name Israel to rabbinic polemical opponents. This mode of exclusion is not typical for the rabbis, and it would seem that this fact is attributable primarily to their adoption of the standard biblical model of Israel as a corporate entity that includes both pious and impious individual members. The expression from b. Sanhedrin 44a, however, “And though they sin, they remain Israel,” as the editors of the Bavli reimagine it, and the addition of “All Israel have a portion in the world to come” in m. Sanhedrin 10:1, may well reflect the social historical circumstances of the late Sassanid Babylonian community and their characteristic style of inclusionary polemic for which I am arguing for in this chapter.

This section has been focused synchronically on the innovations of the Bavli’s editors that further the aims of an inclusionary polemic. In the next section, I will continue with my diachronic analysis of the pomegranate trope to demonstrate how it too takes a distinctive inclusionary turn as it is redeployed in the Bavli.

IV. From Palestinian Exclusion to Babylonian Inclusion

In the first and second sections of this chapter, I discussed three key texts that deploy the pomegranate trope, GenR 32:10, SongR 4:6, and b. Hagigah 27a. In this section I will demonstrate how these three texts exemplify the diachronic development from exclusionary to inclusionary polemic from the earlier Palestinian period into the editing of the Babylonian Talmud.

the Way of Their Fathers,” 398–415. Fonrobert reads these texts in terms of “the attempt to construct rabbinic authority, particularly over women’s religious practice.”

The cycle of pomegranate traditions in SongR 4:4–4:7, 4:12 seems likely to rely on GenR 32:10 given the evidence adduced in section two and SongR’s generally later dating and Palestinian provenance. B. Hagigah 27a will be more difficult to place because it does not clearly rely on the Palestinian traditions, apart from in its use of the pomegranate trope itself. However, I believe that this text as it appears in the Bavli is relatively late, a product of the Bavli’s editors in the sixth or seventh century rather than an early tradition preserved in the name of Resh Lakish.

Thus, before turning to a closer examination of these three texts, I will endeavor to demonstrate that the early Babylonian core of the tradition in b. Hagigah 27a is an amoraic dictum, variously attributed, of the form: *ke-felah ha-rimmon raqqatekh—’afilu reiqanin she-be-kha melei’in mitzvot ke-rimon*: “‘your temples are like a pomegranate split open’—even the ‘empty ones’ among you are as full of mitzvot as a pomegranate [is full of seeds].”¹³² This dictum closely parallels and likely relies on the Palestinian traditions seen in GenR and SongR, and like them it refers to “empty ones” in the general sense of simple Jews rather than as sinners particularly. The Bavli’s editors add to this tradition by reconceptualizing these Jews as “sinners of Israel,” a category which itself appears in an sharply exclusionary sense already in the tannaitic period.¹³³ The Bavli thus deploys a traditional trope (the pomegranate metaphor) in order to transform an exclusionary polemical category (the sinners of Israel) into an inclusionary one.

I suggested above that b. Hagigah 27a was similar to SongR 4:6 in the sense that both seem to be discussing simple Jews who are not exceptionally virtuous yet act

¹³² כפלח הרמון רקתך אפילו ריקנין שבך מלאין מצוות כרמון.

¹³³ For example, in t. Sanhedrin 13:4 the sinners of Israel are denied a portion in the world to come, as I will discuss below.

virtuously.¹³⁴ SongR 4:6 construes that virtue narrowly as an avoidance of sexual misconduct. B. Hagigah takes this much further, not only by suggesting that the subjects are sinners rather than simple Jews but also by broadening their virtuous conduct indefinitely and declaring that these sinners are actually filled with good deeds. However, another Bavli tradition preserves a sense much closer to SongR 4:6 and preserves as well what would appear to be an early form of this saying attributed to Resh Lakish. B.

Sanhedrin 37a describes an encounter between a Rav Kahana and a *min*:¹³⁵

“Encircled with lilies”¹³⁶—Even [fenced in with] only an encirclement of lilies they would not break out. And thus said a certain *min* to Rav Kahana, “You say that a menstruant is permitted to be alone with her husband; is it possible that there is flame among the chaff and it does not burn?” He said to him, “The Torah testifies concerning us ‘encircled with lilies’—Even [fenced in with] only an encirclement of lilies they would not break out!” Resh Lakish learned this from this verse: “your temples are like a pomegranate split open”—“even the ‘empty ones’ (*reiqanin*) among you are as full of mitzvot as a pomegranate [is full of seeds].”

Here, as in SongR 4:6, the transgression at hand is narrowly construed as sexual misconduct. Jews are able to be alone with their menstruating wives, and, even so, they will not engage in forbidden relations because, according to Resh Lakish, they are “as full of mitzvot as a pomegranate [is full of seeds].” Note that there is nothing here about sinners of Israel, and indeed, the subjects of this discussion are Jews who adhere closely enough to rabbinic ideas (or at least to biblical notions of purity) to refrain from sex with a menstruant.

This more narrowly focused and less hyperbolic saying in the name of Resh Lakish is more plausibly taken as the core dictum on which b. Hagigah 27a is based.

¹³⁴ This seems to be the sense of the metaphor in SongR 4:6, although, as mentioned above, the start of the narrative also praises these Jews for being virtuous.

¹³⁵ B. Sanhedrin 37a: סוגה בשושנים שאפילו כסוגה של שושנים לא יפרצו בהן פרצות והיינו דאמר ליה ההוא מינא לרב כהנא אמריתו נדה שרי לייחודי בהדי גברא אפשר אש בנעורת ואינה מהבהבת אמר ליה התורה העידה עלינו סוגה בשושנים שאפילו כסוגה בשושנים לא יפרצו בהן פרצות ריש לקיש אמר מהכא כפלח הרמון רקתך אפילו ריקנין שבך מלאין מצוות כרמון.

¹³⁶ Song of Songs 7:2.

Furthermore, this saying appears elsewhere in the Bavli unattributed, in b. Berakhot

57a:¹³⁷

A person who sees pomegranates in a dream: if they are small, his business will be as fruitful as a pomegranate tree; if they are large, his business will grow like a pomegranate tree. If they are split: if he is a sage, he should expect Torah as it is said, “I would give you spiced wine to drink, the juice of my pomegranates”;¹³⁸ if he is a commoner, he should expect mitzvot, as it is said, “your temples are like a pomegranate split open”—What are “your temples” (*raqqatekh*)? Even the empty ones (*reiqanin*) among you are as full of mitzvot as a pomegranate [is full of seeds].

Here the saying is cited anonymously, and the “empty ones” are simple Jews as in the tradition from GenR. This would seem to suggest that the longer tradition cited in the name of Resh Lakish in b. Hagigah 27a is an extended version of a core dictum variously attributed. We also should be suspicious of that longer tradition’s attribution because its overly optimistic message appears at the end of a tractate and at the end of an order: such optimistic endings were considered auspicious.¹³⁹ Moreover, its form is clearly modeled on the text that immediately precedes it:¹⁴⁰

Rabbi Abbahu said that Rabbi Eleazar said, “The fire of gehinnom does not have any power over sages. This is learned *a minori ad majus* from the salamander. Just as in the case of a salamander, which is engendered by fire, fire has no power over one who anoints himself with its blood; so also a sage, whose entire body is fire, as it is written ‘Is not my word like fire, says the LORD’¹⁴¹—how much more so is this true!”

¹³⁷ B. Berakhot 57a: רב רבי רבי עסקיה כרמונא, רב רבי רבי עסקיה כרמונא פלגי: אם תלמיד חכם הוא יצפה לתורה שנאמר אשךר מיין הרקח מעסיס רמני ואם עם הארץ הוא יצפה למצות שנאמר כפלח הרמון רקתך מאי רקתך אפילו ריקנין שבך מלאים מצות כרמון רקת זו. The dictum appears as well in b. Megillah 6a, though there it is divorced from its context of the Song of Songs: טבריא כינרת זו גינוסר ולמה נקרא שמה רקת שאפילו ריקנין שבה מלאין מצות כרמון.

¹³⁸ Song of Songs 8:2.

¹³⁹ See, for example, m. Kelim 30:4; בטרהר ויצאת בטומאה ויצאת בטרהר: אמר רבי יוסי אשריך כלים שנכנסת בטומאה ויצאת בטרהר, on which Zvi Horowitz writes in his traditional Mishnah commentary, “It is considered an auspicious sign to end a work on a positive note.” Tal Ilan, *Massekhet Ta’anit: Text, Translation, and Commentary* (A Feminist Commentary on the Babylonian Talmud II/9; Tübingen: Mohr-Siebeck, 2008), 6, writes “Scholars have noted, however, that mishnaic tractates often end with a positive note, despite their general context.” See references in n. 6, there.

¹⁴⁰ B. Hagigah 27a: אמר רבי אבהו אמר רבי אלעזר תלמידי חכמים אין אור של גיהנם שולטת בהן קל וחומר מסלמנדרא ומה סלמנדרא שתולדת אש היא הסך מדמה אין אור שולטת בו תלמידי חכמים שכל גופן אש דכתיב הלוא כה דברי כאש נאם ה' על אחת כמה וכמה.

¹⁴¹ Jeremiah 23:29.

Thus, the evidence adduced indicates that the tradition attributed to Resh Lakish in b. Hagigah 27a, in which the sinners of Israel are said to be as full of mitzvot as a pomegranate, is the work of the editors of the Babylonian Talmud. It reflects, therefore, the rabbinic ideology of sixth or seventh century Persian Babylonia rather than the ideology of third century Roman Palestine, as would be suggested were we to take the attribution to Resh Lakish at face value.¹⁴²

The variation in attribution of the core dictum and its extensive reworking by the Bavli's editors makes its source difficult to trace. However, there is some evidence in the structure of the dictum itself that suggests its source in the Palestinian tradition generally and perhaps in GenR 32:10 more specifically. In GenR 32:10, the fictive setting implies that Rabbi Yonatan actually declared the verses cited verbally in praise of his donkey driver. This would explain the second person grammatical structure of these sayings:

“There shall not be male or female barren among you, or among your cattle”—even among the drivers of your cattle. “Your temples are like a pomegranate split open”—even the “empty ones” among you are as full of answers as a pomegranate [is full of seeds]. And thus it is written, “no weapon that is fashioned against you shall prosper.”

In b. Hagigah 27a, the saying also has a second person grammatical structure, but there it seems a bit awkward because the rest of the text is in the third person:

Just as the Golden Alter that only has on it the width of a *dinar* of gold, and for so many years the fire [of the burning incense] has not destroyed it, so also the sinners of Israel, who are as full of mitzvot as a pomegranate [is full of seeds]—as it is written, “your temples are like a pomegranate split open”; do not read “temples” but rather the “empty ones” among you—how much more so is this true!

This addition “among you” is not directed to any subject in the fictive setting of the text and seems unnecessary in context. Although this second person form is part of the

¹⁴² As does Arthur Marmorstein, “Judaism and Christianity in the Middle of the Third Century,” *Hebrew Union College Annual* 10 (1935): 223–263. See also, Sacha Stern, *Jewish Identity in Early Rabbinic Writings* (Arbeiten zur Geschichte des Antiken Judentums und des Urchristentums 23; Leiden: Brill, 1994), 120–123.

exegesis of the verse, which is itself written in the second person, it still comes off awkwardly here. Perhaps, then, this indicates the original provenance of this saying in a Palestinian midrash such as seen in GenR 32:10 and its later manifestations in SongR.¹⁴³

This possibility of a Palestinian provenance for this core dictum might also explain why this saying, which appears unattributed in b. Berakhot 57a, was later pseudepigraphically attributed to Resh Lakish. Resh Lakish was a third century Palestinian sage, in whose name b. Hullin 92a preserves a very different tradition that also happens to use the expression “empty ones”:¹⁴⁴

Rabbi Shimon ben Lakish says, “This nation is compared to a vine: its branches—these are the householders; its clusters—these are the sages; its leaves—these are the commoners; its tendrils—these are the empty ones that are in Israel.” And thus, they sent a message from [the Land of Israel to Babylonia], “let the clusters pray for mercy for the leaves, for were it not for the leaves the clusters could not exit.”

This text is unrelated to the pomegranate traditions. It just happens to use the same, rather uncommon, expression “empty ones.” However, in this case, the term is used as it is in the earliest versions of the pomegranate tradition, in the more likely sense of simple Jews, rather than in b. Hagigah 27a’s sense of unrighteous Jews. Moreover, the last sentence of this text is certainly a later addition. It is in Aramaic whereas the rest is in Hebrew; and it is very pro-Babylonian, having the unlearned Palestinian commoners begging the wise Babylonian sages to pray for them! This suggests that in this case the attribution of the Hebrew text to Resh Lakish might be reliable and that the Bavli has preserved here an authentic Palestinian tradition. Perhaps, then, the core dictum of the pomegranate tradition was attributed to Resh Lakish because he was a well known Palestinian sage

¹⁴³ The SongR traditions are similar to GenR in this regard.

¹⁴⁴ B. Hullin 92a: אמר רבי שמעון בן לקיש אומה זו כגפן נמשלה זמורות שבה אלו בעלי בתים אשכולות שבה אלו תלמידי חכמים עליון שבה אלו עמי הארץ קנוקנות שבה אלו ריקנים שבישראל והיינו דשלחו מתם ליבעי רחמים איתכליא על עליא דאילמלא עליא לא מתקיימין איתכליא.

who elsewhere used the expression “empty ones,” and the core dictum itself was known to be of Palestinian provenance.

The evidence therefore suggests that the Bavli’s editors adopted an anonymous saying of early Palestinian provenance. They attributed it to an early Palestinian sage and repurposed it for their own ideological ends. The importance of this conclusion for my overall argument in this section is that it helps to clarify the diachronic development of the pomegranate texts under consideration. At first glance, it might not seem as if the pomegranate traditions that appear in the Bavli are directly dependent on those that appear in the classical Palestinian midrash, although they share the same underlying metaphor and some basic themes. However, I am arguing that the Bavli traditions do directly rely on a core dictum of Palestinian provenance and that the Bavli’s additions to this text, although perhaps influenced by earlier themes, most directly reflect the ideological concerns of these later generations.

Thus, the three texts whose comparison I will now undertake in greater detail, GenR 32:10, SongR 4:6, and b. Hagigah 27a, can be placed diachronically in roughly this order: GenR 32:10 represents perhaps an early amoraic Palestinian milieu; SongR 4:6, a later amoraic Palestinian milieu; and b. Hagigah 27a, a post-amoraic Babylonian milieu. I will now proceed to an examination of the differences in the polemical aims of the early Palestinian and the later Babylonian traditions in order to demonstrate how the latter innovates a characteristically inclusionary polemical thrust.

As mentioned earlier, the polemic in GenR 32:10 is explicitly exclusionary, and the praise of the simple Jew functions rhetorically primarily as part of that exclusion. The subtlety of a type of rhetoric wherein ostensible praise of someone at the margins of the

rabbinic community actually serves a polemical purpose other than what is suggested at first glance offers a direction of analysis for b. Hagigah 27a. What polemical function does the praise of the sinners of Israel as being filled with mitzvot serve in the Bavli? I suggest that the purpose here is to include rhetorically within the jurisdictional boundaries of the rabbis' Torah, Jews who might not see themselves as so affiliated.

The first point suggesting this conclusion is the hyperbolic nature of the claim that the *posh 'ei yisra'el*, the “sinners of Israel,” are full of mitzvot.¹⁴⁵ The earliest and I would say paradigmatic use of the term *posh 'ei yisra'el* is in t. Sanhedrin 13:4, where it has the very negative and sharply exclusionary sense that one would expect from such an expression:¹⁴⁶

Sinners of Israel with their bodies and sinners of the nations of the world with their bodies go down to gehinnom and are judged there twelve months. After twelve months, their souls are annihilated and their bodies are burnt, gehinnom regurgitates them and they become ashes, and the wind disperses them and scatters them under the feet of the righteous, as it is said, “And you shall tread down the wicked, for they will be ashes under the soles of your feet, on the day when I act, says the LORD of hosts.”¹⁴⁷

Here, the *posh 'ei yisra'el* are unredeemed Jews, excluded collectively from the world to come together with non-Jewish sinners. The development from the Tosefta's unambiguous exclusion to the Bavli's hyperbolic inclusion is striking.

This is not to say that all early rabbinic texts took as strongly worded an exclusionary position as the Tosefta here. Rabbinic tradition preserves evidence of

¹⁴⁵ On the expression, “sinners of Israel,” see Marmorstein, “Judaism and Christianity in the Middle of the Third Century”; and Chaim Milikowsky, “Gehenna and ‘Sinners of Israel’ in Light of *Seder 'Olam*,” [Hebrew] *Tarbiz* 55 (1985–1986): 311–344. For an alternative analysis of many of the texts that I will treat below, see Sacha Stern, *Jewish Identity in Early Rabbinic Writings*, 120–122.

¹⁴⁶ T. Sanhedrin 13:4 (ed. Zuckerman): פושעי ישראל בגופן ופושעי אומות העולם בגופן יורדין לגיהנם ונידונין בה שנים עשר חודש ולאחר שנים עשר חודש נפשותן כלה וגופן נשרף וגיהנם פולטתו ונעשין אפר והרוח זורה אותן ומפזרתן תחת כפות רגלי הצדיקים שנ' ועשותם רשעים כי יהיו אפר תחת כפות רגלי צדיקים ליום אני עושה אמר י"י צבאות.

¹⁴⁷ Malachi 4:3.

disagreements among the sages as to how they should relate to such sinners. T. Sanhedrin 13:1–3 records several relevant arguments, albeit without using the phrase *posh 'ei yisra 'el*, between Gamliel and Yehoshua, between Eliezer and Yehoshua, and between the houses of Hillel and Shammai regarding the fate of various types of sinners. The more lenient among these positions might be taken as suggesting early intimations of a somewhat inclusive attitude.

Another tradition suggestive of an inclusive attitude towards the *posh 'ei yisra 'el* is preserved in b. Hullin 5a, which comments on Leviticus 1:2: “When any man of you brings an offering to the LORD, you shall bring your offering of cattle.” The Bavli reads the partitive use of the preposition “of” in the phrases “of you” and “of cattle” as indicating exceptions from the general permission to bring offerings:¹⁴⁸

“Of you”—but not all of you. This excepts a *meshummad*. However, “Of you” [can also mean] “with you”—[The verse] makes a distinction for the nations.¹⁴⁹ “Of cattle”—this is to include people who are similar to cattle. Thus [the sages] said, “We accept sacrifices from the sinners of Israel, in order to bring them to repentance except for a *meshummad*, one who offers libations of wine, and one who desecrates the Sabbath publicly.”

Here, reminiscent of the dubious praise of the donkey-driver in GenR 32:10 who is hermeneutically compared to his donkey, a hermeneutical comparison to beasts allows the *posh 'ei yisra 'el* to bring offerings in order to bring them to repentance. Although there is some suggestion of inclusiveness here, the normative evaluation that the *posh 'ei yisra 'el* are like beasts is still quite negative. And, the inclusiveness is limited and

¹⁴⁸ B. Hullin 5a: מכם ולא כולכם להוציא את המומר מכם בכס חלקתי ולא באומות מן הבהמה מן להביא בני אדם שדומים לבהמה מכאן אמרו מקבלין קרבנות מפושעי ישראל כדי שיחזרו בהן בשובה חוץ מן המומר ומנסך את היין ומחלל שבתות בפרהסיא. Parallel in b. Eruvin 69b. On the appearance of the term *mumar* in censored texts, see n. 9, chapter one.

¹⁴⁹ According to Rashi, the intention here is that the exception for the Jewish *meshummad* does not apply to non-Jews. All non-Jews can bring offerings.

conditional. The tradition attributed to Resh Lakish in b. Hagigah 27a takes the idea much further when it claims that such sinners are filled with mitzvot.

Perhaps more similar to Resh Lakish's saying in its inclusiveness is a saying in b. Keritot 6b:¹⁵⁰

Rabbi Hana bar Bizna said in the name of Shimon the Hasid, "Any [public] fast that does not include some of the sinners of Israel is no fast, like as to galbanum, which has an unpleasant odor, yet scripture enumerates it among the ingredients of the incense." Exodus 30:34–35 lists the ingredients for a special incense to be burnt in the tent of meeting, which was also used later in the Temple in Jerusalem: "And the LORD said to Moses, 'Take sweet spices, stacte, and onycha, and galbanum, sweet spices with pure frankincense (of each shall there be an equal part), and make an incense blended as by the perfumer, seasoned with salt, pure and holy.'" Galbanum, a plant resin, is said by the Talmud to have an unpleasant odor yet even so it is included in this incense that the Bible describes as "most holy." This is compared to the *posh 'ei yisra'el*: although they have a distinctly unpleasant spiritual odor because of their sinfulness, they are still considered to be an integral part of the Jewish people.

Thus, there appears to be a general tendency in later texts towards a use of the expression *posh 'ei yisra'el* in fashion that implies a wider inclusionary scope. However, none of the other instances take the inclusion as far as the saying attributed to Resh Lakish. While other traditions recognize that such sinners are not entirely wicked or that they must be conditionally included among the rest of Israel in certain situations, they nonetheless treat them pejoratively. And, none of the traditions praise these sinners, especially not as effusively as suggesting that they are packed full with mitzvot. I

¹⁵⁰ B. Keritot 6b: א"ר חנא בר בזנא א"ר שמעון חסידא כל תענית שאין בה מפושעי ישראל אינה אביי אמר מהכא. The text continues: תענית שהרי חלבנה ריחה רע ומנאה הכתוב עם סממני קטרת. ואגודתו על ארץ יסדה. "Abaye learns this from [Amos 9:6]: 'and he founds his vault upon the earth.'"

suggest, then, that the hyperbolic nature of this praise in b. Hagigah 27a, especially when compared with the traditions from GenR 32:10 and SongR 4:6, reflect a move towards greater inclusiveness in polemical style from earlier Palestinian traditions to later Babylonian traditions.

Another, perhaps more subtle, indication of this shift in polemical style is exemplified by a difference in the form of the pomegranate trope in b. Hagigah 27a and in the text to which it is most similar, SongR 4:6. In the latter case, the Israelite soldiers are praised because “the emptiest among you are as full of *mitzvot and good deeds* as this pomegranate [is full of seeds].”¹⁵¹ In the former case, the sinners are praised as being “full of *mitzvot*” only. The difference between the expression “mitzvot and good deeds” and merely “mitzvot” might seem at first glance insignificant, but I believe that it is an important piece of additional evidence of this difference between the earlier Palestinian and later Babylonian traditions. I will conclude this section with a brief discussion of this difference.

The expression “mitzvot and good deeds” is very common in Palestinian texts. It appears 23 times in Genesis Rabbah alone in various contexts of praise and condemnation, in connection with “the righteous and the wicked” generally,¹⁵² Noah,¹⁵³ Asshur,¹⁵⁴ Abraham,¹⁵⁵ Shem,¹⁵⁶ Sarah,¹⁵⁷ Job,¹⁵⁸ Keturah,¹⁵⁹ the city Luz,¹⁶⁰ and

¹⁵¹ רקנין שבכם רצופין מצות ומעשים טובים כרמון הזה.

¹⁵² Six times in Genesis Rabbah 9:5 in the course of a long series of exegetical explanations of Genesis 1:31: “And God saw everything that he had made, and behold, it was very good.”

¹⁵³ Genesis Rabbah 30:6, 35:3.

¹⁵⁴ Genesis Rabbah 37:4.

¹⁵⁵ Genesis Rabbah 39:3, 44:5, and twice in 61:2.

¹⁵⁶ Genesis Rabbah 44:7.

¹⁵⁷ Genesis Rabbah 53:5.

¹⁵⁸ Genesis Rabbah 57:4.

¹⁵⁹ Genesis Rabbah 61:4.

¹⁶⁰ Genesis Rabbah 69:8, 81:4.

Jacob.¹⁶¹ It appears as well, quite commonly, in the other classical Palestinian rabbinic works: seven times in Leviticus Rabbah,¹⁶² seven times in Lamentations Rabbah,¹⁶³ five times in Pesiqta de-Rav Kahana,¹⁶⁴ and three times in the Yerushalmi.¹⁶⁵ And yet, on careful consideration, this expression's meaning is unclear. What, precisely, is the difference between a "mitzvah" and a "good deed"? Might it not be argued that a "good deed" is a type of "mitzvah" or that "mitzvot" are themselves "good deeds"? I suggest that this distinction is relevant to my analysis because an examination of the entire rabbinic corpus reveals that expressions pairing "mitzvot" with various idioms signifying correct or pious behavior such as "good deeds" or "acts of kindness"¹⁶⁶ are characteristic of the Palestinian rather than the Babylonian textual tradition. Such expressions do not typically appear in the Bavli.¹⁶⁷

The Bavli, in contrast to the Palestinian sources, tends rather to pair "mitzvot" (or alternatively "good deeds" or "acts of kindness") with the study of Torah or repentance. Moreover, there are indications that in similar traditions appearing in both corpora, such

¹⁶¹ Genesis Rabbah 97:6.

¹⁶² Seven times in Leviticus Rabbah, ed. Margalio: 4:2 (three times), 22:2, 23:6, 28:1 (twice).

¹⁶³ Seven times in Lamentations Rabbah, ed. Buber: prologue 1, prologue 7, prologue 31, prologue 32, 1:54, 2:17, 3:1.

¹⁶⁴ Five times in Pesiqta de-Rav Kahana, ed. Mandelbaum: 8:1 (twice, parallel to Leviticus Rabbah 28:1), 13:1 (parallel to Leviticus Rabbah prologue 1), 18:2 (parallel to Leviticus Rabbah prologue 1 and 3:1), supplement 2.

¹⁶⁵ Three times in ed. Venice: y. Hagigah 2:1, 77b, y. Maaser Sheni 5:5, 56c–56d, and y. Taanit 3:10, 67a

¹⁶⁶ גמילות חסדים or מעשים טובים. For my purposes, these expressions can be treated as more or less synonymous. Also relevant to the discussion is the expression צדקות, when it appears in the sense of "righteous acts" (thus ed. Soncino of the Midrash, or "charitable acts" according to Jastrow) and דרך ארץ, *derekh 'eret*, which has a very wide and developing semantic range throughout rabbinic literature but includes among its meanings something similar to "decency" or "good manners" (the latter according to Jastrow). Thus, at least four expressions serve at various places in rabbinic literature to describe correct behavior or right action: דרך ארץ, צדקות, גמילות חסדים, מעשים טובים ("good deeds," "acts of kindness," "righteous acts," and "good manners.") All four appear at various places outside of the Bavli in combination with the word "mitzvah" (though some only in very late midrashim). By far most common is "mitzvot and good deeds" in Genesis Rabbah. To the very best of my knowledge, none of these combinations appear in the standard printed edition of the Bavli with the singular exception of b. Yoma 9b, but even there the reading is contradicted by several important manuscripts.

¹⁶⁷ With the important qualification and exception that I will discuss presently.

as SongR 4:6 and b. Hagigah 27a, the expression “mitzvot and good deeds” in the Palestinian tradition becomes merely “mitzvot” in the Bavli. I would not want to push this point too far, as more research would be required to confirm the extent that such expressions appear at all in any textual witnesses of the Bavli. They do not seem to appear at all in the standard printed edition, with one exception where the expression “Torah, mitzvot, and acts of kindness” appears, although in this case most manuscript witnesses read “Torah and acts of kindness.”¹⁶⁸ Even so, however, the difference between the Bavli and the Palestinian texts in this regard is surely significant.

I do not suggest that any inference should be drawn regarding this type of expression’s frequent usage in the Palestinian texts. Rather, I believe that the usage there is entirely conventional and it means “good deeds” generally. Its repetitiveness can be considered imprecise but not especially laden with meaning. However, to one who is closely acquainted with the Bavli, this imprecision has a peculiar feel. Stylistically, it is uncharacteristic of the Bavli to make a distinction, even in such a loose way, between “good deeds” and “mitzvot.” Rather, in Bavli parlance, “mitzvot” tends to have a broad sense that includes good deeds or acts of kindness. If this observation is correct, I would suggest that the most likely reason for this development is that the term “mitzvah” had, by the time of the Bavli’s editing, taken on a very broad semantic range that included the

¹⁶⁸ B. Yoma 9b: אבל מקדש שני שהיו עוסקין בתורה ובמצות וגמילות חסדים מפני מה חרב מפני שהיתה בו שנאת חנם ללמדך ששקולה שנאת חנם כנגד שלש עבירות עבודה זרה גלוי עריות, ושפיכות דמים. MSS Munich 6, NY JTS 1623/2, NY JTS 217, Oxford Opp. Add. fol. 23, and St. Petersburg 293/1 have בתורה ובגמילות חסדים. London 400, Munich 95, Vatican 134, and ed. Venice are closer to ed. Vilna. In addition, the Bavli, following the Mishnah, does make a distinction between “mitzvot,” which are obligatory, and certain types of actions that are considered merely “permissible” from a halakhic standpoint, *devar reshut*. However, the latter are often presented as if they were more or less value neutral in contrast to a “good deed” or “act of kindness,” which is by definition a worthy type of action to perform. More research is required on this subject.

concept of “good deeds” generally. Indeed, this broader meaning seems to have continued to dominate the idea of a “mitzvah” as a “good deed” in later Judaism.

I would like to suggest, therefore, at least provisionally, that the Bavli has a tendency to conflate what are actually two distinct concepts: a “mitzvah” in the sense of a biblically or rabbinically mandated religious precept and a “good deed” in the sense of non-legislated societal norms of correct behavior. The former is a precise category made up of the contents of actual collections of judicial rulings. The latter is a vague normative category and not explicitly part of any authoritative collection. The Bavli’s tendency to conflate these two distinct categories serves the aims of the type of inclusionary polemic that I am arguing is characteristic of the Bavli’s editorial layer. This conflation serves rhetorically to construct a textual landscape that includes all Jews within the Torah’s jurisdiction, whether willingly or merely implicitly. According to the worldview that the Bavli promotes, piety is not conceivable outside of the practice of Torah. It is not possible to do “good deeds” that are not also “mitzvot.” Or, to put the same point in the opposite way, “mitzvot” as taught by the rabbis encompass all manner of behavior whether strictly speaking “religious” or not, so that “good deeds” are simply another type of mitzvah.

It is in this light that I suggest we understand b. Hagigah 27a’s reading of the polemical tradition first seen in Genesis Rabbah. In GenR 32:10, a simple Jew is filled with “answers” when compared to a Samaritan. In SongR 4:6, a non-sinning but not necessarily virtuous Jew is filled with “mitzvot and good deeds” because he refrains from transgression. By the time of the Bavli’s editing, these traditions have developed so that even the sinners of Israel are filled with mitzvot, an expression that implicitly encompasses all manner of right action whether specifically legislated by the Torah or

not. Thus, the way that I read the polemical intent of the Bavli's take on these traditions is that all Jews, even the sinners of Israel, are by necessity practicing Torah and mitzvot whether they want to or not. That is, all Jews, even the sinners of Israel, are included within the jurisdiction of the rabbis' Torah whether they want to be or not.¹⁶⁹

V. The Polemics of Inclusion in the Babylonian Talmud

In this chapter, I have demonstrated how exploring the rabbinic corpus from the perspective of the categories of polemical exclusion and inclusion reveals broad stylistic developments that an analysis in terms of the more problematical category of heresy might obscure. The rabbinic corpus has its own characteristic textual modes, technical terminology, and polemical strategies for exclusion and inclusion, and the typical fashion of the deployment of these elements develops over time reflecting changes in the social structure of the rabbinic community. Heresy, as a monolithic category determined by the modes of textuality and rhetorical strategies that one group of early Christian polemicists most typically deploy, is arguably too limited and too imprecise for a rigorous historically contextualized analysis of the rabbis.

¹⁶⁹ The Bavli's all-encompassing conception of the rabbinic Torah is also illustrated by a narrative from b. Berakhot 62a (with a partial parallel in b. Hagigah 5b) that features three rabbis and their students, Yehoshua/Akiva, Akiva/Ben Azzai, and Abba/Kahana, in separate instances in which the student observes the rabbi engaged in a private act (defecation or marital intimacy). The student is censured and responds, "This is [also] Torah, and I must learn!" Thus, everything that a person does—not merely legislated precepts and not merely good deeds and acts of kindness—is Torah. As Daniel Boyarin, "On Stoves, Sex, and Slave-Girls: Rabbinic Orthodoxy and the Definition of Jewish Identity," *Hebrew Studies* 41 (2000): 169–188, at 180–181, writes, "[T]he crucial moment in this story is the three Rabbis' 'defense' of their strange behavior in the statement that there is nothing that escapes from the purview of Torah. Torah here is not the written word, not Scripture, but the behaviour of the Rabbi/master." And, this Torah is obligatory on all Israel, as in b. Shabbat 88a (parallel in b. Avodah Zarah 2b), where God lifts Mt. Sinai threateningly over the entire Jewish people and says, "If you accept the Torah, all is well. And, if not, here will be your grave!" See Gerald L. Blidstein, "In the Shadow of the Mountain: Consent and Coercion at Sinai," *Jewish Political Studies Review* 4 (1992): 41–53. On my approach in this dissertation to the complex issues of authority and consent that Boyarin and Blidstein are considering, see my discussion of Torah, authority, and ideology in the introduction to this dissertation and nn. 8–9, there.

Approaching the rabbinic corpus in this way has revealed that the more typical polemical modes of exclusion in earlier rabbinic texts developed into a kind of inclusionary rhetoric that is most characteristic of the editorial layer of the Babylonian Talmud. This rhetoric is, perhaps somewhat incongruously, both inclusionary and polemical. The field of its inclusion is all Jews who are willing to accept as authoritative the rabbis' maximal conceptualization of the Torah, and its polemical targets are those Jews who would reject this authority or who may have had different ideas about what the Torah is. I suggest that this style of inclusionary polemic developed as the rabbinic community became increasingly institutionalized in late Sassanid Babylonia and wielded increasingly more actual judicial authority on behalf of the exilarchate. This social-historical development led to a gradual narrowing of the diverse range of ideological concerns that animated earlier generations of polemicists to an increasing focus on promulgating the rabbis' Torah as a primary ideological concern.

Chapter III

RETHINKING THE HERETIC: THE ABSOLUTE OTHER AS POLEMICAL TARGET

My analysis in the previous chapter of “heresy” as an analytical category in rabbinic literature in terms of rhetorical *modes* of exclusion and inclusion suggests as a further step of analysis approaching the category of the “heretic” in terms of the typical strategies that the rabbis adopt when targeting specific *objects* of their polemics. The Greek *hairetikos*, as discussed in chapter one, is a derivative substantive adjective indicating the choice of a particular *hairesis*. This derivation indicates that as a polemical target, the *hairetikos* is constructed and excluded based on his ideological choice. We might, therefore, alternatively approach this category in rabbinic literature through a study of the ways that the rabbis represent the ideologies of the targets of their polemics in various texts and textual strata. And fortunately, the best known of rabbinic polemical targets, Elisha ben Abuyah, presents a remarkable opportunity for such a study. Elisha is a very complex figure in rabbinic literature. On the one hand, scholars have typically thought of him as an archetypal anti-rabbinic figure.¹ But on the other hand, perfectly ordinary and admirable rabbinic traditions are preserved in his name in the Mishnah, in Avot de-Rabbi Natan, and even in the Babylonian Talmud itself.² The complexity of this figure’s

¹ I will cite appropriate bibliography in the discussions that follow.

² Elisha appears in a number of sources in the classical rabbinic literature, and not always as a polemical target. For example, m. Avot 4:20 and b. Moed Qatan 20a cite a wisdom saying and legal ruling, respectively, in his name. In ARNA 40 and ARNB 46, Elisha’s appearance in a dream is said to be a sign of impending disaster. Traditions directly related to Elisha’s estrangement appear in various forms in t. Hagigah 2:3–4, b. Hagigah 15a–b, b. Qiddushin 39b, and y. Hagigah 2:1, 77b–c, and in midrashic sources parallel to y. Hagigah. In the Hekhalot literature, the tale of Elisha’s ascent appears in various versions in Merkavah Rabbah §672, 3 Enoch §20 (V228) and §856 (M40), and an isolated passage in MSS N8128 and O1531 §597.

function in the rabbinic corpus ought to warn against over-simplification based on models constructed from other period literature.

Unfortunately, however, such over-simplification is not uncommon. For example, in his pioneering work on “two powers in heaven,” Alan Segal writes of Elisha ben Abuyah that he “functions as the heretic par excellence, as Simon Magus does in Christian anti-heresiological tracts.”³ It must be allowed that Segal makes this statement about Elisha only in passing, and it is not the basis of any significant argumentation on this important monograph’s thesis. I cite it only as an illustration of the need for caution when undertaking such comparisons, so that, as I noted in the first chapter of this dissertation, similarity is not artificially reduced to identity nor dissimilarity to absolute difference. It is remarkable from this perspective that Segal could make such a far reaching statement of identity without offering any proof of its accuracy. It would seem that the claim is based on little more than the fact that both Elisha and Simon are important figures that appear frequently in the respective corpora and that both are, at least to Segal’s thinking, “heretics.” However, although Simon Magus is certainly a complicated figure in early Christian literature and although the way that he functions in that corpus may be similar in some ways to how Elisha functions in rabbinic literature, it would not be an easy task to demonstrate broadly that their primary functions overlap significantly enough to make such a comparison hold up to scrutiny.

³ Segal, *Two Powers*, 62. In n. 13, below, I discuss the most common scholarly conception of Aher as a heretic of some sort. This is not universal. Scholem comments in passing that “cutting the shoots” may be taken as transgressing the mitzvot; see n. 19, below. More relevantly, Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: John Hopkins University Press, 1999), 74, writes that Elisha’s exclamation about two powers in b. Hagigah 15a was “an unfortunate error, that he never subscribed to dualistic beliefs or heresy.”

