

THE SADDUCEES

A CRITICAL SURVEY OF
THEIR HISTORY & DOGMA

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A B S T R A C T

The Sadducees constituted the influential, opulent section of Judean Jewry during the period between approximately 200 BCE and 70 CE. The sources indicate that they held certain characteristic views on the performance of Temple rites, on certain legal issues, and also on certain philosophical principles governing the Jewish faith.

Historians have interpreted these views as representing facets of the Jewish law, which prevailed prior to the modifications introduced by the more progressive Pharisaic element, in deference to the demands of circumstances. Hence the Sadducees were assessed as the supporters or members of the surviving old priestly class, whose conservatism was their salient characteristic.

The present writer, after examining the sources, comes to the conclusion that the views held by the Sadducees were more consistent with the effects of Hellenism. This movement, in the present writer's opinion, never constituted an issue in the Maccabean revolt. After the revolt it came to the fore in the form of a struggle between the Pharisees, the pietist element, and the Sadducees, the Hellenistic faction.

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INTRODUCTION

The present investigation concerns the forces and circumstances governing the relationship between the two major and mutually hostile parties in Judean Jewry, namely the Pharisees and Sadducees, during the two or three centuries preceding the fall of the Second Jewish Commonwealth in 70 A.D. Although the third prominent sect, the Essenes, is outside the orbit of the present investigation, historical research, stimulated by the discovery of the Dead Sea scrolls, has focused a new and important light on this group, which has hitherto received but scant recognition.

The writer has intentionally paid little attention to the Pharisees and concentrated on the teachings of the Sadducees. For Pharisaic Judaism has been admirably assessed by innumerable writers of distinction, all of whom have recognised the profound influence that it has exercised on Western Civilisation. For the major religions, Judaism, Christianity and Mohammedism, all derive their salient characteristics from Pharisaic Judaism. This influence has matured to become the spiritual home of the Western world, notwithstanding the formidable competition it encountered from other contemporary prevailing forces, such as Stoicism, Epicureanism and Manichaeism. Amidst a welter of fanatical opposition, both ancient and modern, Pharisaic Judaism alone maintained its equanimity, tolerance and sense of perspective without compromising its adherence and devotion to its primal principles encompassed within the Jewish laws. In the closing chapter of this enquiry the writer proposes summarising the salient characteristics of Pharisaic Judaism in so far as they are relevant to the opposition of Sadduceism.

However, the Sadducees have not fared as well at the hands of their historians; not that there is a paucity of literature written on the subject. Indeed, the reader will readily be pardoned for cynically asking הגם שאול בנביאים, "Is Saul, too, amongst the prophets?" The fragmentary and attenuated surviving evidence from the sources has been mulled over and critically examined by every historian, both Jewish and non-Jewish, who has dealt with the inter-testamentary period during the past hundred years.

Yet the virtual unanimity of their deductions derived from fragmentary and incomplete items of data has prompted the present writer to investigate anew these oft-quoted views. Instinctively one perceives that the voice invariably is the voice of Jacob, irrespective of the hand that wields the pen. Furthermore, when these deductions became the basis for a didactic system of moralising by lesser lights, relying on the sacrosanct aura of authority invested in their predecessors, the incentive to re-examine both the evidence and the allegedly infallible deductions became all the more challenging.

The present author is still beset by the difficulties encountered by predecessors. The pertinent extant references in the literature of the Pharisees, that school of thought which ultimately became dominant, consists largely of accidental fragments representing but a few elements of dissension with adequate fullness, and remains significantly silent on the remainder. Neither can those views originally expounded by the Sadducees be clarified from their own records, for though they were powerful in their day, they have left us but meagre records. We are frequently constrained to assess their approach through the medium of their opponents, and we cannot preclude the possibility that they, in turn, with the dialectical skill common at the time, selected, paraphrased and possibly distorted views which seemed to them most potent. For early Judaism was not unique in the tendency to suppress and disparage an opponent, so that when the Pharisaic communities won at length their hard-fought battle, they burnt the enemy's camp.

The disclosure in Megillat Taanit (1) that the 14th day of Tammuz, the day on which the Sadducean Code of Decisions was abrogated, constitutes a day of rejoicing, does not take into account the "long felt want" of the modern investigator. Neither does the clever, though nonetheless unedifying pun emending the phrase ספר גזירות to ספר דין (2) ("Book of decrees" to "Judgements by Robbery") assist the need for fundamental evidence.

A measure of the nebulous character of the evidence can be deduced from an examination of the origin of the name Sadducees (Heb. סַדּוּקִים). Some scholars attribute its origin to the Hebrew word קָדִים (righteous), others suggest that it connotes the long lineage of High Priests dating from Solomonic days when Zadok officiated in that capacity in the Temple (3). Although this latter explanation is the one generally accepted, a view supported by grammatical considerations, yet the derivation of the name does not shed any light on the ideology of the sect.

At a comparatively early stage in the present investigation, two salient shortcomings of the historians on the subject became apparent, both of which can be attributed to the paucity of evidence. Firstly, in these circumstances there is a tendency to overrate the value and significance of the few surviving testimonies, the representative character of which is difficult to determine. Exaggerated importance is often attached to isolated views, sometimes taken out of context, and then interpreted in terms of support for preconceived notions. The "logical deductions" derived by historians even of the calibre of Graetz, Krochmal, Weiss and Finkelstein prove, on closer examination, to be fundamentally illogical.

The second and equally fallacious tendency is to underestimate and even ignore those views that we know only through the extent of their quotation by their opponents, without seeking clarification from other contemporary sources, which may prove to be not only relevant, but even indispensable to the understanding of otherwise unintelligible ideas. Were we to rely on this school of thought, we would be led to believe that there prevailed, during the period under review, one, and only one, trend in religious philosophy, namely that of the Pharisees; and that outside this body there were at play opinions of insignificant consequence. What we really find on careful examination is a great mass of diverse trends of opinion. Some of the testimonies have admittedly perished, though in their day they exercised an influence comparable with those which have survived. The reason for the survival of particular influences, while other ideas died out, remains one of the most tantalising aspects associated with the continuance of Jewish religious philosophy.

The following aspects of the Sadducean question are of particular interest to the present enquiry:

- a) The derivation and significance of the name Zedukim.
- b) The disclosure by Josephus (4) that the Sadducees denied the principle of Divine Retribution, a disclosure that most historians have avoided, since it would be difficult to reconcile such a profession ~~with the~~ the Mosaic Code, which strongly affirms this principle.
- c) The denial by the Sadducees of the Jewish beliefs governing the resurrection of the dead or the survival of the soul.
- d) Their superficially literal adherence to the Mosaic Code in a number of instances (5). (It would be necessary to enquire whether such adherence applied to the whole of the Code, or merely to specific isolated instances.)
- e) The existence of a specific sect referred to in the sources as the Boethusians, hitherto summarily glossed over by the historians as being synonymous with the Sadducees.
- f) The apparently trivial subjects of conflict recorded between the Sadducees and their opponents which nevertheless gave rise to open hostility.

The records of the discussions amongst the Pharisees abound in instances of divergence of opinion on matters of apparently far greater import than those recorded in the case of the Sadducees, yet the differences are invariably settled without compromising either the honour or erudition of the dissenting authority.