By way of similarities, one might seek parallels in accusations of immorality or lawlessness against Simon or his followers and one of Elisha's important characteristics that I will discuss in what follows. However, as Marcel Simon points out, "Early Christian writers are unanimous in seeing [Simon Magus] 'as the father of all heresy.'"⁴ Thus, arguably, one especially important role that Simon Magus plays in early Christian heresiology is as a heresiarch: he is the founder of heterodox teachings that took root among his students and led to the various schools of heresy that the heresiologists eventually become so involved in cataloging. Elisha's student, in remarkably sharp contrast, is Rabbi Meir, one of the greatest tannaim of the second century, who even continues to study with Elisha after Elisha's transgression. Elisha continues to encourage Meir to study and observe the same rabbinic Torah that he himself abandoned. Moreover, Elisha's teaching continued to be repeated among the rabbis and are preserved, as just mentioned, in his name in several rabbinic collections.⁵ Far from being a heresiarch, we might better characterize Elisha, as a recent monograph on the subject describes him, as an "absolute other."⁶ He is a singular exception to the rules; an exception that begins and ends with him. As a heavenly voice in the narrative to be discussed in this chapter announces, "'Return backsliding children'—*except [Elisha]!*"

⁴ Marcel Simon, "From Greek *Hairesis* to Christian Heresy," 103 n. 3 (he cites Eusebius *Church History* 2.13.6: πάσης μὲν οὖν ἀρχηγὸν αἰρέσεως πρῶτον γενέσθαι τὸν Σίμωνα παρειλήφαμεν: "We have understood that Simon was the author of all heresy," trans. NPNF). See also Desjardins, "Bauer and Beyond," 75: "opponents are placed on heretical trajectories which are traced back to founding figures (e.g. Simon Magus) and Greek philosophical schools." Runia, "Philo of Alexandria and the Greek Hairesis-Model," 122, suggests that this idea of succession is essential to the "Greek hairesis-model" on which early Christian heresiology is founded: "Each of the *haireseis* had its own tradition of disciples and followers of the founder, stretching back in succession to the beginning of the movement. *Hairesis* thus implies and involves a διαδοχή, a passing on of the tradition from the one generation to the next."

⁵ As mentioned in n. 2, above, traditions are repeated in Elisha's name in m. Avot 4:20, Avot de-Rabbi Natan (in a number of variants in both versions of the text), and b. Moed Qatan 20a, with no pejorative context at all, apart from the traditions that he is said to teach Meir in the long narrative of Elisha's transgression in its various versions in the Talmuds and the midrash.

⁶ Albert Assaraf, *L'Hérétique: Elisha ben Abouya ou l'autre absolu* (Paris: Balland, 1991).

Rather than relying on such general and overly simplistic comparisons, then, I will undertake in this chapter a more cautious and focused approach that examines the construction of Elisha as a polemical target in various texts from the perspective of the ideological commitments that are attributed to him. As in the previous chapter, I will examine this polemical construction on the background of broad trends in rabbinic social history. The primary Elisha narrative appears in the Babylonian Talmud in tractate Hagigah, with significant parallels occurring in the Yerushalmi, Ecclesiastes Rabbah, and in a number of texts in the Hekhalot corpus. I will compare the Bavli's narrative both with some of these other versions and with the narratives of a number of other similar anti-rabbinic figures that appear elsewhere in the Bavli.

The results of this analysis will suggest that the editors of the Babylonian Talmud intentionally shift the focus of Elisha's constructed ideology away from his purported "two powers" speculations and towards his transgressions of the practical precepts of the rabbinic Torah. This shift of emphasis on the part of the Bavli's editors is significant in itself, but it also serves to highlight their explanation of the underlying cause of Elisha's estrangement, his belief that he is barred from repentance. This idea of the existence of a class of transgressor whose sins are so severe that he cannot repent is also at the heart of the narratives of the three other failed rabbis in the Bavli: Eleazar ben Dordia, Gehazi, and the student of Yehoshua ben Perahia. And, it is represented as well in several early traditions preserved in the tannaitic literature and by the Bavli itself in a number of variations. However, I will argue that these four narratives of failed rabbis share a common aim of marginalizing these earlier traditions.

Thus, two editorial focal points will emerge from my study of these Bavli narratives: a shift of emphasis away from two powers polemics towards an emphasis on the obligation to observe rabbinic Torah practices; and the intentional marginalization of early traditions concerning an unredeemable Jew. I argued in the last chapter that we can discern broad shifts in the primary emphasis of rabbinic polemics as the ideologically diverse nascent rabbinic movement in early Roman Palestine develops into the more unified and institutionalized rabbinic community of late Sassanid Persia. I will suggest that the editing of these narratives in the Bavli is plausibly explained as reflecting these same social-historical developments. Broadly speaking, a shift away from two powers polemics and towards a focus on the Torah's judicial authority as a predominate ideological concern and the rejection of sharply exclusionary tannaitic traditions that place certain Jews beyond the pale of repentance reflect a shift from an earlier milieu of divisive conflict among elites to a later milieu during which the primary aim was to extend the reach of the rabbinic Torah as widely as possible.⁷

I. The Ascent of Elisha ben Abuyah in the Bavli and in 3 Enoch⁸

As my first concern is a close comparison of versions of the Elisha narrative that appear in the Bavli and in the Hekhalot literature, I will start with a brief discussion of the latter. Many scholars have reconsidered the relationship of the Hekhalot corpus to classical rabbinic literature following Gershom Scholem's ground-breaking research that placed it

⁷ For more on the authority of the "rabbinic Torah," see the introduction and nn. 8–9, there.

⁸ An earlier version of this section appeared recently as David M. Grossberg, "Between 3 Enoch and Bavli Hagigah: Heresiology and Orthopraxy in the Ascent of Elisha ben Abuyah," in *Hekhalot Literature in Context: Between Byzantium and Babylonia* (Texte und Studien zum Antiken Judentum 153; ed. Ra'anan Boustan, Martha Himmelfarb, and Peter Schäfer; Tübingen: Mohr-Siebeck, 2013), 117–140. As my objective in this dissertation is problematizing some of the categories that I employed in that article, I have at times fine-tuned it to employ a more precise analytical terminology, though my conclusions remain unchanged.

solidly in a rabbinic context.⁹ The fact that these two corpora share motifs, characters, and narratives clearly demonstrates that they are related. However, their distance from one another is equally clear. They often present shared motifs from significantly different perspectives and often represent contradictory values. It is useful in this regard to consider carefully how narratives that appear in both corpora are treated in order to highlight how the editing and organization of narrative elements reflect divergent aims. Thus, generations of scholars¹⁰ have considered the relationship of a series of texts concerning the unfortunate meeting between Elisha ben Abuyah and Metatron that appear both in the Bavli and in various places in the Hekhalot corpus:¹¹ b. Hagigah 15a, Merkavah Rabbah §672, 3 Enoch §20 (V228) and §856 (M40), and an isolated passage in MSS N8128 and O1531 §597 (where the meeting is with “Akatri’el YH, the God of Israel”). In what follows, I will show how two of these texts, 3 Enoch from the Hekhalot literature and b. Hagigah from the classical rabbinic literature, although narrating a similar tale, present the narrative in strikingly dissimilar ways.

⁹ Gershom G. Scholem, *Jewish Gnosticism, Merkavah Mysticism, and Talmudic Tradition* (New York: Jewish Theological Seminary, 1960), 12: “[The] writers [of these texts] lived near the center of rabbinic Judaism, not on its fringes.” Similarly: “[T]here exists a whole chain of Hebrew and Aramaic texts, preserved, not on the outer fringes of Judaism, but in circles highly conscious of their attachment to rabbinic Judaism” (ibid., 5). Cf. Ithamar Gruenwald, *Apocalyptic and Merkavah Mysticism* (Arbeiten zur Geschichte des Antiken Judentums und des Urchristentums 14; Leiden: Brill, 1980), vii: “[T]he *Hekhalot* (‘Divine Palaces’) literature [was] mainly composed in Eretz-Yisrael at the time of the Talmud and the beginning of the Ge’onic period (circa 200–700) C.E. Other traces of such mysticism are found in rabbinic writings.” But, see E. E. Urbach, “ha-mesorot ‘al torat ha-sod bi-tequmat ha-tanna’im” in *Studies in Mysticism and Religion: Presented to Gershom G. Scholem on his Seventieth Birthday* (ed. E. E. Urbach, R. J. Z. Werblowsky, and Chaim Wirszubski; Jerusalem: Magnes, 1967), 1–28, for one of the early arguments against Scholem’s conclusions. For more recent responses, see David Halperin, *The Faces of the Chariot: Early Jewish Responses to Ezekiel’s Vision* (Texte und Studien zum Antiken Judentum 16; Tübingen: Mohr-Siebeck, 1988) and Peter Schäfer, *The Origins of Jewish Mysticism* (Tübingen: Mohr-Siebeck, 2009).

¹⁰ See nn. 14 and 15, below, for references to Gershom Scholem, P. S. Alexander, Peter Schäfer, Christopher Morray-Jones, and Nathaniel Deutsch.

¹¹ All references to Hekhalot literature are cited from *Synopse zur Hekhalot-Literatur* (ed. Peter Schäfer, with Margarete Schlüter and Hans Georg von Mutius; Tübingen: Mohr-Siebeck, 1981) by paragraph (and MS if necessary).

The figure of Elisha ben Abuyah (frequently referred to by the pejorative appellation “Aher”¹²) has not lacked for scholarly attention since the nineteenth century. Scholars have attempted to analyze Elisha using biographical, historiographical, and hermeneutical methodologies and have drawn widely varying conclusions.¹³ Therefore, it is important for me to clarify and circumscribe at the outset precisely how I will treat him here. I am unconcerned with Elisha as a historical person. The scope of my consideration is limited to what the differences between similar narratives about Elisha that appear in related but distinct corpora might reveal about the concerns of those who edited each of these narratives.

¹² Although I use the name Elisha exclusively in this chapter, quoted material will frequently refer to Aher. I will touch briefly on the giving of this name and the scholarship surrounding its interpretation, below. See n. 56, below.

¹³ Henry A. Fischel, *Rabbinic Literature and Greco-Roman Philosophy* (Studia Post Biblica 21; Leiden: Brill, 1973), 10–11, writes: “The nature of the heresy of Aher . . . was an enigma to talmudic tradition. This is evident from the existence of fairly numerous and often contradictory legends, anecdotes, and mere notes on him of various origins and uncertain historical value. His heresy has remained an enigma ever since. Modern scholarship has offered a wide range of solutions, all more or less unsatisfactory, many of them unduly influenced by a mistaken interpretation of [b. Hagigah 15a].” Fischel is correct regarding the unsatisfactory solutions to the enigma of Elisha, primarily, I suppose, because it is likely a methodological error to assume that all of the diverse literary sources that refer to Elisha can be harmonized into a coherent picture. Fischel concludes that the mystical element of this narrative in b. Hagigah 15a is a later reinterpretation (ibid., 4–5). Originally, the “four who entered paradise” was concerned with Epicureanism. That Elisha was an Epicurean is deduced, for example, from the narratives explaining why Elisha rejected the Torah in y. Hagigah 77b, 2:1 (ibid., 10–13). This is a creative suggestion but does not do much to convincingly solve the purported enigma. See Alon Goshen-Gottstein, *The Sinner and the Amnesiac: The Rabbinic Invention of Elisha ben Abuya and Eleazar ben Arach* (Stanford, California: Stanford University Press, 2000), 22–34 and Albert Assaraf, *L’Hérétique*, 129–148, for reviews of much of the literature on the subject. Goshen-Gottstein points out that most scholars have seen Elisha as an apostate, even going back to geonic sources. Hai Gaon connects Aher’s heresy to Zoroastrian theological dualism: **ופירוש אחר קצץ בנטיעות משל הוא על עיקר הדבר ארבעה נכנסו לפרדס וכיון שהפסיד אחר והשחית דמוהו למי שנכנס לפרדס וקיצץ בנטיעות כי אחר חשב שיש שתי רשויות כאלו האמגושים שאומרין הורמין ואהורמין [הרמזי ואהרמזי] ומקור טוב ומקור רע מעון אור וחשך לטעם זה נתכוון תנא זה ששנה מ:שנה זו** “The interpretation of ‘Aher cut the shoots’: it is an allegory on the main matter, four entered the *pardes*. And when Aher was lost and destroyed, they likened him to one who entered a garden and cut the shoots because Aher thought that there are two powers, like these the Persian magicians that say Hormin and Ahormin [or Harmiz and Aharmiz] and a good source and an evil source, an abode of light and darkness. To this matter the tanna of this mishnah intended” (B. M. Lewin, ed., *Otsar ha-Geonim: Thesaurus of the Gaonic Responsa and Commentaries* [13 vols.; Jerusalem: Hebrew University Press, 1928–1943], Hagigah, 15). See n. 56, below, for a quote from Nissim Gaon on the name Aher.

This being my intention, I am considering in this section only the Bavli and the Hekhalot corpus. My comparison will concentrate primarily on 3 Enoch §20 (V228) and b. Hagigah 15a. These two texts are well suited to my purpose because the MSS of 3 Enoch are unusually well edited for Hekhalot texts, and the Elisha cycle as it appears in b. Hagigah 15a–b is also well redacted and unified. I will refer to texts elsewhere in the Bavli or in the Hekhalot literature to better highlight the distinctions that I am attempting to make, but my main analysis will focus on these two texts. As the tale of Elisha is such well-trodden scholarly ground, I will start with a brief summary of my argument. Afterward, I will present the texts synoptically and enumerate the differences between them that support this argument. I hope, in this way, to make explicit the novelty of my thesis before attempting to demonstrate its accuracy.

In brief, all of these texts relate the same basic story: Elisha ascends to a mystical realm (the *pardes*) where he sees Metatron, who appears to Elisha as a semi-divine or even fully divine figure. Elisha reacts to this divine appearance with an exclamation that includes the phrase “two powers [in heaven],” a phrase that is connected elsewhere in rabbinic literature to unacceptable theological ideas that compromise rabbinic conceptions of monotheism. Afterwards, both Elisha and Metatron are punished. There are, however, important differences in the way that these narrative elements are arranged and phrased in each of the two corpora, and these differences will provide the data for my analysis.

Several scholars have addressed the temporal relationship of these two texts. P. S. Alexander and others argue for the Bavli narrative being closer to the original version and

3 Enoch relying on it.¹⁴ Christopher Morray-Jones and Nathaniel Deutsch argue that the Bavli represents a reworked version of an earlier tradition that is more accurately preserved in 3 Enoch.¹⁵ Although my analysis will support Alexander, my argument does not depend on a definitive answer to this question. Both of these narratives are short, self-contained texts, and, as mentioned, both appear relatively well edited compared to the corpus of which they are a part. Thus, I presume from the outset that each of the texts was organized and presented intentionally to communicate something other than an accurate historical account of Elisha as an individual. I presume that each of the editors had a universe of tales about Elisha with which to work and shaped them into a story that reflected exegetical and ideological concerns relevant to his own social circumstances.

In what follows, I will argue that the editors of the Babylonian Talmud intentionally shift the narrative focus away from the two powers polemic suggested by Elisha's reaction to Metatron and towards Elisha's transgression of rabbinic Torah precepts later in the narrative. Even Elisha's exclamation, "Perhaps, God forbid, there are two powers" is phrased in such a way as to shift culpability away from Elisha by suggesting an implicit rebuke of Metatron rather than a theological assessment of him, as

¹⁴ Scholem, *Jewish Gnosticism*, 43–55, traces a rather complicated development of the figure of Metatron in various sources and concludes on pp. 50–51 that 3 Enoch belongs to the late end of this development, after the Bavli. P. S. Alexander, "3 Enoch and the Talmud," *Journal for the Study of Judaism* 18 (1987): 40–68, at 54–66, carries out a comprehensive analysis and concludes that 3 Enoch relies on b. Hagigah 15a. Also, see idem., "3 (Hebrew Apocalypse of) Enoch: A New Translation and Introduction," in *The Old Testament Pseudepigrapha, Volume One* (ed. James H. Charlesworth; Garden City, New York: Doubleday, 1983), 223–315, at 268 n. 16. Fischel's analysis of the Elisha narrative in rabbinic literature would seem to imply an earlier Bavli based on the fact that he sees the mystical element as a later reinterpretation; see n. 5, above. Schäfer, *Origins*, 234–237, does not explicitly stake out a position on priority, but his general conclusions about the dating and provenance of 3 Enoch (700–900 C.E. in Babylonia) tend to support a reliance on the Bavli. He remarks that it has long been noticed that the Bavli version "may well have been the origin of this story and that the version in 3 Enoch is a secondary addition aiming at minimizing Metatron's role" (ibid., 322).

¹⁵ See C. R. A. Morray-Jones, "Hekhalot Literature and Talmud Tradition: Alexander's Three Test Cases," *Journal for the Study of Judaism* 22 (1991): 1–39, esp. 29–39 and Nathaniel Deutsch, *Guardians of the Gate: Angelic Vice Regency in Late Antiquity* (Brill's Series in Jewish Studies 22; Leiden: Brill, 1999), 48–77, esp. 67.

I will explain in detail. The editors of the narrative in 3 Enoch, in contrast, focus the narrative on the positive content of Elisha's exclamation by presenting it as an explicit statement: "certainly there are two powers in heaven" and stress Elisha's culpability in his immediate subsequent punishment. As my concern in this chapter is with the Bavli's strategies for targeting opponents and the social historical circumstances behind these strategies, my main thesis will be that Bavli's editors intentionally present Elisha as a failed rabbi, whose failure is represented by his refusal to observe the rabbinic Torah and his mistaken idea that he is unable to repent for his transgressions and return to the rabbinic community.

To establish my thesis as stated, I will undertake a synoptic comparison of b. Hagigah 15a and 3 Enoch §20 (V228). I will focus on several points of difference between the two texts and explain how each supports my suggested differentiation between the ideological aims of the editors of the respective texts. Refer to the appendix for the Hebrew and Aramaic text.

b. Hagigah 15a	3 Enoch §20 V228
Aher cut the shoots. About him the verse says, "Let not your mouth lead you into sin."	And since one ¹⁶ came to look at the vision of the Merkavah
What is this? He saw Metatron to whom permission was given to sit and to write the merits of Israel.	And he laid eyes on me, and he was awed and shocked before me. And his soul was distressed enough to depart from him because of my fearfulness and terribleness and awesomeness when he saw me, that I sat on a throne like a king and the ministering angels were waiting upon me like servants, and all the ministers of the court were wearing crowns around me.
He said, "It is taught that above there is no sitting and no competition and no turning around and no weariness"	At that time, he opened his mouth and said,
"Perhaps God Forbid there are two powers!"	"Certainly there are two powers in heaven!"
{Note that the following two narrative elements appear in both texts, but in	

¹⁶ אַהֲרָה, "one," is likely a scribal error. It probably should read אַהֲרָא, "Aher."

<i>inverted sequence.</i> }	
They took Metatron out and smote him with 60 pulses of fire. They said to him, “What is the reason that when you saw him you did not rise before him?”	Immediately, a heavenly voice went out from before the divine presence saying, “‘Return backsliding children’—except Aher that not!”
Permission was given him to wipe out Aher’s merits. A heavenly voice went out and said, “‘Return backsliding children’—except Aher!”	At that time, Anafi’el YVY, the honored and exalted and beloved and wonderful and awesome and admired prince came on a mission from the Holy One blessed be he and smote me with 60 pulses of fire and stood me on my feet.
He said, “Because this person has been harried from that world, let him go out and enjoy in this world.” Aher went out to evil company. He went out and found a prostitute. He propositioned her. She said to him, “Are you not Elisha ben Abuyah?” He uprooted a radish from its row on the Sabbath and gave it to her. She said, “He is Aher.”	

The Bavli version of the story begins with the enigmatic phrase “Aher cut the shoots” and a proof-text from Ecclesiastes 5:5. As several scholars have noted, this proof-text is associated with Elisha already in t. Hagigah 2:2, and thus it is likely that the Bavli narrative is best understood as based on or explaining the connection of this text to Elisha.¹⁷ If so, then the fact that it does not appear in 3 Enoch is significant from an editorial point of view, especially considering that it does appear in the version of this narrative from Merkavah Rabbah §672.¹⁸ These facts would tend to indicate that this proof-text was available to the editor of 3 Enoch as part of his universe of tales associated

¹⁷ Cf. Rubenstein, *Talmudic Stories*, 64: “This unfavorable picture of Elisha is a composite produced from interpretations of the Tosfetan tradition . . . , the curious epithet ‘Aher,’ later traditions of Elisha from the two Talmuds and midrashic collections, and . . . folk imagination.” Also, see Alexander, “3 Enoch and the Talmud,” 55, 56: “That Eccl. 5:5 is integral to the story is shown by its occurrence in Tosefta Hagigah 2:3 and T. P. Hagigah II, 77b. [The rest] is offered as some sort of a commentary”; “That story, which occurs in its purest form in Tosefta Hagigah 2:3–4, probably originated in Tannaitic times, but already in the Amoraic period its sense was no longer clear and its meaning had to be guessed at.”

¹⁸ Merkavah Rabbah §672: אמרו אל תתן פיר וגו'. אמרו כשירד אלישע {ב} למרכבה ראה מטטרון שנתנה לו רשות שע' אחת ביום לישב ולכתוב זכיות של ישראל. אמ' שנו חכמי'. למעלה אין עמידה ואין ישיב' לא קנאה ולא תחרות ולא עורף ולא עינוי. הררה שמא שתי רשויו' יש בשמים. מיד הוציא למטטרון לחוץ ספרגוד ותכוהו ששים פוליסי אש ונתנו רשות למטטרון לשרוף זכיות אלישע. יצתה בת קול. ואמרו שובו בנים שובבים חוץ מאחר

with Elisha, yet he chose to leave it out. The meaning of “Aher cut the shoots” is uncertain,¹⁹ but it seems generally agreed that, although only part of Ecclesiastes 5:5 is quoted in most MSS,²⁰ the entire verse is necessary to fully understand both this phrase and what follows: “Let not your mouth lead you into sin, and do not say before the messenger that it was a mistake; why should God be angry at your voice, and destroy the work of your hands?”²¹ At least three obvious parallels can be drawn between this verse and the Bavli narrative: first, the connection with “destroy the work of your hands” and “cutting the shoots” (literally, a type of manual labor or work); second, “do not say before the messenger that it was a mistake” connected to Elisha’s “mistake” regarding Metatron;

¹⁹ As will become clear, I prefer to interpret this phrase as referring to transgressing the precepts of the Torah. Thus, the editor’s intention in b. Hagigah was to exemplify its meaning with the incident of Elisha’s uprooting a radish on the Sabbath, which I will claim is Elisha’s first real transgression. Along these lines, see Scholem, *Jewish Gnosticism*, 16 n. 6, where he quotes A. Marmorstein: “Wie sie denjenigen verdammt, der den Zaun einreißt, so warnten sie stets vor der Beschädigung der Pflanzen,” explaining that as uprooting plants follows from breaking through the fence, thus “cutting the shoots” implies breaking through the *seyag la-torah*, the fence around the Torah referred to in m. Avot 1:1. That is, one possible interpretation of “cutting the shoots” is violating the *mitzvot*. Goshen-Gottstein, *Sinner*, 92, also interprets the phrase this way (as “not fulfilling the commandments”). Similarly, see Rubenstein, *Talmudic Stories*, 71: “Elisha uprooting the radish interprets the Toseftan phrase ‘cut the shoots.’” Peter Schäfer, “New Testament and Hekhalot Literature: The Journey into Heaven in Paul and in Merkavah Mysticism,” *Journal of Jewish Studies* 35 (1984): 19–35, at 27–28, points out that this seems to be the gist of the redactor’s understanding of the phrase in a parallel in the Yerushalmi: “The only pointer is given in the continuation of the story in the Jerusalem Talmud concerning Aher = Elisha b. Avuya, where it appears that the redactor at least understood the ‘sin’ of Elisha, and therewith the ‘cutting down of the shoots’, as sins against the Torah: or in concrete terms, as sins against the young Torah students (Aher’s ‘mouth’ leads his ‘flesh’, i.e., the ‘shoots’ of his people into, ‘sin’).” However, perhaps the more common trend in scholarship is to try to connect the phrase to Elisha’s “heretical” exclamation, as in the quote from Hai Gaon in n. 13, above. For example, see Urbach, “ha-mesorot ‘al torat ha-sod,” 14: בעוד שכן עזאי ובן זומא רק הזינו את עיניהם בנטיעות או נגע בהן, אלישע קיצץ אותן, כלומר הוא גילה במפורש את מה שראה, ולכן קראו עליו את הפסוק אל תתן את פיך לחטיא את בשרך: פי הכשילו. “While Ben Azzai and Ben Zoma only feasted their eyes on the shoots or touched them, Elisha cut them, that is, he revealed explicitly what he saw. Therefore they recited about him the verse, ‘Let not your mouth lead you into sin,’ His mouth thwarted him.” See, more recently, Daniel Abrams, “The Boundaries of Divine Ontology: The Inclusion and Exclusion of Metatron in the Godhead,” *Harvard Theological Review* 87 (1994): 291–321, at 293: “Elisha’s response is considered blasphemous and from this moment on Elisha is deemed a heretic, and named Aher, ‘the other.’ While the precise nature of his heresy is never fully explained in this context, he is accused of ‘cutting the shoots.’”

²⁰ Romm Vilna, the *editio princeps* (ed. Bomberg, Venice, 1519/1520–1523), Göttingen 3, and London 400 (Harley 5508) cite only the first part of the verse, “Let not your mouth lead you into sin.” Munich 95, Vatican 134, and Vatican 171 cite up to “. . . it was a mistake.” Only Munich 6 quotes the entire verse.

²¹ Ecclesiastes 5:5: אל תיתן את פיך לחטיא את בשרך ואל תאמר לפני המלאך כי שגגה היא למה: יקצוף האלוהים על קולך וחיבל את מעשה ידך.

and finally, “Let not your *mouth* lead you into sin” in connection to Elisha’s exclamation, “Perhaps, God forbid, there are two powers!”²²

In support of my reading of this text, I suggest that the final of these three parallels, the section of the verse quoted in all MSS,²³ is the most significant: “Let not your mouth lead you [lit. ‘your flesh’] into sin.” Where does Elisha’s flesh sin in this narrative? At the end, when he propositions a prostitute and violates the Sabbath. Reading the verse in Ecclesiastes literally, Elisha’s mouth, that is his exclamation, is not sinful in itself. Rather, it is merely the proximate cause of his sin, which is actually a sin of the flesh. This, I propose, is the reason that this part of the Bavli narrative ends as it does, with an example of Elisha transgressing a rabbinic precept. And if so, it is also significant that this conclusion does not appear in 3 Enoch because that narrative is not concerned with transgressions of the practical precepts of the rabbinic Torah but with the content of Elisha’s exclamation.

The crux of the Bavli narrative is not what Elisha said about two powers. Instead, it is the fact that the events occasioned by what he said caused him to go out and sin by violating the rabbinic practice of Torah. The moral is Elisha’s obligation to observe the Sabbath and the laws of modesty, not what he may or may not believe about the subtleties of the unity or multiplicity of the godhead. That these critical elements of the Bavli narrative, both the proof-text and the transgression, are entirely absent from 3 Enoch reflects the respective concerns of the editors of each of the texts.

Following this introduction, the narrative moves on to the meeting between Elisha and Metatron. The immediate result of this meeting is Elisha’s famous exclamation,

²² Cf. Rubenstein, *Talmudic Stories*, 71, where he lines up each part of the story with the various parts of the verse from Ecclesiastes.

²³ See n. 20, above.

“Perhaps, God forbid, there are two powers!” In the following pages, I will argue that this full exclamation represents the correct critical text for the Bavli against those who see the phrase “Perhaps, God forbid” as an interpolation. I will then demonstrate that the Bavli presents this exclamation as an implicit rebuke of Metatron, in contrast to the variations in 3 Enoch and other Hekhalot texts that emphasize Elisha’s positive theological assessment of him.

First, regarding the critical reading, Alexander undertakes a detailed analysis of the textual variants of this text in MSS and printed versions of the Bavli and concludes that these differences are so significant as to indicate that “we are dealing with different recensions—different recensions which are equally Talmud!”²⁴ Yet even so, the printed editions and all extant MS witnesses agree regarding the language of Elisha’s response to his glimpse of Metatron: *shema’ ḥas ve-shalom shteḥ reshuyot hen*: “Perhaps, God forbid, there are two powers.”²⁵ The only variation on this line that Rabbinovicz mentions from the sources that he used for *diqduqei sofrim*²⁶ is the insignificant *shema’ ḥas ve-shalom shteḥ reshuyot yesh* (MS Vatican 134 has *yesh ka’n*).²⁷

Methodologically, I would argue that such wide agreement among several “different recensions” should be taken as proof of the correct reading for a critical text.

²⁴ Alexander, “3 Enoch and the Talmud,” 54–63.

²⁵ *שמא חס ושלום ב' רשויות הן*. Printed editions include Romm Vilna and the *editio princeps* (ed. Bomberg, Venice, 1519/1520–1523). Important MS witnesses for b. Hagigah 15a include Göttingen 3, London 400 (Harley 5508), Vatican 134, Vatican 171, Munich 6, and Munich 95. Digitized images of the Bavli, MSS Göttingen 3, London 400 (Harley 5508), Munich 6, Munich 95, and Vatican 134 are available from Hebrew University’s public database: *אוצר כתבי יד תלמודיים*. Also, see Alexander, “3 Enoch and the Talmud,” 54–63, and Rubenstein, *Talmudic Stories*, 66–69, 102–104 (and, of course, *diqduqei sofrim*). Alexander copies out Bomberg, Vatican 134, and Munich 95. Rubenstein translates London 400 (Harley 5508) and cites “major variants” in the others. However, he does warn that “[t]his is not a comprehensive critical edition.”

²⁶ Munich, 1871.

²⁷ *יש כאן / ב' רשויות יש*. See Alexander, “3 Enoch and the Talmud,” 60, for MS Vatican 134. It is worth noting that the 11th century commentator Hananel ben Hushiel has: *שמא שתי רשויות הן*, though his commentary is only a paraphrase and summary so this does not say anything about the text that he had before him.

Yet, even given this strong critical reading, it seems to be commonly assumed that the qualifying phrase, “Perhaps, God forbid” in Elisha’s exclamation must be “[t]he redactor, or perhaps a pious scribe, trying to soften the blasphemy.”²⁸ Alexander declares with certainty but no substantiation at all that “[t]his formed no part of Aher’s original utterance,”²⁹ going so far as to quote the Bavli text itself without this conjectured insertion.³⁰ This seems like reading into the text rather than reading it as it is written. Similarly, Rebecca Lesses inadvertently misquotes b. Hagigah 15a as “[t]here are *indeed* two powers *in heaven*,”³¹ apparently confusing it with 3 Enoch. This is surely a simple oversight as the passages are correctly attributed later in the book.³² Still, the differences between these two sentences are very significant.

Murray-Jones takes a more creative yet still unconvincing approach to interpreting Elisha’s exclamation. He connects “Perhaps, God forbid!” with m. Hagigah 2:1: *kol she-lo’ has ‘al kevod qono ratui lo she-lo’ ba’ le-‘olam*: “Anyone who does not forbear³³ in

²⁸ Alexander, “3 Enoch and the Talmud,” 57. To be precise, Alexander’s comment is on the “God forbid!” not the “Perhaps.” See, as well, Alan F. Segal, *Two Powers*, 61 n. 4: “This is certainly a gloss occasioned by the rabbinic sensitivity to recording heresy, even in the mouth of a heretic. For a more credible version of the tradition see III Enoch 16:2”; Murray-Jones, “Hekhalot Literature and Talmud Tradition,” 30: “It seems . . . likely that the talmudic vision represents a ‘softening’ of Aher’s original heretical utterance—and therefore that Sefer Hekhalot preserves the more authentic recension of the original tradition”; Deutsch, *Guardians of the Gate*, 55: “the talmudic recensions . . . temper the declaration of Aher/Elisha by adding the word ‘perhaps’ (and in the case of the Talmud, ‘God forbid’).” However, cf. n. 41, below.

²⁹ Ibid.

³⁰ Ibid.

³¹ Rebecca Lesses, *Ritual Practices to Gain Power: Angels, Incantations, and Revelation in Early Jewish Mysticism* (Harvard Theological Studies 44; Harrisburg, Pennsylvania: Trinity, 1998), 257 n. 426, italics mine.

³² Lesses, *Ritual Practices*, 276–277. However even here, Lesses leaves off the “God forbid” in her translation of b. Hagigah 15a although it is in the Hebrew text cited in n. 504.

³³ I am translating חס ושלום as “forbear” to capture the euphony with “forbid” in the translation of חס ושלום as “God forbid.” חס ושלום is a difficult expression to translate literally, because חס appears to be functioning nominally in the expression, but it is not used this way elsewhere. Millon *‘Even Shoshan* (6 vols.; ed. Moshe Azar et al.; Israel: ha-Millon he-Hadash, 2003), s.v. חס, does not even try to classify חס grammatically or to define it individually, but only defines it as an adverb in the context of the synonymous expressions חס ושלום and חס וחלילה. Jastrow, *Dictionary*, s.v. חס, suggests “forbearance” for חס and thus “forbearance and peace” for חס ושלום, which captures well the etymological sense of the expression. It is often loosely construed literally as “pity and peace,” based on the standard verbal use of לחוס, “to

regard to the honor of his Lord, it would have been a mercy for him not to have come in to the world.”³⁴ Morray-Jones writes, “It seems not improbable that the expression [*has ve-shalom*: “God *forbid!*”] is intended to echo [*has ‘al kevod qono*: “*forbear* in regard to the honor of his Lord”].”³⁵ Not improbable, indeed, but neither especially probable if the proof is to be based solely on the Hebrew word *has*, which is used in a very different sense in each case.³⁶ There is no evidence or even reason to assume that there are here any additions, attempts to ameliorate the text by a scribe, or subtle references to the Mishnah. In what follows, I will show how the narrative reads perfectly well and coherently as it stands.

The key to this reading is a correct understanding of the rhetorical force of the phrase *shema’ has ve-shalom*, “perhaps, God forbid,” which, as Alon Goshen-Gottstein already noticed in his survey of Elisha texts,³⁷ appears often enough in the Bavli so as to be considered an idiomatic expression. Two examples will suffice to demonstrate how this idiom is used. B. Horayot 12a contains an exegesis of Psalms 133:2–3: “It is like the precious oil upon the head, running down upon the beard, upon the beard of Aaron, running down on the collar of his robes! It is like the dew of Hermon, which falls on the mountains of Zion! For there the LORD has commanded the blessing, life for evermore.”

In its plain sense, the psalm is using the image of the anointing of Aaron and the dew of

have pity.” The literal meaning of *על חס* is “have pity on.” But the sense here is “have concern/take care in regard to,” hence “forbear in regard to.”

³⁴ M. Hagigah 2:1: *כל שלא חס על כבוד קונו רתוי לו שלא בא לעולם*.

³⁵ Morray-Jones, “Hekhalot Literature and Talmud Tradition,” 20.

³⁶ See n. 33, above.

³⁷ Goshen-Gottstein, *Sinner*, 89–124, recognizes the rhetorical force of the expression “perhaps, God forbid” (ibid., 106–108), but concludes that b. Hagigah presents Elisha as having made an unintentional and temporary error of which he is disabused by the punishment of Metatron. Elisha is then punished for “wreaking havoc in heaven” (ibid., 109); and the point of the story is Elisha’s loss of “sonship” and rejection of the commandments yet retention of his Torah. My analysis proceeds in quite a different direction. Daniel Boyarin, “Beyond Judaism,” 355, accepts Goshen-Gottstein’s basic insight about the rhetorical usage of the phrase, but rejects his conclusions. Boyarin’s main objection to Goshen-Gottstein’s reading is that it fails to convincingly account for Elisha’s punishment. I offer an explanation for this below.

Hermon as symbols of blessing and harmony. The Talmud fashions a folk-narrative from this image. It explains that the “precious oil” running down Aaron’s beard was the oil used to anoint the high-priest; two drops of it hung on Aaron’s beard as he spoke to Moses:³⁸

As two drops of pearls they were hanging on Aaron’s beard. Rav Papa said, “It is taught, as he was speaking they went up and settled on the point of his beard, and concerning this Moses was worried saying, ‘Perhaps, God forbid, I trespassed against the anointing oil!’ A heavenly voice went out and said, ‘It is like the precious oil, etc., like the dew of Hermon.’ Just as the dew of Hermon cannot be trespassed against, so the anointing oil on Aaron’s beard cannot be trespassed against.”

Moses is ostensibly worried that he committed a sin by misusing the sacred anointing oil, apparently by using too much so that some remained on Aaron’s beard. Of course, Moses, being as near to sinless as a person can be, did not sin in this (somewhat comical) way; and this is implicitly understood by the narrative, which goes on to comfort Moses that all is well. “Perhaps, God forbid” here is a literary device that serves as a way of asking a purely rhetorical question.

Similarly, b. Megillah 31b has Abraham concerned that God will destroy Israel:³⁹

Abraham said before the Holy One blessed be he, “Master of the universe, perhaps, God forbid, Israel will sin before you and you will do to them like the generation of the flood and like the generation of the scattering.” He said to him, “No!”

That God will redeem Israel is such a common theme in Jewish literature that this text clearly does not wish to give an impression otherwise. Again, the answer is presumed to be negative and the force of the expression is rhetorical.

³⁸ B. Horayot 12b: כמין שני טפי מרגליות היו תלויות לאהרן בזקנו אמר רב פפא תנא כשהוא מספר עולות ויושבות לו בעיקר זקנו ועל דבר זה היה משה דואג אמר שמא חס ושלום מעלתי בשמן המשחה יצתה בת קול ואמרה כשמן הטוב וגוי כטל חרמון מה טל חרמון אין בו מעילה אף שמן המשחה שבזקן אהרן אין בו מעילה.

³⁹ B. Megillah 31b: אמר אברהם לפני הקדוש ברוך הוא רבונו של עולם שמא חס ושלום ישראל: כחוטאים לפניך ואתה עושה להם כדור המבול וכדור הפלגה אמר לו לאו.

This phrase appears in the Bavli seven times⁴⁰ with this same sense. It functions simultaneously as an exclamation of worry and fear that something might be true and an implicit acknowledgement that it is not true. Rather, the person exclaiming is concerned about the matter and perhaps looking for comfort. In the typical form of this usage, the person is answered by God or a heavenly voice which reassures the person of that which the reader already knew: that the feared matter is indeed not the case. Thus, this phrase must be considered in the context of the Bavli as an idiomatic usage with rhetorical force, not as an editorial softening of a pre-existing offensive text.

In b. Hagigah, as in the other examples from the Bavli, the editor wishes to communicate that Elisha really knows that what he is saying is not true.⁴¹ Moreover, as elsewhere, he is answered in a way that confirms what he knows: Metatron is immediately punished, apparently for the misdeed of not standing up when he saw Elisha.⁴² This confirms both that God is in charge and that there are not two powers in

⁴⁰ B. Horayot 12a, a parallel text in b. Keritot 5b, b. Hagigah 15a, b. Megillah 31b, b. Menahot 53b, b. Sanhedrin 101a, and b. Pesahim 56a. The related expression *חַס וְשָׁלוֹם* appears seven times: b. Berakhot 28a, b. Horayot 13b, b. Hagigah 4b, b. Yoma 69b, b. Nedarim 22a, b. Sanhedrin 26a, and b. Taanit 22b (in all MSS; only eds. Vilna and Pesaro have *שְׂמַח וְשָׁלוֹם*). Of these, most function rhetorically in a similar fashion to the instances of *חַס וְשָׁלוֹם*. The narratives in b. Horayot 13b and b. Nedarim 22a are less fantastic than the others, and the use of the expression has a weaker rhetorical sense. B. Yoma 69b (and its parallel in b. Sanhedrin 64a) is a complicated text with significant MSS variants at this point. I am reading the story as having two personified human traits as its main characters, *יִצְרָא דְעִבּוּדָה זָרָה* (Idolatrous Desire) and *יִצְרָא דְעִבּוּרָה* (Sexual Desire). When the crowd cries “Perhaps, God forbid, they will have compassion on him from Heaven!” the narrative presupposes that this will not happen and, indeed, it does not. Idolatrous Desire is sealed into a lead pot. The crowd then goes on to beg mercy for Sexual Desire, that it be handing over to them as well. It appears that some medieval commentators had a somewhat different reading. In any case, this does not change the usage of “Perhaps, God forbid” in the recensions in which it appears that in the first instance presume that the narrative does not expect mercy from heaven for the one captured.

⁴¹ Cf. Segal, *Two Powers*, 61, where he notes that Elisha does not “present his observation as a challenge to the rabbis.” Rather, he is “horrified” by it. Although Segal does approach Elisha as a doctrinal heretic (“Aher functions as the heretic *par excellence*, as Simon Magus does in Christian anti-heresiological tracts,” *ibid.*, 62), and he sees “Perhaps, God forbid” as a gloss (see n. 28, above), he also recognizes that the Bavli text before us is not necessarily representing the matter precisely in this way. Also, Jeffrey Rubenstein, *Talmudic Stories*, 72, notes that “[t]his is no proclamation of heresy but rather an expression of shock and amazement.”

⁴² That this is the reason for Metatron’s punishment is not especially clear in many MSS, though that his

heaven, which Elisha (and we clever readers) really knew to be true all along. The statement in the Bavli narrative carries the rhetorical force of a grammatical subjunctive.

Thus, the Bavli narrative shifts focus away from the two powers polemics that are central concern of the parallel narrative in 3 Enoch, in which Elisha states clearly, “Certainly, there are two powers in heaven!” The variants in the textual tradition of this phrase in the Hekhalot sources suggest that it is no coincidence that the Bavli’s idiomatic “perhaps, God forbid” becomes the unambiguous “certainly” in 3 Enoch. It would have been enough in all cases for Elisha to simply declare, “There are two powers in heaven!” Yet every extant version includes some verbal qualifier that modifies the declaration: b. Hagigah 15a has “perhaps, God forbid,”⁴³ 3 Enoch §20 (V228) has “certainly,”⁴⁴ Merkavah Rabbah §672 has “he thought perhaps,”⁴⁵ and 3 Enoch §856 (M40) has the presumably corrupted *savri’*.⁴⁶

These variants can be adduced as evidence against those scholars who read the Bavli here as an interpolation to a text similar to 3 Enoch. For example, Nathaniel Deutsch, following Morray-Jones in supposing that the 3 Enoch version preserves the more authentic text,⁴⁷ sees “perhaps, God forbid” as an addition to temper the exclamation and “he thought perhaps” as an amelioration of “the severity of Elisha’s sin” or a reluctance “to even record such a heretical declaration.”⁴⁸ As mentioned earlier, there

punishment is connected to his posture seems to be implied in most, as I will discuss below.

⁴³ שמא חס ושלום.

⁴⁴ ודאי. Goshen-Gottstein, *Sinner*, 329 n. 65, cites the superfluosity of “certainly” in 3 Enoch as support for the Bavli’s primacy. Boyarin, “Beyond Judaism,” 355–356 and n. 94, there, recognizes the strength of this argument yet argues for reading 3 Enoch as primary.

⁴⁵ הררה שמא. See n. 18, above.

⁴⁶ סורי.

⁴⁷ See n. 15, above.

⁴⁸ Deutsch, *Guardians of the Gate*, 55: “Synopsis §672 states that Elisha ‘contemplated’ (*hirher*) that ‘perhaps there are two powers in heaven.’ By contrast 3 *Enoch* 16 describes Aher as *saying* that ‘There are indeed two powers in heaven,’ while all of the talmudic recensions have Aher declare, ‘Perhaps — God

is no reason to presume additions to the Bavli text, and the dating of 3 Enoch as primary here is disputed and difficult given the late date of the composition as a whole.

Furthermore, the unnecessary strengthening qualifier “certainly” in 3 Enoch, when compared to all of the other qualifiers, might just as easily indicate exactly the opposite: the editor of 3 Enoch wanted to clarify an ambiguous tradition that was available to him. Given the evidence already adduced regarding “perhaps, God forbid” in the Bavli, it may be that Merkavah Rabbah’s “he thought perhaps” is a modification to the Bavli based on a misunderstanding of the meaning of the Bavli’s idiom. And 3 Enoch’s “certainly” is an intentional strengthening of “he thought perhaps.”

Perhaps even the peculiar *savri*⁴⁹ in 3 Enoch §856 (M40) represents a stage of this textual evolution. The *Konkordanz zur Hekhalot-Literatur* takes it as *savarya*,⁵⁰ one of the names of the prince of the countenance or an angel of some sort. That does not make much sense in this context nor does *savarya* or any of its variants appear elsewhere in an abbreviated form as here. Maybe we can read this as a corruption of the Hebrew *savri*, or better, *savorni*: “it seems to me,”⁵¹ as a variation of Merkavah Rabbah’s “he thought perhaps” and as an intermediate stage in the textual development of this phrase between Merkavah Rabbah and 3 Enoch.

forbid! — there are two powers.’ 3 Enoch and §672, therefore, share the specific reference to two powers in heaven, while the talmudic recensions and §672 temper the declaration of Aher/Elisha by adding the word ‘perhaps’ (and in the case of the Talmud, ‘God forbid’). Unlike either the talmudic manuscripts or 3 Enoch 16, §672 describes Aher/Elisha as only *contemplating* rather than declaring his heretical idea. This feature may have been included to ameliorate the severity of Elisha’s sin or it may reflect the reluctance of the authors to even record such a heretical declaration. In any case, the implication of §672 is that even contemplating the existence of two powers in heaven is a sin, let alone actually declaring their existence.” Also, see n. 28, above, and cf. n. 41, above.

⁴⁹ סורי.

⁵⁰ סורי. *Konkordanz zur Hekhalot-Literatur* (2 vols.; ed. Peter Schäfer, with Gottfried Reeg and Klaus Herrmann; Tübingen: Mohr-Siebeck, 1986–1988).

⁵¹ סבורני / סברי.

In any case, the contrast between 3 Enoch's and b. Hagigah's presentations of this phrase, even absent presumptions concerning textual priority, clearly reflect divergent concerns. In b. Hagigah, the text is edited to read as if Elisha never truly thought that there are two powers in heaven. Rather, his exclamation serves rhetorically in context as an implicit rebuke to Metatron for giving a false impression that might confuse the unwary. The exclamation implies that because Metatron is sitting, someone might see him and falsely conclude that there are two powers in heaven. Correctly reading the Talmudic idiomatic expression "perhaps, God forbid" means that there is no reason, at this stage in the Bavli narrative, to think that Elisha committed any misdeed.

This understanding sets the context for explicating the next significant deviation between these two narratives, to which I alluded earlier. In 3 Enoch, Elisha's exclamation results in his own punishment. In the Bavli, it results in Metatron's punishment. The Bavli thus clearly emphasizes that Metatron is guilty of a transgression. However, the manuscript tradition seems rather confused about what precisely he did wrong. Alexander maintains that Munich 95 likely preserves the most authentic reading of this part of the narrative for several reasons. First, this manuscript does not mention Metatron's sitting down nor does it provide an explicit explanation for his punishment (both of which appear in the Romm Vilna text quoted above). And it has Elisha say that there is "*no standing and no sitting*" among his litany of heavenly proscriptions: "It is taught that above there is no standing and no sitting and no jealousy and no competition, no turning around and no weariness." Because it provides no explicit reason as to why Metatron is

punished, this manuscript seems to represent the *lectio difficilior* that the other texts modify in order to provide a compelling explanation.⁵²

However, even granted that Munich 95 is somewhat opaque, all the Bavli witnesses cited above include Elisha's litany and all must be understood as saying that Metatron's behavior falls foul of something in that list. All of the manuscripts other than Munich 95 portray Metatron as sitting and include the act of sitting in Elisha's list of proscriptions. Sitting thus seems to be Metatron's most likely fault, although this reading is complicated by the fact that he is given permission to sit in most manuscripts. It is clear, in any case, that Elisha's exclamation implicitly criticizes Metatron and that Metatron's punishment stems from a fault on his own part that was revealed by this exclamation. Thus, Romm Vilna, the *editio princeps*, and Vatican 171 explicitly place the blame for Metatron's punishment on Metatron himself: "They said to him, 'What is the reason that when you saw him you did not rise before him?'"⁵³

In 3 Enoch, however, the immediate result of Elisha's exclamation is his own punishment, and Elisha's exclamation includes no list of proscriptions. Thus, 3 Enoch makes it clear that Elisha is being punished because of what he said. This reading is made stronger by the addition of the word "immediately," which strengthens the temporal-causal connection between Elisha's utterance and his punishment. It is interesting in this regard that the text from the Hekhalot corpus which most closely parallels b. Hagigah, Merkavah Rabbah §672, also adds an "immediately" but adds it to *Metatron's* punishment: "Immediately, he took out Metatron." This strengthens both the connection

⁵² Alexander, "3 Enoch and the Talmud," 62–63.

⁵³ In addition, this line appears in a genizah fragment, MS Oxford heb. d. 63/32, which also does not have Metatron being given permission to sit. MS Vatican 171 has לא קיימתיה מקמיה rather than לא קמת, מקמיה as in the other witnesses. Rubenstein, *Talmudic Stories*, 102, suggests that the line may be a gloss. Goshen-Gottstein, *Sinner*, 328–329 n. 61, also sees this as "a later accretion to the tradition."

between Elisha's exclamation and Metatron's punishment in Merkavah Rabbah and the connection between Elisha's exclamation and his own punishment in 3 Enoch. The Bavli MSS London 400 (Harley 5508) and Vatican 171 of Hagigah 15a read similarly, "immediately, they took out Metatron," thus implicitly connecting Elisha's exclamation to Metatron's punishment in the Bavli as well.

Even the pejorative name *Aher*, which symbolizes Elisha's turn to sinful ways, is given to him not as a result of his exclamation but as a result of his plucking a radish on the Sabbath. This further demonstrates that the latter rather than the former is the moment of his first transgression. It would seem that the narrative wishes us to understand that the prostitute gave him this name: "She said to him, 'Are you not Elisha ben Abuyah?' He uprooted a radish from its row on the Sabbath and gave it to her. She said, 'He is Aher.'"⁵⁴ This is the only time in this part of the narrative that Elisha's actual name is used. Presumably, the reason for this switch is to contrast his real name with the name the prostitute gives him in response to his sin.

I would argue that Daniel Abrams misses this aspect of the narrative when he writes, "Elisha's response is considered blasphemous and from this moment on Elisha is deemed a heretic, and named Aher, 'the other.'"⁵⁵ I believe that this is a misreading of the narrative that the Bavli wishes to tell. Elisha is not named Aher from the moment that he utters his supposed blasphemy. Rather, he is named Aher from the moment he actually commits a sin, when he transgresses a rabbinic precept by plucking a radish on the

⁵⁴ "On the Sabbath," following most MSS. I accept this is as the correct reading; perhaps its omission can be attributed to haplography based on the similarities of the pair of words: ממשרא בשבתא. "He is Aher" does not appear in Munich 95. It (or the variant "You are Aher") appears in Romm Vilna, the *editio princeps*, Göttingen 3, London 400 (Harley 5508), Vatican 134, Vatican 171, and Munich 6, though the latter moves the entire incident with the prostitute later in the narrative.

⁵⁵ Abrams, "The Boundaries of Divine Ontology," 293.

Sabbath.⁵⁶ In 3 Enoch, where Elisha's exclamation is his sin and the cause of his punishment, this entire episode is not present.

This leads us to the difficult question of the cause of Elisha's ostensible punishment in b. Hagigah, which, according to my reading, precedes his actual transgression. The punishment itself is, apparently, exclusion from repentance and thus from the world to come: "'Return backsliding children'—except Aher!" The cause of this punishment is clear enough in 3 Enoch: he is punished because of his exclamation. But why is he punished in b. Hagigah? Surprisingly, Alexander writes on this question: "There is a certain amount of irony intended here. It is the same recording angel whose behavior leads to Aher's disastrous mistake, who is ordered to strike out Aher's merits. Aher is totally excommunicated from Israel."⁵⁷ The text does not say that Metatron is *ordered* to do anything. It says just the opposite, that he was given *permission* to do something: "Permission was given him to wipe out Aher's merits."⁵⁸ This is not an order from above but a request from Metatron.⁵⁹

This language does not suggest that Elisha is being punished because of his exclamation, nor does it suggest that the impetus is coming from God. Rather, it suggests that Metatron was angry at Elisha and wanted revenge. Being given permission implies a previously made request. The most logical reason to suppose that Metatron would make

⁵⁶ Fischel, *Rabbinic Literature*, 12, also points out that the occasion of the plucking of the radish in b. Hagigah is to be read as the moment of Elisha receiving the name Aher, though his explanation of the incident is problematic. אחר is an adjective meaning "other" or "different." The significance of this name as a pejorative appellation has been discussed at least since the geonic period. For example, Nissim Gaon, *Sefer ha-Mafteah*, Berakhot, refers to Elisha as *ahor*: שחזר לאחוריו: "Elisha was called Ahor because he turned to things behind him." See Goshen-Gottstein, *Sinner*, 32, where he cites some recent scholarship that tries to explain this in terms of social self-identify.

⁵⁷ Alexander, "3 Enoch and the Talmud," 57.

⁵⁸ איתיהיבא ליה רשותא למימחק זכוותא דאחר.

⁵⁹ Cf. Rubenstein, *Talmudic Stories*, 72: "Whatever God's opinion about the severity of Elisha's sin, God must allow Metatron his measure-for-measure revenge, and so Elisha loses all merit."

such a request is out of a desire for revenge because his own punishment, although his own fault, was occasioned by Elisha's words.⁶⁰ Moreover, the idea of his retribution being "ironic" is perhaps not precise. Metatron is presented in the Bavli as having power over the merits of Israel but not over its transgressions. The text specifies that he is writing out merits, so when he seeks retribution he has the authority to erase those merits. However, he clearly does not have the authority to judge or to write out sins; his role is a very limited one, and therefore his retribution is merely peevish and of limited consequence vis-à-vis eternity (as it were). A person with no merits starts with a blank slate, but is not necessarily condemned. Generally speaking, the rabbinic sense of reward and punishment is such that a person is born without merits and accrues them as a result of life deeds.⁶¹ Thus, at the moment that his merits are erased, Elisha is in no worse shape than a new-born baby. Not a great state of affairs, perhaps, but certainly not as drastic as outright condemnation.

Metatron's action is, therefore, not a divine punishment but an act of personal retribution. But if so, what are we to make of the proclamation of the heavenly voice? It is notable that, while some kind of a justification is provided for Metatron's punishment (either by the rebuke implicit in Elisha's litany of proscriptions just discussed or by an explicit explanation) and for Metatron's wiping out of Elisha's merits (in that he was given permission) and for Elisha's decision to go out into a life of sin ("because this person has been harried from that world. . ."), no explanation at all is provided or implied

⁶⁰ Cf. Rubenstein, *Talmudic Stories*, 74: "[T]he punishment was due to the injury he caused Metatron, not retribution for disobedience or sin."

⁶¹ See Urbach, *Sage*, 420–523, for an in-depth discussion on the topic of reward and punishment in rabbinic literature. See also Sanders, *Paul and Palestinian Judaism*, 117–182; and, more recently, Steven T. Katz, "Man, Sin, and Redemption in Rabbinic Judaism," in *The Cambridge History of Judaism, Volume Four*, 925–945.

for the heavenly voice's proclamation. Rather, it is presented subsequent to Metatron's wiping out of Elisha's merits, as if this were a merely formal or mechanical expression of that deed. And then the narrative strongly deemphasizes it by hurrying on to the next major instances of normative judgment: Elisha's decision to go out into a life of sin, his Torah transgressions, and his naming by a prostitute. I would like to suggest, therefore, that the narrative is best read as presenting the heavenly proclamation not as an instance of divine judgment distinct from Metatron's vengeance but rather as a functional consequence of it.

In other words, I would suggest that the narrative is not set up in such a way as to indicate that the heavenly voice's proclamation of "'Return backsliding children'—except Aher!" should be read as a punishment at all. Indeed, the phrasing of this proclamation is opaque and ambiguous enough that the editor of 3 Enoch feels compelled to add an (oddly ungrammatical) additional phrase: "'Return backsliding children'—except Aher *that not!*" to emphasize that Elisha is being subjected to a divine judgment. B. Hagigah's heavenly voice, in contrast, should be read on the background of the Bavli's ambivalence in regard to heavenly voices in the famous "oven of Aknai" incident in b.

Bava Metzia 59b:⁶²

He said to them, "If the halakhah is according to me, let it be proved from heaven!" A heavenly voice went out and said, "What are you in comparison to Rabbi Eliezer, for the halakhah is according to him in every case!" Rabbi Yehoshua stood on his feet and said, "It is not in heaven!" What [does this mean]: "It is not in heaven"? Rabbi Yermiyah said, "Since the Torah was already given from Mount Sinai, *we do not heed a heavenly voice*; for it was already written at Mount Sinai in the Torah, 'After the majority to incline.'"

⁶² B. Bava Metzia 59b: יצאתה בת קול ואמרה מה לכם אצל רבי אליעזר שהלכה כמותו בכל מקום. עמד רבי יהושע על רגליו ואמר לא בשמים היא מאי לא בשמים היא אמר רבי ירמיה שכבר נתנה תורה מהר סיני אין אנו משגיחין בבת קול שכבר כתבת בהר סיני בתורה אחרי רבים להטות. The literature on this narrative is extensive. See Jeffrey Rubenstein, *Talmudic Stories*, 34–63, esp. the bibliography in nn. 1–3; and cf. Hayes, "Rabbinic Contestations of Authority."

Here the proclamation of a heavenly voice is considered less authoritative than the proclamation of a majority of rabbis. Likewise, in the case of Elisha the narrative implicitly showcases the heavenly voice's lack of authority. It is made very clear as the story continues that Elisha could still have repented regardless of what the heavenly voice declared. Rabbi Meir repeatedly pleads with Elisha to repent and Elisha stubbornly holds to his erroneous belief that he cannot. And, although Elisha goes to the grave without repenting, he is forgiven after his death by the intercession of Rabbi Meir and Rabbi Yohanan. Elisha is forgiven and thus the conclusion of the narrative clearly belies the implications of the heavenly voice's declaration.

Thus, we see a clear divergence between 3 Enoch and the Bavli regarding the ideological construction of the targets of their respective polemics. 3 Enoch emphasizes the issue of two powers. The Bavli, in contrast, provides no clear ideological justification for Elisha's halakhic transgressions, for instance his violation of the Sabbath, beyond his own belief that he cannot repent. Yet, incongruously, the narrative itself suggests that this belief is simply incorrect—that, indeed, Elisha could have repented had he wanted to. It seems, therefore, that if we read the narrative in 3 Enoch as intending polemicize against two powers, perhaps we ought to read the narrative in the Bavli as polemicizing against the heavenly voice's idea, which is taken up by Elisha, that he is beyond the pale of repentance. However, as I will demonstrate in the next section, the idea that certain sins are so severe as to prevent repentance is an authentic rabbinic tradition that appears in several versions in both tannaitic and amoraic texts. Moreover, as I will show in section three, several other narratives of failed rabbis in the Bavli seem to target this same tradition. I will thus argue that taken together, these narratives reflect a broad shift in the

Bavli's construction of the targets of rabbinic polemics away from sharply exclusionary issues like two powers and unredeemable transgressions towards a more inclusionary polemical style of the sort already examined in the previous chapter.

II. Elisha ben Abuyah and the Mechanics of Atonement in Rabbinic Tradition

The heavenly voice's apparent suggestion in the Bavli's Elisha narrative that Elisha is unable to repent or that should he repent his repentance would not be effective is exceedingly peculiar from the perspective of later formulations of the mechanics of atonement. The idea of sin so grievous as to prevent atonement contradicts at least a popular understanding of the nature of repentance in Judaism. This popular understanding was succinctly expressed already by the medieval period in a well known piyyut, attributed by folk-legend to the otherwise unknown Rabbi Amnon of Mainz, which is still recited on the Day of Atonement. Fragments of this text from the Cairo genizah suggest a date of composition in the early medieval period or earlier.⁶³ The piyyut states, "God does not desire the death of one destined to die but rather that he repents of his ways and lives, and until the day of his death God awaits him; if he repents, God accepts him immediately."⁶⁴

According to this liturgical poem, as long as a potential penitent lives, the doors of repentance remain open. Yet an examination of the relevant traditions in the classical rabbinic corpus suggests a more complex picture developing already from tannaitic times.

In this section, I will demonstrate that a significant ideological disagreement existed

⁶³ For scholarship on this piyyut, see Reuven Kimelman, "U-n'taneh Tokef as a Midrashic Poem," *The Experience of Jewish Liturgy: Studies Dedicated to Menahem Schmelzer* (ed. Deborah Blank Reed; Leiden: Brill, 2011), 115–146.

⁶⁴ לא תחפוץ במות המת כי אם בשובו מדרכו וחי' ועד יום מותו תחכה לו אם ישוב מיד תקבלו. I have translated in the third person for clarity. The text is addressed to God in the second person.

This hierarchy of the mechanics of atonement is straightforward and comprehensive.⁷⁰

Yet the text mentions no transgressions so severe as to make atonement impossible, although it becomes increasingly painful to attain as the sin to be atoned for becomes more severe. Clearly, Elisha's idea that he is barred from repentance does not fit into this schema.

However, this tradition preserved in the name of Rabbi Yishmael in the Tosefta and in its many parallels elsewhere in the rabbinic corpus does not represent the only conception of repentance taught in the tannaitic period.⁷¹ A tradition preserved in ARNB 32, although appearing in a later collection, represents, as we shall see, a stream of thinking opposed to Rabbi Yishmael that was likely of contemporary concern in the tannaitic period. I cite it first because it directly contradicts the Tosefta:⁷²

For any student through whom the name of heaven is desecrated, opportunity is not provided to repent, as it is said, "A brother offended is harder to be won than a strong city"⁷³

This saying disagrees with Rabbi Yishmael's saying in regard to the consequences of the most severe class of transgression, *mi she-nithalleh bo shem shamayim*,⁷⁴ "one through whom the name of heaven is desecrated." Rabbi Yishmael says that such a person can repent. ARN appears to indicate that he cannot. The disagreement among these traditions is clear. Yet, considering the potential consequences of this transgression, its meaning is surprisingly opaque.

⁷⁰ For a comprehensive review of this text along with the parallels and related texts that I discuss in what follows, see Saul Lieberman, *Tosefta ki-Fshuṭah: A Comprehensive Commentary on the Tosefta* [Hebrew] (10 vols.; New York: JTS, 1955–1988), 4.824–829; and see also Urbach, *Sages*, 431–436.

⁷¹ I will deal with the most important of these parallels in what follows.

⁷² ARNB 32 (ed. Schechter): כל תלמיד שנתחלל בו שם שמים אין מספיקין בידו לעשות תשובה. שנאמר אח נפשע מקרית עוז.

⁷³ Proverbs 18:19 (JPS, 1917). The RSV has, "A brother helped is like a strong city," apparently based on the LXX's reading.

⁷⁴ מי שנתחלל בו שם שמים.

First of all, the expression's peculiar passive syntax is unusual: such a person does not *actively* desecrate the name of heaven, but rather the name of heaven is desecrated *through him*. This same passive form of the expression is used in parallels to Rabbi Yishmael's saying that appear in y. Yoma 8:8, 45b–45c, y. Sanhedrin 10:1, 27c–27d, and y. Shevuot 1:9, 33b, as well as in ARNB 32. Variants of this expression outside of these traditions in the Tosefta, the Yerushalmi, and ARNB use a more standard active form: Mekhilta *ba-ḥodesh* 7 and ARNA 29: “one who desecrates the name of heaven”,⁷⁵ b. Yoma 86a, ARNA 39, Midrash Proverbs 10: “one who is accountable for a desecration of the name of heaven.”⁷⁶

Appealing to the *lectio difficilior* might suggest that the more awkward passive expression should be taken as primary. If so, this could be seen as supporting the possibility that ARNB 32, which has no variant versions and is formulated in a manner syntactically parallel to but conceptually opposite of the Rabbi Yishmael traditions, preserves an early stream of opinion opposed to Rabbi Yishmael's hierarchy of repentance even though it appears in a relatively late text. Yishmael taught that even a person through whom the name of heaven is desecrated can repent and eventually receive complete atonement. This anonymous opposing opinion maintains that this transgression is so severe as to make repentance impossible.

However, the problem still remains of what this transgression actually entails. What precisely does it mean that “the name of heaven is desecrated through” someone? Perhaps its meaning can be found by comparing the tradition from ARNB to other

⁷⁵ מי שמחלל שם שמים.

⁷⁶ מי שיש בידו חילול השם / מי שיש חילול השם בידו.

traditions in the rabbinic corpus that enumerate categories of transgression that are beyond the pale. T. Yoma 4:13 list one such category:⁷⁷

Rabbi Yose says, “A person who sins twice or three times is forgiven; four times, he is not forgiven; as it is said, ‘forgiving iniquity and transgression and sin, but who will . . . clear’⁷⁸—up to this point he will clear, but from here onward he will not; as it is said, ‘Thus says the LORD: For three transgressions of Israel’;⁷⁹ and it says, ‘Behold, God does all these things, twice, three times, with a man’;⁸⁰ and it says, ‘Let your foot be seldom in your neighbor’s house, [lest he become weary of you and hate you].’”⁸¹

Here, it is said that God will forgive up to three times, but after the fourth transgression the sinner is barred from repentance. Like the tradition from ARNB 32, this tradition includes a category of transgression beyond the pale of repentance: repeating the same sin over and over again. Similarly, m. Yoma 8:9 lists another such category:⁸²

A person who says, “I will sin and repent, I will sin and repent,” opportunity is not provided him to repent; “I will sin and the Day of Atonement will bring atonement,” the Day of Atonement does not bring atonement.

And, ARNA 40 includes a parallel that expands on this same halakhah:⁸³

A person who says, “I will sin and repent,” opportunity is not provided him to repent; “I will sin and the Day of Atonement will bring atonement,” the Day of Atonement does not bring atonement; “I will sin and the day of my death will cleanse,” the day of his death does not cleanse. Rabbi Eliezer the son of Rabbi Yossi says, “A person who sins and repents sincerely is forgiven on the spot. A person who says, ‘I will sin and repent’ is forgiven up to three times and no more.”

⁷⁷ T. Yoma 4:13 (ed. Lieberman): ר' יוסה אומר חוטא אדם פעמים ושלש מוחלין לו ארבע אין מוחלין לו שנ' נושא עון ופשע וחסאה ונקה עד כאן מנקה מיכן ואילך אין מנקה שנא' כה אמר ה' על שלשה פשעי ישראל וגו' ואו' הן כל אלה יפעל אל פעמים ושלש עם גבר ואו' הוקר רגלך מבית רעך וגו'.

⁷⁸ Exodus 34:7. The full verse is “who will by no means clear the guilty.” But the Hebrew infinitive absolute is literally “clear he will not clear.” The Tosefta reads this to intend that God will clear the guilty in some circumstances but not in others.

⁷⁹ Amos 2:6. Though it must be noted that a simple reading of the full verse would seem to contradict the Tosefta: “Thus says the LORD: ‘For three transgressions of Israel, and for four, I will not revoke the punishment; because they sell the righteous for silver, and the needy for a pair of shoes.’”

⁸⁰ Job 33:29.

⁸¹ Proverbs 25:17.

⁸² M. Yoma 8:9: האומר אחטא ואשוב אחטא ואשוב אין מספיקין בידו לעשות תשובה אחטא ויום הכפורים מכפר.

⁸³ ARNA 40 (ed. Schechter): האומר אחטא ואשוב אין מספיקין בידו לעשות תשובה אחטא ויום הכפורים מכפר אין יום הכפורים מכפר אחטא ויום המיתה ממרק אין יום המיתה ממרק רבי אליעזר ברבי יוסי אומר החוטא ושב והולך לתומו אינו זז ממקומו עד שמוחלין לו והאומר אחטא ואשוב מוחלין לו עד שלש פעמים ולא יותר.

This would seem to be a varied collection of opinions on the same theme, but they do not all appear to be entirely consistent with one another. In any case, all of these traditions treat the same general issues: multiple transgressions and insincere repentance. ARNA 39, as well, includes some of these previous categories among a list of other related examples:⁸⁴

Five types have no forgiveness: one who repents too often; one who sins too often; one who sins in a pious generation; one who sins in order to repent; and everyone who is accountable for a desecration of the name of heaven.

This last tradition, however, has no earlier parallels and its structure as a list of five in the context of ARNA around chapter 39, which includes a number of other such lists, would seem to make it a late composition. Thus, almost all of the early categories of those who cannot repent are concerned with an insincere form of repentance rather than the severity or type of sin as such. I would suggest, therefore, that these traditions are not of much use in illuminating the teaching of Rabbi Yishmael in t. Yoma 4:6–8 and the opposing opinion preserved in ARNB 32 about the name of heaven being desecrated.

There is, however, one other class of transgression that a number of authentic tannaitic traditions place beyond the pale. And, I believe not coincidentally, this transgression is central to a number of important narratives of failed rabbis in the Bavli that I will consider in the next section: a person who “causes the public to sin.” The Tosefta includes such a tradition in t. Yoma 4:10–11:⁸⁵

Everyone who benefits the public, opportunity is not provided him to sin, so it will not be that his students will inherit the world while he goes down to Sheol, as it is said,

⁸⁴ ARNA 40 (ed. Schechter): חמשה אין להם סליחה המרבה לשוב ומרבה לחטוא והחוטא בדור זכאי וחוטא על מנת לשוב וכל מי שיש בידו חלול השם.

⁸⁵ T. Yoma 4:11 (ed. Lieberman): כל המזכה את הרבים אין מספיקין בידו לעבר עבירה שלא יהו תלמידיו נוחלין את העולם והוא יורד לשאול שנ' כי לא תעזב נפשי לשאול וגו' וכל המחטיא את הרבים אין מספיקין בידו לעשות תשובה שלא יהו תלמידיו יורדין לשאול והוא נוחל את העולם שנ' אדם עשוק בדם נפש עד בור ינוס לא יתמכו בו.

“For thou dost not give me up to Sheol.”⁸⁶ Everyone who causes the public to sin, opportunity is not provided him to repent, so it will not be that his students go down to Sheol while he inherits the world, as it is said, “If a man is burdened with the blood of another let him be a fugitive until death; let no one help him.”⁸⁷

There are a number parallels to this idea that one who sins and causes the public to sin is not provided with an opportunity to repent. And, as mentioned, it is the only other transgression, along with causing the name of heaven to be desecrated, that tannaitic tradition cites in this regard. I would suggest, therefore, that both of these expressions ought to be considered variations of the same basic idea. I believe that the import of these traditions is that the name of heaven is desecrated by a person who leads others, and especially a teacher who leads students, to transgression. Thus, the closely parallel sayings cited above from ARNB 32 and t. Yoma 4:11—*kol talmid she-nithallel bo shem shamayim ein maspiqin be-yado la-‘asot teshuvah*,⁸⁸ “For any student through whom the name of heaven is desecrated, opportunity is not provided him to repent,” and *kol ha-maḥti’et ha-rabbim ein maspiqim be-yado la-‘asot teshuvah*,⁸⁹ “Everyone who causes the public to sin, opportunity is not provided him to repent” —should be considered equivalent. And this, indeed, is how medieval commentators generally interpret the meaning of these expressions.⁹⁰ If this reading is correct, the tannaitic traditions about causing the public to sin and the tradition preserved in ARNB 32 about causing the name of heaven to be desecrated all represent the same stream of thought opposed to the tradition that the Tosefta cites in the name of Rabbi Yishmael.

⁸⁶ Psalms 16:10.

⁸⁷ Proverbs 28:17.

⁸⁸ כל תלמיד שנתחלל בו שם שמים אין מספיקין בידו לעשות תשובה.

⁸⁹ כל המחטיא את הרבים אין מספיקין בידו לעשות תשובה.

⁹⁰ See, for example, Rashi on b. Yoma 86a. This reading is also suggested by the reference to Proverbs 18:19 in ARNB 32: “A brother offended is harder to be won than a strong city.” See n. 73, above.

The underlying category of the one who “sins and causes the public to sin” is unique, then, because it is a common tradition with several parallels going back to the tannaitic period; and it appears to have been central to an early disagreement as to whether there is such a thing as a class of transgression that places a sinner beyond the pale of repentance. These texts would seem therefore to reflect a significant ideological divergence that was current in the early stages of the nascent rabbinic movement about the nature of repentance and forgiveness, which, as I suggested at the start of this section, was eventually decided more or less on the side of Rabbi Yishmael. Generally speaking, no transgression is so severe as to bar the possibility of repentance, although the more severe the transgression the more painful the process of atonement might be.

It is, however, very significant for our reading of the Elisha narrative in the Bavli that Elisha is made to take up these earlier traditions and to place himself in the category of those barred from repentance. As just mentioned, the best interpretation of the key phrases in these earlier traditions—*nithallel bo shem shamayim*, “the name of heaven is desecrated,” and *ha-maḥti’et ha-rabbim*, “causes the public to sin”—understands them as synonymous expressions describing a teacher leading students to sin by his false teachings. In historical context in the tannaitic period, these traditions are most plausibly explained as a polemical response to teachers of opposing sects or discipleship circles around Roman Palestine at the time of the nascent rabbinic movement. Those who sin and cause the public to sin are elites competing for students, who are represented as being barred from repentance as a way of essentially delegitimizing them and excluding them from the developing rabbinic community. Yet, I will suggest in what follows that in the Elisha narrative, and, as we shall see, in several other Talmudic narratives of failed

rabbis, the Bavli's editors work to marginalize this tradition. This will then provide additional evidence of my thesis of a shift to a more inclusionary polemical style in this later period.

In the next section, then, I will turn to an analysis of three other well known narratives of failed rabbis, Gehazi, Eleazar ben Dordia, and the student of Rabbi Yehoshua ben Perahia. It is remarkable, but not much discussed in previous scholarship, that these three narratives scattered throughout the Talmud all share with the tale of Elisha ben Abuyah the common element of a protagonist believing that he is barred from repentance.⁹¹ I will demonstrate that in all four of these tales, the editors of the Bavli work to marginalize this legitimate earlier tradition about repentance by placing it in the mouth of an unreliable speaker, and in most cases the thrust of the narrative explicitly belies the tradition. The opposing opinion, in contrast, is placed in the mouth of an authoritative figure that represents the rabbis themselves. I will suggest that, as in the last chapter, what is at stake in these narratives is not the teachings themselves regarding whether repentance is possible after some types of transgressions but rather the authority of the rabbinic Torah itself over all Jews, even those that imagine themselves not bound by its authority, and the role of the rabbis as the Torah's authorized interpreters.

III. The Failed Rabbi in the Babylonian Talmud

The first text that I will discuss appears in the Bavli in tractate Sanhedrin and in tractate Sotah and concerns Gehazi, the servant of the early Israelite prophet Elisha.⁹² Gehazi

⁹¹ See n. 111, below.