Two other problems present themselves:

The first is, if indeed the influence of the Sadducees had ceased at the fall of the State in 70 A.D., why the name was still employed in Pharisaic circles as a term of reproach in a calculated and specific sense, several centuries later when other and more explicit terms connoting perfidy and heresy were not wanting (6).

A second interesting question arises. The Munich manuscript of the Talmud employs the terms Sadducees and Minim apparently indiscriminately (7). The latter term is a general one denoting, according to the Jewish Encyclopedia, gnostics, heretics, sectarians and Judaised Christians. An explanation for the inclusion of the Sadducees within this category would be desirable.

CHAPTER I

THEORIES OF KROCHMAL, WEISS AND GRAETZ

Until the 19th Century, the attitude of scholars towards the Sadducees was not a subject for speculation. It was epitomised by the Rabbinic dictum **זדוקי הרי הוא כגוי** (1), "A Sadducee is equivalent to a heathen", both sharing the common characteristics of either ignorance of, apathy or even hostility towards Judaism. However with the introduction of scientific enquiry into the historical growth of Judaism by German scholars of the 19th Century under the title of "Wissenschaft des Judentums", this time-hallowed judgement was soon to be not only questioned but even jettisoned by learned adherents of the movement. So far from accepting the traditional view that the Sadducees were the embodiment of perfidy towards Judaism, these historians, headed by Graetz, Geiger, Krochmal and Weiss discerned deeper and more fundamental issues than had hitherto been recognised.

In the light of the surviving relevant literature they assessed the Sadducees as exponents of a distinctive and well-defined attitude towards Judaism. This attitude was dependent upon the acceptance of the literal and static context of the Mosaic Code, as the sole norm of conduct acceptable to the profession of the Jewish faith. This reactionary and conservative form of Judaism was vehemently opposed by the Pharisaic Rabbis who, according to this school of thought, continually sought to modify the allegedly severe measures contained in the outmoded Torah, so as to bring it into keeping with the atmosphere induced by changing conditions.

The Sources (2) support the view that the Sadducees represented the wealthier section of the Judean population, as well as the upper strata of the priesthood, and their denial of the validity or binding authority of those laws not explicitly contained in the Pentateuch, was accepted by the scholars previously mentioned as the most singular characteristic differentiating them from the remainder of the population. Their adherence solely, though completely, to the Written Law in its literal context, and their uncompromising rejection of any Rabbinical interpretation or addenda to the Mosaic Code has been repeatedly stressed by these aforementioned historians, as well as by others still to be considered.

We shall refer, solely in the interests of clarity, to this approach as the "religio-literal" one, since its primary assumption is that the Sadducees, in deference to purely religious and altruistic motives, adopted a literal exposition of the Mosaic text. This view excludes the possibility that their attitude to Judaism might have been influenced by personal motives or considerations of expediency.

This school of thought has left a lasting impression on historians down to the present time. The Encyclopaedia Judaica (3) reiterates the same conclusion. Other historians of recognised stature such as Leo Baeck (4), Lauterbach (5), Daniel Rops (6), and Cecil Roth (7), all confirm the view categorically stated by C. Guignebert (8) that "They (the Sadducees) adopted the role of orthodox believers of the old school, holding fast to the spirit and principles of genuine Jahwism as expressed in the Torah, and rejected the innovation (just discussed)".

This tacit assumption, that the doctrine of the Sadducees was dependent on their negation of Rabbinic interpretations on the Mosaic Code will be examined critically in the course of the present investigation. However this assumption, dogmatically and almost universally accepted by the historians referred to, has provided a fertile field of support for other and extraneous theories on the growth and development of Judaism.

The earlier exponents of this school were all influenced by, and even obsessed with, the theory that Pharisaic Judaism was a comparatively late development in Jewish history, whose origin is generally dated in the period following the Maccabean Revolt. It is interesting to note how they have interpreted the Pharisaic-Sadducaic conflict to support this hypothesis. This tendency has apparently not waned with the passage of time, for, as late as 1954, Zeitlin, in an article in the Jewish Quarterly Review reiterates, almost in the ipsissima verba, the views of the 19th Century scholars on the subject.

"The Zedukim, the Sadducees, were the orthodox group. They opposed any innovation in the law. They abided only by the Torah and such laws as they have received from their forefathers (9). The Pharisees went even further, contending that religion should be brought into consonance with life, and that the law should be made elastic. Being opposed to theocracy, they were called "Perushim", Separatists, persons who separated themselves from the Jewish people, and broke with the Pentateuch." (10).

At this stage in our investigation it would be premature to comment on the validity of these premises, but the pertinent point is that the writer follows shortly after with (11) this statement "We still have a Sadducee group in Israel now. They maintain that all the laws that were handed down from our forefathers must be strictly observed. They will allow no departure from them to be tolerated. They are not interested in bringing religion into consonance with life. They, or at least their religious teachers, have the same type of mentality as the Jews in Eastern Europe from where they themselves came".

In this instance, under the guise of scholastic profundity, Zeitlin has used the Pharisaic-Sadducaic conflict to support his own interpretation and criticism of conditions in modern Israel.

Indeed what he has done is to assume an interpretation of this conflict consistent with his own particular views on the shortcomings of modern orthodox religious factions. He then proceeds to clothe both his premise and its pseudo-historical precedent with a guise of scholarship. Such instances of distorted logic on this subject, even by people who figure eminently in the scholarly field, are by no means rare.

Weiss(12) initially professes complete inability to fathom the underlying contributory causes for the rift, proceeding very cautiously with the somewhat non-committal statement that we can only attribute this historical phenomenon to the "religious and social complexities of the age". Yet in a short space of a few pages, he disregards his earlier note of caution and elaborates a theory of his own regarding the growth of Pharisaic Judaism, based on the dogmatic acceptance of his own interpretation of the conflict between the two parties.

Krochmal states far more boldly (13) that the Sadducees did not form a distinctive corporate sect until some time after the Maccabean revolt about 110 BCE, and attributes the breaking point between the Sadducees and the remainder of the people to three cardinal differences. Firstly they (the Sadducees) took exception to the binding nature of the precepts imposed by the Pharisaic Rabbis; secondly they refused to abide by the Rabbinic interpretation of the Mosaic Code; and finally, they would not support the premise that faith in the eventual resurrection of the dead is to be an essential article of the Jewish creed. It follows logically, according to Krochmal, that, in the preceding epoch, this opposition should not have come to the fore, and only after these elements of dogma had been generally accepted due to the efforts of the Pharisaic Rabbis, that opposition should have manifested itself. In support of this contention, Krochmal cites the fact that in neither of the first two Books of the Maccabees which deal with the Maccabean revolt, nor in the contemporaneous Book of Daniel, do we find mention of a distinctly loyal sect whose ultimate aim and purpose was to abide slavishly by the Mosaic Code, but who objected to the traditional precepts and ~~ancillary~~ interpretations imposed by the Rabbis. The only sect, distinct from the body of Jewry, referred to in the Books of the Maccabees or in the Book of Daniel relates to a perfidious and heretical sect, the Hellenisers, from whom this school dissociates the Sadducees entirely.