⁹² For an excellent recent treatment of the Gehazi narrative, see Jeffrey L. Rubenstein, *Stories of the Babylonian Talmud* (Baltimore: John Hopkins University Press, 2010), 116–149. I will discuss the accompanying tradition regarding the student of Joshua ben Perahia and the extensive relevant scholarship

appears in chapters four, five, and eight of the second book of Kings. Although the Bible does not consistently treat him as a sinful figure, the central biblical narrative that mentions Gehazi does describe an incident in which he commits a transgression and is rebuked for it. In 2 Kings 5:20–27, after Elisha heals the Syrian captain Naaman of leprosy and refuses offers of gifts saying, “As the LORD lives, whom I serve, I will receive none,” Gehazi runs after Naaman to take the gifts deceptively for himself: “Gehazi, the servant of Elisha the man of God, said, ‘See, my master has spared this Naaman the Syrian, in not accepting from his hand what he brought. As the LORD lives, I will run after him, and get something from him.’”⁹³

On Gehazi’s return, Elisha perceives his transgression and punishes him with the leprosy from which Elisha had healed Naaman:

[Gehazi] went in, and stood before his master, and Elisha said to him, “Where have you been, Gehazi?” And he said, “Your servant went nowhere.” But he said to him, “Did I not go with you in spirit when the man turned from his chariot to meet you? Was it a time to accept money and garments, olive orchards and vineyards, sheep and oxen, menservants and maidservants? Therefore the leprosy of Naaman shall cleave to you, and to your descendants forever.” So he went out from his presence a leper, as white as snow.⁹⁴

Although the biblical text accuses Gehazi only of a single transgression, later rabbinic traditions multiply his transgressions in typical rabbinic fashion.⁹⁵ The biblical text also does not explain what happened to Gehazi after his sin. The Bavli takes up this matter, explaining that Elisha later tried unsuccessfully to convince Gehazi to repent. Notable for our purposes is that Gehazi refuses to repent not out of impiety or stubbornness but because of the tradition discussed earlier that bars certain types of

below.

⁹³ 2 Kings 5:20.

⁹⁴ 2 Kings 5:25–27.

⁹⁵ See n. 102, chapter two.

Sanhedrin 107b:⁹⁶

This text would seem to be attributable to the Bavli's editors because it appears in this form in no other rabbinic works. Yet elements of its underlying narrative structure—that Gehazi was an especially wicked figure and that Elisha rebuked him perhaps too harshly—appear in various forms in earlier traditions. In what follows, I will analyze the development of this Gehazi narrative from the earliest tannaitic traditions through the amoraic period in order to demonstrate that the Bavli's key themes regarding repentance were late editorial additions. These same themes, of course, also lie at the heart of the Bavli's presentation of Elisha ben Abuyah, and thus both stories taken together reinforce the importance of these matters to the Bavli's editors.

The earliest roots of the developing Gehazi narrative in the rabbinic corpus can be seen in a number of tannaitic texts that include Gehazi in lists of biblical sinners, such as t. Sotah 4:19:⁹⁹

And thus you find with Cain, Korach, Balaam, Doeg, Ahitophel, Gehazi, Absalom, Adonijah, Uzziah, and Haman, that they set their eyes on what was not fitting for them: what they sought was not given to them and what they already had in their hands was taken from them.

⁹⁶ B. Sanhedrin 107b: כתיב וילך אלישע דמשק להיכא אזל אמר רבי יוחנן שהלך להחזיר גחזי בתשובה ולא חזר אמר לו חזור בך אמר לו כך מקובלני ממך החוטא ומחטיא את הרבים אין ב. Sotah 47a. Parallel in b. מספיקין בידו לעשות תשובה.

⁹⁷ 2 Kings 8:7. The Bavli cites the verse as וילך אלישע דמשק, but the MT has יובא אלישע דמשק.

⁹⁸ Exactly what Gehazi did to “cause the public to sin” is not at all clear from the biblical narratives. The Bavli provides a number of inventive explanations as the text continues in b. Sanhedrin and b. Sotah.

⁹⁹ T. Sotah 4:19 (ed. Lieberman): וכן את מוצא בקין וקרח בלעם דואג אחיתופל וגחזי אבשלם אדניה: עזיהו והמון שנתנו עיניהם בשאיו ראוי להם מה שבקשו לא ניתן להם ומה שבידן נטלו מהן.

This text, along with the well known text in m. Sanhedrin 10:2 that denies the four commoners Balaam, Doeg, Ahitophel, and Gehazi a portion in the world to come, suggests little beyond the existence of early traditions that considered Gehazi as one of several archetypal biblical wrong-doers.

The earliest significant midrashic expansion on the biblical story appears in the Mekhilta, which comments on a verse from Exodus 18:6 describing Moses' father in law Jethro visiting Moses in the desert: "And he said to Moses, 'I your father-in-law Jethro am coming to you, and your wife, and her two sons with her'":¹⁰⁰

Rabbi Yehoshua says, "He wrote this in a letter." Rabbi Eleazar of Modiin says, "He sent this by a messenger, who said to Moses, 'do this for me; or if not for me then do this for your wife; and if not, do this for your sons.' This is why it is said, 'And he said to Moses.'" Rabbi Eliezer said, "It was said to Moses, 'I, I am he that spoke and the world came to be; I am he who draws near and makes distant, as it is said, Am I a God at hand, says the LORD, and not a God afar off?'¹⁰¹—I am he that that drew Jethro near and did not make him distant; also you, when someone comes to you to convert, and he comes for the sake of heaven, you should also draw him near and not make him distant.' From this we learn that a person should push away with the left hand and draw near with the right hand, and not as Elisha did to Gehazi, who pushed him away forever."

According to traditional commentators, this midrash is attempting to explain Jethro's unusual first-person phraseology "I am coming to you," which would be an awkward thing to say were Jethro speaking directly to Moses.¹⁰² Thus, the first two opinions in the Mekhilta explain that Jethro was not in fact standing before Moses but rather had sent

¹⁰⁰ Exodus 18:6 (JPS, 1917, slightly modified; the RSV translation has this is the third person "Lo, your father-in-law Jethro is coming to you with your wife and her two sons with her," based, apparently, on the LXX. The MT is in the first person). Mekhilta 'amaleq 1 (ed. Horowitz-Rabin): ר' יהושע אומר כתב לו באגרת ר' אלעזר המודעי אומר שלח לו ביד שליח ואמר לו עשה בגיני ואם אין אתה עושה בגיני עשה בגין אשתך ואם לאו עשה בגין בניך לכך נאמר ויאמר אל משה וגו' ר' אליעזר אומר נאמר למשה אני הוא שאמרתי והיה העולם אני הוא המקרב ולא המרחק שנאמר האלוה מקרוב אני נאם ה' ולא אלהי מרחוק אני הוא שקרבתי את יתרו ולא רחקתי אף אתה כשיבא אדם אצלך להתגייר ואינו בא אלא לשום שמים אף אתה קרבהו ולא תרחיקהו מכאן אתה למד שיהא אדם דוחה בשמאל וימין מקרב ולא כשם שעשה אלישע לגחזי ודחפו לעולם.

¹⁰¹ Jeremiah 23:23.

¹⁰² See, for example, Issachar Berman ben Naphtali's 16th century commentary on the midrash, *mattenot kehunah*, on the parallel in Exodus Rabbah 27:2: דאל"כ מהו אני חתנך יתרו בא וגו'.

Moses a message. The third opinion reads Exodus 18:6 as if God is speaking instead of Jethro, and reframes the entire biblical narrative as if Jethro is coming to convert to Judaism, apparently connecting the first-person pronoun in the verse with the first-person pronoun in Jeremiah 23:23: “Am I a God at hand . . . and not a God afar off?” The midrash reads the adverbs “at hand” and “afar off” in the verse from Jeremiah, *mi-qarov* and *me-raḥoq*, as verbs, *meqarev* and *meraḥeq*: “Am I a God that draws near and not a God that makes distant?” It thus derives from this verse a saying about how a sage should treat a potential convert: “a person should always push away with the left hand and draw near with the right hand.”

It is, however, a bit difficult to account for why the midrash then adds an extra sentence that applies this advice about converts to the prophet Elisha’s treatment of Gehazi, “and not like Elisha did, who pushed away Gehazi forever.” This midrash does not concern Gehazi at all, nor was Gehazi a convert. The saying, “A person should push away with the left hand and draw near with the right hand,” may originally have been associated with advice on how to treat potential proselytes.¹⁰³ Yet the midrash applies this saying to how a sage should treat his disciple. This ending would appear, therefore, to be a distinct early tradition originally unrelated to the biblical verses about Jethro.¹⁰⁴ In any

¹⁰³ This is also the saying’s context in the parallel in MRSBY 18, but not, for example, in a later occurrence of the saying in Midrash Psalms 22 (ed. Buber), which connects the saying to Esther 4:14: “And who knows whether you have not come to the kingdom for such a time as this?”: מִכָּאֵן אֶתָּה לִמְד דֶּרֶךְ אֶרֶץ. שְׁלֵא יִהְיֶה אָדָם דּוּחָה בְּשִׁתֵּי יָדָיו אֲלֵא יִהְיֶה דּוּחָה בְּשִׁמְאֵל וּיִקְרַב בִּימִין. Apparently, this refers to Mordecai’s response to Esther’s initial refusal in 4:11 of Mordecai’s charge in 4:8, “to go to the king to make supplication to him and entreat him for her people.” In verses 4:13–14, Mordecai both criticizes Esther—“Think not that in the king’s palace you will escape any more than all the other Jews”—and encourages her—“And who knows whether you have not come to the kingdom for such a time as this?” See also, b. Sotah 47a: תֵּנִיָּא רַבִּי שְׁמַעוֹן בֶּן אֱלֵעָזָר אוֹמֵר יִצְרָר תִּינוּק וְאִשָּׁה תֵּהֵא שְׁמַאֵל דּוּחָה וַיִּמִּין מִקְרַבָּת.

¹⁰⁴ Moreover, the hermeneutics on the biblical verses stress drawing near and not making distant, but the saying at the end indicates that making distant is also appropriate to some extent. This might suggest that the saying is an addition from another source. It does not appear in the parallel in Exodus Rabbah 27:2.

case, it seems that the Mekhilta is reading the narrative in the second book of Kings as if Elisha's cursing Gehazi with leprosy was too harsh a punishment for Gehazi's transgression. That is, although it remains unstated what the midrash intends by saying that Elisha pushed Gehazi away, the obvious connection would be that he pushed him away by cursing him and his descendants with leprosy. Thus, although this early tradition about Gehazi amounts in effect to only a single sentence, three points are notable for our purposes of analyzing the sources of the Bavli's narrative: Gehazi's faults are not mentioned at all but rather only Elisha is criticized; the tradition does not mention repentance at all; and the saying does not mention the idea of pushing away with "two hands," which appears in the Talmudic narratives that we shall examine presently, but rather "pushing away forever."

It is the Yerushalmi that first takes these sparse tannaitic traditions as the basis for a midrashic expansion that explains in more detail how Elisha pushed Gehazi away. But, unlike the Bavli text cited earlier, the Yerushalmi does not connect this tradition to repentance explicitly. The Yerushalmi does, however, add the idea of pushing away with "two hands," which suggests that this is the source of this idea that appears later in the Bavli's version of this narrative. The Yerushalmi narrative appears in a collection of texts concerning Gehazi in y. Sanhedrin 10:2, 29b:¹⁰⁵

It is written, "Now Elisha came to Damascus. Ben-hadad the king of Syria was sick."¹⁰⁶ Why did he go? He went wanting to do something there. He wanted to bring Gehazi back and he found him completely leprous. From here we learn that one should push away with the left hand and draw near with the right hand. Rabbi Yohanan said, "'The sojourner has not lodged in the street; I have opened my doors to the

¹⁰⁵ Y. Sanhedrin 10:2, 29b (ed. Venice): כתיב ויבא אלישע דמשק ובן הדד מלך ארם חלה וגו' מה אזל בעי מיעבד תמן אזל בעא מקרבא לגיחזי ואשכחיה מוחלט מיכן שדוחין בשמאל ומקרבין בימין אמר רבי יוחנן בחוץ לא ילין גר דלתיי לאורח אפתח מיכן שדוחין בשמאל ומקרבין בימין לא כשם שעשה אלישע שדחה את גיחזי בשתי ידיו שני חלאים חלה אלישע אחד כדרך הארץ ואחד שדחה את גיחזי.

¹⁰⁶ 2 Kings 8:7. The verse continues, "and when it was told him, 'The man of God has come here.'"

wayfarer’¹⁰⁷—from here we learn that you push away with the left hand and draw near with the right hand. This is not like Elisha did, who pushed Gehazi away with both hands. And thus Elisha suffered two illnesses: one from natural causes and the other because he pushed Gehazi away.”

A number of differences between this text and the Bavli version can be highlighted. The Yerushalmi, like the Mekhilta tradition on which it is apparently based, connects the idea of pushing away and drawing near to proselytes or at least to “sojourners” in the general sense implied in the verse from the book of Job, “The sojourner has not lodged in the street.” The Bavli’s editors leave this aspect of the narrative out completely. In addition, the Yerushalmi merely says that Elisha “wanted to bring Gehazi back.” The Aramaic here, which I translate following Jastrow and Neusner, is literally “bring Gehazi near.”¹⁰⁸ The Yerushalmi’s language is rather vague and adheres closely to the earlier traditions about pushing away and drawing near. The Bavli, in contrast, says that Elisha “went to convince Gehazi to repent.”¹⁰⁹ The Bavli, apparently relying on and extending the Yerushalmi, makes “bringing near” into “bring to repentance.”¹¹⁰ Thus, it is only the editor of the Bavli who brings in the theme of repentance at all. And, most importantly for our purposes, Gehazi refusing Elisha based on the idea of his inability to repent is a critical innovative addition of the Bavli’s editors. The Bavli focuses much more clearly on the idea that Elisha wanted to encourage Gehazi to repent and that Gehazi refused. Elisha in the Bavli certainly believes that Gehazi can repent because he explicitly

¹⁰⁷ Job 31:32.

¹⁰⁸ בעא מקרבא לגיחזי.

¹⁰⁹ שהלך להחזיר גחזי בתשובה.

¹¹⁰ See Rubenstein, *Stories of the Babylonian Talmud*, 134: “the Bavli storytellers had access to the PT passage in essentially its current form . . . This in turn confirms that those storytellers were Stammait, not Amoraim, as this type of reworking of sources – the transfer and reuse of a tradition in a new context – characterizes Stammaitic activity”; and, idem., 135: “Nor is it clear that he solicits Gehazi to *repent* or simply to return to his retinue and service after the distancing due to leprosy. The Aramaic *maqreva*, ‘bring near, close,’ does not really mean to ‘bring to repentance’ though it occasionally seems to be used with that sense. In the BT, by contrast, Elisha explicitly exhorts Gehazi ‘to return and repent.’”

demands this of him.¹¹¹ Gehazi refuses, citing the authentic rabbinic tradition about “everyone who sins and causes the public to sin,” which Elisha (in the role of the rabbi) should well know.

Thus, the Bavli’s editors’ version of the story about the prophet Elisha and Gehazi is remarkably similar to their version of the Elisha ben Abuyah narrative discussed in the previous sections. The similarity is not merely in the fact that both Elisha ben Abuyah and Gehazi believe that they are unable to repent. Both traditions also include a voice that at first glance seems authoritative, which states that repentance is impossible. In *b. Sanhedrin*, that voice is Gehazi, who cites an authentic tannaitic tradition. In *b. Hagigah*, that voice is a declaration from heaven to the same effect as this tannaitic tradition. However, in both of these narratives this voice is marginalized and contradicted. Moreover, both of these narratives also include an even more authoritative voice that demands repentance, but which is unheeded. I suggest that this voice represents the greater authority of the rabbis themselves. In *b. Sanhedrin*, that voice is Elisha the prophet’s. In *b. Hagigah*, that voice belongs to Rabbi Meir, whose role in that narrative we have not yet considered at length.

I will now, therefore, continue with my analysis of *b. Hagigah* 15a–b from where I left off in the first section of this chapter in order to further highlight the themes of repentance and authority in that narrative as compared to the narrative of Elisha the prophet. I will then conclude this section by demonstrating the similarity of these tales to

¹¹¹ Cf. Rubenstein, *Stories of the Babylonian Talmud*, 122: “It is unclear whether Elisha would agree with Gehazi and only beckons his disciple to repent because he does not know the extent of the transgressions, or whether he invites Gehazi to return despite the sins and the ostensible meaning of the tradition. If the latter, then the story involves a secondary theme of tragic misunderstanding: Gehazi has misinterpreted the tradition he learned from his master and mistakenly concluded that he cannot repent.” Rubenstein, *ibid.*, 126, discusses this theme of misunderstanding also in regard to ben Perahia’s student’s misunderstanding of his teacher’s praise of the inn and of his gesture. He connects this in passing, *ibid.*, 266–267 n. 26, to the Elisha story and to the idea of not being able to repent, referring to *Talmudic Stories*, 71–72.

the stories of two other failed rabbis in the Bavli, Eleazar ben Dordia and the student of Rabbi Yehoshua ben Perahia.

The continuation of the Bavli's story of Elisha ben Abuyah after Elisha's estrangement contains a remarkable series of encounters between Elisha the failed rabbi and Meir his still dedicated student, which center on the theme of repentance.¹¹² In this section of the narrative, Meir repeatedly represents a voice of moderation and the call to repentance but Elisha repeatedly insists that he is beyond redemption:¹¹³

After he went out to evil company,¹¹⁴ Aher asked Rabbi Meir, "What is this which is written, 'God has made the one as well as the other'?"¹¹⁵ [Meir] said to him, "Everything that the Holy One blessed be he created, he created its opposite—he created mountains and he created hills; he created seas and he created rivers." [Aher] said to him, "Rabbi Akiva your teacher did not teach thus, but rather: He created righteous people and he created wicked people; he created the Garden of Eden and he created gehinnom. Every person has two portions, one in the Garden of Eden and one in gehinnom—should a righteous person merit it, he takes his portion and the portion of his fellow in the Garden of Eden; should a wicked person be found guilty, he takes his portion and the portion of his fellow in gehinnom."

The tradition that Elisha cites is not cited elsewhere in Akiva's name but does have a partial parallel in the late midrash.¹¹⁶ In any case, his approach to interpreting a fairly benign verse to fit his misunderstanding of his own circumstance is striking in contrast to

¹¹² See Rubenstein, *Talmudic Stories*, 73–77, for an analysis of this section of the narrative. Rubenstein emphasizes the theme of Elisha's superior Torah knowledge along with the theme of repentance. Rubenstein, *ibid.*, 327 n. 36, also cites and criticizes Yonah Fraenkel's reading in *Darkhei ha-Aggadah ve-ha-Midrash* (2 vols.; Givatayim, Israel: Yad la-Talmud, 1991), 1.263–266. See also Goshen-Gottstein, *Sinner*, 125–162.

¹¹³ B. Hagigah 15a: שאל אחר את רבי מאיר לאחר שיצא לתרבות רעה אמר ליה מאי דכתיב גם את זה לעמת זה עשה האלהים אמר לו כל מה שברא הקדוש ברוך הוא ברא כנגדו ברא הרים ברא גבעות ברא ימים ברא נהרות אמר לו רבי עקיבא רברך לא אמר כך אלא ברא צדיקים ברא רשעים ברא גן עדן ברא גיהנם כל אחד ואחד יש לו שני חלקים אחד בגן עדן ואחד בגיהנם זכה צדיק נטל חלקו וחלק חברו בגן עדן נתחייב רשע נטל חלקו וחלק חברו בגיהנם.

¹¹⁴ Perhaps better would be "After he turned to bad manners," following Jastrow's translation of this somewhat obscure phrase תרבות רעה.

¹¹⁵ Ecclesiastes 7:14.

¹¹⁶ The continuation of the Bavli narrative brings proof-texts from Isaiah 61:7 and Jeremiah 17:18. The former is also cited in Midrash Psalms 31:6 (ed. Buber) in a similar, though not precisely the same, fashion. See Goshen-Gottstein, *Sinner*, 338 nn. 25 and 26.

Meir's more optimistic interpretation. Yet the difference between their thinking becomes even sharper as the narrative continues:¹¹⁷

After he went out to evil company, Aher asked Rabbi Meir, "What is this which is written, 'Gold and glass cannot equal it, nor can it be exchanged for vessels of fine gold.'"¹¹⁸ [Meir] said to him, "These are words of Torah that are as hard to acquire as vessels of fine gold and are as easy to lose as glass vessels." [Aher] said to him, "Rabbi Akiva your teacher did not teach thus, but rather: Just as vessels of gold and vessels of glass, although they are broken they can be fixed, so also a sage, even if he sinned he can be corrected." [Meir] said to him, "So you also should repent!" He said to him, "I have already heard from behind the *pargod*, 'Return backsliding children—except Aher!'"

Here, both Meir and Elisha would seem to agree that no one ought to be beyond repentance, and Meir explicitly calls on Elisha to repent. Elisha's refusal is based not on the authority of tradition, not even on the authority of the tradition that he himself cites, nor is it based on rabbinic authority as represented by Meir. It is based on the authority of the heavenly voice.

And, as the narrative continues, the heavenly voice as a source of dubious authority is again contrasted to Meir, the voice of legitimate rabbinic authority, calling on Elisha to repent. Yet again Elisha refuses:¹¹⁹

It was taught in a tannaitic tradition, it happened that Aher was riding his horse on the Sabbath and Rabbi Meir walked beside him to learn Torah from him. [Aher] said to him, "Meir turn back, for I have already counted by the steps of my horse that this is the end of the Sabbath boundary." [Meir] said to him, "You also should turn back in repentance!" He said to him, "Have I have not already told you that I have heard from behind the *pargod*, 'Return backsliding children'—except Aher!"

¹¹⁷ B. Hagigah 15a: שאל אחר את רבי מאיר לאחר שיצא לתרבות רעה מאי דכתיב לא יערכנה זהב וזכוכית ותמורתה כלי פז אמר לו אלו דברי תורה שקשין לקנותן ככלי זהב וכלי פז ונוחין לאבדן ככלי זכוכית אמר לו רבי עקיבא רבך לא אמר כך אלא מה כלי זהב וכלי זכוכית אף על פי שנשברו יש להם תקנה אף תלמיד חכם אף על פי שסרח יש לו תקנה אמר לו אף אתה חזור בך אמר לו כבר שמעתי מאחורי הפרגוד שובו בני שובבים חוץ מאחר.

¹¹⁸ Job 28:17 (RSV, slightly modified).

¹¹⁹ B. Hagigah 15a: תנו רבנן מעשה באחר שהיה רוכב על הסוס בשבת, והיה רבי מאיר מהלך אחריו ללמוד תורה מפיו אמר לו מאיר חזור לאחריך שכבר שיערתי בעקבי סוסי עד כאן תחום שבת אמר ליה אף אתה חזור בך אמר ליה ולא כבר אמרתי לך כבר שמעתי מאחורי הפרגוד שובו בני שובבים חוץ מאחר.

This contrast between Meir's rabbinic authority versus Elisha and the authority of the heavenly voice is strikingly similar to the incident of the oven of Aknai in b. Bava Metzia 59b, discussed at the end of section one of this chapter.¹²⁰ There, the protagonists are Eliezer ben Hyrcanus and the heavenly voice versus a majority of sages and their own implicit authority. But, I would suggest that the exact same issue is at stake: the jurisdiction of the rabbis' Torah versus *any other sources* of power or authority that an individual might be able to call upon.

I would insist that the crux of the matter is not whether the heavenly voice as such is authoritative or even whether tradition itself is authoritative.¹²¹ As we saw in the Gehazi narrative, Gehazi cites verbatim an authentic tannaitic tradition, but even this is marginalized in the same way that the heavenly voice is marginalized in the narratives of Elisha ben Abuyah and the oven of Aknai. Rather, the crux of the matter is an appeal to any independent source of authority beyond the present unified rabbinic community as the only living source of interpretation of Torah tradition.¹²²

The remarkable conclusion of the narrative in b. Hagigah strongly supports this reading. There, Elisha makes a final appeal to a surprising source of authority to prove his case. Along with relying on heavenly voices and tannaitic traditions, Elisha appeals to what appears to be a version of the ancient practice of reading oracles based on selecting random texts. That is, he appeals in the end to bibliomancy as his source of authority, but this too is ultimately rejected.¹²³ As the Bavli narrative concludes, Elisha goes to thirteen

¹²⁰ See n. 62, above.

¹²¹ It is worth noting, however, that the relationship more generally of the Bavli's editors with the traditions that they cite is itself a complicated matter. See Moulie Vidas, "Tradition and the Formation of the Talmud" (Ph.D. diss.; Princeton University, 2009).

¹²² On the category of "authority" and the implicit connection between the rabbis' authority and the authority of their Torah, see nn. 8–9 in the introduction to this dissertation.

¹²³ See Rubenstein, *Talmudic Stories*, 76: "To seek an oracle through the study-verse of a child is a standard

children in thirteen different study halls and has them read out the verse that they are studying. In each case, the verse is eerily relevant to Elisha's assessment of his own plight:¹²⁴

[Elisha] grabbed [Meir] and brought him to the study hall. He said to a student, "Recite your verse to me!" [The student] said to him, "'There is no peace,' says the LORD, 'for the wicked.'" ¹²⁵ He brought [Meir] to another hall and said to a student, "Recite your verse to me!" [The student] said to him, "Though you wash yourself with lye and use much soap, the stain of your guilt is still before me." ¹²⁶ He brought [Meir] to another hall and said to a student, "Recite your verse to me!" [The student] said to him, "And you, O desolate one, what do you mean that you dress in scarlet, that you deck yourself with ornaments of gold, that you enlarge your eyes with paint? In vain you beautify yourself." ¹²⁷ He brought [Meir] up to yet another hall until he had brought him to thirteen study halls, and all of them recited a similar kind of verse. At the last one, [Elisha] said, "Recite your verse to me!" [The student] said to him, "But to the wicked God says: 'What right have you to recite my statutes?'" ¹²⁸ But this student had a stutter and it seemed as if he said, "But to *Elisha* God says . . ." Elisha is said to have taken a knife in his hand and cut the student to pieces and to have sent the pieces to the thirteen study halls. But others say that Elisha merely would have done this if he had a knife. ¹²⁹

This section of the narrative is remarkable because you might think that Elisha's assessment is reasonable and that the information that he seeks in textual oracles is

technique of talmudic stories, which functions in the same manner as heavenly voices, dream-visions, and messages from Elijah. These methods provide types of divine revelations in the post-biblical world after the cessation of prophecy." Also see Saul Lieberman, *Hellenism in Jewish Palestine: Studies in the Literary Transmission, Beliefs, and Manners of Palestine in the I Century B.C.E. — IV Century C.E.* (New York: Jewish Theological Society, 1950), 195–198, and Philip S. Alexander, "Bavli Berakhot 55a-57b: The Talmudic Dreambook in Context," *Journal of Jewish Studies* 46 (1995): 230–248, at 233, who mentions the *sortes Homericae* and *sortes Virgilianae* in the Greco-Roman world.

¹²⁴ B. Hagigah 15a–b: אמר לו אין שלום לי פסוקך אמר לי פסוקך אמר לו כי אם תכבסי בנתר ותרבי לך ברית נכתם עונך לפני עייליה לבי כנישתא אחריתי אמר ליה לינוקא פסוק ליה פסוקך אמר ליה ואת שדוד מה תעשי כי תלבשי שני כי תעדי עדי זהב כי תקרעי בפוך עיניך לשוא תתיפי וגו' עייליה לבי כנישתא אחריתי עד דעייליה לתליסר בי כנישתא כולהו פסקו ליה כי האי גוונא לבתרא אמר ליה פסוק לי פסוקך אמר ליה ולרשע אמר אלהים מה לך לספר חקי וגו' ההוא ינוקא הוה מגמגם בלישניה אשתמע כמה דאמר ליה ולאלישע אמר אלהים איכא דאמרי סכינא הוה בהדיה וקרעיה ושדריה לתליסר בי כנישתא ואיכא דאמרי אמר אי הווי בידי סכינא הוה קרענא ליה.

¹²⁵ Isaiah 48:22.

¹²⁶ Jeremiah 2:22.

¹²⁷ Jeremiah 4:30.

¹²⁸ Psalms 50:16.

¹²⁹ Rubenstein, *Talmud Stories*, 77, suggests that the first reading that has Elisha kill the students is a later gloss based on the version that appears in the Yerushalmi. The original reading has Elisha merely angry but not murderous, which seems more consistent with the generally sympathetic portrayal of Elisha in the Bavli's narrative.

confirmed. A single random attempt at bibliomancy that supports one's own pre-conceptions might be considered coincidence. But similar results obtained over a dozen trials would seem to have some independent legitimacy; in just the same way, I suggest, that heavenly voices would seem to have some independent legitimacy. And yet the narrative itself, in its ironic and darkly humorous conclusion, stresses Elisha's error rather than the authority of bibliomancy or heavenly voices. Elisha mishears a stuttering child and believes that his own name was mentioned. But he is in fact mistaken. And, I would suggest that the narrative would have us understand that he was mistaken all along. Elisha is not beyond the pale of repentance, and his stubborn insistence that he cannot repent is based on seeking out erroneous sources of authority rather than acknowledging the authority held by Meir as a contemporary representative of the rabbis' own living Torah. Thus, the central ideological failing that the Bavli's editors attribute to Elisha as a polemical target is a rejection of the rabbis and their Torah.

The unexpectedly optimistic ending of the Elisha cycle in the Bavli provides additional evidence in support of this reading:¹³⁰

When Aher died, [the heavenly court] said, "He shall not be judged nor shall he enter into the world to come. He shall not be judged because he was involved in Torah study. He shall not enter into the world to come because he sinned. Rabbi Meir said, "It would be better were he judged [and through this be cleansed] and enter into the world to come. When I die, I will raise up smoke from his grave." When Rabbi Meir died, smoke arose from Aher's grave. Rabbi Yohanan said, "Is this a worthy deed, to roast one's teacher? [Elisha] was one of our own and we are unable to save him? If I shall take his hand, who will take him away from me? Who?"¹³¹ When I die, I shall extinguish the smoke from his grave!" When Rabbi Yohanan died, the smoke rising

¹³⁰ B. Hagigah 15b: כי נח נפשיה דאחר אמרי לא מידן לדייניה ולא לעלמא דאתי ליתי לא מידן לדייניה משום דעסק באורייתא ולא לעלמא דאתי ליתי משום דחטא אמר רבי מאיר מוטב דלידייניה וליתי לעלמא דאתי מתי אמות ואעלה עשן מקברו כי נח נפשיה דרבי מאיר סליק קוטרא מקבריה דאחר אמר רבי יוחנן גבורתא למיקלא רביה חד הוה ביננא ולא מצינן לאצוליה אי נקטיה ביד מאן מרמי ליה מאן אמר מתי אמות ואכבה עשן מקברו כי נח נפשיה דרבי יוחנן פסק קוטרא מקבריה דאחר פתח עליה ההוא ספדנא אפילו שומר הפתח לא עמד לפניך רבינו

¹³¹ I am following Jastrow here, s.v. רמי. The syntax is somewhat unclear.

from Aher's grave ceased. The mourner said [of Rabbi Yohanan], "Even the guardian of the gate cannot stand before you, our master!"

Thus, the narrative's conclusion clearly demonstrates that Elisha was in error, that he could have repented had he chosen to, and, at the same time, it expands the boundaries of the rabbis' jurisdiction to include the heavenly court.

Thus, the several parallels between the Gehazi narrative and the Elisha narrative are striking and significant. In both cases, a voice of dubious authority cites a source of dubious authority to support the same conclusion in contrast to an authoritative voice that defends the opposite conclusion. It makes no difference whether the source of dubious authority is a heavenly voice, bibliomancy, or, perhaps most remarkably, even an authentic tannaitic tradition. The voice of current authority is the voice of the rabbinic Torah as spoken by the rabbis themselves.

I would argue that this same issue is at stake in two other narratives of failed rabbis, the narrative of Eleazar ben Dordia and the narrative of the student of Yehoshua ben Perahia. I will conclude this section with a brief treatment of these two narratives.

Ben Dordia is an otherwise unknown sage about whom it was said that he never heard rumor of a prostitute anywhere in the world without having to go to meet with her.¹³² B. Avodah Zarah 17a narrates a rather bawdy tale of his last such encounter:¹³³

One time [Eleazar ben Dordia] heard about a certain prostitute living in a village across the sea who demanded a pouch of money for her wages. He took a pouch of money and traveled across seven rivers for her. During their encounter she passed wind. She said, "Just as this wind cannot return to its place, so also Eleazar ben Dordia's repentance would not be accepted."

¹³² B. Avodah Zarah 17a: שלא הניח זונה אחת בעולם שלא בא עליה: "He did not leave aside any prostitute in the world that he did not come to her."

¹³³ B. Avodah Zarah 17a: נטל כיס דינרין והלך ועבר עליה שבעה נהרות בשעת הרגל דבר הפיחה אמרה כשם שהפיחה זו אינה חוזרת למקומה כך אלעזר בן דורדיא אין מקבלין אותו בתשובה.

arrived, he happened upon a certain inn. They rose before him in respect, and they gave him much honor. He set about praising, “How pleasing is this inn!” One of his students, [thinking that he referred to the inn-keeper,] said to him, “Rabbi her eyes are bleary!” He said, “Wicked person! Do you occupy yourself [with such lustful thoughts]?” He blew 400 blasts of the horn and placed him under the ban. [The student] came before [Rabbi Yehoshua] every day, but [Rabbi Yehoshua] did not heed him. One day when [Rabbi Yehoshua] was reading the Shema, he came before him. [Rabbi Yehoshua] resolved to receive him and signaled thus to him with his hands. But he thought that [Rabbi Yehoshua] was rejecting him. He went and stood up a brick and worshipped [it]. [Rabbi Yehoshua] said to him, “Repent!” He said to [Rabbi Yehoshua], “Thus I have learned from you: everyone who sins and causes the public to sin, opportunity is not provided him to repent.”

This core narrative as I have cited it here is more or less common to all of the major manuscripts.¹³⁸ There are short additions that come before and after this core narrative that, in many manuscripts, associate this otherwise unnamed student with Jesus. Even taken on its own, however, the core text has a complicated redaction history. Its first half is based on an otherwise unrelated story that appears in the Yerushalmi about a trip to Alexandria by Yehudah ben Tabbai and his troubles with a disciple on the way back to Jerusalem.¹³⁹ The Yerushalmi text does not mention Jesus at all. The second half is based

¹³⁸ For a convenient summary of variants, see Rubenstein, *Stories of the Babylonian Talmud*, 149.

¹³⁹ Y. Hagigah 2:2, 77d with a parallel in y. Sanhedrin 6:8, 23c. Following is the relevant section of y. Hagigah 2:2, 77d (ed. Venice): אנן תנינן יהודה בן טבאי נשיא ושמעון בן שטח אב בית דין אית תניי תני ומחלף מאן דאמר יהודה בן טבאי נשיא עובדא דאלכסנדריאה מסייע ליה יהודה בן טבאי הוון בני ירושלם בעון ממניתיה נשיא בירושלם ערק ואזל ליה לאלכסנדריאה והיו בני ירושלם כותבין מירושלים הגדולה לאלכסנדריאה הקטנה עד מתי ארוסי יושב אצלכם ואני יושבת עגומה עליו פירש מיתי גו אילפא אמר דבורה מרתה דביתא דקבלתן מה הוות חסירה אמר ליה חד מן תלמידוי רבי עיינה הוות שברה א"ל הא תרתיי גבך חדא דחשדתני וחדא דאיסתכלת בה מה אמרית יאייא בריוא לא אמרית אלא בעובדא וכעס עלוי ואזל. See discussion in Rubenstein, *Stories of the Babylonian Talmud*, 128–149. See also, Peter Schäfer, “From Jerusalem the Great to Alexandria the Small”: The Relationship between Palestine and Egypt in the Graeco-Roman Period,” in *The Talmud Yerushalmi and Graeco-Roman Culture I* (Texte und Studien zum Antiken Judentum 71; ed. Peter Schäfer; Tübingen: Mohr-Siebeck, 1998), 129–140. For an interesting similar text in fifth century Christian hagiography, see Gero, “The Stern Master and his Wayward Disciple.” The Bavli version of the story as a fully redacted narrative certainly post-dates the Yerushalmi. However, Neusner suggests that the Bavli here retains an earlier tradition than the Yerushalmi. See Neusner, *Rabbinic Traditions about the Pharisees before 70*, 1.102: “the whole Judah-pericope (b) comes later than, and depends upon, the Joshua-parallel.” Schäfer, “From Jerusalem the Great to Alexandria the Small,” 132, acknowledges the possibility but undertakes a more thorough analysis: “Hence, it may well be that the Bavli version of the teacher-disciple story was the Vorlage of the Yerushalmi version. This does not mean, however, that the Bavli version of the entire composition is superior to the Yerushalmi version.” Schäfer suggests that the letter sent to Alexandria, which is at the heart of all versions of his narrative, may be the historical core.

on the Elisha and Gehazi story already discussed. Rabbi Yehoshua ben Perahia, like the prophet Elisha, calls on his student to repent. And his student, like Gehazi, refuses, citing an authentic tannaitic tradition. It is difficult to date precisely when the core narrative was associated with Jesus, but it would seem to have been at a relatively late editorial stage. It seems correct, therefore, to suppose that whatever other additional polemical aims might be operating in the fuller narrative as it appears in the printed texts, the common themes that it shares with the story of Gehazi are earlier and are of significance in their own right.¹⁴⁰

I suggest therefore that for the purposes of the current analysis, we may read this text from the perspective of its emphasis on the expansive jurisdiction of the rabbis' Torah as already described. In the ben Perahia story—as in the Gehazi story and the ben Dordia story and as in the Elisha cycle—we have a questionable or marginal figure defending the idea that repentance is impossible. Opposed to this figure is an authoritative (rabbinic) figure that demonstrates just the opposite, thus rejecting all sources of authority beyond the contemporary rabbinic community and its living recitation of Torah. Again, it makes no difference from this perspective whether the dubious source of authority is a heavenly voice, bibliomancy, a prostitute, a wayward

¹⁴⁰ As Rubenstein, *Stories of the Babylonian Talmud*, 119, points out, the way the two narratives are presented brings them “together into one unit, directing the interpreter to examine their common ground.” Also, *ibid.*, 127: “here the focus is not Jesus or Christianity as much as master-disciple relationships and proper deportment of sages.” And again, *ibid.*, 145: “the story functions entirely as a second illustration of the rebuff theme.” Of course, at some stage of development, the additions do make this story into a polemic against Christianity. As these additions do appear in many manuscripts, they would have to be relatively early compared to the medieval manuscript tradition, perhaps at a later stage of the Talmud's editing or during the early geonic period. The connection of Gehazi/Elisha to Jesus apparently came about because of a juxtaposition of the two in a midrash on Psalms 144:14 that appears in b. Berakhot 17b: ואין צוחה שלא תהא סיעתנו כסיעתו של אלישע שיצא ממנו גחזי ברחובותינו שלא יהא לנו בן או תלמיד שמקדיח תבשילו ברבים כגון ישו הנוצרי (the last two words are removed in censored texts).

student, or even an actual tannaitic tradition that we might otherwise assume has its own independent legitimacy.

However, it is significant to our understanding of the social-historical developments reflected in these texts that the central tradition about repentance underlying all of the narratives is in fact the authentic tannaitic tradition discussed at length in the previous section, “Everyone who causes the public to sin, opportunity is not provided him to repent.” As already demonstrated, this tradition in its historical context in early Roman Palestine seems to have been the product of exclusionary polemics between Jewish elites. A person who “sins and causes the public the sin” is the teacher of a competing sect, who is being rhetorically delegitimized. Thus I am arguing that, by marginalizing the failed rabbis under discussion in this section, the Bavli’s editors are marginalizing this earlier exclusionary tradition in preference to their own inclusionary polemic. However, just as we saw in the last chapter, this inclusion is predicated on a specific conception of what the Torah actually is. After all, it is the very act of defending the legitimate Torah of a previous generation that results in the exclusion of Elisha, Gehazi, and ben Perahia’s student. Like the *meshummad* to provoke discussed in the last chapter, their fundamental fault is not failing to observe Torah. Their fundamental fault is failing to recognize what Torah is. Torah is not the legitimate traditions of previous generations taken in isolation. It is the living recitation of those traditions by the current generation of authorized rabbis, whose highest aim it is to embody that Torah in every aspect of their own lives. The jurisdiction of that living Torah extends to all Jews, even to

those who decide not to obey its precepts and even, in these cases, to those who rely on other sources of ostensibly legitimate authority to justify that decision.¹⁴¹

IV. The Absolute Other as Polemical Target

In this chapter, rather than analyzing the targets of rabbinic polemics under the imprecise and potentially inappropriate category of “heretic,” we have examined the ideological construction of anti-rabbinic figures in the Bavli’s editorial layer as compared to earlier strata of the rabbinic corpus and as compared to texts at the margins of the classical rabbinic literature. We have seen how a careful consideration of the strategies that the rabbis adopt in the ideological construction of opponents reveals a complex and changing picture. Although a naïve comparison to early Christian heresiology has suggested to some scholars that the Bavli targets figures such as Elisha ben Abuyah in a manner that is precisely parallel to the targeting of the early Christian arch-heretic Simon Magus, we have seen that the Bavli’s ideological concerns are not always what is suggested at first glance. The Bavli’s editors, in the main Elisha narrative in tractate Hagigah, are not targeting Elisha’s teachings or his students. Rather the narrative constructs Elisha as an absolute other with no substantive positive ideology and no competing legacy. Ironically, however, it is precisely Elisha’s desperate defense of his own alterity that reveals one of

¹⁴¹ I am not arguing for a complete shift in rabbinic ideas about repentance in the later period or even necessarily for a unilateral rejection of the earlier position. The Bavli itself, in b. Yoma 86b–87a, preserves a version of the tannaitic traditions suggesting that repentance is denied in certain cases. This material appears as part of an extended citation of a baraita, in which variants of most of the material from chapter four of our Tosefta appears in a different order, interspersed with material that does not appear in our Tosefta. It seems to be mostly early material, with a very few interpolations that look to be the work of later redactors. These traditions in b. Yoma are preserved without any comment or contextualization, however, which might suggest that their inclusion stems primarily from a conservative editorial policy rather than from an active endorsement of their content. See Rubenstein, *The Culture of the Babylonian Talmud*, 11: “A widely known and authoritative tradition could not be easily changed, no matter how distressing to later sensibilities. Such traditions were reinterpreted, recontextualized, and glossed, but in most cases they were not totally fabricated.”

the main polemical concerns in these narratives: a marginalization of the sources of authority that Elisha appeals to in order to justify his own estrangement.

Thus we see again that any attempt to categorize rabbinic polemics must take account of both textual and social-historical factors, and must consider how the redeployment of traditional themes in new contexts reveals the aims of each subsequent generation of editors. This kind of analysis is arguably hindered rather than helped by relying as our starting point on fixed categories or standards of comparison imported arbitrarily from other bodies of literature. A thorough understanding of how figures such as Elisha function in the various texts and textual strata of the classic rabbinic corpus can certainly serve as a rich basis on which to compare and contrast rhetorical strategies adopted by other period polemicists. But approaching such comparisons in the absence of such an understanding may at times lead to little beyond facile equivalences based on reductive generalizations.

Chapter IV

RETHINKING HERESIOLOGY: THE RABBINIC SCIENCE OF LIST MAKING

In the previous chapters, I examined the implications of approaching heresy and the heretic as analytical categories in the study of rabbinic literature. In this chapter, I will turn to a consideration of heresiology. In contrast to the Greek *hairesis* and *hairetikos*, which were Late Antique technical terms whose evolving semantic implications reflect significant developments in early Christian polemical literature, heresiology is an entirely modern way of describing ancient texts.¹ It is, first of all, a scholarly description of a literary genre that developed among early Christian thinkers such as Justin and Irenaeus in the second century of the Common Era. Scholars have offered various descriptions of precisely the kinds of literary characteristics that should be considered essential to a definition of this genre.² However, there is general agreement that, at least in the context of early Christianity, the basic genre is an adaptation of an earlier Hellenistic literary practice of creating taxonomies of the teachings of various philosophical schools, typically referred to as doxography.³

Early Christian polemicists adapted and developed this Greek literary genre, and they combined it with a shift in the technical vocabulary central to the earlier genre in an increasingly pejorative direction. Thus, lists of *haireseis* in the descriptive sense of

¹ The OED cites as its earliest usage W. Hume, *Sacred Succession* (1710), 164: “You may hear of his Fame..from the antient Hæresiologists.”

² See n. 8, chapter one, for relevant bibliography.

³ Hermann Diels coined this term in the 19th century. For good introduction to this term and its history, see David T. Runia, “What is Doxography?” in *Ancient Histories of Medicine: Essays in Medical Doxography and Historiography in Classical Antiquity* (Studies in Ancient Medicine 20; ed. Philip J. van der Eijk; Leiden: Brill, 1999), 33–55.

Hellenistic doxography became lists of heresies in a derogatory sense, and the result was the early Christian literary genre of heresiology.⁴

Scholars have enumerated additional literary characteristics common to most instances of this genre, such as an appeal to a demonic source for the false teachings of these *haireseis*. But for my purposes, the extent to which such factors need to be considered definitive of the genre is of little concern.⁵ Scholars have also put forth the alternative category of “heresiological discourse,” which I discussed in the first chapter, as an abstract polemical style distinct from the literary genre.⁶ However this category is, as I already suggested, too imprecise and elastic to be very useful for analyzing the rabbis in their historical context. It is clear that, whatever might be said about “heresiological discourse” as a phenomenological abstraction, there is no heresiology in the more narrow literary-generic sense in the classical rabbinic corpus. The rabbis do not consciously adopt these Hellenistic or early Christian modes of textuality, although they may indeed have at various times been influenced by or have influenced their development in complex ways.

It seems, in any case, that at the heart of early Christian heresiology is a particular textual practice of cataloging and analyzing schools of thought that developed from an earlier practice among Greek philosophical schools. In this chapter, then, it will be

⁴ This is, of course, only a very schematic outline of the scholarly consensus on this complex subject, but it will be sufficient for my purposes. See, David T. Runia’s review of Le Boulluec, *La notion d'hérésie*, *Vigiliae Christianae* 42 (1988): 188–192, at 190: “the Fathers obtained powerful polemical instruments by adapting the heresiographical and doxographical methods of Greek philosophy”; and *ibid.*, 188: “[heresiology] is the adaptation of the heresiographical mode of parlance to the specific realities of the Christian situation.” See also Bentley Layton, “The Significance of Basilides in Ancient Christian Thought,” *Representations* 28 (1989): 135–151 “[Heresiology is a] Christianized version of the doxography genre”; and Le Boulluec, *La notion d'hérésie*, 1.110–112.

⁵ See n. 8, chapter one, for relevant bibliography, and the extended discussion there.

⁶ The distinction between literary genre and abstract discursive mode is not, of course, relevant to much of the scholarship in this area. However, as I discussed in chapter one, I believe that Boyarin’s and Royalty’s studies depend implicitly on such a distinction.

appropriate to contrast early Christian heresiology as a specific textual practice of list-making with the characteristic ways that lists are formed in rabbinic literature. There are, of course, different types of lists in the classical rabbinic corpus, but for our purposes, lists of sinners, sects, or other polemical targets will be of primary interest. I will compare the rabbis' approach to list formation with an early example of heresiological list formation that first appears in the writings of Justin Martyr but eventually becomes an established convention among Christian heresiologists: the well known list of seven Jewish *haireseis*.⁷

I will argue that the list of Jewish *haireseis* that appears in Justin is an intentionally constructed list that imposes what seems at times to be an artificial generic unity on a rather diverse collection. It is this imposition of thematic unity that is definitive of heresiology as a textual practice and as a literary genre based on Hellenistic philosophical doxography. In contrast to this kind of intentional literary construction, I will suggest that the rabbis rely for their approach to list-making primarily on textual practices based in Ancient Near Eastern scribal culture. Jonathan Z. Smith describes the science of list-making prominent in the Ancient Near East using Albrecht Alt's concept of *Listenwissenschaft*.⁸ According to Smith:

⁷ Lists of Jewish *haireseis* appear in the works of several early Christian writers. None of the lists contain precisely the same elements, however, and their genealogical relationship and historical significance is complex and controversial. See discussion and bibliography in sections three and four, below. Lists of seven, specifically, appear in Justin's *Dialogue* 80, Hegesippus as cited in Eusebius' *Church History* 4.22.6, and Epiphanius' *Panarion* 1.3.6. The *Apostolic Constitutions* 6.6 has a list of six. A list of four appears in Pseudo-Tertullian, *Against All Heresies*.

⁸ Jonathan Z. Smith, "Wisdom and Apocalyptic," in *Map is not Territory: Studies in the History of Religions* (Studies in Judaism in Late Antiquity 23; Leiden: Brill, 1978), 67–87, at 70–71 and n. 12, there, attributes the term to Alt, citing a 1951 article. He also cites an article by W. Von Soden from 1936, which, apparently, also used this term. Nicolaas Christiaan Veldhuis, "Elementary Education at Nippur: The Lists of Trees and Wooden Objects" (Ph.D. diss.; University of Groningen, 1997), 137, attributes the introduction of the term to Von Soden.

The paradigmatic concerns of the scribes, whether expressed in the interpretation of oracles and omens, in legal rulings, in the hermeneutics of sacred texts or in their other manifold functions, led to the development of complex exegetical techniques devoted to the task of discovering the ever-changing relevance of ancient precedents and archetypes. (These concerns also led, at times, to the fabrication of ancient precedents and archetypes). These exegetical techniques were international, being diffused throughout scribal centers in the Eastern Mediterranean world. Texts are used and reused, glossed, interpreted and reinterpreted in a continual process of updating the materials.⁹

As I will demonstrate, Smith's description of Ancient Near Eastern scribal list-making is a remarkably cogent description of the complex multi-generational evolution of a number of important rabbinic polemical texts that enumerate individuals or groups that the rabbis wished to represent as in some sense excluded from the Jewish people. The similarities and differences in the way that the rabbis develop their lists of polemical targets based on an Ancient Near Eastern scribal practice and the way that some early Christian thinkers develop their lists of *haireseis* based on Greco-Roman doxography will therefore be a way of examining similarities and differences in polemical styles that characterize the rabbis and early Christian heresiologists.

I. The Redeployment of the Yoke, the Covenant, and the Torah

My analysis of rabbinic list-making will concentrate on three early lists preserved in tractate Sanhedrin of the Mishnah and the Tosefta. The best known of these lists is m. Sanhedrin 10:1, which has already been mentioned several times in this dissertation. This mishnah enumerates three types of sinners who have no portion in the world to come: a person who says, "There is no resurrection of the dead from the Torah," a person who says "There is no Torah from heaven," and an Epicurean. The Tosefta, edited perhaps a half-century or more after the Mishnah, adds to this list in t. Sanhedrin 12:9: "one who

⁹ Smith, "Wisdom and Apocalyptic," 77.

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I will start with an extended analysis of the list from t. Sanhedrin 12:9, which is styled as an addition to the list from the Mishnah, because its development can be traced over several centuries and its redeployment and accretion of meaning over time is an excellent example of the characteristic textual practices of rabbinic *Listenwissenschaft* described above. The first three elements of t. Sanhedrin 12:9, although appearing here as part of a list of four, actually form by themselves a distinct triad that appears elsewhere in rabbinic literature with a variety of diverse interpretations.¹⁴ In this section, I will argue that this triad predates the editing of our earliest rabbinic texts, the Mishnah and the Tosefta, and that by the early third century its original meaning had become obscure. I will suggest that, although routinely treated in classical rabbinic sources, medieval commentaries, and even in contemporary scholarship as a list of three different types of sinners, this expression was actually originally a single general denunciation of deviance. This general denunciation might be rendered as “one who puts off the yoke [of heaven] thus breaking the covenant and shaming the Torah.”¹⁵ Its repetitive structure, initially serving an emphatic function and likely developing as an extension of a biblical-style parallelism, was only later redeployed as a list of three. Thus, efforts such as seen in the Talmuds to define the nature of these three types of transgressions reflect the polemical

ואחאב ושנתנו חיתיתם בארץ החיים ושפשטו ידיהם במבול גיהנם נינעלת בפניהם ונידונין בה לדורי דורות.

¹⁴ The triad appears explicitly in t. Sanhedrin 12:9, Sifre Numbers 111, Mekhilta *pisha* ' 5, y. Sanhedrin 10:1, 27c, twice in y. Peah 1:1, 16b, y. Yoma 8:7, 45b, y. Shevuot 1:6, 33b, b. Shevuot 13a, b. Yoma 85b, and b. Keritot 7a, as well as in Hoffman's Midrash Tannaim and some later midrash that are out of the scope of this study. A number of related traditions, such as a saying attributed to Rabbi Eleazar of Modiin in m. Avot 3:11, which appears in numerous parallels, and a hermeneutical tradition around Numbers 15:30–31 that attempts to define elements of the triad and appears, most significantly, in Sifre Numbers 112, b. Sanhedrin 99a–b, and b. Shevuot 13a will be addressed in what follows.

¹⁵ See n. 10, above, on “shame the Torah.” Jacob Neusner, *Sifre to Numbers: An American Translation and Explanation* (2 vols.; Atlanta: Scholars, 1986), 2:160, translates along these lines: “Just as if someone violates all of the religious duties, he thereby breaks off the yoke [of the commandments] and wipes out the mark of the covenant and so treats the Torah impudently, so if one violates a single religious duty, he thereby breaks off the yoke [of the commandments] and wipes out the mark of the covenant and so treats the Torah impudently.” See n. 40 below for other translations.

aims of the generations deploying this triad rather than a received tradition enumerating a list of especially heinous sins. In the present study, I will endeavor only to sketch a general outline of the first stages of this process in rabbinic and pre-rabbinic material in order to contrast this style of list formation with the formation of the list of Jewish *haireseis* that appears in Justin Martyr's *Dialogue with Trypho*, which I will discuss in section three, below.

The Talmuds, medieval commentaries, and modern scholarship typically understand the triad as a list of three distinct types of sinners.¹⁶ From this perspective, a possible translation is “one who puts off the yoke [of Heaven by disbelieving in God], one who breaks the covenant [by removing the signs of circumcision], and one who acts impudently towards the Torah [by misinterpreting it].”¹⁷ However, an analysis of the evolving hermeneutic tradition around this expression will reveal that this interpretation became conventional only after a long process of development. I will begin by

¹⁶ This is so in y. Sanhedrin 10:1, 27c, y. Peah 1:1, 16b, b. Shevuot 13a, b. Yoma 85b, and b. Keritot 7a. Y. Shevuot 1:6, 33b seems to retain its original singular sense, but it does not take account of this sense in its analysis. The usage in y. Yoma 8:7, 45b is a bit more ambiguous as the citation is structured syntactically as a list but treated similarly to the singular sense in Shevuot 1:6, 33b. Medieval commentators, such as Rashi, routinely explain the triad as three types of sinners, as I will discuss in what follows. For modern scholarship, see, for example, Lauterbach, who reads מגלה פנים בתורה in the Mekhilta to be an abbreviated form of כהלכה שלא כהלכה. See n. 40, below. Hanoch Albeck, *Shishah Sidrei Mishnah* (6 vols.; Jerusalem: Mosad Bialik, 1952–1958) explains m. Avot 3:11 in the same way, although he notes that there is a variant (נוסח אחר) of this text leaves off כהלכה, and in this case the meaning would be “שמחציף פניו בדברי תורה, שמזלזל בהם.” This is remarkable because שלא כהלכה is clearly a post-tannaitic addition as demonstrated below, thus its lack would hardly be correctly characterized as a variant. Similarly, an instance in the triad in y. Shevuot 1:6, 33b (ed. Venice) appears to be singular in every sense; yet even so, Jacob Neusner, *The Talmud of the Land of Israel, Volume 32: Shevuot* (Chicago: University of Chicago Press, 1982), 43, translates “one who totally breaks the yoke [of Heaven] off of him, who removes the signs of the covenant, or who behaves presumptuously against the Torah.” And Heinrich W. Guggenheimer, *The Jerusalem Talmud, Fourth order: Neziqin, Tractates Ševi‘it and ‘Avodah Zarah* (Berlin: de Gruyter, 2011), 39, translates “him who tears away the yoke, or who breaks the Covenant, or who finds aspects in the Torah.”

¹⁷ Thus, Rashi on b. Shevuot 13a explains “put off the yoke” as כופר בעיקר; “break the covenant” as בשר שיהיה דורש באגדות של דופי לא היה למשה לכתוב אלא ומגלה פנים בתורה (see translation below). As mentioned in n. 10, above, another possibility for the last element of this list is “reveals aspects of the Torah,” which seems especially apt only when the expression *megaleh panim* is supplemented with the later addition “not according to halakhah” as will become clear in what follows.

demonstrating that these three phrases each originally meant essentially the same thing: they describe deviance in a broad sense rather than specific transgressions.

I will start my analysis with the least problematic phrase, *mefer brit*, to “break the covenant.” This is a common biblical expression that means to not fulfill the stipulations of a covenant between human beings¹⁸ or, much more commonly, with God.¹⁹ For the biblical Israelites, not fulfilling their covenant with God meant, for example, committing idolatry,²⁰ not observing the mitzvot generally,²¹ not observing the mitzvah of circumcision specifically,²² violating the rules of the Temple cult,²³ or violating their obligations to God in some other way.²⁴ Moreover, God himself could break or could choose not to break his covenant with Israel.²⁵ In most cases idolatry or the mitzvot are intended. Thus, to break the covenant refers, most generally, to ideology or behavior considered to be fundamentally deviant rather than to any specific transgression.²⁶

¹⁸ 1 Kings 15:19, Isaiah 33:8, Ezekiel 17:15–18, Zechariah 11:10 (though, the covenant here is symbolic of a divine covenant), 2 Chronicles 16:3.

¹⁹ Genesis 17:14, Leviticus 26:15, Leviticus 26:44, Deuteronomy 31:16, Deuteronomy 31:20, Isaiah 24:5, Jeremiah 11:10, Jeremiah 14:21, Jeremiah 31:32, Jeremiah 33:21, Ezekiel 16:59, Ezekiel 17:19, Ezekiel 44:7.

²⁰ Deuteronomy 31:16, Deuteronomy 31:20, Jeremiah 11:10, Jeremiah 31:32 (apparently, though little detail is provided), Ezekiel 16:59.

²¹ Leviticus 26:15, Isaiah 24:5.

²² Genesis 17:14.

²³ Ezekiel 44:7.

²⁴ Ezekiel 17:19.

²⁵ Leviticus 26:44, Jeremiah 14:21, Jeremiah 33:21.

²⁶ Lawrence, E. Schiffman, “The Concept of Covenant in the Qumran Scrolls and Rabbinic Literature,” in *The Idea of Biblical Interpretation: Essays in Honor of James L. Kugel* (Supplements to the Journal for the Study of Judaism 83; ed. Hindy Najman and Judith H. Newman; Leiden: Brill, 2004), 257–278, at 262, and n. 18, there, writes, “Reference to those who perform epispasm as ‘effacing the covenant’ occurs in t. Sanh. 12:9 where they are said to lose their portion in the world to come.” However, as Cohen, “Your Covenant That You Have Sealed in Our Flesh,” 39, points out, there is no reason to think that this early reference is to anything but deviance in general: “The context indicates that the phrase ‘he who breaks the covenant’ like its companion phrase ‘he who throws off the yoke,’ is a general description of radically ‘unJewish’ behavior, that is, practice or belief that the rabbis deemed to be completely outside the pale of the acceptable. There is no reason to think that circumcision is intended.” The expression is frequently explained later by the Talmuds, however, as referring to epispasm as Schiffman notes. See n. 80, below. It is interesting that 1 Maccabees 1:14–15 has: καὶ ᾠκοδόμησαν γυμνάσιον ἐν Ἱεροσολύμοις κατὰ τὰ νόμιμα τῶν ἐθνῶν καὶ ἐποίησαν ἑαυτοῖς ἀκροβυστίας καὶ ἀπέστησαν ἀπὸ διαθήκης ἀγίας καὶ ἐξευγίσθησαν τοῖς ἔθνεσι καὶ ἐπράθησαν τοῦ ποιῆσαι τὸ πονηρόν. RSV translates this as, “So they built a gymnasium in

The first element of this expression, “to put of the yoke,” is a bit more problematic biblically. In almost all cases in the canonical Hebrew bible, the yoke, as a metaphor, represents oppression. Most commonly, this oppression was of foreign nations such as Egypt,²⁷ Assyria,²⁸ Babylonia,²⁹ or other enemies³⁰ over Israel. But other types of oppression, such as Jacob over Esau³¹, Solomon and his son Rehoboam over the people,³² and a man over his fellow,³³ are also so represented. In all of these cases, the yoke symbolizes an undesirable state of affairs, which the one who is yoked aims to remedy by putting off the yoke or by having it removed by God.

However, in the book of Jeremiah and in the book of Lamentations, the yoke appears in a different sense. These books develop the idea of what might be called a “spiritual” yoke, in contrast to the oppressive “physical” yoke described elsewhere in the Bible. In the book of Jeremiah, God places the physical yoke of Babylon on Israel, but only because the Israelites refused to accept God’s own spiritual yoke.³⁴ Similarly, Lamentations discusses the yoke of sin³⁵ and an unspecified yoke that ought be borne in

Jerusalem, according to Gentile custom, *and removed the marks of circumcision, and abandoned the holy covenant. They joined with the Gentiles* and sold themselves to do evil.” But, a more literal rendering of the italicized section might be, “and they made themselves uncircumcised, and they distanced themselves from the holy covenant, and they were yoked to the gentiles,” which seems to have some general similarity with the triad and if so might support reading “break the covenant” as implying uncircumcision specifically in a very early period. However, it would be difficult to read this text, as I suggest reading 2 Baruch 41:3, below, as a poetic parallelism. Here, rather, the sense seems to be that they distanced themselves from the covenant by not observing the precepts of the Torah, which is a central concern of 1 Maccabees. And, “being yoked to the gentiles” would seem to imply observing “the ordinances of the Gentiles” as in verse 13. My thanks to Richard Hidary for pointing out this reference.

²⁷ Leviticus 26:13.

²⁸ Isaiah 10:27, Isaiah 14:25.

²⁹ Isaiah 47:6.

³⁰ Deuteronomy 28:48, Isaiah 9:4.

³¹ Genesis 27:40.

³² 1 Kings 12:4–14, 2 Chronicles 10:4–14.

³³ Isaiah 58:6, Isaiah 58:9.

³⁴ Jeremiah 2:20, 5:5, 30:8, and frequently in chapter 27–28.

³⁵ Lamentations 1:14.

directions: either one interprets the Torah disrespectfully or one acts disrespectfully towards the Torah. Moreover, these two basic approaches are closely allied because one acts disrespectfully towards the Torah by interpreting it in a disrespectful way. Thus, Rashi on b. Shevuot 13a explains the expression based on Sifre Numbers 112 as “to approach the words of Torah irreverently or displaying shamelessness, for example, Manasseh, who used to teach defective interpretations [of the Torah].”⁴¹ However, more

panim—meanings and hermeneutics; as the Sages said, The Torah is interpreted in 49 aspects. Thus, one seeks to reveal reprehensible explanations.” Maimonides on m. Avot 3:11 has: **יגלה פניו ויעז, וזה לשונם בפירוש זה, והוא בגמרא פאה, אמרו: מגלה פנים בתורה - העובר על דברי תורה בפרהסיא כיהויקים בן יאשירה** “to behave impudently, and this is [the Sages] way of explaining this as in the *gemara* in Peah [1:1, 16b], they said: *megaleh panim ba-torah*—this is one who transgresses words of Torah publicly like Jehoiakim the son of Josiah.” See, also, n. 10, above, and n. 40, below.

⁴⁰ George Foot Moore, *Judaism in the First Three Centuries of the Common Era: The Age of the Tannaim* (3 vols.; Cambridge: Harvard University Press, 1927–1930), 1.466, translates as “comports himself brazenly toward the law” and notes, *ibid.*, 3:143 n. 192: “The figure of speech in **מגלה פנים** is similar to that in the English ‘bare-faced’ (impudence).” Urbach, *Sages*, 2.295–297, defends the translation “one who discloses (=gives) an interpretation of (a passage of) the Torah,” though it seems that he takes this (untenable) position primarily to support his claim that the saying of Rabbi Eleazar of Modiin in M. Avot 3:11 is a polemic against Paul. Similarly, Jacob Z. Lauterbach, *Mekhilta De-Rabbi Ishmael: A Critical Edition Based on the Manuscripts and Early Editions, with an English Translation, and Notes, Second Edition* (2 vols.; Philadelphia: Jewish Publication Society, 2004), 1.26, translates as “misrepresents the Torah.” Lauterbach comments in his notes: “I take **מגלה פנים בתורה** here to be an abbreviated form for **מגלה פנים בתורה שלא כהלכה** meaning, to misrepresent the Torah” (*ibid.*, n. 10). Saul Lieberman, *Meḥqarim be-Torat 'Eretz Yisra'el* (ed. David Rosenthal; Jerusalem: Magnes, 1991), 545–546, criticizes Lauterbach: “I have not completely understood the opinion of [Lauterbach], who explains that **מגלה פנים בתורה** is an abbreviation for **מגלה פנים בתורה שלא כהלכה** and he himself cites Bacher . . . However, we do not live by the words of Bacher and Meir Friedmann [*Mekhilta*, ed. Friedmann (Vienna: 1870)]; and, Maimonides already interpreted this in his commentary on Mishnah Avot 3:11 and brought a proof from the Yerushalmi, and this is certainly the correct reading, and the words **שלא כהלכה** are an addition and an interpretation, and I do not know why [Lauterbach] saw fit to oppose this correct interpretation.” Shimon Sharvit, *Language and Style of Tractate Avot Through the Ages* [Hebrew] (Beer-Sheva: Ben-Gurion University of the Negev Press, 2006), 84–86, convincingly demonstrates the correctness of the latter interpretation. See, also, nn. 10 and 39, above. Following is a sampling of various translations of a number of well known texts that use the expression. For m. Avot 3:11, ed. Soncino of the Bavli (*Babylonian Talmud: Translated into English with Notes, Glossary, and Indices* [35 vols.; ed. Isidore Epstein; London: Soncino, 1935–1948]) has “exhibits impudence towards the Torah” (see n. 76, there); Jacob Neusner, *The Mishnah: A New Translation* (New Haven: Yale University Press, 1988), 680, has “exposes aspects of the Torah not in accord with the law.” For t. Sanhedrin 12:9, Hebert Danby, *Tractate Sanhedrin, Mishnah and Tosefta: The Judicial Procedure of the Jews as Codified Towards the End of the Second Century A.D., Translated from the Hebrew with Brief Annotations* (London: SPCK, 1919), has “misinterpret the Law”; Cohen, “Your Covenant That You Have Sealed in Our Flesh,” 39, has “misrepresents the Torah [alternative translation: he who shames the Torah].” For Sifre Numbers 111–112, Neusner, *Sifre to Numbers*, 2:160, 2:168, has “treats the Torah impudently.” However, in his translation to Yerushalmi Peah 1:1, 16b, *The Talmud of the Land of Israel, Volume 2: Peah* (Chicago: University of Chicago Press, 1990), 74–75, he has “perverts Torah.”

⁴¹ My translation of Rashi from ed. Vilna. Rashi continues with the examples of Manasseh’s interpretations

generally, acting disrespectfully towards Torah can also mean not observing its precepts correctly.⁴²

It is clear that uncertainty regarding *megaleh panim ba-torah* existed already in the amoraic period: both the Yerushalmi and the Bavli offer several possible interpretations.⁴³ However, as recent scholarship has demonstrated,⁴⁴ although the expression's original meaning was lost sometime during the late tannaitic or early amoraic period, it is not likely that it originally meant "reveal aspects of the Torah" in the sense of forbidden interpretations.⁴⁵ One obvious reason why this meaning is not likely original is that the expression does not say "reveal *forbidden* aspects of the Torah." Surely, revealing interpretive aspects of the Torah is an activity central to all of rabbinic literature. Some manuscript witnesses of a saying attributed to the tanna Eleazar of Modiin in m. Avot 3:11 and in b. Sanhedrin 99a, and in the continuing discussion in b. Sanhedrin 99b, solve this problem with the version "reveal aspects of the Torah *not according to the halakhah*." However, this is clearly a post-tannaitic addition reflecting later editorializing.⁴⁶ Also arguing against this reading is the fact that the Hebrew *panim*

from the Sifre: "had Moses nothing to write except, 'and Lotan's sister was Timna' (Genesis 36:22) and 'In the days of wheat harvest Reuben went [and found mandrakes in the field] (Genesis 30:14).'" See n. 17, above, for Hebrew text.

⁴² Thus for example, the expression is explained in y. Sanhedrin 10:1, 27c (and the parallel in y. Peah 1:1, 16b). See n. 73, below, for the text from the Yerushalmi.

⁴³ The triad and its individual elements are discussed, for example, in y. Sanhedrin 10:1, 27c, y. Peah 1:1, 16b, y. Yoma 8:7, 45b, y. Shevuot 1:6, 33b, b. Shevuot 13a, b. Yoma 85b, b. Keritot 7a, and b. Sanhedrin 99a–b.

⁴⁴ See Sharvit, *Language and Style of Tractate Avot*, 84–86, and Vidas, *Tradition and the Formation of the Talmud*, 156, and n. 44, there.

⁴⁵ This interpretation may actually be post-Talmudic, but it is also possible that it developed already in the Talmudic period. See n. 46, below.

⁴⁶ There are two pieces of evidence that bear directly on the question of whether *panim* in *megaleh panim ba-torah* was interpreted as "aspects" already in Late Antiquity, or if, perhaps, this interpretation is post-Talmudic. First, there are four places in the classical rabbinic literature where the addition "not according to the halakhah" appears in some manuscripts: Rabbi Eleazar of Modiin's saying in m. Avot 3:11; b. Sanhedrin 99a citing that saying; an instance of the triad in a tradition attributed to Rabbi Yehudah the Patriarch that appears in b. Keritot 7a; and b. Sanhedrin 99b discussing the meaning of *megaleh panim ba-torah*. To the very best of my knowledge, the addition "not according to halakhah" only appears in the

does not mean “aspects” in a hermeneutical sense elsewhere in tannaitic literature.⁴⁷ On the other hand, we do find support for *megaleh panim* in the sense of impudence in the Mekhilta.⁴⁸ And, the related expression *he'iz panim* means “behave impudently” already in Proverbs 7:13.⁴⁹ Thus, the meaning of *megaleh panim ba-torah* in the early traditions of our present concern is almost certainly “behave impudently towards the Torah” or “shame the Torah” in the same general sense of deviance suggested by the idioms “put off the yoke” and “break the covenant.”

Moreover, as I will demonstrate later, tannaitic literature preserves a tradition that treats the entire triad as a singular denunciation rather than as a list. Supposing that “shame the Torah” is original suggests the following very plausible reconstruction of the source of the confusion regarding its meaning. In the earliest manifestations of the triad, all three elements are essentially synonymous. They are all variations of a single general

context of Rabbi Eleazar’s saying in m. Avot 3:11 in MS Munich 95. It appears in a citation of that saying in b. Sanhedrin 99a in ed. Vilna, MS Florence II-I-9, MS Munch 95, and ed. Barko. It does not appear in MSS Kaufman, Parma, or Cambridge of the Mishnah, or in MS Yad Harav Herzog 1 or MS Karlsruhe Reuchlin 2 of the citation in b. Sanhedrin 99a, or in ARNA or y. Pesahim 6:2, 33b (which cites the saying anonymously). It does not appear in any instances of the triad outside of the Eleazar tradition—not in the Mekhilta, Sifre, Tosefta, Yerushalmi, or the Bavli—apart from in MS Munich 95 only of b. Keritot 7a. In the discussion of the expression in b. Sanhedrin 99b, where *megaleh panim* is mentioned several times, it appears at least once in ed. Vilna, MS Florence II-I-9, MS Munch 95, and ed. Barko, but not at all in MS Yad Harav Herzog 1 and MS Karlsruhe Reuchlin 2. While this overwhelmingly proves a textual addition to the tannaitic saying of Eleazar, it remains possible that this was an amoraic addition rather than a medieval scribal addition. The other relevant piece of evidence is the expression דורש בהגדה של דופי: “teach defective interpretations,” associated with *megaleh panim ba-torah* already in Sifre Numbers 112. This expression certainly suggests heterodox hermeneutics, but the sense could easily be of disrespecting the Torah by reading it in a disrespectful way, as Rashi explains the expression in b. Shevuot 13a.

⁴⁷ See Sharvit, *Language and Style of Tractate Avot*, 85: התיבה "פנים" אינה משמשת בספרות התנאים: “The word *panim* is not used in the tannaitic literature in the sense of ‘meanings,’ ‘interpretations.’”

⁴⁸ Mekhilta ‘amaleq 1: רבי אליעזר אומר ויבא עמלק שבא בגלוי פנים לפי שכל הביאות שבא לא בא: אלא במטמוניות שנאמר אשר קרך בדרך וגו' אבל ביאה זו לא בא אלא בגלוי פנים לכך נאמר ויבא עמלק שבא בגלוי פנים: “R. Eliezer says: Then Came Amalek. He came with defiance. Because all other times that he came, he came secretly, as it is said: ‘How he met thee by the way,’ etc. This coming, however, was not so, but was with defiance. In this sense it is said: ‘Then came Amalek’—he came with defiance (trans. Jacob Z. Lauterbach, *Mekhilta de-Rabbi Ishmael*, 2:254–255).

⁴⁹ Proverbs 7:13: והחזיקה בו ונשקה לו העזה פניה ותאמר לו: “She seizes him and kisses him, and with impudent face she says to him . . .”

denunciation of deviance. By the early tannaitic period, the yoke, the covenant, and the Torah all started to take on significance as central symbolic Jewish literary elements. Rejecting or disrespecting any one of them is tantamount to rejecting or disrespecting Judaism itself.⁵⁰ These are not three different aspects of Judaism. Rather, they are each symbolic representations of it in its entirety, mutually intertwined and inextricable. However, once the triad was reinterpreted as a list, as in t. Sanhedrin 12:9, an attempt was made to understand each element's meaning. Perhaps, because *panim* did eventually take on the meaning of “aspects,” as in y. Sanhedrin 4:2, 22a: “The Torah may be interpreted in 49 aspects [towards a halakhic declaration of] impurity and in 49 aspects [towards a halakhic declaration of] of purity”⁵¹ and, because an early attempt to define *megaleh panim ba-torah* in Sifre Numbers 112 cites as an example: “teach defective interpretations,”⁵² the sense of “reveal interpretive aspects” became predominant. This reading was then supported by the later addition “not according to the halakhah.”⁵³

⁵⁰ Thus, Cohen, “Your Covenant That You Have Sealed in Our Flesh,” 39, referring to the first two elements of the triad, writes that they are “a general description of radically ‘unJewish’ behavior, that is, practice or belief that the rabbis deemed to be completely outside the pale of the acceptable.”

⁵¹ Y. Sanhedrin 4:2, 22a (ed. Venice): אמר רבי ינאי אילו ניתנה התורה חתוכה לא היתה לרגל עמידה: מה טעם וידבר יי אל משה אמ' לפניו רבונו של עולם הודיעני היאך היא ההלכה אמר לו אחרי רבים להטות רבו המזכין זכו רבו המחייבין חייבו כדי שתהא התורה נדרשת מ"ט פנים טמא ומ"ט פנים טהור: “Rabbi Yannai said: If the Torah had been given with clearly decided halakhot, there would have been no place for human participation. Why then, ‘And God spoke to Moses’? Moses said before Him, ‘Master of the universe, teach me how is the halakhah.’ [God said,] ‘If the majority acquit, acquit; if the majority convict, convict—thus the Torah may be interpreted in 49 aspects [towards a halakhic declaration of] impurity and in 49 aspects [towards a halakhic declaration of] of purity’” (my translation; the text is vague on some points, so the translation offered is only one possible interpretation).