A similar view is expressed by Graetz (14) who, too, insists that the sect came into being only during the period of office of Jonathan the Maccabee, and that conflict became prominent during the Hasmonean dynasty. The only sources we have on the subject, the Talmud and passages in Josephus, mention the first polemic during the office of John Hyrkanus. Graetz, too, dismisses the possibility of the faction having originated at an earlier stage in Jewish history since he too concedes that the only possibility of a separate faction at an earlier date would have been by reason of their association with the nefarious Hellenists, a possibility which he, in common with other members of this school of thought, dismisses completely.

He suggests a somewhat novel possibility for their derivation, namely, as a protest against Hellenism. For according to Graetz the fanciful innovations and speculations by the Pharisaic Rabbis might have constituted a danger not unlike the Grecian form of apologetics, which culminated in the ultimate upheaval brought on by the Hellenistic movement. Hence he attributes the rise of Sadduceism as a bulwark against Hellenism.

Graetz is blatantly inconsistent in his assessment. In the references quoted above he attributes to the Sadducees a religious or philosophical motive, namely, that they perceived in Pharisaic Judaism an incipient danger which, unless arrested, might have given rise to a similar disastrous state of affairs which culminated in the painful Maccabean Revolt, and against this peril of Hellenisation the Sadducees acted as a bulwark. Yet (15) he stresses the fact that the Sadducees had no association with any religious faction but were primarily a political faction whose aims and activities were far removed from the sphere of religion.

However, because religion permeated every phase of Jewish national life at that time, they, too, were reluctantly constrained to assume a superficial religious guise. This latter view is a complete antithesis of his earlier contention that the Sadducees owed their existence to their opposition to Hellenism. One cannot but assume that Graetz, in dealing with Pharisaism, is motivated by considerations inconsistent with a purely academic approach which he displays to other historical episodes.

A similar judgement appears to be inevitable in Krochmal's case. For (16) he emphasises the contention that the Sadducees only appeared on the scene of Jewish history after a considerable lapse of time, subsequent to the Maccabean revolt, and in opposition to the Pharisaic influence on the interpretation of the Mosaic Code. Yet (17) he actually quotes Josephus' account (18) which allows for the existence

of the Sadducees during the period of Jonathan the Maccabee and where the fundamental difference in outlook is attributed only to the acceptance or rejection of the concept of fate in the affairs of man; the Pharisees allowing a modicum of fate in their dogma, the Sadducees rejecting the concept completely.

Yet in this historical excerpt no mention is made of rejection of Rabbinical or traditional attitudes towards the Mosaic Law. Yet Krochmal, who quotes this excerpt verbatim does not allow it to influence his own judgement that the Sadducees appeared on the scene some considerable time after the revolt, or that principles were involved other than opposition to Rabbinic doctrines.

Even more significant is the fact that Krochmal (19) quotes Josephus (20) where the concept of "fate" is explained in these terms: "But the Sadducees are those that comprise the second order, and take away fate entirely, and suppose that God is not concerned in our doing or not doing what is evil; and they say that to act what is good or what is evil is at man's own choice, and that the one or the other belongs so to every one that they may act as they please. They also take away the belief of the immortal duration of the soul and the punishments and rewards in Hades".

Even if we were to allow Krochmal's assumption that the question of the immortality of the soul to be a Rabbinic invention, and hence the opposition of the Sadducees, yet the disclosure by Josephus that the Sadducees affirmed that "God is not concerned in our doing and not doing what is evil" must arouse some doubt as to whether the philosophy of the Sadducees was dependent solely on their opposition to Pharisaic additions to the Mosaic Code. For it would be difficult to interpret either the Mosaic Code or the dogmas of any related religion, on the basis that God is unconcerned with the righteous behaviour of the individual. The fact that Krochmal actually quotes the relevant passage from Josephus, where no reference is made to Rabbinic interpretations, and does not even remark on the significance of this statement, but reverts back to his own theory regarding opposition to Pharisaic addenda, must be regarded as a classical case of non sequitur. At a later stage the present writer will attempt to account for this disclosure from Josephus from parallels from that stream of Greek thought initiated by Protagoras, and which permeated the loftiest phase of Hellenic philosophy, but the present writer agrees with Halevi (21) that the absence of any reference to the opposition to Rabbinic interpretations in Josephus is significant. So far from lending support to Krochmal's theory, that only after the Hasmonean revolt did Rabbinic interpretations infiltrate into the practice of Judaism, the excerpts thus far quoted by Krochmal lend no support for this theory.

In the absence of explicit evidence from the sources that the basic philosophy of the Sadducees was dependent on their opposition to Rabbinic interpretation of the Mosaic Code, Weiss (22) has adopted a more dogmatic, and proportionally less logical, form of argument. Starting with the hypothetical premise that, assuming originally there were no divergent sects on the grounds of dogma or doctrine alone, and that dissention and strife arose solely from personal or political motives, he maintains that such an assumption would not account for the nature of the dissentions, as we know them. For, he contends, we know of no other reason for the nature of the polemics, but their opposition to the validity of the Oral Law. In support of this latter assumption he quotes Josephus (23) and though he concedes that Josephus in many instances does not afford incontrovertible testimony, yet in this particular instance it would be impossible for him to have been guilty of undue partiality, since any of his contemporary readers would have been in a position to gainsay his contention.

The present writer will content himself with but recording the Gilbertian nature of Weiss' logic. He assumes the cause for the rift to be dependent on the hostility towards the Rabbinic laws, since we are aware of no other contributory factors. For further support he turns to Josephus, who he concedes is at times guilty of partiality. Yet he is prepared to accept Josephus' testimony in this case because none of his contemporaries have taken him to task! Yet he has not deemed it worth his while to adduce evidence that in cases where Josephus has been guilty of partiality his contemporaries have taken him to task.

But in yet another salient aspect Weiss' logic is completely unacceptable. All agree that the Sadducees differed from the Pharisees on a number of important legal matters, and were opposed to the interpretation of the Rabbis on the relevant passages from the Mosaic Text. This much we know from Talmudic sources alone, without additional confirmation from Josephus. But the salient difficulty remains unanswered, namely, whether the difference in interpretation of the relevant texts alone accounted for the opposition of the two conflicting parties, or whether there were other and more fundamental issues in question, and that differences in interpretation of the Mosaic Texts were but subsidiary to those more basic differences. It must be remembered that amongst the Pharisees themselves differences in interpretation of the Mosaic texts were by no means uncommon; indeed a Pharisaic dissertation on any Mosaic text was characterised by that detachment and impartiality which one accepts as the prerequisite in a modern scientific enquiry. Yet these differences in interpretation amongst the most fervent Pharisees of the time, and no less radical in content than those recorded in the case of the Sadducees, gave rise to no violent breach

culminating in different sects. From an angle of pure logic, Weiss, in common with his contemporary scholars, has erred in accepting the principle of "post hoc ergo propter hoc".

However since Weiss claims that Josephus, in spite of his shortcomings in other instances, provides incontrovertible evidence for his contention that the only reason for the rift between the two parties lay in the fact that the Sadducees rejected the Rabbinic interpretation of the Mosaic Law, contained in the broad connotation of the term "Oral Law" we will examine the relevant text. However we must not allow ourselves to commit the same error of judgement as Weiss has by disregarding the context of the excerpt. The purpose of Josephus was not primarily to account for the religious differences of the parties. This much he had already indicated earlier when describing the period of office of Jonathan the Maccabee (24), and where no mention is made of the Oral Law.