⁵² Sifre Numbers 112 (ed. Horowitz): והנפש אשר תעשה ביד רמה, זה המגלה פנים בתורה כמנשה בן חזקיה את ה' הוא מגדף שהיה יושב ודורש בהגדה של דופי לפני המקום אמר לא היה לו לכתוב בתורה אלא וילך ראובן בימי קציר חטים ולא היה לו לכתוב בתורה אלא ואחות לוטן תמנע: “But the person who does anything with a high hand’ (Numbers 15:30)— this is one who shames the Torah as Manasseh the son of Hezekiah; ‘reviles the LORD’ (Numbers 15:30)—[Manasseh] used to sit and teach defective interpretations [of the Torah] before the Omnipresent, saying: Had [Moses] nothing to write in the Torah except, ‘In the days of wheat harvest Reuben went [and found mandrakes in the field]’ (Genesis 30:14) and ‘Lotan’s sister was Timna’ (Genesis 36:22)?”.

⁵³ See n. 46, above. Cf. Vidas, *Tradition and the Formation of the Talmud*, 156 n. 44.

Thus, the evidence adduced so far strongly supports my claim that the triad's three elements originally all meant essentially the same thing. This fact by itself suggests the conclusion that the triad was originally a single expression with repetition for emphasis rather than a list of three distinct types of transgressions. However, two additional pieces of evidence can be brought to bear to further support this conclusion. The first is a text, roughly contemporaneous with the earliest traditions preserved in the tannaitic literature, which uses the first two elements of the triad in a biblical-style parallelism as a very general denunciation of transgression. Syriac Baruch, likely a translation from the Greek of an originally Hebrew work written in the Land of Israel after the destruction but before the Mishnah's redaction,⁵⁴ and likely originating in circles in general ideological conformity with the nascent rabbinic movement,⁵⁵ uses two very similar phrases redundantly for emphasis: "For behold, I see many of your people who have separated from your covenant, and thrown off from them the yoke of your law."⁵⁶ The Syriac has *d'rḥqw mn qymykh wshdw mnḥwn nyrh dnmwskh*, which is remarkably similar to rabbinic Aramaic.⁵⁷ The final word in the Syriac is *nmws*,⁵⁸ from the Greek *nomos*,⁵⁹

⁵⁴ See Robert Kirschner, "Apocalyptic and Rabbinic Responses to the Destruction of 70," *Harvard Theological Review* (1985): 27–46, at 28, and n. 4, there, for some relevant scholarship on dating and social context. Also, see Peter Schäfer, *The History of the Jews in the Greco-Roman World, Revised Edition* (New York: Routledge, 2003), 149–152. For the most recent translation of 2 Baruch, see Michael E. Stone and Matthias Henze, *4 Ezra and 2 Baruch: Translations, Introductions, and Notes* (Minneapolis: Fortress, 2013).

⁵⁵ See Kirschner, "Apocalyptic and Rabbinic Responses," 31: "It is now widely assumed that [2 Baruch and 4 Ezra] originated in circles close to the Tannaim"; and, see n. 17, there. Also, see A. F. Klijn, "2 (Syriac Apocalypse of) Baruch," in *The Old Testament Pseudepigrapha, Volume One*, 615–652, at 617: "the work shows a close acquaintance with Jewish rabbinical literature." Both of these authors likely overstate the case, but it does seem safe to suggest a general ideological similarity between the author of 2 Baruch and the sages of the first and second centuries that we associate with the nascent rabbinic movement.

⁵⁶ 2 Baruch 41:3, Daniel M. Gurtner, *Second Baruch: A Critical Edition of the Syriac Text with Greek and Latin Fragments, English Translation, Introduction, and Concordances* (New York: T & T Clark, 2009), 74–76.

⁵⁷ ג'ר'חקו מן קימיק ושו'דו מנהון נירה דנמוסך. Thanks to Yosef Witztum for help with the Syriac here.

Rendered in Hebrew characters, it would be: דארחקו מן קימיק ושו'דו מנהון נירה דנמוסך.

⁵⁸ נמוסא / נמוס.

presumably from the Hebrew *torah*. Thus, it would appear that the Syriac *nyrh dnmwskh*⁶⁰ would have been ‘*ol toratekha*,’⁶¹ the “yoke of your Torah,” in the original Hebrew Vorlage of Syriac Baruch.⁶² This is, to the best of my knowledge, the first explicit use of the expression “yoke of Torah,” an expression that would become very common in rabbinic literature.⁶³

It is significant that 2 Baruch’s expression “separated from your covenant, and thrown off from them the yoke of your law,” the earliest explicit instance of the yoke being used as a metaphor for the Torah, is itself quite similar to the verses in the book of Jeremiah mentioned above: “they all alike had broken the yoke, they had burst the bonds,”⁶⁴ itself one of the rare instances of a “spiritual” yoke in the canonical Hebrew Bible. The similarity is more striking in light of Ezekiel 20:37: “I will bring you into the bond of the covenant.”⁶⁵ This suggests the possibility that 2 Baruch 41:3 is based on a hermeneutical reading of Jeremiah 5:5 that understands “burst the bonds” in Jeremiah as “burst the bond of the covenant” based on Ezekiel 20:37.

⁵⁹ Νόμος.

⁶⁰ נירה דנמוסך / ניהוס דנמוסך.

⁶¹ עול תורתך.

⁶² Syriac Baruch was translated from the Greek. The Greek version appears to have been translated from Hebrew. See Klijn, “2 (Syriac Apocalypse of) Baruch,” 616.

⁶³ Perhaps its earliest appearance in rabbinic literature is in m. Avot 3:5 in a saying attributed to Nehunya ben ha-Kanah, a later contemporary of Yohanan ben Zakkai: רבי נחוניא בן הקנה אומר כל המקבל עליו “Everyone who receives on himself the yoke of Torah has the yoke of the kingdom and of livelihood removed from him.” There are, however, perhaps some relevant earlier references in period literature. For example, Jesus’ easy yoke in Matthew 11:30 might be considered an earlier non-explicit reference to this concept. References to the yoke in Galatians and Acts are also relevant.

⁶⁴ Jeremiah 5:5.

⁶⁵ Ezekiel 20:37 (JPS, 1917). The RSV has “I will let you go in by number,” following the LXX. See Shamir Yona and Mayer I. Gruber, “The Meaning of Masoret in Ezek. 20:37 and in Rabbinic Hebrew,” *Review of Rabbinic Judaism* 10 (2007): 210–220; Herbert W. Basser, “Yona and Gruber on the Usages of Masoret,” *Review of Rabbinic Judaism* 11 (2008): 325–333; and Shamir Yona and Mayer I. Gruber, “Once Again Masoret in Ezekiel and in Rabbinic Literature: A Rejoinder to Professor Basser,” *Review of Rabbinic Judaism* 11 (2008): 334–341.

The text from 2 Baruch thus suggests that the metaphor of the yoke of Torah and the expression “put off the yoke and break the covenant” developed in first century Jewish literature as a general condemnation of unspecified sin or of ideological deviance more broadly. Its repetitive structure is modeled on biblical parallelism and is not meant to suggest two distinct transgressions. Sometime later, the addition of “shame the Torah” to this expression transformed the parallelism into our tannaitic triad.

The final piece of evidence that I will cite to support my thesis of the original singular sense of this expression is a tannaitic text that actually preserves this original meaning. The earliest instance of the triad in rabbinic literature, in t. Sanhedrin 12:9 cited at the start of this section, does present it as a list of three. However, the Sifre on the book of Numbers, although possibly edited somewhat later than the Tosefta, preserves an even earlier usage.⁶⁶ Sifre Numbers 111 uses the triad in the context of a discussion of Numbers 15:22–24, which is concerned with unintentional transgressions committed by the entire community of Israel. Although the biblical text discusses transgressions in general, the Sifre reads it as being concerned only with the sin of idolatry. The details of the hermeneutical reasoning involved need not detain us here,⁶⁷ but the section concludes

⁶⁶ The dating of these texts is, of course, difficult and not without controversy. On Sifre Numbers, see H. L. Strack and Günter Stemberger, *Introduction to the Talmud and Midrash, Second Edition* (trans. Markus Bockmuehl; Minneapolis: Fortress, 1996), 267: “The most likely date for the formation of the Sifre Num is some time after the middle of the third century.” On the dating of the Tosefta, see Paul Mandel, “The Tosefta,” in *The Cambridge History of Judaism, Volume Four*, 316–335, at 320–321, “Most scholars place the editing of the Tosefta in the mid-third century, after the compilation of the Mishnah, although those who view the Tosefta as post-talmudic necessarily cite a date closer to the end of the fourth century or later.”

⁶⁷ As Rashi explains the reasoning of the section in his biblical commentary, the Sifre is explaining the fact that both Numbers 15:22–24 and Leviticus 4:13 prescribe a sin offering for unintentional transgressions. But in Leviticus, the offering consists only of bull, whereas in Numbers it consists of a bull and a goat. Thus, these two passages must be discussing different types of transgressions. The Sifre then notes that Numbers 15:22 speaks of “all these commandments” while 15:24 speaks of only one commandment, “it was done unwittingly.” The singular “it” is taken to indicate a commandment that was given in a unique way. According to rabbinic lore, the first two of the ten commandments, which are concerned with idolatry, were spoken directly by God to the Israelites. Thus, the Sifre concludes that Numbers 15:24 is referring to idolatry. Moreover, the expression “all the commandments” in Numbers 15:22 cannot literally refer to all

that there is one transgression that is as severe as all other transgressions put together: the sin of idolatry.⁶⁸

Just as one who transgresses all of the commandments puts off the yoke, breaks the covenant, and shames the Torah, so also one who transgresses this one commandment puts off the yoke, breaks the covenant, and shames the Torah. And which is this? Idolatry!⁶⁹

This text is talking about a single sin and a single sinner. There is nothing in context to suggest a group of sinners or a list of different types of sins.⁷⁰ The expression “put off the yoke, break the covenant, and shame the Torah” is used in a straightforward way as if its

the commandments because the sacrifice for all the commandments was already prescribed in Leviticus 4:13. Therefore, the expression “all the commandments” in Numbers 15:22 must be taken as setting up a hermeneutic equivalence. The one commandment that was said by itself, idolatry, is as severe as all of the other commandments taken together: “Just as one who transgresses all of the commandments puts off the yoke, breaks the covenant, and shames the Torah, so also one who transgresses this one commandment puts off the yoke, breaks the covenant, and shames the Torah.”

⁶⁸ Sifre Numbers 111 (ed. Horowitz): מה העובר על כל המצות פורק עול ומפר ברית ומגלה פנים בתורה [ואינו זו ע"ז] שנ' לעבור בתורה אף העובר על מצוה אחת פורק עול ומפר ברית ומגלה פנים בתורה [ואינו זו ע"ז] שנ' לעבור בריתו ואין ברית אלא תורה שנ' אלה דברי הברית.

⁶⁹ The text continues: As it is said, “transgressing his covenant [. . . and served other gods],” and “covenant” always means Torah, as it is said, “These are the words of the covenant.” The biblical texts referred to are Deuteronomy 17:2–3: “If there is found among you, within any of your towns which the LORD your God gives you, a man or woman who does what is evil in the sight of the LORD your God, in *transgressing his covenant*, and has gone and *served other gods* and worshiped them, or the sun or the moon or any of the host of heaven, which I have forbidden”; and Deuteronomy 28:69.

⁷⁰ It might be suggested that even here the text could feasibly be read as having a list of three specific sins in mind: just as someone who transgresses all of the commandments must also logically transgress these three specific and especially heinous sins (because he has transgressed them all), so also someone who transgresses this one commandment (which was proven to be hermeneutically equivalent to all of the commandments) has, in some halakhic-midrashic sense, transgressed these same three sins. This reading seems unlikely because someone who has committed idolatry has not in fact, say, reversed his circumcision and interpreted verses of the Torah disrespectfully, and he could not be said to be guilty of such specific transgressions. Supporting my reading is Mekhilta de-Rabbi Yishmael *pisha* 5 (ed. Horowitz-Rabin): ומנין לעובר על כל מצות שהוא פורק עול ומפר ברית ומגלה פנים בתורה שנא' לעברך בברית ה' אלהיך לעובר על כל מצות שהוא פורק עול ומפר ברית ומגלה פנים בתורה שנא' לעברך בברית ה' אלהיך ואין ברית אלא תורה שנא' אלה דברי הברית. “And how do we know that one who transgresses all of the commandments puts off the yoke, breaks the covenant, and shames the Torah? As it is said, ‘that you may enter into the sworn covenant of the LORD’ (Deuteronomy 29:12), and ‘covenant’ always means Torah, as it is said, ‘These are the words of the covenant’ (Deuteronomy 28:69).” If the Mekhilta understands that a person who transgresses all of the commandments also by logical necessity transgresses these three specific ones then it would have no need for such textual reasoning. The so-called Midrash Tannaim 17 (ed. Hoffman) all supports my reading: כל העובד ע"ז פורק עול ומפר ברית ומגלה פנים בתורה שנ' לעבר בריתו ואין ברית אלא תורה שנ' אלה דברי הברית. “Everyone who commits idolatry puts off the yoke, breaks the covenant, and shames the Torah, as it is said, ‘transgressing his covenant [. . . and served other gods],’ and ‘covenant’ always means Torah, as it is said, ‘These are the words of the covenant.’” This section is presented without any hermeneutical equivalence set up with all of the commandments. As mentioned above, Neusner, *Sifre to Numbers*, 2:160, translates the expression in the Sifre similarly: “breaks off the yoke [of the commandments] and wipes out the mark of the covenant and so treats the Torah impudently.”

meaning is self-evident and generally understood. The expression means here nothing more and nothing less than to behave in such a way as to exclude yourself from the Jewish community. That is, it is a general denunciation of deviance.

Thus, the evidence adduced demonstrates that in earliest tannaitic times, the triad was a general denunciation of a single polemical target rather than a list of three transgressions. The gradual development of interpretations reading this singular expression as if it were a list over the tannaitic and amoraic periods and into the editing of the Babylonian Talmud is complex and fascinating. However, for the purposes of my comparison of rabbinic practices of list formation to other instances of list making in the first centuries of the common era, it will be sufficient to examine only the first stages of this process. I will therefore now turn to an examination of several early rabbinic texts relevant to the tannaitic redeployment of the triad as a list of three.

As already mentioned, t. Sanhedrin 12:9 appears to be the earliest instance of the triad being pluralized. Yet even there it is notable that the pluralization occurs primarily by context: the text presents the triad with an additional element as if it were a list but does not attempt to explain what the elements of the list mean:⁷¹

They added to these, one who puts off the yoke, one who breaks the covenant, one who shames the Torah, and one who pronounces the Name according to its letters, that they have no portion in the world to come.⁷²

⁷¹ T. Sanhedrin 12:9 (ed. Zuckerman): הוסיפו עליהם הפורק עול והמיפר ברית והמגלה פנים בתורה ורהוגה את השם באותותיו שאין להם חלק לעולם הבא.

⁷² The pluralization here is obvious from context, as there is a fourth element that is clearly a specific transgression, but it is also indicated in the syntax: the Tosefta has *hei ha-yedi'ah* before each element. These are absent in Sifre Numbers 111 and in the Mekhilta *pisha* ' 5. It is worth noting that an instance of the triad in y. Shevuot 1:6, 33b (ed. Venice) is verbatim to Sifre Numbers 111: פורק עול ומפר ברית: פנים בתורה, ומגלה פנים, and it is treated as singular syntactically in the rest of the sentence: שם עשה תשובה מתכפר לו ואם לאו אין מתכפר לו. In all other instances in the Talmuds, the *hei ha-yedi'ah* does appear. And, the Bavli more explicitly pluralizes the expression by changing its order, apparently to match a distinct exegetical tradition around Numbers 15:30–31, which by the time of the editing of the Bavli had become conflated with the triad as I will explain in what follows.

Yerushalmi Sanhedrin 10:1, 27c, commenting on this Tosefta, appears to be the first explicit attempt to define each of the elements.⁷³

“One who puts off the yoke”—this is one who says, “there is a Torah but I do not heed it”;⁷⁴ “One who breaks the covenant”—this is one who stretches his foreskin; “One who shames the Torah”—this is one who says that Torah was not given from heaven.⁷⁵

I would like to suggest, however, the somewhat speculative possibility that a saying attributed to Rabbi Eleazar of Modiin that appears in several forms in the tannaitic and amoraic literature may represent an earlier attempt to define these terms. Following are the major variants of the saying as they appear in the Sifre, Mishnah, Avot de-Rabbi Natan, and the Talmuds.⁷⁶

Sifre Numbers 112	M. Avot 3:11	ARNA 26	ARNB 35	y. Pesahim 6:2, 33b	b. Sanhedrin 99a
Rabbi Eleazar of Modiin said,	Rabbi Eleazar of Modiin says,	Rabbi Eleazar of Modiin says,	Rabbi Eleazar of Modiin says,	It was taught in a tannaitic tradition,	Rabbi Eleazar of Modiin said.
One who desecrates objects dedicated to the Temple,	One who desecrates objects dedicated to the Temple,	One who desecrates objects dedicated to the Temple,	Everyone who desecrates (despises) the Torah,	One who desecrates objects dedicated to the Temple,	One who desecrates objects dedicated to the Temple,

⁷³ Y. Sanhedrin 10:1, 27c (ed. Venice; a parallel text appears in y. Peah 1:1, 16b): הפורק עול זה שהוא אומר יש תורה ואיני סופנה המיפר ברית זה שהוא מושך לו ערלה המגלה פנים בתורה זה שהוא ולא כבר תניתה האומר אין תורה מן השמים תני. אומר לא ניתנה תורה מן השמים רבי חנינה ענתוניה קומי רבי מנא זה שהוא עובר על דברי תורה בפרהסיא כגון יהויקים בן יאשיהו מלך יהודה וחביריו.

⁷⁴ The Hebrew that I have translated as “heed” is סופנה, which is according to ed. Venice here. However, the parallel in y. Peah 1:1, 16b in that edition has the easier סובלה ואיני סובלה: “There is a Torah, but I do not suffer it.” This is corrected in y. Peah ed. Vilna to match y. Sanhedrin. B. Ratner, *Ahavat Zion ve-Yerushalayim* (Vilna: Romm, 1901), notes that ed. Zhitomir has סופנה, but Maimonides in his commentary to the Mishnah comments on the expression הפורק ממנו עול in m. Avot 3:5 by citing this text as it appears in y. Peah ed. Venice. Marcus Jastrow, *Dictionary*, 1014, indicates that סופנה is correct. Certainly, סופנה is the *lectio difficilior*, and a scribal modification to סובלה seems more likely than a corruption סופנה. Thus, I assume with Jastrow that the latter is the correct reading.

⁷⁵ The text continues: רבי חנינה ענתוניה קומי רבי מנא זה שהוא עובר על דברי תורה בפרהסיא כגון יהויקים בן יאשיהו מלך יהודה וחביריו. “And yet was it not already taught [in the Mishnah], ‘one who says that there is no Torah from heaven’?” Rabbi Hanina of En Tuna [Reading ענתוניה רבי חנינה from the parallel in y. Peah 1:1, 16b, according to Jastrow] taught before Rabbi Mana, “this is one who transgresses words of Torah in public as Jehoiakim ben Josiah the king of Judah and his compatriots.”

⁷⁶ My translations of Sifre Numbers 112 (ed. Horowitz), m. Avot 3:11 (ed. Vilna), ARNA 26 (ed. Schechter), ARNB 35 (ed. Schechter), y. Pesahim 6:2, 33b (ed. Venice), and b. Sanhedrin 99a. There is also a reference to this saying in the late midrash, Tanna de-ve-Eliyahu (Eliyahu Rabbah) 26, but it is not clear that much of the saying is actually referenced in the manuscripts. For consistency, I have translated *megaleh panim ba-torah* as “shame the Torah,” except where “not according to the halakhah” is added. See appendix for Hebrew texts. I will explain my reasons presently for choosing ed. Vilna for m. Avot even though it is clearly an inferior text. For more on the expression *megaleh panim ba-torah*, see n. 10, above.

one who despises the festivals,	one who despises the festivals,	one who despises the festivals,	objects dedicated to the Temple, and the festivals,	one who despises the festivals,	one who despises the festivals,
	embarrasses his fellow in public,				
and one who breaks the covenant of Abraham our father,	one who breaks the covenant of Abraham our father peace be upon him,	one who breaks the covenant of the flesh,	and one who breaks the covenant of Abraham our father,	one who breaks the covenant of Abraham our father,	one who breaks the covenant of Abraham our father,
	and one who reveals aspects of the Torah not according to the halakhah,	and one who shames the Torah,		and one who shames the Torah,	one who reveals aspects of the Torah not according to the halakhah,
					and one who embarrasses his fellow in public,
even if he had fulfilled many commandments, he would still be worthy to be forced out of the world.	even if he had learned Torah and did good deeds, he has no portion in the world to come.	even if he had learned Torah and did good deeds, he has no portion in the world to come.	even if he had done good deeds, he has no portion in the world to come.	even if he had learned Torah and did good deeds, he has no portion in the world to come.	even if he had learned Torah and did good deeds, he has no portion in the world to come.

I have chosen ed. Vilna for m. Avot 3:11 in this table in order to demonstrate a fuller range of variants. However, it certainly represents an inferior text of the Mishnah here. As mentioned earlier, the phrase “not according to the halakhah” is a post-tannaitic addition.⁷⁷ “Embarrasses his fellow in public” appears in MS Kaufmann of the Mishnah, but not in MSS Parma or Cambridge, nor in most of the other variants. I suggest, therefore, as a likely critical reading for Eleazar’s saying: “One who desecrates objects dedicated to the Temple and despises the festivals, one who breaks the covenant of Abraham our father, and one who shames the Torah, even if he had done many good deeds, he has no portion in the world to come,” which is how it appears in MSS Parma and Cambridge.⁷⁸

⁷⁷ See n. 46, above.

⁷⁸ MS Parma: ר' לעזר המודעי או' המחלל את הקדשים והמבזה את המועדות והמיפר בריתו של אברהם אבינו והמגלה פנים בתורה אף על פי שיש בידו מעשים טובים אין לא חלק לעולם הבא; MS Cambridge: ר' לעזר המודעי אומר המחלל את הקדשים והמבזה את המועדות והמפר בריתו של אברהם אבינו והמגלה פנים בתורה אף על פי שיש בידו מעשים טובים אין לא חלק לעולם הבא; MS Kaufmann: ר' אלעזר המודעי או' המחלל את הקדשים והמבזה את המועדות והמגלה פנים בתורה

This reading of Eleazar's saying could plausibly be seen as an early attempt to reinterpret the saying "put off the yoke, break the covenant, and shame the Torah."⁷⁹ To "put off the yoke" is interpreted as "put off the yoke of Torah" as was seen in Syriac Baruch, discussed earlier, and is exemplified through paradigmatic examples of Torah obligations, the festivals and the Temple cult. To "break the covenant" is explained as "break the covenant of Abraham," that is, to be uncircumcised or to remove the signs of circumcision, which becomes a common interpretation in the Bavli.⁸⁰ To "shame the

והמפר בריתו של אברהם אבינו והמאדים את פני חבירו אף על פי שיש בידו מעשים טובים אין לא ר' אלעזר המודעי או המחלל את הקדש' והמבזה את המועדות MS Munich 95: חלק לעולם הבא והמיפר בריתו של אברהם אבינו והמגלה פנים בתורה שלא כהלכה אע"פ שיש בידו תורה ומעשים טובים אין לו חלק לעולם הבא.

⁷⁹ Cf. Urbach, *Sages*, 295–297, who suggests another possible reading for an early form of this saying. Urbach interprets Rabbi Eleazar's saying, implausibly to my mind, as a polemical response to Paul's teachings on the validity of the Torah's precepts and prohibitions. He thus reads the crux of the saying as "one who gives a (wrong) interpretation of the Torah, and one who makes void the covenant," suggesting that the rest of the elements of the saying may be secondary.

⁸⁰ See n. 26, above. What I believe to be the earliest form of the triad, such as is seen in Sifre Numbers 111 and Mekhilta *pisha* ' 5, does not have any addition to "break the covenant." Neither is there any addition in t. Sanhedrin 12:9, y. Sanhedrin 10:1, 27c, y. Peah 1:1, 16b, y. Yoma 8:7, 45b, or y. Shevuot 1:6, 33b. Most versions of Rabbi Eleazar's saying as cited above add "of Abraham." The versions of the expression as it appears in the context of the exegesis of Numbers 15:30–31, which I will discuss below, and all three version of the triad from the Bavli (b. Shevuot 13a, b. Yoma 85b, and b. Keritot 7a) add "of the flesh." This suggests the interesting possibility that the initial attempts to redeploy the triad redefined "to break the covenant" as "to break the covenant of Abraham," meaning "to not get circumcised." This would be an obvious interpretation based on Genesis 17:14: "Any uncircumcised male who is not circumcised in the flesh of his foreskin shall be cut off from his people; he has broken my covenant." Only later, perhaps around the time of the Bar Kokhba revolt—during which some scholars have suggested that circumcision was prohibited, and this led to an increase in epispasm—was this phrase redefined as "to break the covenant of the flesh" intending "to remove the signs of the circumcision." It has been suggested that t. Shabbat 15:9 reflects the circumstances of this period: המשוך צריך שימול ר' יהודה או משוך לא ימול מפני שהוא מסוכן אמרו לו הרבה מלו בימי בן כוזבא והיו לו בנים ולא מתו שנ' המול ימול אפי' מאה מפי' שהוא מסוכן אמרו לו הרבה מלו בימי בן כוזבא וא' ואת בריתי הפר לרבות את המשוך פעם וא' ואת בריתי הפר לרבות את המשוך: "One who stretches his foreskin is obligated to be re-circumcised. Rabbi Yehudah says, 'One who stretches his foreskin should not be re-circumcised because he would be in mortal danger.' [The rabbis] said to him, 'many were re-circumcised in the days of Bar Kokhba and they had sons and did not die.' Thus, it is said 'he shall surely be circumcised'—even one hundred times. Also it says, 'he has broken my covenant'—to include the one who stretches his foreskin" (ed. Zuckerman; cf. parallel in Genesis Rabbah 46:13). The Tosefta here cites Genesis 17:14, which in context is clearly referring to failing to get circumcised rather than to removing the signs of the circumcision, but reinterprets it to match contemporary social circumstances. It is notable that Rabbi Yehudah was a student of Akiva. Akiva, who is presented in the Bavli as a follower of Bar Kokhba, was a student of Eliezer ben Hyrcanus, the contemporary of Eleazar of Modiin. Perhaps, then, Eleazar interprets "break the covenant" according to the plain meaning of Genesis 17:14. When circumstances changed, the rabbis of the subsequent generations reinterpret it as part of their polemic against epispasm. On this Tosefta and its historical context, see Schäfer, *The History of the Jews in the Greco-Roman World*, 149–152.

Torah” is not explicitly interpreted, although Sifre Numbers 112, mentioned earlier, supports the possibility that interpreting this specifically in terms of disrespect through textual misinterpretation was becoming conventional by the late tannaitic period. These different types of sinners are then excluded from the world to come based on the exclusion in t. Sanhedrin 12:9.⁸¹

This possibility is given additional support by what appears to be an early, albeit unattributed, saying preserved in y. Peah 1:1, 16b that combines elements of t. Sanhedrin 12:9 and Eleazar’s saying:⁸²

<u>t. Sanhedrin 12:9</u>	<u>m. Avot 3:11 (MS Parma)</u>	<u>y. Peah 1:1, 16b</u>
They added to these, one who puts off the yoke, one who breaks the covenant, one who shames the Torah, and one who pronounces the Name according to its letters that they have no portion in the world to come	Rabbi Eleazar of Modiin says, one who desecrates objects dedicated to the Temple and despises the festivals, one who breaks the covenant of Abraham our father, and one who shames the Torah, even if he had done good deeds, he has no portion in the world to come	One who puts off the yoke, one who breaks the covenant, and one who shames the Torah, even if he had done good deeds, he is called to account in this world and the principal remains for him in the world to come

These three texts intersect with one another in complex ways, and I would hesitate to insist on a precise genealogy. At the very least, however, they suggest the reliance of m. Avot 3:11 on some version of the kind of text seen in t. Sanhedrin 12:9 and y. Peah 1:1, 16b. Perhaps, then, Eleazar’s saying represents a pre-Talmudic attempt to define the elements of the triad, which appears pluralized but otherwise undefined in the Tosefta.

⁸¹ Or, at least, in some version of the tradition that appears in our t. Sanhedrin 12:9, as I will suggest presently.

⁸² Y. Peah 1:1, 16b (ed. Venice): הפורק עול והמיפר ברית והמגלה פנים בתורה אף על פי שיש בידו מעשים טובים נפרעין ממנו בעולם הזה והקרן קיימת לו לעולם הבא. See n. 71, above for Hebrew text of t. Sanhedrin 12:9. See n. 78, above, for the Hebrew text of m. Avot 3:11. Refer to the appendix for the Hebrew texts synoptically presented.

This is a plausible reading of the data. However, one possible argument against this reading is the fact that some early rabbinic texts appear to derive Rabbi Eleazar's saying from several hermeneutical traditions related to Numbers 15:30–31, rather than from the triad. And, scholars have suggested that these biblical verses are actually the triad's original source as well.⁸³ I will argue in what follows that this derivation is a forced attempt by the rabbis to base Eleazar's saying in a biblical text. The saying's original context is more likely associated with the developing redeployment and reinterpretation of the triad.

Numbers 15:30–31 contains a trenchant yet obscure condemnation of sin: “But the person who does anything with a high hand, whether he is native or a sojourner, reviles the LORD, and that person shall be cut off from among his people. Because he has despised the word of the LORD, and has broken his commandment, that person shall be utterly cut off; his iniquity shall be upon him.”⁸⁴ Sifre Numbers 112 attempts to explain the meaning of the biblical phrases “does anything with a high hand,” “reviles the LORD,” and “he has despised the word of the LORD and has broken his commandment”.⁸⁵

“But the person who does anything with a high hand”—this is one who shames the Torah as Manasseh ben Hezekiah; “reviles the LORD”—[Manasseh] used to sit and teach defective interpretations [of the Torah] before the Omnipresent . . . ; “he has despised the word of the LORD”—this is a Sadducee; “and has broken his commandment”—this is an Epicurean. Another interpretation: “he has despised the word of the LORD”—this is one who shames the Torah; “and has broken his

⁸³ See Aharon Shemesh, “King Manasseh and the Halakhah of the Sadducees,” 1–2. Shemesh does acknowledge the uncertainty of this connection.

⁸⁴ Numbers 15:30–31: והנפש אשר תעשה ביד רמה מן-האזרח ומן הגר את יהוה הוא מגדף ונכרתה בה הנפש ההיא מקרב עמה כי דבר יהוה בזה ואת מצותו הפר היכרת תיכרת הנפש ההיא עוונה בה

⁸⁵ Sifre Numbers 112 (ed. Horowitz): והנפש אשר תעשה ביד רמה זה המגלה פנים בתורה כמנשה בן חזקיה את ה' הוא מגדף שהיה יושב ודורש בהגדה של דופי לפני המקום . . . כי דבר ה' בזה זה צדוקי ואת מצותו הפר זה אפיקורוס ד"א כי דבר ה' בזה זה המגלה פנים בתורה ואת מצותו הפר זה המפר ברית בשר מיכן אמר רבי אלעזר המודעי המחלל את הקדשים והמבזה את המועדות והמפר בריתו של אברהם אבינו אע"פ שיש בידו מצות הרבה כד"י הוא לדחותו מן העולם

commandment”—this is one who breaks the covenant of the flesh.⁸⁶ Thus, Rabbi Eleazar of Modiin said, “One who desecrates objects dedicated to the Temple, one who despises the festivals, and one who breaks the covenant of Abraham our father, even if he had fulfilled many commandments, he would still be worthy to be forced out of the world.”⁸⁷

The Sifre is not explicitly interpreting the triad, “put off the yoke, break the covenant, and shame the Torah,” in the manner of y. Sanhedrin 10:1, 27c, cited earlier. Rather, it is interpreting obscure phrases from the book of Numbers. It interprets these phrases using some of the elements from the triad, but these elements are themselves obscure and in need of further clarification. The result is a rather convoluted chain of interpretations with no clear order.

However, if we read this midrash starting from the triad’s elements rather than from the obscure biblical phrases, the hermeneutics become somewhat clearer. To “shame the Torah” is explained to mean “misinterpret the Torah,”⁸⁸ using Manasseh as an example. And, it is connected to the biblical phrases “does anything with a high hand” and “despised the word of the LORD,” the latter of which is also interpreted to refer to a Sadducee. To “break the covenant” is interpreted as “break the covenant of the flesh,” apparently circumcision.⁸⁹ And, it is connected to the biblical phrase “broken his commandment,” which is also interpreted to refer to an Epicurean.

I would suggest, therefore, that some of the complex hermeneutical moves that we see in the Sifre here are actually part of the early attempts to define the triad’s elements as distinct types of sinners. The fact that its elements are relied on for interpretation and are at the same time reinterpreted, and that the reinterpretation is both unsystematic and

⁸⁶ See n. 80, above.

⁸⁷ For brevity, I have left off the section describing Manasseh’s defective interpretations. See n. 52, above.

⁸⁸ Or, more precisely, to behave impudently towards the Torah by claiming that certain verses are extraneous.

⁸⁹ See n. 80, above.

unclear, together with the straightforward usage of the triad in the section of the Sifre that precedes this section, which was discussed above, also supports this possibility. However, these elements of interpretation are not yet integrated into a fixed tradition that presents itself as a deployment of the triad in a plural sense. The Sifre text appears rather to have preserved an independent set of hermeneutic traditions connected to Numbers 15:31 that became conflated with a distinct set of hermeneutic traditions developing around the redeployment of the triad as a list of sinners.

The Sifre concludes by citing Rabbi Eleazar's saying, which apparently is intended to sum up the various interpretations of Numbers 15:31.⁹⁰ This saying is quoted as if it were based on these interpretations and thus based on the biblical verse. Yet as the text now stands, there is no obvious connection between the saying, "the one who desecrates objects dedicated to the Temple, despises the festivals, and breaks the covenant of Abraham our father" and the phrases it is ostensibly based on, "shames the Torah" and "breaks the covenant." Clearly "breaks the covenant of Abraham our father" parallels "breaks the covenant," but the first two elements of Eleazar's saying are not clearly connected to "shames the Torah." However, as demonstrated earlier, this saying does appear elsewhere in rabbinic literature in a form that is better read as an interpretation of the triad as it appears in t. Sanhedrin 12:9 unconnected to the verse from the book of Numbers. I suggest, then, that the Sifre here has cited a corrupted version of Eleazar's saying and attempted to force it into the context of the exegesis of Numbers 15:30–31.⁹¹

⁹⁰ More precisely, only the second set of interpretations.

⁹¹ This Sifre tradition is cited and expanded in b. Sanhedrin 99a.

This possibility is further supported by Bavli Shevuot 13a, which also attempts to explain the obscure phrases in Numbers 15:30–31. However, rather than connecting these verses to Eleazar’s saying, it connects them directly to the triad. Yet precisely because these connections are so forced, it has to modify both the form of the triad and the early tradition from the Sifre:⁹²

Rabbi says, “Whether one repents or does not repent, the Day of Atonement brings atonement for all of the transgressions that are in the Torah except for one who puts off the yoke, shames the Torah, or breaks the covenant of the flesh.”⁹³ If such a one repents, it brings atonement for him; if not, it does not bring atonement for him.” How does Rabbi prove this? As we learned in a tannaitic tradition: “He has despised the word of the LORD”—this is one who puts off the yoke and shames the Torah; “and has broken his commandment”—this is one who breaks the covenant of the flesh.

The Bavli cites the triad in what could feasibly be read as a syntactically singular form, but its exegesis clearly pluralizes it.⁹⁴ Arguably, the triad’s original meaning requires that “shames the Torah” comes at the end because it is, in a sense, the result of putting of the yoke and breaking the covenant: “one who puts off the yoke [thus] breaking the covenant and shaming the Torah.”⁹⁵ The Bavli, however, sees no problem reordering the three elements: “one who puts off the yoke, shames the Torah, or breaks the covenant of the flesh.” It reorders them, apparently, so that they better fit the context of Numbers 15:31 as interpreted in the tradition from Sifre Numbers 112, which it only partially cites.

⁹² B. Shevuot 13a: רבי אומר על כל עבירות שבתורה בין עשה תשובה בין לא עשה תשובה יום הכפורים מכפר חוץ מפורק עול ומגלה פנים בתורה ומפר ברית בבשר שאם עשה תשובה יום הכפורים מכפר ואם לאו אין יום הכפורים מכפר מאי טעמא דרבי דתניא כי דבר ה' בזה זה הפורק עול ומגלה פנים בתורה ואת מצותו הפר זה המפר ברית בבשר. There are four other parallels to Rabbi’s saying in the Talmuds (y. Yoma 8:7, 45b, y. Shevuot 1:6, 33b, b. Yoma 85b, and b. Keritot 7a), but only b. Shevuot 13a makes the connection to Numbers 15:30–31. The relevance of this text to my discussion of repentance in chapter three is clear. However, there I was discussing the tannaitic traditions. I will explain the further development of this theme in the later period in a future project.

⁹³ See n. 80, above.

⁹⁴ See n. 72, above.

⁹⁵ Thus Neusner, *Sifre to Numbers*, 2:160, translates: “breaks off the yoke [of the commandments] and wipes out the mark of the covenant and so treats the Torah impudently.” The historical development that I reconstruct above also requires this order, as “put off the yoke and break the covenant” would seem to be the core of the saying, itself based in a biblical-style parallelism.

However, it also modifies that tradition to better fit this context. Where the Sifre has: “‘he has despised the word of the LORD’—*this is one who shames the Torah*; ‘and has broken his commandment’—this is one who breaks the covenant of the flesh; thus, Rabbi Eleazar of Modiin said . . .”;⁹⁶ the Bavli, citing only the first part of the tradition, has: “‘He has despised the word of the LORD’—*this is one who puts off the yoke and shames the Torah*; ‘and has broken his commandment’—this is one who breaks the covenant of the flesh”.⁹⁷ This change is all the more notable because b. Sanhedrin 99a correctly cites the entire tradition from the Sifre.⁹⁸

Thus, I suggest that there are three strands of tradition underlying these various texts. The first is a set of hermeneutical traditions attempting to explain obscure verses in Numbers 15:30–31. The second is the originally singular triad deployed as a list of three. And, the third is the saying attributed to Rabbi Eleazar of Modiin. Although I believe that Rabbi Eleazar’s saying may well represent as an early attempt to interpret the elements of the triad, it is not explicitly used in this way in the rabbinic literature. Rather, the rabbis attempt to connect either the triad⁹⁹ or Rabbi Eleazar’s saying¹⁰⁰ directly to Numbers 15:30–31, requiring some rather forced re-editing of both traditions.¹⁰¹

⁹⁶ כי דבר ה' בזה זה המגלה פנים בתורה ואת מצותו הפר זה המפר ברית בשר מיכן אמר רבי אלעזר המודעי . . .

⁹⁷ כי דבר ה' בזה זה הפורק עול ומגלה פנים בתורה ואת מצותו הפר זה המפר ברית בבשר. The Bavli here and in b. Sanhedrin 99a extend the midrash to include an additional phrase in Numbers 15:31, “that person shall be utterly cut off”: “לאחר יוה”כ, תכרת - הכרת, לפני יוה”כ, תכרת - הכרת, תכרת, תכרת, תכרת.”

⁹⁸ b. Sanhedrin 99a: כי דבר ה' בזה זה המגלה פנים בתורה ואת מצותו הפר זה המפר ברית בשר: אלעזר המודעי המחלל את הקדשים והמבזה את המועדות והמפר בריתו של אברהם אבינו והמגלה פנים בתורה שלא כהלכה והמלבין פני חבירו ברבים אף על פי שיש בידו תורה ומעשים טובים אין לו חלק לעולם הבא. Note the addition to the Sifre tradition here and in b. Shevuot 13a, which also interprets the phrase in Numbers 15:31, “that person shall be utterly cut off.”

⁹⁹ In b. Shevuot 13a.

¹⁰⁰ In Sifre Numbers 112 and b. Sanhedrin 99a

¹⁰¹ Presumably, it is the rabbis’ interest in midrash that drives this effort to connect traditions to biblical verses. The rabbis would have had less interest in correctly reconstructing the historical development of textual themes and metaphors as I am endeavoring in this study. It should be acknowledged, as well, that to

A definitive reading of all of these strands is not possible owing to their complexity and variation. The reading that I offer is thus intended only as a plausible reconstruction of the early history of the triad's redeployment in rabbinic literature. The evidence adduced, however, of the triad's development from a single general denunciation of deviance in early tannaitic times to a fully developed list of three elements each specifying a different category of transgression in y. Sanhedrin 10:1, 27c, is much more decisive. Moreover, the entire analysis, including the speculative reconstruction, certainly demonstrates the complexity and characteristic textual practices of rabbinic list-making. In the next section, I will demonstrate that these practices are characteristic of rabbinic list formation more generally. I will suggest that these practices are a very good example of Smith's definition of Ancient Near Eastern scribal *Listenwissenschaft*, wherein "[t]exts are used and reused, glossed, interpreted and reinterpreted in a continual process of updating the materials."¹⁰² These traditions are not intentional constructions of lists with thematic unity such as seen in the early Christian heresiological lists that I will discuss in the third section. Rather, the texts reflect a chaotic deployment and redeployment of traditional tropes and themes in various forms in a complex process of hermeneutical re-imagining.

some extent the rabbis' efforts to define the elements of the triad also reflect this same general desire to midrashic exegesis rather than a conscious attempt to uproot the original meaning of an expression and to replace it with another. However, it does seem that making the triad into a list even without defining its elements (such as seen in t. Sanhedrin 12:9) and attempting to fill in specific meanings that apparently reflect contemporary social concerns (as y. Sanhedrin 10:1, 27c: "one who says 'there is a Torah but I do not heed it,'" which could plausibly be read as directed against Jews outside of rabbinic circles and early-Christian groups that accepted the Torah's divinity but did not practice it according to the rabbi's teachings) do reflect more than just a midrashic impulse.

¹⁰² Smith, "Wisdom and Apocalyptic," 77.

II. Other Aspects of Rabbinic *Listenwissenschaft*

The type of list formation seen in the complex and multi-generational deployment and redeployment of the triad is characteristic of rabbinic literature more broadly. In this section, I will discuss the formation of the two other lists mentioned at the start of the previous section, m. Sanhedrin 10:1 and t. Sanhedrin 13:5.

In an earlier study, I discussed at length the likely historical development of the list of three denied a portion in the world to come in m. Sanhedrin 10:1: a person who says, “There is no resurrection of the dead from the Torah,” a person who says, “There is no Torah from heaven,” and an Epicurean.¹⁰³ If my earlier analysis is correct, this list of three developed from a single element in a larger list preserved in several versions in the classical rabbinic corpus. The original text denied a portion in the world to come to “Epicureans who deny the resurrection and the Torah.” At some point in the transmission of this tradition, just as the triad as a traditional phrase became reconceptualized as a list of three, this unified saying about the nature of an Epicurean was deconstructed and subsequently put back together as a list. The denials characteristic of an Epicurean became each by itself a different type of sinner. This then serves as an additional example of a conservative scribal hermeneutic at work in rabbinic literature “devoted to the task of discovering the ever-changing relevance of ancient precedents and archetypes.”¹⁰⁴

Another characteristic feature of rabbinic *Listenwissenschaft* can be seen in the larger list in t. Sanhedrin 13:5:

The *minim*, and the *meshummadim*,¹⁰⁵ and the informers, and Epicureans, and those who deny the Torah, and those who separated from community norms, and those who

¹⁰³ Grossberg, “Orthopraxy in Tannaitic Literature.”

¹⁰⁴ Smith, “Wisdom and Apocalyptic,” 77.

¹⁰⁵ As mentioned in nn. 9 and 112, chapter one, I have chosen to leave the terms *minim* and *meshummadim* untranslated in this dissertation. See discussion there.

deny the resurrection of the dead, and everyone who sinned and caused the public to sin—for example, Jeroboam and Ahab—and those who set their terror on the land of the living, and those who reached out their hand against the Temple: gehinnom is locked before them, and they are judged there for generation after generation.

This long list evinces few signs of intentional composition or any attempt to impose thematic unity on its elements. Unlike the Jewish *haireseis* in Justin's *Dialogue*, which I will suggest in the next section are intentionally and at times perhaps artificially represented each as an established sect or philosophical school of thought, the rabbis present a chaotic and rambling list. The rabbinic list in t. Sanhedrin includes among its elements instances of what may have been actual sectarian groups sharing a common ideology. But it also includes elements that contain general denunciations of individual misdeeds, along with a number of elements that seem to be the outcome of creative hermeneutical activity but do not necessarily refer to any specific contemporary sect or even individual transgression, as I will demonstrate in what follows.

The first three elements of this list, like the triad discussed in the previous section, had a life of their own in the classical rabbinic literature: “*minim*, *meshummadim*, and informers.” Unlike the triad, however, this group of three is always deployed as a list. But an instance of this mini-list in what appears to be its original context suggests the possibility of another remarkable and typically rabbinic textual evolution. The Tosefta in chapter two of tractate Bava Metzia discusses finding and returning lost objects to their owners. Towards the end of the chapter, there is a discussion of who takes priority when seeking after and returning lost objects—if, for instance, a person's father and his teacher had lost something, whose lost object should be sought first? At the end of this discussion, the Tosefta adds in t. Bava Metzia 2:33:¹⁰⁶

¹⁰⁶ T. Bava Metzia 2:33 (ed. Lieberman): הגוים והרועים בהמה דקה ומגדליה לא מעלין ולא מורידין

Gentiles and those who shepherd and raise small cattle are not raised and are not lowered. The *minim*, the *meshummadim*, and the informers are lowered and are not raised.

The language of the text is quite obscure, and it is difficult to understand what lowering and raising mean in this context and what their relevance is to lost objects.

Scholars have typically translated this passage as if it were discussing whether or not the various groups mentioned should be helped out of a pit if they accidentally fell in.¹⁰⁷ Thus, Gentiles and shepherds of small cattle are not helped out of a pit in such an instance, but on the other hand, they should not be thrown into a pit should one get the opportunity to do so.¹⁰⁸ Our mini-list of three, however, “*minim*, *meshummadim*, and informers,” apparently because they are a more nefarious collection, should actually be thrown into a pit and of course never helped out of one. Thus, the Tosefta is discussing how to relate to various groups outside of rabbinic circles, in what circumstances one should help such people in trouble and if perhaps one ought in certain circumstances actively to seek their harm.

It must be acknowledged that this is a very peculiar interpretation in context. What does throwing in or helping out of a pits have to do with returning lost objects? Furthermore, the text does not actually mention pits at all. And, the Hebrew *morid* in the key expression, *lo’ ma’alin ve-lo moridin*,¹⁰⁹ does not actually mean “to throw.” Rather, it means to lower, exactly the opposite of *ma’ale*, which means “to raise.” If we read the first part of the expression to mean “to help out of pit,” we ought to read the second part

המינין והמשומדין והמסורות מורדין ולא מעלין.

¹⁰⁷ See Saul Lieberman, *Tosefta ki-Fshutah*, 9.169. See also, *ibid.*, 6.23–24; and Schremer, *Brothers Estranged*, 61. However, cf. *ibid.*, 179 n. 64, where Schremer acknowledges Neusner’s interpretation.

¹⁰⁸ Apparently, small cattle such as goats were considered a nuisance because they damage property and thus the rabbis thought of owning them as to some extent a moral failing.

¹⁰⁹ לא מעלין ולא מורדין.

as “to help down into a pit,” which makes little sense.¹¹⁰ The common interpretation of this text is apparently not based on reading the Tosefta in context. Rather, it is based on how the Bavli handles these traditions in b. Avodah Zarah 13b, b. Avodah Zarah 26a–b, b. Avodah Zarah 26b, b. Sanhedrin 57a, and b. Hullin 13b, as discussed in chapter two, above.¹¹¹

Jacob Neusner’s translation of the Tosefta suggests a better understanding of this tradition: “Gentiles and shepherds of small cattle and those who raise them do not make a difference one way or the other [in figuring out whose lost objects to seek first]. *Minim*, *meshummadim*, and informers are regarded as subordinate and in no way can be regarded as taking priority.”¹¹² Neusner apparently reads this mishnah as concerned with raising and lowering the *priority* of various groups in regard to seeking lost objects. A Jew may seek the lost objects of gentiles and shepherds but not before seeking such objects that belong to parents, teachers, or other groups discussed earlier in this chapter of the Tosefta. For *minim*, *meshummadim*, and informers, however, not only do they not take priority, but they are even subordinated further, perhaps to not seeking their lost objects at all or perhaps to returning them in a desultory fashion should one happen to come across them.

This seems like a reasonable enough understanding of the Tosefta.¹¹³ And, it is certain that the expression “are not raised and are not lowered” is an idiomatic expression

¹¹⁰ The expected Hebrew verb for “to throw” is השליח, as in m. Gittin 6:6: לבור: מי שהיה מושלך לבור.

¹¹¹ It is, however, worth noting that not all of the Talmudic discussions are especially clear on this matter either. It is not always certain that the Talmud understands them in terms of pits. See n. 96, chapter two. Many of the texts, however, are quite explicit in their interpretation. I will deal with this matter more fully in a future project.

¹¹² Jacob Neusner et al., ed. and trans., *The Tosefta, Translated from the Hebrew* (6 vols.; New York: Ktav, 1977–1986), 4.85, slightly modified to match the terminology that I have been employing. Neusner translates as “Minim, apostates, and renegades.”

¹¹³ However, this reading is not without its own problems. See Schremer, *Brothers Estranged*, 179 n. 64. It

in the Tosefta that typically means something like “it makes no difference one way or the other.” Thus we see in t. Maaser Sheni 5:9: “words spoken in a dream make no difference (lit. are not raised and are not lowered)”¹¹⁴ and in t. Demai 5:2: “words spoken by a gentile make no difference (lit. are not raised and are not lowered).”¹¹⁵

If this reading is correct, it suggests an interesting possibility for the textual development of the list of those destined for gehinnom in t. Sanhedrin 13:5. This list begins with these same three elements from t. Bava Metzia 2:33. But, rather than having them “lowered and not raised” in the sense of their priority for returning lost objects, they are lowered and not raised in a significantly less benign fashion. They are lowered to gehinnom and not raised up from there: “*minim, meshummadim*, and informers . . . gehinnom is locked before them, and they are judged there for generation after generation.” A closer examination of the contextualization of this halakhah in the Tosefta suggests the remarkable possibility that this similarity is no coincidence. The two halakhot before t. Sanhedrin 13:5 consider various types of transgressions and their consequences according to various opinions. In t. Sanhedrin 13:3, it is said of one middling group of sinners that they “*go down* to gehinnom and seethe and *come up* from there and are healed.”¹¹⁶ In t. Sanhedrin 13:4, a more severe group is discussed who “*go down* to gehinnom and are judged there twelve months,” but they do not come up from there because they are subsequently destroyed.¹¹⁷ Finally, in t. Sanhedrin 13:5, in the case

seems very unlikely, in any case, that this Tosefta was originally discussing pits at all.

¹¹⁴ T. Maaser Sheni 5:9 (ed. Lieberman): דברי חלומות לא מעלין ולא מורידין.

¹¹⁵ T. Demai 5:2 (ed. Lieberman): דברי הגוי לא מעלין ולא מורידין.

¹¹⁶ T. Sanhedrin 13:3 (ed. Zuckerman): יורדין לגיהנם ומצטפצפין ועולין הימנה ומתרפאין.

¹¹⁷ T. Sanhedrin 13:4 (ed. Zuckerman): יורדין לגיהנם ונידונין בה שנים עשר חודש. The text continues: ולאחר שנים עשר חודש נפשותן כלה וגופן נשרף וגיהנם פולטתו ונעשין אפר והרוח זורה אותן ומפזרתן תחת כפות רגלי הצדיקים שנ' ועשותם רשעים כי יהיו אפר תחת כפות רגלי צדיקים ליום אני עושה אמר י"י צבאות.

of the worst group: “gehinnom is locked before them, and they are judged there for generation after generation.”¹¹⁸ The language of *going down to* or *coming up from* gehinnom in these texts is the same as in t. Bava Metzia, *morid* and *ma‘ale*.

This suggests as a compelling possibility that the first three elements of this list in t. Sanhedrin 13:5, *minim*, *meshummadim*, and informers, who are lowered to and are not raised up from gehinnom, were imported into this list from t. Bava Metzia, where it is also said of these three that they are lowered and not raised. However in the latter case, the meaning is rather benign: they are lowered in terms of priority for returning lost objects and not raised. A later tradition, apparently reading this raising and lowering more literally, lowered these same three sinners in a more consequential fashion. Although this is a bit speculative, it does suggest a very complex picture of the formation of this list in t. Sanhedrin 13:5.

Another important factor in this list, beyond its diachronic evolution, is the thematic disunity of its elements. The first element of this list is *minim*, which I discussed at length in the first chapter. In terms of function, it would be fair to say that the word implies a group or a vague collection of groups whom the rabbis are excluding primarily for perceived, imagined, or constructed ideological differences. This term and “Epicureans” would seem to be the only two elements of the list in t. Sanhedrin that might conceivably be understood as similar conceptually to the idea of a *hairexis* in its sense of a sect or philosophical school. Epicureans, however, might also be a general term of art for those the rabbis thought to be too acculturated in the dominant Hellenistic

¹¹⁸ T Sanhedrin 13:5 (ed. Zuckerman): גיהנם נינעלט בפניהם ונידונין בה לדורי דורות.

modes of thinking and behaving, without implying a specific institutionalized group or school acting within the landscape of Jewish sectarianism.¹¹⁹

The next three elements, however, are certainly not represented as *haireseis* in any sense of the word. *Meshummadim*, informers, and those who separated from community norms are clearly represented here as individual sinners rather than as having any sort of sectarian association. That is, the text is not imagining a group of Jews who purposely associate under the rubric of *meshummadim*, but rather it is referring to any individual who does not observe the precepts and proscriptions of the Torah as taught by the rabbis or perhaps more generally as enumerated in the Bible.¹²⁰

The last three elements of this list appear to derive from hermeneutical creativity divorced from contemporary social circumstances, and thus may or may not in this context have definite individuals, groups, or even transgressions in mind.¹²¹ “To sin and to cause the public to sin” is apparently a reference to 1 Kings 14:16, which discusses Jeroboam who “sinned and . . . made Israel to sin.”¹²² This becomes a conventional expression throughout the book of Kings in reference to the house of Jeroboam and the northern kings more generally. The next element, to “set their terror on the land of the living,” is a reference to Ezekiel 32:23:

¹¹⁹ See Jenny R. Labendz, “‘Know What to Answer the Epicurean’: A Diachronic Study of the *’Apiqoros* in Rabbinic Literature,” *Hebrew Union College Annual* 74 (2003): 175–214. For additional discussion and bibliography, see Grossberg, “Orthopraxy in Tannaitic Literature,” 517 n. 1 and 536 n. 51.

¹²⁰ See my extensive discussion of this matter in chapter one, section four.

¹²¹ Attempts to explain the referents of these obscure phrases are necessarily extremely speculative as most scholars who have dealt with this passage have acknowledged. See, for one early example, Herford, *Christianity in the Talmud and Midrash*, 123–125. See also, Milikowsky, “Gehenna and ‘Sinners of Israel’ in Light of Seder ‘Olam,” 328–337, and Schremer, *Brothers Estranged*, 59–61. Schiffman, *Who Was a Jew?*, 92 n. 31, is content to say of the last two of these three that they are “extremely difficult to explain precisely” and that they are not relevant to his study of Jewish sinners.

¹²² I argue in chapter three that the expression “to sin and to cause the public to sin” as it appears in several tannaitic traditions refers to teachers of competing sectarian groups. It may well have that connotation here as well, but I am suggesting that the final three elements of the list in t. Sanhedrin 13:5 seem to have been collected together because they are all closely connected to biblical hermeneutics rather than based on a definite aim to exclude any specific polemical targets.

The mighty chiefs shall speak of them, with their helpers, out of the midst of Sheol: 'They have come down, they lie still, the uncircumcised, slain by the sword.' Assyria is there, and all her company, their graves round about her, all of them slain, fallen by the sword; whose graves are set in the uttermost parts of the Pit, and her company is round about her grave; all of them slain, fallen by the sword, who spread terror in the land of the living.

Its meaning in the context of the Tosefta is completely opaque. And finally, the last element, to "reach out their hand against the Temple," is obscure and its referent is uncertain. The Hebrew term translated here as Temple, *zevul*, comes from a biblical root meaning "to dwell."¹²³ Its sense is similar to the root *shakhan*, which is itself the root from which the Hebrew for tabernacle, *mishkan* is derived. For example, 1 Kings 8:13 has Solomon say in regard to the Temple that he had built for God to dwell in, "I have built thee a *zevul*, a place for thee to dwell in forever." The word *zevul* is biblical and is not common elsewhere in rabbinic literature in reference to the Temple. These last three references taken together, therefore, appear to be the result of biblical hermeneutical creativity rather than an attempt to enumerate specific transgressions with contemporary social relevance for the later tannaim who preserved these traditions.

Thus, both of these lists in Mishnah and Tosefta tractate Sanhedrin reflect the same kind of chaotic and evolving yet editorially conservative process of list formation in rabbinic literature as seen in the last section. There appears to be little attempt to impose any sort of stylistic or thematic unity on these lists. But rather the process of list-making involves reinterpreting earlier traditions, sometimes recontextualizing this material for contemporary needs, and sometimes adopting or filling out obscure biblical phrases in a self-contained exercise of exegesis that does not in any obvious way clarify the matter at hand. This approach to list making is more characteristic of Ancient Near Eastern scribal

¹²³ See Genesis 30:20.

practice as described by J. Z. Smith than of the Greco-Roman literary models that I will explore in the next section.

III. Justin's Jewish *Haireseis*

In this section, I will contrast the organic process of rabbinic *Listenwissenschaft* with an intentionally constructed list of Jewish sects that appears for the first time in Justin's *Dialogue*. Unlike the rabbinic lists considered so far, Justin's list is clearly thematically unified: each of its elements is represented as a *hairesis* in the sense of a sect, philosophical school, or perhaps already in the newly developing sense of the term, as a heretical group. I will demonstrate that this thematic unity is, however, somewhat artificial and that it appears to reflect an effort to force a heresiological literary-generic style on what were likely originally a more diverse set of traditions.

In *Dialogue* 80, Justin writes:¹²⁴

[I]f one examined the matter rightly he would [not] acknowledge as Jews those who are Sadducees, or similar *haireseis* of Genistae, and Meristae, and Galileans, and Hellenians, and Pharisees and Baptists (pray, do not be vexed with me as I say all I think), but (would say) that though called Jews and children of Abraham, and acknowledging God with their lips, as God Himself has cried aloud, yet their heart is far from Him.¹²⁵

This list has engendered a good deal of scholarly consternation.¹²⁶ The identities of some of these purported *haireseis*, such as the Genistae and Meristae, are obscure and do not

¹²⁴ *Dialogue with Trypho* (ed. Goodspeed; I cite Marcovich's critical edition, below): οὐδὲ Ἰουδαίους, ἂν τις ὀρθῶς ἐξετάσῃ, ὁμολογήσειεν εἶναι τοὺς Σαδδουκαίους ἢ τὰς ὁμοίας αἵρέσεις Γενιστῶν καὶ Μεριστῶν καὶ Γαλιλαίων καὶ Ἑλληνιανῶν καὶ Φαρισαίων καὶ Βαπτιστῶν (καὶ μὴ ἀηδῶς ἀκούσῃτέ μου πάντα ἃ φρονῶ λέγοντος), ἀλλὰ λεγομένους μὲν Ἰουδαίους καὶ τέκνα Ἀβραάμ, καὶ χεῖλεσιν ὁμολογοῦντας τὸν θεόν, ὡς αὐτὸς κέκραγεν ὁ θεός, τὴν δὲ καρδίαν πόρρω ἔχειν ἀπ' αὐτοῦ.

¹²⁵ A. Lukyn Williams, ed. and trans., *Justin Martyr, The Dialogue with Trypho: Translation, Introduction, and Notes* (London: SPCK, 1930), 170–171.

¹²⁶ See A. M. Honeyman, "A Tannaitic Term for the Christians," *The Jewish Quarterly Review* 38 (1947): 151–155; Matthew Black, "The Patristic Account of Jewish Sectarianism," *Bulletin of the John Rylands Library* 41 (1957): 285–303; Daniel Gershenson and G. Quispel, "Meristae," *Vigiliae Christianae* 12 (1958): 19–26; Marcel Simon, *Jewish Sects at the Time of Jesus* (trans. James H. Farley; Philadelphia:

refer to any sects known to exist in antiquity from any sources. Others, such as the Pharisees, are clear enough, but many scholars have been surprised to find them in a list of Jewish “heresies.” According to these scholars, just the opposite would be expected: the Pharisees should be the proponents of Jewish “orthodoxy” who would accuse others of heresy!

On the latter issue, whether the Pharisees belong in a list of “heresies,” a previous generation of scholars found this especially problematic because the Pharisees were imagined to have emerged triumphant after the Temple’s destruction as the representatives of “orthodoxy” among the Jews. Thus Marcel Simon writes of:

. . . the triumph of Pharisaism which, after the catastrophe of 70 C.E., established precise norms of orthodoxy unknown in Israel before that time. Pharisaism had been one heresy among many: now it is identified with authentic Judaism and the term *haireisis*, now given a pejorative sense designates anything that deviates from the Pharisaic way . . . the turning point is marked by the insertion of the *birkath-ha-minim* (“blessing [euphemistically, intending ‘curse’] of the *minim*”) in the liturgy of the synagogue (ca. 80-95 AD).¹²⁷

Were this a correct reconstruction of events in Judea following the destruction of the Temple in the second half of the first century, we would surely agree that the insertion of the Pharisees in a list of “heresies” would be unexpected.

More recent scholarship, however, has severely problematized almost every aspect of Simon’s narrative. Rather than imagining a diverse Second Temple Judaism followed by a constrained post-destruction Judaism under Pharisaic hegemony, it now seems much more likely that post-destruction Judaism was just as diverse as in the earlier

Fortress, 1967), 85–107; Simon, “From Greek *Hairesis* to Christian Heresy”; Marcel Simon, “Les sectes juives d’après les témoignages patristiques,” in *Le Christianisme antique et son contexte religieux, Scripta Varia I* (Wissenschaftliche Untersuchungen zum Neuen Testament 23; Tübingen: Mohr-Siebeck, 1981), 205–218; Boyarin, *Border Lines*, 40–44. On the appearance of the term “Galileans” in one of the Bar Kokhba letters, see n. 120, chapter one.

¹²⁷ Simon, “From Greek *Hairesis* to Christian Heresy,” 106. See also the quote from *Verus Israel* in n. 13, chapter one, which fills out some of the details of this narrative that I also address in what follows, including the general tendency of scholars of a previous generation to conflate the Pharisees with the rabbis.

period.¹²⁸ Moreover, Simon's narrative implicitly assumes that the triumphant Pharisees subsequently developed into a hegemonic rabbinic class.¹²⁹ Yet the rabbis do not self-identify as Pharisees, and it is likely that the rabbis were actually a rather small group of elites with no judicial power on behalf of the Roman authorities.¹³⁰ The evidence also does not support the supposition that the "curse on the *minim*,"¹³¹ known only from later rabbinic sources, was instituted in the synagogues in the second half of the first century as a way of exposing theological deviants. It is likely that the nascent rabbinic movement's role in synagogue administration would have been very limited in this early period. What little authority they may have had after the destruction would more likely have derived from their reputation for personal piety rather than from a formal role in any institutionalized body. Thus, the rabbinic liturgy as described in rabbinic literature, such as that which is said to have included the "curse on the *minim*," was no doubt binding on the rabbis and their discipleship circles but not necessarily on non-rabbinically oriented Jews that gathered in the synagogues.

Moreover, the entire idea that the "curse on the *minim*" was a 19th prayer added at Yavneh to expose theological deviants is fully articulated only in the Babylonian Talmud, edited in late Sassanid Persia several hundred miles distant from Roman Palestine and

¹²⁸ See Martin Goodman, "Sadducees and Essenes after 70 CE," in *Crossing the Boundaries: Essays in Biblical Interpretation in Honour of Michael D. Goulder* (ed. Stanley E. Porter, Paul Joyce, David E. Orton; Leiden: Brill, 1994), 347–356; *ibid.*, "Religious Variety and the Temple in the Late Second Temple Period and its Aftermath," in *Sects and Sectarianism in Jewish History* (IJS Studies in Judaica 12; ed. Sacha Stern; Leiden: Brill, 2011), 21–37. Goodman, "Sadducees and Essenes," 352, makes the interesting observation that "For most Jews, Judaism did not need to be reconstructed, because it was not shattered."

¹²⁹ See n. 127, above.

¹³⁰ On the connection between the Pharisees and the rabbis, see Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, 69, and the references there, and Jaffee, *Torah in the Mouth*, 39–61. On the political role of the rabbis in the first centuries of the common era, see Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*; Schwartz, *Imperialism and Jewish Society*; and Lapin, *Rabbis as Roman*. Cf. Shaye J. D. Cohen's now classic essay, "The Significance of Yavneh: Pharisees, Rabbis, and the End of Jewish Sectarianism," *Hebrew Union College Annual* 55 (1984): 27–53.

¹³¹ The "curse on the *minim*" is referred to euphemistically as the *birkat ha-minim*, the "blessing on the *minim*."

several centuries later than the early post-destruction period of our current interest.¹³² Tannaitic texts presume only 18 blessings in the so-called “standing prayer,” among which the “curse on the *minim*” is included.¹³³ A brief mention of this prayer in the Tosefta might be read as suggesting that some modifications occurred in the prayer’s form in tannaitic times. Yet the Tosefta does not date this change to the first century or associate it with the imagined start of the rabbinic movement at Yavneh, nor does it suggest that a blessing or curse was added.¹³⁴ The Yerushalmi, however, edited several centuries later, does seem a bit uncertain about how many blessings should be in this prayer and it specifically mentions an addition at Yavneh, so perhaps over time the idea developed that a curse was added.¹³⁵ And subsequently, the Bavli’s editors appear to have modified a narrative from the Yerushalmi, which has Samuel the Lesser accidentally neglecting to recite this curse, into a narrative of Samuel the Lesser first composing and then later forgetting a 19th prayer specifically instituted in order to expose *minim*.¹³⁶

Thus, we must reject Simon’s narrative of Pharisaic “orthodoxy” on every point, and as such the inclusion of the Pharisees in Justin’s list cannot be considered objectionable in this sense. However, it is worth noting that scholars who have considered

¹³² On the development of the *birkat ha-minim*, see Kimelman, “Birkat Ha-Minim”; Boyarin, *Border Lines*, 67–73; Ruth Langer, *Cursing the Christians? A History of the Birkat HaMinim* (Oxford: Oxford University Press, 2012), 16–39.

¹³³ M. Berakhot 4:3; t. Berakhot 3:25.

¹³⁴ T. Berakhot 3:25.

¹³⁵ Y. Berakhot 4:3, 7d and y. Taanit 2:1, 65c (ed. Venice): אמר רבי חונה אם יאמר לך אדם שבעה עשר. הן אמור לו של מינים כבר קבעה חכמים ביבנה אם יאמר לך אדם תשע. Ed. Vilna of y. Berakhot 4:3, 7d has: אשר אינו, which I am presuming is a later correction based on the Bavli.

¹³⁶ The relevant texts for *birkat ha-minim* are: t. Berakhot 3:25 (there are 18 blessings, and the curse on the *minim* should be included in that for the *perushim*); t. Taanit 1:10 (blessings for the fast are added after the seventh prayer, ‘he humbles the proud’ [משפיל הרמים]; some witnesses add “that is *birkat ha-minim*,” but this does not appear in MS Erfurt; it is likely a scribal addition); y. Berakhot 4:3, 7d–8a and y. Taanit 2:1, 65c (discussion of 17, 18, or 19 blessings; here is the first mention of the addition at Yavneh); y. Berakhot 5:3, 9c (Samuel the younger skips “humbles the proud”); b. Berakhot 28b–29a (Gamliel institutes *birkat ha-minim*, apparently as a 19th prayer, and Samuel the younger composes and then later forgets it).

the Pharisees' inclusion in this list to be problematic have then encountered an additional difficulty in *Dialogue* 137. Some of these same scholars read Justin there as if he is acknowledging Pharisaic hegemony:¹³⁷

Agree with us therefore and do not revile the Son of God, nor, obeying Pharisaic teachers, ever make sport of the King of Israel, as the rulers of your synagogues teach you, after the prayer.¹³⁸

Thus Mathew Black writes of this text that the “Pharisees are referred to as the ‘chiefs of the synagogues,’ that is to say, as the pillars of orthodox Judaism.”¹³⁹ Clearly however, this text need not be read this way. Other scholars read Justin here as most translations also suggest, as referring to two different groups: the Pharisees who “make sport” and the “rulers of the Synagogues” who establish liturgy.¹⁴⁰

Moreover, there is no need to suppose that Justin's references to the Pharisees are based on very much beyond their negative portrayals in whatever gospel traditions he relied on, rather than on his own experience.¹⁴¹ It is notable that of the several appearances of the word “Pharisee” throughout the *Dialogue*, in almost all cases it appears in the stylized gospel phrase “Scribes and Pharisees” in scriptural citations or allusions. It might be argued that this kind of highly stylized mode of citation suggests

¹³⁷ *Dialogue* 137 (ed. Goodspeed; I cite Marcovich's critical edition, below): συμφάμενοι οὖν μὴ λοιδορῆτε ἐπὶ τὸν υἱὸν τοῦ θεοῦ, μηδὲ Φαρισαίοις πειθόμενοι διδασκάλοις τὸν βασιλέα τοῦ Ἰσραὴλ ἐπισκώπητέ ποτε, ὅποια διδάσκουσιν οἱ ἀρχισυνάγωγοι ὑμῶν, μετὰ τὴν προσευχήν.

¹³⁸ Williams, *Justin Martyr*, 281.

¹³⁹ Black, “The Patristic Accounts of Jewish Sectarianism,” 288.

¹⁴⁰ See, for example, Shaye Cohen, “Were Pharisees and Rabbis the Leaders of Communal Prayer,” in *The Significance of Yavneh and Other Essays* (Texts and Studies in Ancient Judaism 136; Tübingen: Mohr-Siebeck, 2010), 266–281, at 276: “Two groups demand of Trypho and the Jews that they revile and mock Christ: Pharisaic teachers, and rulers of synagogues.” The ANF translation brings this out more clearly: “Assent, therefore, and pour no ridicule on the Son of God; obey not the Pharisaic teachers, and scoff not at the King of Israel, as the rulers of your synagogues teach you to do after your prayers.”

¹⁴¹ Justin had access to gospel traditions, though it is uncertain whether he relied on separate gospels or perhaps some sort of gospel harmony such as Tatian's later Diatessaron. See William L. Petersen, *Tatian's Diatessaron: Its Creation, Dissemination, Significance, and History in Scholarship* (Supplements to Vigiliae Christianae 25; Leiden: Brill, 1994), 27: “the gospel quotations of Justin Martyr clearly show harmonization. These have been studied for more than a century, and while opinions have varied over time, the most recent investigation concludes that Justin possessed a harmony of the synoptic gospels.” See discussion, *ibid.*, 27–29, and bibliography, there.

that Justin is constructing straw-men based on scripture rather than revealing any specific familiarity with a contemporary Pharisaic group.¹⁴²

I suggest, therefore, against those scholars who see a dissonance in Justin's presenting the Pharisees as a "heresy" that in fact their appearance in the list of seven Jewish *haireseis* in *Dialogue* 80 would be quite natural from his perspective. It would accord well with the Pharisees' generally negative portrayal in the gospel accounts that Justin would have been familiar with. Even so, earlier scholarship has come up with some rather unlikely explanations for their presence in this list. Black, for example, noting the lack of a conjunction between the last two elements of the list, "Pharisees and Baptists," suggests that, rather than read this as a list of seven, we read it as a list of six, the last element of which is "Baptizing Pharisees." A number of scholars have already commented on how unlikely of an explanation this is.¹⁴³ Methodologically, it is very problematic to suppose the existence of a heretofore unknown group of Jewish sectarians based solely on the witness of a single 14th century manuscript (the only textual witness to most of Justin's extant writings) rather than concluding that a scribe mistakenly excluded a conjunction over a thousand year history of transmission.¹⁴⁴

¹⁴² Justin mentions the Pharisees ten times in the *Dialogue* (17, 51, 76, 80, 100, 102, 103, twice in 105, and 137). In seven of these cases they are paired with scribes in the gospel expression "Scribes and Pharisees" in scriptural citations or allusions (citations are not always verbatim to the canonical New Testament as explained in n. 141, above). Once the word appears by itself but in connection to a reference to "Scribes and Pharisees" that follows directly in the same section. The only other references are in 80 and 137, which I am discussing in this section. This overwhelmingly stylized mode of reference to the Pharisees might be taken as suggesting polemics against a straw-man based on scripture rather than a contemporary opponent. The question of the extent to which literary polemics in the early Christian and rabbinic period reflect living disputations has a long history in the scholarship. See Simon, *Verus Israel*, 135–146; and see Paula Fredriksen, *Augustine and the Jews: A Christian Defense of Jews and Judaism, with a New Postscript* (New Haven, Connecticut: Yale University Press, 2010), xiii–xviii, for a review of the relevant scholarship with bibliography.

¹⁴³ See Boyarin, *Border Lines*, 42 and 242 n. 26. Miroslav Marcovich, *Iustini Martyris: Dialogus cum Tryphone* (Patristische Texte und Studien 47; Berlin: Walter De Gruyter, 1997), as well, restores the conjunction in his critical edition.

¹⁴⁴ Jon Nilson, "To Whom is Justin's *Dialogue with Trypho* Addressed?" *Theological Studies* 38 (1977):

Furthermore, Eusebius cites a similar list of seven in the name of Hegesippus, a near contemporary of Justin.¹⁴⁵ This list includes the Pharisees and the *Hemerobaptists*,¹⁴⁶ a group that is mentioned in tannaitic sources in the context of a discussion of sectarian disagreements between Pharisees, Sadducees, and others groups that are also included in Justin's list, as I will demonstrate presently. Thus, that both Baptists and Pharisees should appear in Justin's list is not surprising at all.

Of the other elements of this list, Sadducees are not especially problematic because they are a known sect that is a frequent polemical target in both the gospels and in rabbinic texts. The referents of the next four elements, however, Genistae, Meristae, Galileans, and Hellenians, are a bit less certain. In what follows, I will suggest that these elements, and as well the entirety of Justin's list, can be accounted for with little difficulty by appealing to a very few of what appear to be relatively early traditions preserved in the Mishnah and Tosefta. However, the evidence will also indicate that the text in the *Dialogue* seems to have been artificially crafted so as to take the form of a heresiological list.