In the relevant text we are about to examine, Josephus' purpose is to give a vivid account for the rift between John Hyrkanus, the reigning High Priest and the Pharisees, and his subsequent alliance with the Sadducees. Friction and animosity had already manifested themselves between the parties even prior to this episode and we are primarily concerned with uncovering the cause for this initial rift.

However, the excerpt to which Weiss refers reads as follows: "It was this Jonathan (the Sadducee, and quite distinct from any person hitherto mentioned) who chiefly irritated him (John Hyrkanus) and influenced him so far that he made him leave the party of the Pharisees and abolish the decrees they had imposed on the people and punished those that observed them".

However it must be remembered that, hitherto he had as yet not as much as mentioned throughout his voluminous history the attitude of the Sadducees vis-à-vis the Rabbinic precepts so he is obliged to clarify his account with this explanatory note:

"What I would now explain is this, that the Pharisees have delivered to the people a great many observances by succession from their fathers which are not written in the law of Moses, and it is for that reason that the Sadducees reject them and say that we are to esteem only their observances to be obligatory which are in the written word, but are not obliged to observe what are derived from the tradition from our fathers".

In a subsequent chapter of the present investigation (25) we will re-evaluate this relevant excerpt from Josephus in greater detail. Yet pro tempore, in order to assess the validity of Weiss' contention that this excerpt provides the answer to the present question under consideration we will discuss the excerpt but cursorily. Admittedly the Sadducees contended that "We are to esteem only those observances to be

obligatory which are in the Written Word, but are not obliged to observe what are derived from tradition from our fathers", but this does not satisfy the claim made by Weiss that in this excerpt we have the answer to our difficulty in ascertaining the basic cause of the conflict.

In the first instance do the phrases "which are not written in the Law of Moses" and "but are not obliged to observe what are derived from tradition from our fathers" suggest the equivalent of the Oral Law? In the present writer's opinion, so far from supporting the contention that the whole of the Oral Law is being referred to, it even precludes the possibility of such an interpretation. On referring to any of the instances of conflict referred to in the Talmud where a divergence of opinion existed between Pharisees and Sadducees, apart from one isolated instance, no case falls within the category of "not written in the Law of Moses", e.g. *עין תחת עין* (Lex Talionis) is expressly written in the Mosaic text (26), only each side differed in its interpretation. *גדים זומאים* is not only written in the Mosaic text, but the literal interpretation is supported by the Pharisees, not the Sadducees (27). The same applies to *תירש במו עם בתבנו* where the law is contained in the Mosaic text, and the literal interpretation is supported again by the Pharisees (28).

Indeed all disputes involving legal enactments and on the interpretation of which the Sadducees and Pharisees differed, are explicitly "written in the Mosaic Law", with one exception, namely the water libation which was offered up on each of the seven days of the Succoth. In this latter case it is generally supposed that the Sadducees opposed this procedure on account of its not being contained in the Mosaic Code, and which might be included in the excerpt from Josephus under discussion. Yet this very case, the only isolated instance to which Josephus may have referred in this excerpt is one which lends itself to a completely different interpretation on careful examination. This we shall attempt to do in the course of the present enquiry (29).

Further support for the view that Josephus was not referring to the Oral Law in this excerpt is apparent from his reference "are not obliged to observe" indicating a modicum of discretionary latitude on the part of the individual. Yet in no recorded case where the two parties differed can we possibly discern any degree of latitude or option. For instance, in the case *צרת אחר שבת* (30), the individual has no option as to whether he will celebrate Pentecost on either of the days according to the Pharisaic or the Sadducaic traditions. Either he accepts the one, or the other; in each case he would be precluded from accepting the exposition of the other sect. In the case of *גדים זומאים* we cannot say that the court has the discretion of accepting either forms of judgement.

According to the Pharisaic school, the culprit would be guilty of the death penalty the moment his perjured evidence was disclosed, whereas according to the Sadducaic school, he would not be guilty of the penalty at all until his evidence had achieved its nefarious purpose.

Where Weiss has gone astray in the interpretation of the above excerpt is his failure to recognise two unrelated functions of the Pharisaic Rabbis. The first was to interpret the manner in which the Mosaic Code should be fulfilled. In cases of doubt, the prevailing traditions, in many cases emanating from antiquity were resorted; indeed the primary function of the Pharisaic Rabbis was to be cognisant of these traditions. This is what we understand by the term "Oral Law", referred to as *הלכה למשה בסיני* or *תורה שבעל פה*, tradition as old as the very law itself.

But the Pharisaic Rabbis fulfilled yet another purpose. In order to safeguard the Mosaic Law from possible infringement due to possible apathy or oversight, they imposed additional laws, as a form of protection, to ensure that the Mosaic Law should not be violated either wilfully or otherwise. Talmudic literature abounds in examples of this nature, where precautionary measures were instituted against the possible infringement of the Mosaic Law, and these were referred to as *תקנות* or *סינים* (31).

Hence, in the writer's opinion, Josephus was referring solely to this latter type of enactment when explaining the measures taken by John Hyrkanus as a token of his displeasure resulting in his severing relations with the Pharisees. His opposition was directed against these laws admittedly "not written in the law of Moses", and transmitted "by succession from their fathers". A careful study of the relevant episode will be given in a subsequent section of the present investigation, and will illustrate clearly that no other interpretation of the reference is possible from the context (32).

Hence we may conclude that Weiss' contention, that Josephus supports his assumption that the opposition to the Oral Law was the crux of the opposition of the Sadducees to the Pharisees, is unwarranted.

Weiss' tendency to be inconsistent on this subject is further illustrated by his comment on the reference in Aboth de R'Nathan, chap. 5. This reference deals with a celebrated adage (33) "Be ye not as slaves who serve the Master solely in the expectation of recovering a reward, but be as slaves who serve the Master without expectation of reward; and let the reverence for the Lord rest upon ye". This adage, in the text, is attributed to Antigonus of Sokho. The comment in Aboth de R'Nathan chap. 5 sheds an interesting light on the dictum by recounting a strange incident, namely that two disciples of Antigonus of Sokho misinterpreted and even distorted the context of the admonitory precept of Antigonus of Sokho by reading into it an implication denying the principle of Divine retribution for the good or evil wrought by the individual. The names

of these two students were Zadok and Boethus, and through their misdirection or fallacious interpretation of what was intended to be a highly ethical injunction, a network of apostacy germinated ultimately developing into the two sects hostile to Judaism, the Zakokites (Sadducees) and the kindred Boethusians.

The interpretation placed by Weiss on this episode is that the attitude of Zadok and Boethus was the negation of a lofty and elevated moral concept which adjures us against making our meritorious deeds dependent on the expectation of a reward. Irrespective of whether the details be factual or legendary, we can accept the fact that the Zadokites or Boethusians originated in the time of Antigonus of Sokho.

Weiss sheds no constructive light on the subject by referring to this latter source. Firstly he admits that the Sadducees originated during the life of Antigonus of Sokho, before the Maccabean Revolt. Secondly he accepts this fact "whether the incident in Abot de R'Nathan be true or legendary". Yet the truth or otherwise of the excerpt is of primary concern to his argument, for if it be true, on his own admission, the Sadducees owed their origin to a distortion of a lofty concept in Judaism, and not through their concern over the survival of the Mosaic Code unmodified by Pharisaic inventions. If, again, the episode is factual then Rabbinic teachings and the Oral Law played no part in the conflict - only a distortion of a highly moral injunction. If, furthermore, the episode is legendary, we cannot deduce any date regarding the origin of the Sadducees, neither can we support the contention that the negation of the principles of Divine retribution was a cardinal point of dissention.

One postulate originally enunciated by Geiger (34) and commented on by Weiss (35) is worthy of closer appraisal. He proffers the possibility that the split was brought about by interested parties in the lineage of the High Priesthood, which from Davidic times was the legacy of the House of Zadok. Furthermore, over a period of centuries they fulfilled their purpose well, and even when Israel strayed from the path of righteousness, they alone preserved their sanctity of office unsullied (36). If we were to detail the names of the deponents of this high office since the rebuilding of the Second Temple, until the advent of Antiochus Epiphanes, we find each of the incumbents emanating from the historic lineage of Zadok. But from the time of Antiochus Epiphanes this lineage was broken. Onias IV (Menelaus) was not a Zadokite, neither was Jakim (Alcimus) who succeeded him. Thereafter the Hasmoneans took over the office of High Priest, who, too, were not of the Zadokite dynasty. It is suggested that a radical change of this nature in direct conflict with established precedent might well have triggered off a complete rift. It is hence feasible, according to Geiger, that the origin of the split dates from the time that this hallowed lineage was abrogated.

There are two distinct objections to this theory, both of which are advanced by Halevi (37). If indeed the two parties came into being only after the Hasmonean revolt, as so many scholars suggest, it must be pointed out that the suspension of the Zadokite line of succession commenced with Menelaus before the revolt. Secondly, if the Sadducees were the fervent supporters of Judaism the replacement of a Zadokite High Priest by an outsider (outside the Zadokite lineage) of such profound Hellenistic tendencies as Menelaus should have constituted an element of unity and co-operation between the Sadducees and the Pharisees. For, is it even suggested that the appointment of such a pronounced Hellenist such as Menelaus and later Alcimus met with the approval and even the acclaim of the Pharisees?

It must be remembered that Menelaus was responsible for the erection of an effigy of Zeus within the very precincts of the Temple (38), and Alcimus, for the indiscriminate slaughter of the Pharisees (39). This suggestion that the Sadducees differed from the Pharisees due to the suspension of the Zadokite High Priesthood is historically unsound. Furthermore, is it suggested that the Pharisees objected in principle to the office of High Priest being filled by the Zadokite adherents? Simon the Just, who fulfilled this office with distinction, was no less a Pharisee, as well as a descendent of the House of Zadok. Another classical instance presents itself in the case of John Hyrkanus, not of the Zadokite dynasty. Initially, superficially, his sympathies lay with the Pharisees, yet subsequently he transferred his allegiance to the Sadducees. Yet we are not aware of any opposition to his assumption of this office on the part of the Sadducees. Indeed the small measure of opposition aroused emanated from the Pharisaic side (40).

Hence the suggestion that the cleavage of the two parties was based solely on the abrogation of the Zadokite dynasty in Temple affairs is historically untrue and we shall dismiss it entirely.

CHAPTER II

THEORIES OF HALEVI AND SCHÜRER

From the discussion presented thus far it is clear that the purpose of the German school of historians of the last century was primarily to support their own preconceived contention that Pharisaic Judaism was a development within Jewry subsequent to the Maccabean Revolt. Moreover to support the corollary that all Pharisaic teachings and renderings of the Mosaic text were but later inventions, these scholars have painted a picture of the Sadducees depicting them as legatees of the original form of Judaism prior to the period in which Pharisaic teachings took effect. Yet another disclosure is of paramount importance, namely the unanimity with which all members of this school dissociate the Sadducees from the earlier Hellenists prior to the Maccabean revolt. All agree that Hellenism was synonymous with perfidy towards Judaism and the acceptance of a norm of conduct diametrically opposed to that of Judaism. The adamant refutation by these scholars of the suggestion that the Sadducees were in any way affiliated or associated with Hellenism betrays their acceptance of the principle that only one form of Hellenism existed with Antiochus and his Judean minions as its embodiment.

Another important school of thought, through its most erudite exponent Halevi (1), has promulgated a diametrically opposite theory to account for the rise of these two sects. Halevi too, accepts the hypothesis that Hellenism was the implacable foe of Judaism, and the epitome of degeneracy, with the worship of idolatry as its ultimate aim and purpose. The nefarious activities of these Hellenists are adequately accounted for in both of the first two Books of the Maccabees, and in the Book of Daniel. However, after the successful and heroic exploits of the Maccabees, Hellenism was completely routed from Judea, and it was no longer expedient or wise to profess a philosophy so repugnant to Jewry as Hellenism which had wrought such tragedy and sorrow for so many years previously. Under these circumstances the surviving Hellenists were constrained to modify their approach and innate hostility towards Judaism by outwardly accepting the Mosaic Code as a minimal concession. But, as their initial devotion towards Grecian deities was but a superficial veneer possessing neither depth nor sincerity, and actuated by considerations of expediency as a means to further their social and political ambitions, so too was their new approach towards Judaism. The explanation of Krochmal's observation (2) that the near-contemporary literature such as the Maccabean Books contain no reference to the Sadducees becomes invalid, since both books describe in detail the activities of the Hellenists, who were in fact the selfsame Sadducees, but under another name. Hence, according to Halevi, the approach of the Sadducees was not inspired by a sincere desire to uphold Judaism, as much as actuated by consideration of expediency alone. Indeed, the

Pharisees were not, according to this explanation, a mere sect, as Josephus repeatedly asserts (3) but the bulk of the loyal citizens who adhered to Judaism in toto through all those dark and murky years that the Hellenists were in office.

The significant excerpt reads as follows:

"At this time there were three sects among the Jews who had different opinions concerning human actions. The one was called the sect of the Pharisees, another the sect of the Sadducees and another the sect of the Essenes. Now for the Pharisees But the sect of the Essenes And for the Sadducees, they take away fate, and say there is no such thing, and that the events of human affairs are not at its disposal but they suppose that all our actions are in our power, so that we are ourselves the cause of what is good and receive what is evil from our own folly".

In the first instance, "At this time" refers to events during the Maccabean revolt, which negates the supposition that the sects originated only after the revolt. Secondly in enumerating the salient characteristics of the relevant parties no mention is made of the opposition of the Sadducees to the Rabbinic interpretation of the Mosaic Code, but stresses only the strong humanistic tendencies of the Sadducees.

Halevi refutes the suggestion that the opposition of the Sadducees stemmed primarily from their refusal to recognise Rabbinic interpretations of the Mosaic Code, since these interpretations were not basically Rabbinic inventions but the accumulation of traditions of Jewry for centuries, and which the Sadducees dared not gainsay. For the Rabbis were not, as the German scholars suggest, merely the authoritative teachers of a sect, but the leaders of the Jewish People. Under the circumstances the Sadducees would oppose laws admittedly instituted by the Rabbis based on their own initiative and introduced in deference to their own interpretation of the requirements of any particular time. These are referred to as דברים שהם מן התורה. This is what Josephus implies in the excerpt (4) already discussed. But it would be idle to assume that they had any particular philosophical approach towards the Mosaic Code apart from interpreting it to enhance their own claims to recognition under conditions which would not tolerate their earlier attachment to Hellenism.