The final chapter of tractate Yadayim in the Tosefta and in the Mishnah preserves what appear to be several relatively early traditions that record a number of sectarian legal disputes. As I argued in the first chapter, these traditions are likely to reflect, at least in some general way, the sectarian landscape of a period that pre-dates the third century editing of the earliest rabbinic texts because neither the Mishnah nor the Tosefta strongly identifies with any of the positions recorded, although the Pharisaic position is given an

538–546, at 540, refers to “the mutilated state of the text.”

¹⁴⁵ Eusebius, *Church History*, 4.22.

¹⁴⁶ On the Hemerobaptists, see Menahem Mansoor, “Sects, minor,” in *Encyclopaedia Judaica*, Second Edition, 18.232–233.

editorial preference. None of the disputants are explicitly anathematized and none are explicitly lionized. Indeed, in one especially peculiar text, Yohanan ben Zakkai, later imagined as the progenitor of the post-destruction rabbinic movement, seems at least in passing to associate himself with the position of the Sadducees.¹⁴⁷ Thus, these texts appear to have little contemporary relevance to the editors of the Mishnah and the Tosefta and seem rather more reflective of an earlier period of sectarian disputation.¹⁴⁸

At issue in these disputes are the laws of inheritance and damages, transmission of ritual impurity, pronouncing the divine name in a state of ritual impurity, and writing the divine name. Among the groups that are mentioned in this final chapter of tractate Yadayim and in the last mishnah of the previous chapter are Sadducees, Galilean *minim*, Hillel and Shammai, Pharisees, and Hemerobaptists.¹⁴⁹

It is remarkable, then, that if we follow Marcovich's critical edition of the *Dialogue* and read "Hellelians" for "Hellenians" as a reference to the house of Hillel,¹⁵⁰ we have in a very few relatively early traditions that may well have circulated relatively widely in Roman Palestine during Justin's time, clustered together around the end of tractate Yadayim, a collection of named sects that is largely coterminous with Justin's list. It may also be relevant that the controversy over the entire conceptual category of hand-washing—the subject matter of this tractate—as an extra-biblical and perhaps Pharisaic

¹⁴⁷ See n. 119, chapter one.

¹⁴⁸ Caution, however, is called for both in regard to how early of a period these texts might be supposed to reflect and in regard to how accurate a reflection it might be. Even if these texts have their origin in a collection that pre-dates the Mishnah and the Tosefta, the editors of these rabbinic works certainly adapted and reworked them. See nn. 117 and 118, chapter one, for a survey of the extensive relevant scholarship and how it has used and misused these texts for Second Temple historiography. I am arguing only that traditions of disputations between the named sectarian groups that appear in these texts may have circulated in Roman Palestine in the mid-second century CE widely enough for Justin to have gleaned sufficient data for his list of Jewish *haireseis*.

¹⁴⁹ On the expression Galilean *min* in m. Yadayim 4:8, see n. 120, chapter one.

¹⁵⁰ Marcovich, *Iustini Martyris*.

innovation is well-represented in the gospel narratives. It is plausible to suppose that traditions collected under this controversial rubric circulated widely enough in the mid-second century for Justin to have garnered enough of a sense of these groups to gather them together in order to form this list.

Having accounted for the Sadducees, Galileans, Hellenians, Pharisees, and Baptists, the two remaining elements in Justin's list are the Genistae and Meristae. Notwithstanding much scholarly creativity to account for these two groups,¹⁵¹ they certainly are most plausibly explained as an attempt to render in Greek a pairing known from the Tosefta of "*minim* and *perushim*."¹⁵² Several scholars have already pointed out that Genistae almost certainly derives from the Greek *genos*, in the sense of "kind" or "type."¹⁵³ It thus has the same meaning as the biblical Hebrew *min*, which in tannaitic usage comes to mean something like "sectarian" in a pejorative sense as discussed in chapter one of this dissertation. Meristae, if derived from the Greek *meros* meaning "part," as seems likely, would be quite an accurate rendering of the Hebrew *perushim* in its sense of "separatist." "*Minim* and *perushim*" are paired in one of the few tannaitic passages that mention the "curse on the *minim*," so perhaps Justin, knowing of the existence of such a curse, included this Greek calque in his list of Jewish *haireseis*.¹⁵⁴

¹⁵¹ See Honeyman, "A Tannaitic Term for the Christians" and Gershenson and Quispel, "Meristae." Gershenson and Quispel describe Honeyman's peculiar attempt to read the Hebrew הוֹמְרִיִּם as an obscure reference to Christianity as "an ingenious attempt, but it must remain fanciful." I must admit that I see much that is fanciful but little that is ingenious in Honeyman's reading, which takes little account of context and no significant account of manuscript variants and the textual dynamics of the rabbinic corpus.

¹⁵² T. Berakhot 3:25. See Boyarin, *Border Lines*, 241 n. 22.

¹⁵³ See, for example, Simon, *Jewish Sects*, 93, and Gershenson and Quispel, "Meristae," 19–20.

¹⁵⁴ This is not to say that Justin himself was familiar enough with Hebrew to have translated these terms into Greek himself. Erwin R. Goodenough, *The Theology of Justin Martyr* (Jena: Walter Biedermann, 1923), 95, points out that "Justin had no training in Hebrew." Justin does attempt some clumsy Hebrew etymological analysis, however, in *Dialogue* 103 and 125, so it is not out of the question to conjecture that he may have encountered the Hebrew and sought out Greek equivalents as part of his interest in Hebrew philology. Simon, in a number of places (*Jewish Sects*, 93, and "From Greek *Hairesis* to Christian Heresy," 106), suggests that Justin is responsible for such translations from the Hebrew into the Greek. Cf., however,

Thus, the evidence adduced in regard to Justin's list of Jewish *haireseis* suggests a number of conclusions. First, there is no evidence at all that any Jewish source that Justin may have relied on would have structured this together as a self-contained list of sects or philosophical schools. Rather, it is much more plausible to suppose that Justin's main sources were traditions recording legal disagreements between the various groups that he cites. In addition, there is nothing in the traditions available to us to suggest that the intention of these early traditions was to anathematize competing sects. This is not to say that the tone as preserved in the tannaitic texts mentioned earlier is necessarily irenic but neither is there any indication that the various groups would have considered their opponents "not Jews" as Justin suggests that they should. Thus, it would seem that the construction of these elements in an ordered list and more importantly their presentation as a list of *haireseis* that scarcely deserve the name "Jew" would best be explained as Justin's innovation. And, I see no reason to be surprised by such a development. Indeed, several scholars have suggested that Josephus is doing a similar kind of Hellenistic re-imaging in the *Antiquities* and in the *Jewish War* when he presents Pharisees, Sadducees, and Essenes as if they were Greek philosophical schools.¹⁵⁵ Justin appears to be constructing a long catalog of elements that were never collected in a thematically unified

W. Telfer, "Was Hegesippus a Jew?" *The Harvard Theological Review* 53 (1960): 143–153, at 144. Telfer cites the 19th century scholar C. J. Elliott on the lack of Hebrew learning among early Christian thinkers, and he confirms that what Elliott said "calls for little revision." See C. J. Elliott, "Hebrew Learning Among the Fathers," in *A Dictionary of Christian Biography, Literature, Sects and Doctrines, Volume Two* (ed. William Smith and Henry Wace; London: John Murray, 1880), 851–872, at 851: "Judging from *a priori* grounds it would not be unreasonable to expect that we should find evidence in the works of the earliest Christian writers of some acquaintance with the Old Testament Scriptures in their original tongue. The facts that Christianity had its roots firmly planted in Judaism,—that the writers of the New Testament uniformly appeal to the words of Moses and of the prophets,—that the new law went forth from Jerusalem,—and that its first preachers and converts were Jews—naturally suggests the probability that we should find in the writings of the early fathers indications of their habitual use of the Old Testament Scriptures in the original tongue. It is well known to every ecclesiastical student that the facts of the case are otherwise."

¹⁵⁵ See, for example, Ralph Marcus, *Josephus: Jewish Antiquities, Books XII–XIV* (LCL, 1933), 311: "[Josephus] presents the varying religions and social philosophies of the three groups in such a way that they will be more intelligible to Greek readers."

list by any Jewish writer and putting them into a doxographic literary form with just the slight innovation of enumerating them with the intention of invalidating them rather than merely describing them.¹⁵⁶

Moreover, and very importantly, Justin may well have been imposing heresiological uniformity on this list in a very literal sense by representing the elements each as a *hairesis*, when perhaps their original context may not have been so clear. As I suggested above, Justin may have been familiar with traditions proscribing *minim* and *perushim* and, rendered in Greek, these take the form in his list of the named *haireseis* “Genistae and Meristae.” The irony is that the Hebrew that is rendered as Meristae, *perushim* in the general sense of “separatists,” is the same as the Hebrew word for the Pharisees, who themselves appear as a distinct element in this list.¹⁵⁷ The result is a peculiar redundancy. Perhaps, then, Justin is so intent on creating a list of Jewish *haireseis* that he artificially presents opposing traditions as heresiological in a manner remarkably similar to the way that the rabbis in turn “rabbinize” their own opponents!¹⁵⁸

Finally, it is worth noting that Justin does not actually claim that Jews characterize these seven sects as “heresies” or false Jews. Rather, he says, “If one examined the matter rightly he would acknowledge” that they are not Jews. He even adds, “pray, do not be vexed with me as I say all I think.” This would seem to suggest, again, that this is not a list that Jews in antiquity would have recognized as enumerating false Jews or “heresies”

¹⁵⁶ On doxography, see nn. 3 and 4, above.

¹⁵⁷ This is not to say that Justin himself was responsible for this translation in Greek. See n. 154, above. Marcel Simon, *Jewish Sects*, 93, does seem to credit Justin for this redundancy: “Certain modern authors, on the contrary, give the term a reflexive meaning: the Meristae were those who separated themselves from the masses. Thus we would be dealing with nothing more than a Greek equivalent of *perushim* (Pharisees). Justin, through ignorance, would have artificially divided the most illustrious of the Jewish ‘sects.’”

¹⁵⁸ See, for example, Rubenstein, *Stories of the Babylonian Talmud*, 124: “Bavli midrashic traditions routinely ‘rabbinize’ biblical sages, advisors, and prophets by portraying them as rabbis, and depicting their assistants, servants, and apprentices as rabbinic disciples.”

in the later sense of that word. And indeed Jews might even have been offended by this idea, which is Justin's own rather than theirs.¹⁵⁹

Thus, Marcel Simon's observation that Justin and others present "the Jewish reality through a Christian lens" is worth noting.¹⁶⁰ But Simon's observation is, I would suggest, not quite correct. Rather, I would say that Justin presents characteristic modes of *Jewish textuality* through a *heresiological* lens. Similarly Le Boulluec writes that "Heresiological representation must deform the Jewish conception of diverse religious currents in order to reach its full effectiveness; the catalog provided by Justin is the best evidence of this."¹⁶¹ Boyarin disagrees with Le Boulluec, suggesting that "this is less of a deformation than Le Boulluec would have it."¹⁶² However, I suspect that even Boyarin would acknowledge that this is a deformation in a literary-generic sense. That is, Justin's list is a deformation in terms of "modes of textuality" if not in terms of what Boyarin describes as (to my mind vaguely defined) modes of "heresiological discourse."¹⁶³ Thus, Boyarin himself writes: "I rather doubt that any rabbinic circle ever had such a list of Jewish heresies as Justin cites for them; it feels just so 'Christian.'"¹⁶⁴ However, I would also correct Boyarin on this matter in the fashion that I just corrected Simon: this list feels so *heresiological*, not so *Christian*, and heresiology as a literary-generic practice is not known from any Jewish sources.

¹⁵⁹ I am not, of course, suggesting that Justin actually intended the *Dialogue* for Jewish readers, which scholars agree is unlikely. On the function and intended audience of the *Dialogue*, see Nilson, "To Whom is Justin's *Dialogue with Trypho* Addressed?" and Charles H. Cosgrove, "Justin Martyr and the Emerging Christian Canon: Observations on the Purpose and Destination of the *Dialogue with Trypho*," *Vigiliae Christianae* 36 (1982): 209–232.

¹⁶⁰ Marcel Simon, "Les sectes juives d'après les témoignages patristiques," 217: "la réalité juive à travers une optique chrétienne."

¹⁶¹ Le Boulluec, *La notion d'hérésie*, 1.71: "La représentation hérésiologique a cependant besoin de déformer la conception juive des divers courants religieux pour atteindre son efficacité entière, Le catalogue fourni par Justin en est la meilleure preuve."

¹⁶² Boyarin, *Border Lines*, 242 n. 23.

¹⁶³ See n. 19, chapter one.

¹⁶⁴ Boyarin, *Border Lines*, 43.

IV. The Invention of Heresiology

Having addressed my primary concern in regard to list-making in early Christian heresiology, I will in this section undertake a brief excursus to address an especially speculative historical reconstruction that has been put forth in recent scholarship. As discussed in chapter one, it has been argued that Justin's use of *hairesis* in a pejorative sense suggesting "heresy" rather than its earlier descriptive sense of "philosophical school" represents an important stage in the development of the genre of early Christian heresiology. And thus, some scholars have credited Justin with "inventing heresiology," whatever this might mean.¹⁶⁵ Others scholars, however, have recently suggested that Justin is not innovating this pejorative sense of *hairesis* but rather is adopting a literary model that he knows of from Jewish sources, sources which have not themselves survived nor does any writer in antiquity affirm their existence.¹⁶⁶

On general methodological principle, it must be acknowledged that proving the existence of an entire genre of literature of which no exemplars survive, neither directly nor indirectly in the form of quotations, paraphrases, or even references in ancient works to the existence of such texts, demands an especially high burden of proof.¹⁶⁷ This is especially so when there are many extant sources from the relevant period and none of them conform to this conjectured genre. In this section, I will suggest that while it is certainly not inconceivable that Jews in the first or second century *could have* written heresiological texts, there is in fact no evidence that they *did*. The evidence that scholars

¹⁶⁵ See Le Boulluec, *La notion d'hérésie*, 1.110–112; and also see Royalty, *The Origin of Heresy*, 3–4.

¹⁶⁶ See Iricinschi and Zellentin, "Making Selves and Marking Others," 8–9.

¹⁶⁷ On this, I agree with Goodman, "Pharisees and Essenes after 70 CE," 355: "I am indeed highly suspicious of scholarly constructs of religious groups based on only fragmentary references in polemical texts." I would just add to his suspicions scholarly constructs of religious texts and literary genres.

have cited in support of this conjecture amounts to little more than a few scattered references in early Christian polemical works in which fictionalized Jewish speakers use the word *hairesis* in an ambiguous or somewhat pejorative sense. These references can in no way be considered sufficient evidence to establish the existence of such a corpus of literature in the face of its most conspicuous absence among the actual extant literature of the period.

The scholarly discussion on this matter tends to focus around *Dialogue* 62:¹⁶⁸

For I cannot consider that assertion true which is affirmed by what you call an heretical party among you, and cannot be proved by the teachers of that heresy, that He was speaking to angels, or that the human body was the work of angels.¹⁶⁹

This text is discussing the plural pronouns in Genesis 1:26 (“Let *us* make man in *our* image, after *our* likeness”) and Genesis 3:22 (“Behold, the man has become like one of *us*, knowing good and evil”). Justin, characteristically, wishes to read these two verses in terms of his own binitarian theological ideas. In regard to the first verse, Justin allows that we might read the text as God speaking to himself. Yet this explanation would not work for the second verse, in which God is clearly speaking to someone other than himself, perhaps to angels. In describing this latter possibility, Justin might be read as implying that the Jews themselves refer to those who teach that God spoke to angels during creation as “heretics”: “what *you call* an heretical party among you.”

However, the text is not as clear-cut as Williams’ translation suggests. The passive Greek participle, *legomenh*,¹⁷⁰ which Williams translates as “you call,” can also be translated as “so-called” or more generally as “is said to be.” Thus, David Runia

¹⁶⁸ *Dialogue* 62 (ed. Goodspeed): οὐ γὰρ ὅπερ ἡ παρ’ ὑμῖν λεγομένη αἵρεσις δογματίζει φαῖν ἂν ἐγὼ ἀληθὲς εἶναι, ἢ οἱ ἐκείνης διδάσκαλοι ἀποδείξαι δύνανται ὅτι ἀγγέλοις ἔλεγεν ἢ ὅτι ἀγγέλων ποίημα ἦν τὸ σῶμα τὸ ἀνθρώπειον.

¹⁶⁹ Trans. Williams.

¹⁷⁰ Λεγομένη.

translates this as the “the so-called sect among you” and Roberts-Donaldson translates as “that heresy (n. “heresy or sect”) which is said to be among you.”¹⁷¹ In no case does this phraseology necessitate reading Justin’s primary claim here that the Jews themselves use the Greek word *hairesis* to refer to other Jews who believe that God spoke to angels in Genesis. But rather it may simply be that Justin himself considers this an invalid teaching that cannot be proved.

Furthermore, as several scholars have already noticed, this very “heresy” is presented as a more or less acceptable reading of Genesis 1:26 in the midrash Genesis Rabbah 8:8:¹⁷²

Rabbi Shimon bar Nahman said in the name of Rabbi Yonatan, “When Moses was writing the Torah, he wrote a little bit every day. When he came to the verse, ‘Then God said: Let us make man,’ Moses said, ‘Master of the universe, why do you give an opportunity to the *minim* [to infer two powers from the plural pronoun]?’ God said to him, ‘Write! He who wants to err, will err.’ God said to him, ‘Moses, will I not raise up from the man that I create great ones and lesser ones? And if one of the great will comes to ask permission from one lesser than him, will he not say: Why should I ask permission of one less than me? And it can then be said to him: Learn from your creator, who created things above and things below; yet when he came to create man, he took council with his angels.’”¹⁷³

¹⁷¹ David T. Runia, “‘Where, Tell Me, Is the Jew...?’: Basil, Philo and Isidore of Pelusium,” *Vigiliae Christianae* 46 (1992): 172–189, at 178.

¹⁷² See, for example, Urbach, *Sages*, 203–208, and David T. Runia, “‘Where, Tell Me, Is the Jew...?’: Basil, Philo and Isidore of Pelusium.” See also Marc Hirshman, *A Rivalry of Genius: Jewish and Christian Biblical Interpretation in Late Antiquity* (trans. Batya Stein; SUNY Series in Judaica; New York: State University of New York Press, 1996), 31–66; and Schäfer, *The Jewish Jesus*, 160–196. The same opinion regarding God taking council with angels is expressed in GenR 8:4 in the name of Rabbi Hanina. GenR 8:1–8:3 offers various solutions for the plural pronoun in Genesis 1:26. Genesis Rabbah 8:8 (ed. Theodor-Albeck): ר' שמואל בר נחמן בשם ר' יונתן בשעה שהיה משה כותב התורה היה כותב מעשה כל יום ויום כיון שהגיע לפסוק ויאמר אלהים נעשה אדם וגו' אמר רבוננו שלעולם מה אתה נותן פתחון פה למינים אמר לו כתוב הרוצה לטעות יטעה אמר לו הקב"ה משה האדם שאני בורא לא גדולים ולא קטנים אני מעמיד ממנו אתמהא שאם יבוא הגדול ליטול רשות מן הקטן ממנו הוא אומר מה אני ליטול רשות מן הקטן אתמהא והן אומרים לו למד מבוראך שברא העליונים והתחתונים וכיון שבא אמר ר' ליה לית הכא מלכו אלא למלך. The text continues: לבראות האדם נמלך במלאכי השרת שהיה מטייל פתח פלטיין וראה בולרין אחת מושלכת אמר מה נעשה בה מהן אומרים דימוסיות ומהן אומרים פרבטיות, אמר המלך אדריינטיס אני עושה אותה מי מעכב.

¹⁷³ The text continues: “Rabbi Hila said, ‘There is no real council here, but rather it is like a king that was strolling at the entrance to his palace and he saw that a bath house had collapsed. He said, ‘What shall be done with it?’ Some among him said to make public baths and other said to make private baths, but the king said, ‘I will make a statue.’ Who will prevent him?’” Translation following Theodor on ליה ר' אמר;

Although this is a source that dates to centuries after Justin's time, there is no evidence that Jews in the second century would have considered the idea that God spoke with angels during creation as problematic as Justin did. Rather, it is certainly more plausible to read Justin here as reflecting his own theological position and his own preferred technical terminology rather than reporting verbatim the ways that contemporary Jews characterized their opponents.

I would also thus disagree with Boyarin on this issue, who attempts to demonstrate that the position that Justin rejects is actually a known Jewish "heresy." Boyarin cites a tradition from the Mekhilta in which Rabbi Akiva criticizes the little-known Rabbi Papos for his interpretation of Genesis 3:22.¹⁷⁴ Papos is said to interpret the plural pronoun in this verse as: "one of the angels."¹⁷⁵ Akiva responds with a rebuke and an alternative interpretation. Boyarin believes that:

. . . it is clear that a marginal, even heretical figure, Papos, is being ascribed a view very close to the one Justin is claiming for the *hairesis* among the Jews. Rabbi Akiva's response—"Shut up"—represents the intensity of the response that the alleged Papos' interpretation aroused and thus its apparently heterodox nature.¹⁷⁶

Although it is true that Rabbi Papos is not a well known figure in rabbinic literature, this fact hardly makes him "heretical." Moreover, the expression that Boyarin renders as "shut up!" and adduces as proof of Papos' "heterodoxy," *daiyekha*, is surely a much more gentle rebuke than the translation "shut up!" suggests. Literally, it might be translated as "let that be enough, Papos" as in the well known prayer from the Passover

Jastrow on בלורין; and ed. Soncino on דימוסיות, פרבטיות, and אדריינטיס.

¹⁷⁴ MRI *be-shallah* 6. Although the name Papos is not uncommon in rabbinic literature, to the best of my knowledge Rabbi Papos (Papias in some witnesses), explicitly given the honorific "Rabbi" (and not consistently even here), appears rarely if at all outside of variants of this narrative. On parallels between Justin and the Mekhilta, see Marc Hirshman, *A Rivalry of Genius*, 55–66, and David Rokéah, *Justin Martyr and the Jews* (Jewish and Christian Perspectives 5; Leiden: Brill, 2001), 35–42.

¹⁷⁵ כאחד ממלאכי השרת.

¹⁷⁶ Boyarin, *Border Lines*, 41.

liturgy, *daiyenu*, “it would have been enough for us.” Thus, Lauterbach translates the Mekhilta here as “That is enough, [Papos].” While there is some censure involved in such a term, it can easily be read as a measured if exasperated correction of a greater to a lesser sage rather than an “intense response” to “heterodoxy.”

Moreover, this incident in the Mekhilta occurs in a formalized sequence of four similar interactions where Papos suggests a biblical interpretation and Akiva corrects him with these same words. None of the texts are especially easy to interpret, but taken as a group there is nothing to suggest a concerted effort to sharply exclude or reject a marginal figure known for divergent theology. But rather it appears to be a series of increasingly clever interpretations by Akiva to one with less skill in biblical hermeneutics.¹⁷⁷ And in this case, the language of “That is enough” is better understood in terms of Akiva’s repeated victories rather than an intense response to “heterodoxy.”

Thus, I see no necessity of reading Justin in *Dialogue* 62 as intending to say that some Jews refer to other Jews who teach that God spoke to angels during creation using the word *hairesis*. This passage cannot thus be taken as proof of the existence of a purported Jewish “heresiology” that Justin is adopting and adapting without some significant additional evidence.

However, the only other evidence that scholars have been able to bring to bear in this regard suggests little more than the possibility that *hairesis* may have started taking on a pejorative coloring before Justin’s usage in the *Dialogue*. I will now turn to a review

¹⁷⁷ Papos’ interpretations do not consistently represent one side in any known theological or otherwise ideological controversy. Indeed, a variant in Song of Songs Rabbah 1:49 reverses Akiva’s and Papos’ interpretations of the first of these four verses. I am not taking issue with the historiographical significance of the parallel of the Mekhilta text (or of GenR 8:8) to *Dialogue* 62. I am only arguing that the Mekhilta does not present Rabbi Papos as an ideological deviant of any sort or present the interactions between him and Akiva as one of sharp polemical exclusion of a “heretical figure.” For relevant scholarship, see nn. 172 and 174, above.

of this evidence, with the caveat that it is very important that we take care not to conflate shifts in the meaning of *hairesis* in the first centuries of the Common Era with the “invention of heresiology.” As discussed in chapter one, the word *hairesis* developed from its primary sense of physically “taking” to a sense by the first centuries of the Common Era of a philosophical school or religious sect. It is in this sense that Josephus uses the term in the *Antiquities* in the last decade of that century. The word starts to take on an pejorative coloring in certain works of the canonical New Testament, but the only Jewish writer who uses the word in a clearly pejorative sense is Paul in Galatians and 1 Corinthians.¹⁷⁸ However, Paul uses the word in a somewhat atypical fashion implying any sort of disunity within the community.¹⁷⁹ While the word is mostly pejorative in his usage, it can hardly be said to comprise a nascent “Jewish heresiology” in any meaningful fashion.

Lacking texts written by Jews that use *hairesis* pejoratively, scholars instead point to a few passages in the book of Acts and elsewhere in Justin’s *Dialogue* that portray fictionalized Jews describing various sects as *haireseis*, either in its neutral Hellenistic Greek sense or somewhat ambiguously, as proof of a nascent Jewish heresiology pre-Justin. I would argue that this scant evidence is not an especially firm foundation to draw any conclusions, even tentatively, regarding changes in the general Jewish usage of the word *haireseis*. On the other hand, it may well be so that using the word to describe religious sects rather than philosophical schools has a Jewish source. As mentioned, Josephus used the term this way (for his own apologetic purposes) as late as the last decade of the first century. Moreover, Paul’s use of this word in a pejorative fashion may

¹⁷⁸ See n. 74, chapter one.

¹⁷⁹ On Paul’s use of this term, see von Staden, “Hairesis and Heresy: The Case of the *haireseis iatrikai*,” 99.

have contributed to Justin's sense of its semantic range.¹⁸⁰ More than this, however, cannot reasonably be supported by the evidence.¹⁸¹ And, as already mentioned, shifts in the semantic range of *hairesis* should not be conflated wholesale with the "invention of heresiology."

A good example of this kind of conflation is found in Eduard Iricinschi and Holger Zellentin's important volume of collected papers on heresiology in Late Antiquity. In the introduction to this volume, Iricinschi and Zellentin mention the possibility of "Jewish precedents" to Justin's literary use of the word *hairesis*.¹⁸² They suggest that as "most of his uses of *hairesis* seem to describe heresies from a Jewish perspective . . . the search for the origin of heresiology points beyond Justin Martyr, toward the Jewish heresiology of or before Justin's time."¹⁸³ First of all, it must be noted that the data is not as decisive as this statement suggests. Of the seven times Justin uses *hairesis* or a cognate of *hairetikos*,¹⁸⁴ three of them are not describing heresies from a "Jewish perspective" but rather from Justin's perspective.¹⁸⁵ Thus, it might be technically correct to say that "most" of the references are from a Jewish perspective (or at least broadly related to Judaism),¹⁸⁶

¹⁸⁰ Justin apparently alludes to 1 Corinthians 11:19 in *Dialogue* 35, so he perhaps he was familiar with this semantic shading of the word from Paul's epistles. See Alain Le Boulluec, "Remarques à propos du problème de I Cor. 11,19 et du 'logion' de Justin, *Dialogue* 35," *Studia Patristica* 12 (1975): 328–333.

¹⁸¹ It is also worth pointing out that there is no obvious explanatory gap between Justin's usage and that of the extant period literature that he is known to have relied on which is crying out to be filled in order to account for his innovations. As von Staden, "Hairesis and Heresy: The Case of the *haireseis iatrikai*," 100, notes: "From the 'factiousness' and 'factions' deplored in the New Testament it is neither an impossibly long nor a very tortuous road to the 'heretical sects' and 'heresies' so elaborately defined, classified, and condemned in Christian orthodoxy." Hellenistic doxography and the New Testament seem to provide no insufficiency of data to account for Justin.

¹⁸² Iricinschi and Zellentin, "Making Selves and Marking Others," 8–9, and n. 32, there.

¹⁸³ Iricinschi and Zellentin, "Making Selves and Marking Others," 9 n. 32.

¹⁸⁴ Αἰρεσιώτης. See n. 72, chapter one.

¹⁸⁵ *First Apology* 26, *Dialogue* 35 (Justin is apparently alluding to 1 Corinthians 11:19 here, and if so these are Paul's words, but they are certainly expressing Justin's point of view rather than Paul's; see n. 180, above), and *Dialogue* 80 (first instance of the term).

¹⁸⁶ Whether *Dialogue* 62, discussed earlier, is really from a "Jewish perspective" or not is debatable, although it is discussing Jews to be sure.

but a majority of one is hardly a decisive datum to buttress such a speculative claim. Moreover, of the four “Jewish” references, one of them is explicitly repeating a claim already made earlier in the *Dialogue*,¹⁸⁷ which arguably evens the playing field exactly. Thus, I would suggest that Iricinschi and Zellentin’s theory ought to be rejected on factual grounds.

Furthermore, that Justin uses the word *hairesis* in his discussion of Judaism is hardly a notable piece of evidence because Justin’s own concern with heresy was connected with his ideas about Christian identity in relationship to Judaism. This is not because he learned a purported heresiology from Jewish sources but because these two conceptual identities were inextricably linked in his own literary project. As Boyarin writes, “It should be clear why for Justin the discourse about Judaism and the discourse about heresy would have been so inextricably intertwined. If Christian identity is theological, then orthodoxy must be at the very center of its articulation, and for Justin belief in the Logos as a second divine person is the touchstone of that center, the very core of his religion. I am not claiming either that Justin invented ‘heresy’ in order to make a difference between Christianity and Judaism or that he pursued Jewish difference (via the *Dialogue*) in order to condemn heretics, but rather that these two projects overlapped and were imbricated on each other—like tiles on a Mediterranean roof—so as finally to be, if not indistinguishable, impossible without each other.”¹⁸⁸

A more fundamental problem exists, however, in that the use and possible changes in meaning of the word *hairesis* in Jewish sources (or, in this case, in words put into the

¹⁸⁷ *Dialogue* 108 repeats the claim from *Dialogue* 17 that the Jews proclaim Christianity as a “godless heresy,” explaining, “as I have said before.” The other two instances are the texts from *Dialogue* 62 and *Dialogue* 80, already discussed.

¹⁸⁸ Boyarin, *Border Lines*, 39–40.

mouths of imaginary Jewish speakers in Christian polemical works), which is a narrow philological question, does not by itself suggest the existence of an undefined but apparently abstractly conceptualized “Jewish heresiology” in the mid-second century. Indeed, Iricinschi and Zellentin themselves argue against the possibility that Justin “invented heresiology” by suggesting that “one could question Le Boulluec’s detection of ancient origins of heresy in Justin’s work *based solely on the occurrence of new meanings for hairesis*.”¹⁸⁹ With this I heartily agree. But if this is correct, then how then can we imagine the existence of a “Jewish heresiology” before Justin when we have not even that small bit of actual evidence to examine?

The brief discussion in Iricinschi and Zellentin, it seems to me, reflects a broader scholarly tendency to conflate an examination of the changing semantic range of *hairesis* as a key Greek technical term in the first and second centuries; a developing literary genre that scholars refer to as “heresiology”; and a phenomenological abstraction referred to as “heresiological discourse.” Only the first of these three concerns can realistically be examined in Jewish literature based on extant texts. And, as suggested above, the results of even such a limited philological study would suffer from an insurmountable dearth of evidence and would perforce remain inconclusive.

V. *Listenwissenschaft* and Heresiology in the Ancient World

I suggest in conclusion that we ought to understand Justin’s list of seven Jewish *haireseis* as an attempt to fit sectarian Jewish traditions into a Greco-Roman literary model, which developed over time into the early Christian literary genre that scholars refer to as heresiology. This particular mode of list making can be contrasted to the rabbinic modes

¹⁸⁹ Iricinschi and Zellentin, “Making Selves and Marking Others,” 8 n. 29 (*italics added*).

of *Listenwissenschaft*, which cannot be described as heresiological in this technical sense but rather appear to rely on textual practices inherited from Ancient Near Eastern scribal culture.

It thus makes little sense to attempt a comparative analysis of early Christian and rabbinic polemical techniques that depends on the concept of heresiology. In a literary-generic sense, the notion is inapplicable to rabbinic literature; and in the abstract sense of “heresiological discourse” it remains vague and undefined and at the same time too plastic and heavily burdened with an unspecified semantic load to be very helpful in such a comparative effort. While there are certainly significant similarities between the types of polemical strategies that the rabbis and early Christian heresiologists deploy, there are certainly also significant differences. A sober and objective comparison of these similarities and differences will further our understanding of the social-historical contexts and varying aims of each of these corpora in their several manifestations throughout Late Antiquity. However, such a comparison is not best facilitated by the indiscriminate application of Late Antique literary genres and their accompanying technical terminology in contexts where their appropriateness has not been well demonstrated.

Appendix A: Synoptic Presentation of b. Hagigah 15a and 3 Enoch for Chapter Three

b. Hagigah 15a	3 Enoch §20 (V228)
אחר קיצץ בנטיעות עליו הכתוב אומר אל תתן את פיך לחטיא את בשרך	וכיון שבא אחד להסתכל בצפיית המרכבה
מאי היא חזא מיטטרון דאיתהבא ליה רשותא למיתב למיכתב זכוותא דישראל	ונתן עיניו בי והוא מתיירא ומזדעזע מלפני ונפשו מבוהלת לצאת ממנו מפני פחדו ואימתו ומוראי כשראה אותי שאני יושב על כסא כמלך ומלאכי השר(ת) היו עומדים עלי כעבדים וכל שרי מלכיות קשורים כתרים סובבים אצלי
אמר גמירא דלמעלה לא הוי לא ישיבה ולא תחרות ולא עורף ולא עיפוי	באותו שעה פתח את פיו ואמר
שמה חס ושלום ב' רשויות הן	ודאי שתי רשויות בשמים
{Note that the following two narrative elements appear in both texts, but in inverted sequence.} אפקוהו למיטטרון ומחיוהו שיתין פולסי דנורא א"ל מ"ט כי חזיתיה לא קמת מקמיה	מיד יצאתה בת קול מלפני השכינה אומרת שובו בנים שובבים חוץ מאחר דלא
איתיהיבא ליה רשותא למימחק זכוותא דאחר יצתה בת קול ואמרה שובו בנים שובבים חוץ מאחר	באותה שעה בא ענפיאל יוי השר נכבד ונהדר נחמד נפלא נורא נערץ משליחות של ה'ב'ה' והכני ששים פולסאות של אור והעמידני על רגלי
אמר הואיל ואיטריד ההוא גברא מההוא עלמא ליפוק ליתנהי בהאי עלמא נפק אחר לתרבות רעה נפק אשכח זונה תבעה אמרה ליה ולאן אלישע בן אבויה את עקר פוגלא ממישרא בשבת ויהב לה אמרה אחר הוא	

Appendix B: Hebrew Sources for Chapter Four¹

<u>Sifre Numbers 112</u>	<u>m. Avot 3:11</u>	<u>ARNA 26</u>	<u>ARNB 35</u>	<u>y. Pesahim 6:2, 33b</u>	<u>b. Sanhedrin 99a</u>
אמר רבי אלעזר המודעי	רבי אלעזר המודעי אומר	רבי אליעזר המודעי אומר	רבי אליעזר המודעי אומר	תנינן	אמר רבי אלעזר המודעי
המחלל את הקדשים	המחלל את הקדשים	המחלל שבתות	כל המחלל (המבזה) את התורה והקדשים והמועדים	המחלל את הקדשים	המחלל את הקדשים,
והמבזה את המועדות	והמבזה את המועדות	והמבזה את המועדות		והמבזה את המועדות	והמבזה את המועדות
	והמלבין פני חברו ברבים				
והמפר בריתו של אברהם אבינו	והמפר בריתו של אברהם אבינו עליו השלום	והמיפר את הברית בבשר	והמיפר בריתו של אברהם אבינו	והמיפר בריתו של אברהם אבינו	והמפר בריתו של אברהם אבינו,
	והמגלה פנים בתורה שלא כהלכה	והמגלה פנים בתורה		והמגלה פנים בתורה	והמגלה פנים בתורה שלא כהלכה,
					והמלבין פני חברו ברבים,
אע"פ שיש בידו מצות הרבה כדיי הוא לדחותו מן העולם	אף על פי שיש בידו תורה ומעשים טובים אין לו חלק לעולם הבא	אף על פי שיש בידו תורה ומעשים טובים אין לו חלק לעולם הבא	אף על פי שיש לו (בידו) מעשים טובים אין לו חלק לעולם הבא.	אף על פי שיש בידו תורה ומעשים טובים אין לו חלק לעולם הבא	אף על פי שיש בידו תורה ומעשים טובים אין לו חלק לעולם הבא

<u>T. Sanhedrin 12:9 (ed. Zuckermann)</u>	<u>m. Avot 3:11 (MS Parma)</u>	<u>y. Peah 1:1, 16b (ed. Venice)</u>
הוסיפו עליהם הפורק עול והמיפר ברית והמגלה פנים בתורה וההוגה את השם באותותיו שאין להם חלק לעולם הבא	ר' לעזר המודעי א' המחלל את הקדשים והמבזה את המועדות והמיפר בריתו של אברהם אבינו והמגלה פנים בתורה אף על פי שיש בידו מעשים טובים אין לא חלק לעולם הבא	הפורק עול והמיפר ברית והמגלה פנים בתורה אף על פי שיש בידו מעשים טובים נפרעין ממנו בעולם הזה והקרן קיימת לו לעולם הבא

¹ See n. 76, chapter four, for editions of texts cited in the first table.

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