Support for this view is suggested by Josephus (5) which reads "For when the Sadducees take office they perforce follow the ways of the Pharisees otherwise the people would not tolerate them". This excerpt lends itself to an interpretation consistent with the view that the Sadducees had no distinctive approach towards Judaism, and followed any cult or ritual which would ensure their own popularity and prosperity.

Furthermore no reference in Josephus supports the view that the distinction between the two factions was dependent upon differences in approach towards Rabbinical interpretation i.e. the Oral Law.

Although most historians do not favour the views expressed by Halevi, those of Schürer (6) concur with those held by Halevi. Thus describing the period of Aristobulus he identifies the opposition to the Pharisees as "those who sought after the ways of the Greeks who supported the policy of Antiochus Epiphanes". Schürer also agrees that the Maccabees eradicated Hellenism completely and in the newly rejuvenated Jewish state these views had to be disguised, if they were to be tolerated. This approach is repeated by Schürer again in vol. II (7).

Two basic assumptions form the underlying structure of both Halevi's and Schürer's theory. Firstly, that there existed only one form of Hellenism, and that Antiochus, Menelaus and Alcimus were its most notable exponents. The second assumption is that the Maccabean revolt eradicated Hellenism which was henceforth regarded with opprobrium after the revolt. This latter view is one which is often encountered; Travers Herford (8) also expresses it "And of course Hellenism, after the successful defiance of Antiochus Epiphanes was no longer the enemy to be fought". This assumption will be queried by the present writer in subsequent chapters.

CHAPTER III

THEORIES OF LAUTERBACH, FINKELSTEIN AND LESZYNSKY

LAUTERBACH

The assumption, so tenaciously held by Weiss, Krochmal and Graetz, that Pharisaic Judaism developed only at the close of the Maccabean revolt, had led Lauterbach to propound two novel theories to account for the emergence of the two sects. Although each of these two theories appeared independently, the first in Rabbinic Essays "Sadducees and Pharisees", and the second under the title of "The Pharisees and their Teachings" in the same volume, a close examination will reveal their complementary character; thus they both maintain that the essential difference between Sadduceeism and Pharisaism is the same as that between the doctrines of the Priests and the concepts of the Prophets.

The present writer will deal comprehensively with Lauterbach's views for several reasons. Firstly, his opinions have found wide acceptance amongst certain scholars who have constantly drawn on him for intellectual support for their own particular interpretation of Judaism. An instance of this nature has already been cited in the case of Zeitlin (1). Secondly, Lauterbach has been acclaimed by recognised historians of the calibre of Travers Herford (2) who acknowledges that "of the many writers whose work has helped me in my study of Pharisaism, I would mention two to whom I am especially indebted - Professor J.Z. Lauterbach of Cincinnati and Dr. Leo Baeck of Berlin. Of the former I have written in the introductory chapter, and will here say only that without the help of his theory I could not have written the present book at all." Later (3) he continues in this vein: "Lauterbach has spoken the master word on the subject and all future treatments of Pharisaism must take count of it. In the following pages I have fully accepted and made use of Lauterbach's theory, and would here express my deep obligation to him and my grateful acknowledgement of the help that I have derived from his writings".

Solomon Freehof, in his appreciation of him refers to Lauterbach as "primarily a Talmudist. Although he was at home in many departments of modern Jewish learning, he was by basic training and preference devoted to the Talmud. To him the Talmud was everything that it traditionally was in Jewish life plus a great deal more which modern interests have added to it" (4).

Having regard to the scholarly stature of Lauterbach, the present writer feels that an unduly detailed account of his views on the subject calls for no apology.

It would be of considerable assistance to our understanding of the underlying principles of Lauterbach's school of thought to traverse the well-trodden path of the history of the return of the exiles to Palestine in 537 BCE. Some forty-two thousand souls returned in whom and through whom the prophecy relating to the ultimate restoration of the Jews was to

be ultimately fulfilled. These "Sons of Captivity" were to be the embodiment of the regenerated people of Israel proudly conscious of their mission. A list of the participants had been drawn up not long after the re-settlement, constituting a record of great importance, and enumerating first the lay, and then the Sacerdotal elements. According to the Higher Critics, the radical distinction between Priests and Levites is enunciated for the first time. The number of Priests, according to the lists, amounts to the large total of four thousand, two hundred and eighty-nine and, even assuming that number includes women and children, the insignificant number of seventy-four Levites offers a distinct contrast.

The appointment of an alien governor, Sheshbazzar, to supervise so delicate a procedure as the re-settlement of the Exiles - for both Kuenen and Stade agree that the person mentioned was not Zerubbabel, but an independent Persian official - must have been regarded as the first of a multitude of disappointments which beset the homeward-bound exiles. The proportion of the territory to be occupied by the restored exiles is a thorny problem which does not directly concern us here, but an important aspect of it has a bearing on our subject, namely the relationship of the newcomers to the local inhabitants and their neighbours who were of a heterogeneous character, some alien, others kindred, and still others mixed. This relationship is alleged to have been influenced (5) by two opposing philosophies, each of which was coloured by an outstanding contemporary personage. Ezekiel, on the one hand with his priestly leanings and tendencies, would have supported a denunciation of a semi-heathen alliance - Deutero Isaiah might have encouraged a closer bond with the medley of half pagan converted aliens as an initial step towards the realisation of his Utopian universalistic hopes and ambitions.

The little community continued in this unsettled condition of disillusionment coupled with adversity for nearly sixty years after the completion of the Temple. We are completely devoid of any contemporaneous historical or literary material, and our assessment is founded on the account emanating from the following period particularly from the memoirs of men destined to inaugurate a new and more stable religious outlook in the life of the settlement.

This influence emanated from Babylon where a large community had thrived and flourished for over eighty years since the restoration with the blessing of Cyrus, overcoming their indubitable disappointment at the delay of the Messianic Age by giving free vent to their Jewish sentiments in a purely religious direction. For, if their national and political independence was lost, this deficiency was substituted by a keener attachment to their religious tenets and distinctive rights, and from

that community Ezra, the priest and scribe, set out on his journey to Jerusalem in 444 BCE fortified by an imperial rescript issued by the king in his favour. Ezra's mission and his fortunes in Jerusalem were recorded by him in his memoirs of which, unfortunately, only fragments have been preserved. There is a good deal in his history and in the reformation which was ultimately affected by the co-operation of Nehemiah which must remain doubtful. Some elements of indubitable evidence, we know, but much more which would be needed to complete the picture and render it completely intelligible must remain unknown.

However, historians (6) have read into the terms of reference contained in the rescript of Artaxerxes a distinctive approach "to enquiry concerning Judah and Jerusalem according to the law in thy hand" (7).

This edict, read in conjunction with Ezra's own prayer, "Blessed be Yahweh, God of our fathers, who has put such a thing as this in the King's heart to beautify the House of Yahweh in Jerusalem", inclines one to support the view that the primary emphasis is on the Temple and its service together with the maintenance of the Cult. In this respect Ezra appears to have been in harmony with his subsequent partner in the desire to establish ceremonial and outward worship of Yahweh.

So firmly obsessed are the classical Higher Critics of the Bible ~~with~~ the priestly proclivities of the newly restored state under Ezra and Nehemiah, that they have subjected the Pentateuch and the Book of Joshua to a process of division and sub-division and have fused some eleven chapters of Genesis, some nineteen in Exodus, the whole of Leviticus and twenty-eight chapters in Numbers to produce a discontinuous and artificial amalgam and have assumed this to have been the Book of the Law, which Ezra offered to the returning exiles and commended for their acceptance as the Divine Law revealed to Moses. And if these eighty-five chapters do not form a continuous book in the accepted sense of the term, these critics have explained this aberration on the assumption that our Pentateuch is a fusion of these eighty-five chapters with two far older narratives of the Prophetic period together with the Book of Deuteronomy. Thus, the Priestly Code (i.e. approximately the 85 chapters alluded to) is conjectured by the Higher Critics to be the Book of the Law which Y gave to Israel (8).

The salient feature of this document, contends this school, is that it has been strongly influenced from a sacerdotal angle both in its legal and historical contents. It reflects the typical approach of the priest; the priestly characteristics prevailing throughout the ancient world are also shared by this priest. He displays a philosophy marked by narrowness of outlook and the desire to preserve traditions surviving from a past age. The book primarily concerns the community and not the

individual for the function of the priest is to make a holy community amongst whom God may dwell. The laws are not designed to secure man's happiness, but God's satisfaction, and human prosperity is neither the goal nor the motive. The only criterion is the glory of God. The land as Yahweh's dwelling place is more important than the people who inhabit it. The priests' Messianic Age is one in which the holiness of Israel is preserved inviolate, and God dwells securely in the sanctuary offered by His chosen ones. Nothing is said or implied in the priestly attitude of a possible king, and the dream of a world-wide rule under a beneficent king would, according to this school, be a product of prophetic philosophy and far removed from priestly vision.

Above the High Priest no lay ruler is indicated and suffers no secular officers by his side. As for the general life of the community the Priest has no aim beyond holiness. Why Israel alone has been chosen by God is not clearly indicated and is a fact to be accepted without explanation. "Ye shall be holy to Me, for I Yahweh your God am holy and have separated you from other people that you should be Mine."

Since the priest's heart is bound up with the Sanctuary almost all his code is either directly or indirectly concerned with it. To the author of the Priestly legislation, the interests of the altar and its ministers are the chief matters of the moment - not religion or morality. Purity of skin and dishes is more important than purity of heart (9). The legislating priest might not be indifferent to morality, but it was not, so to speak, on his agenda paper; his business was solely the regulating of the Cult. If it be asked whether the priestly concept of holiness did not include morality or whether an outrage on morality was not also an outrage on sanctity, the answer would certainly be in the affirmative, but it had to be borne in mind that a violation of morality could seldom be atoned for by sacrifice, and hence is outside the priestly sphere.

Thoroughgoing priestliness embodies concepts very alien to the prophetic approach. It involves localisation of the deity with the dangers of grave materialism, and condones the old heathen view that man could be nearer God in one place than in another. Furthermore it lends substance to the strange notion that one class of men might be nearer to God than another, or that God could only be approached by an external mediator. And sin tends to be looked upon, not from a prophetic point of view as a social or public ignominy or as a degradation of the individual, but as a breach of purity, a disturbance of that undefiled condition of the chosen land and its inhabitants under which alone God can continue to dwell amongst His people. The salient characteristics, according to these scholars, of the priestly religion, was that it was less spiritual than that of the prophets, bearing scant relationship to

morality. It was according to Wellhausen "nothing more than an exercise in piety which has been so enjoined once for all without its being to anybody's advantage."

This is a brief account of what the Higher Critics have proclaimed ex cathedra to have been the content of the Book of the Law read to all the people as they gathered themselves together as one man into the broad space that was before the water gate. "And they spake unto Ezra the Scribe, to bring the Book of the Law of Moses which Yahweh had commanded to Israel" (10).

The present writer has elaborated somewhat extensively on the attitude of certain scholars to the alleged difference in outlook between the priestly and prophetic approach to Judaism because of the influence this attitude has exerted on Lauterbach and Zeitlin in their analysis of the present theme.

Relying on Josephus (11) and Talmudic sources (12), Lauterbach accepts unquestioningly the premise that the difference in policy and outlook between the Pharisees and Sadducees was solely dependent on the diametrically opposed attitudes to those laws not explicitly enunciated in the Pentateuch, but based on tradition. The former claimed such laws to be obligatory and absolutely binding, equivalent to the Mosaic Laws, while the latter denied their compulsory character. While accepting this principle as the primary source of contention between the two sects, Lauterbach, too, displays some uneasiness in accepting this principle as the primary reason for the rift, at least, not without some further qualification (13). He accepts the principle in toto that the Sadducees, judging from their extant teachings and interpretations, held tenaciously to the older views, insisting on their literal interpretation.

In this respect he is in agreement with Geiger (14) and the fundamental notions expressed by Weiss, already referred to, except that he rejects their period of origin, and the fundamental causes for the emergence of the Sadducees. However, not only does he accept, but he even relies on the principle that the Sadducees were the older and hence the more reactionary party, consisting mainly of the aristocracy, and headed by the **בני צדיק**, the traditional hierarchy of the Priesthood. By the very essence of their historical antecedents they would be reactionary and opposed to any change in the status quo. The Pharisees were the younger and more virile party, more liberal in their views, more progressive in their outlook, and mindful of the necessity of constant development and innovation. Accordingly we would expect the older sect, the hereditary guardians of the law, the **תופשי תורה**, to be more conscious of the validity of tradition, the formation and formulation of which they were so largely responsible. Furthermore, one would expect,

contends Lauterbach, the younger and more recently constituted party to show a more pronounced desire to be unfettered by custom, and to minimise restrictions imposed by a purely arbitrary norm of previous generations, and preserved by that process which we describe as tradition.

In point of fact (argues Lauterbach) the attitude of the two parties took on diametrically opposed policies and tendencies. For the conservative Sadducees have shown themselves to be vehement opponents of tradition and the binding nature of its teachings, while the Pharisees, the exponents of development and adjustment, also show a distinct reverence for the binding obligation imposed by tradition and the authorities of the laws instituted by it. Lauterbach assumes (15) that this state of the parties is explicitly implied by Josephus and corroborated by Talmudic references. In passing, we must make mention of the fact that Josephus's account has already been subjected to analysis above, and its implications are not those assumed by Lauterbach. Further investigation into Josephus's reference will be furnished in the present enquiry (16) and the relevant Talmudic references analysed (17).

A suggestion by Geiger (18) that the opposition was due not so much to the policy of the Sadducees, as to that of the Boethusians, a later party, a possible offshoot of the Sadducees who evinced no respect for tradition, is dismissed by Lauterbach as having no scientific basis whatsoever, since the view is unsupported by any Talmudic reference or any comment by Josephus. At this juncture it might be relevant to record the present writer's view that the position of the Boethusians, and the part they played in the subsequent struggle between the two factions, merits more profound recognition than Lauterbach is inclined to concede (19).

A further suggestion by Geiger is that the Pharisees instituted new laws, or made unwarranted additions to existing laws, and against these additional and unsupported laws the Sadducees directed their hostility. This explanation by Geiger is contemptuously dismissed by Lauterbach since such hostility would be directed against comparatively few laws of this nature, and Geiger himself maintains that the Sadducees demanded Biblical proof for Pharisaic laws, and such a demand would seem to apply to all laws based on tradition and not only to the comparatively few self-imposed laws. This he deduces from the fact that the Sadducees were taunted by the Pharisees with their inability to furnish the requisite scriptural proof (20):

לֹא הָיוּ יוֹדְעִים לִהְיוֹת רֵאִי כִּן הַתּוֹרָה

which he interprets as being indicative of the general demand for Biblical support for all laws, not merely the isolated instances suggested by Geiger. We must, however, point out en passant that Lauterbach has taken the excerpt from Megillat Taanit completely out of context, for the episode relates to a particular instance when Simeon ben Shetach, constrained to reorganise a particularly ill-informed Sanhedrin composed mainly of Sadducees, summarised

their profound ignorance with that particular remark, from which nothing can be deduced, beyond his contempt for their ignorance. Lauterbach's further assertion that Josephus' statement applies comprehensively to all traditional laws, must again be refuted, as we have already indicated in examining the episode on page 17 of the present investigation.

However, despite these inaccuracies, we shall proceed with his analysis, since he obviously attempts an original departure from the suggestion so widely held by the classical historians that the rift dated only from the post-Maccabean period when Pharisaic interpretations first gained general acceptance.

He traces the reconstitution of the Second Jewish Commonwealth to Ezra, when the sole authority of the new state was embodied in the Mosaic Code. When this salient and momentous act took place, it was entrenched by an oath administered by Ezra, in his capacity as a Priest and hence one of the official teachers (21). The Priests alone were to be the official teachers and from them, and them alone, could the faithful receive guidance and instruction (22). Since the Mosaic Code was the only recognised law, these priestly teachers had no further authority than to teach the Written Word, together with any simple interpretation they had to offer. They developed into a group called the Sopherim. Lauterbach does not accept the probability that there were any lay members (non-priestly) of the Sopheric fraternity, or if exceptional cases did exist, their influence was negligible. Further, the priests allocated to themselves the right inherent in the Mosaic Code (23) to introduce new customs as the occasion demanded. Such, according to Lauterbach, was the position during the whole of the Persian period.

With the advent of the Grecian phase, a new element was introduced. During the third century BCE, conditions changed. The authority of the priestly hierarchy was challenged, while a new class of teachers of the law, non-priestly in character, and who, by virtue of their erudition, came to the fore. By virtue of their undisputed learning they began to clamour for recognition, even at the expense of the authority, hitherto regarded as being the prerogative of the priestly faction. It is likely that these lay teachers, the *סופרים* 'סופרים', initially co-operated with the priestly clan, but with the gradual degeneration of the priesthood in spiritual affairs, accompanied by their increasing interest in material affluence, the lay scholars were stimulated in pressing their claim for increased recognition. These lay teachers constituted the embryonic nucleus of the Pharisees whereas the priestly leaders constituted themselves into an opposition party called Sadducees (Zadokites) in recognition of their revered leader during the Davidic dynasty. Lauterbach concedes that this rift began even prior to the Maccabean revolt, for while Antiochus the Great dominated Judea, a Gerousia composed of both

priests and laymen was constituted to regulate the religious life of the people. Both parties took their stand on the basis of Sopheric Judaism; both agreed that the Mosaic Law, together with Sopheric interpretation, was binding. Both recognised that the teachings of tradition not explicitly stated in the Mosaic Code were valid. There could be no dispute as to traditions since these were largely of priestly origin.

However, during the 100 years during which Judea was subject to Greek domination both culturally and politically, conditions changed so materially that the simple traditional laws hitherto extant were incompetent to deal with these fundamental changes. Many questions arising from these fundamental changes could not be answered by the Mosaic Code or the primitive deductions hitherto developed and brought to the fore by the incipient friction between the aristocratic would-be leaders and the popular but erudite lay party.

The aristocratic party, feverishly clinging to their old privileges and authority hitherto regarded as their own prerogative, now became champions of the Written Word as the complete and sole authority, together with whatever simple corollaries they or their predecessors sought to give. They held tenaciously to the unambiguous language of the Mosaic text, and were not prepared to deviate from the traditional explanation where such explanation had already been given. The text, they argued, was clear and was to be interpreted like a human code where the words can have but the connotation expressly intended according to the simplest sense. The technical expression ascribed to them is

(24). דברה תורה כלשון בני אדם

Accordingly, maintains Lauterbach, we find them strict in the observance of the Law in its literal meaning and in accordance with traditional exegesis. They would not deign to devise ingenious methods to explain away a written law, or to give it a new meaning inconsistent with the plain sense of the words. They also held in reverence the unwritten laws and traditional customs and usages which as priests they were in possession of, observing them as punctiliously as their fathers had done. However, herein lay their peculiar evaluation of the Law. These traditional laws were never and could never be incorporated in the Written Law, and hence could never be eternally binding. The Written Law was entrenched by an oath taken by Ezra and his community and hence eternally binding. The terms of this law were unambiguous and the people could not be subjected to additional laws under the pretext of being implied in the Mosaic Code. The mere fact that additional laws had to be enacted from time to time demonstrates their contention that the Written Law was not meant to regulate the life of the people under varying conditions. Hence in accepting the oath of allegiance to the original code it was never the intention of society of that time to make

the Book all-embracing, and that further addenda could not be covered by their allegiance to their original oath. True, the leaders of the people, and in particular the priests were empowered by Deut. chap. 17 to enforce additional laws as circumstances warranted. For the mere fact that previous generations of priests-sopherim found it incumbent upon themselves to enact new laws makes it patent that the Mosaic Code was never intended to encompass Jewish life for all time in all its entirety.

Furthermore, they claimed the privilege of obedience for any subsequent laws they enacted as the requirements arose, and indeed they readily promulgated new laws. They compiled a book *ספר גזירות* to guide them in deciding topical questions but they would not be so presumptuous as to ascribe to these decrees the sanctity of the Written Word, not even if they were derived by a process of simple deduction by *מדרש חכמים*, since only the Mosaic Code possessed this sanctity by virtue of the oath enacted by Ezra. Hence a sharp demarcation between the enactments of the Mosaic Law and their own additions and decisions. The latter were embraced amongst the "gezerot" issued pro tempore by the ruling authorities. This did not mean they rejected the additional laws, since they themselves were largely instrumental in their formulation. Only they could not countenance the prospect of these laws becoming as binding as the Mosaic texts, rendered sacrosanct by the oath. Hence these additional laws were liable to be abrogated at any future stage at the discretion and the behest of the teachers, preferably of priestly origin. This, claims Lauterbach, is the substance of Josephus's testimony relating to the Oral Law (11).

This view of the character of the Sadducees, according to that author, accounts for their approach to Jewish Law. From a psychological angle it explains their tendency to maintain old traditional ways by upholding their priestly authority, and logically it was the result of their peculiar attitude towards the Written Law as binding not because it contained the most sublime truth humanity has known, but because of an oath imposed on them by their forefathers, the violation of which carried with it the visitation of the direst calamities and evil consequences.

The effect of this attitude was twofold. Firstly the Law became divorced from everyday life, and secondly the protagonists of this view became blind slaves to the letter of the law, which had to be kept solely on account of an oath which had been imposed on them from without. Hence obedience to the law had to be adhered to, not in spirit but in the literal sense. Other laws could be enacted from time to time as the occasion arose, but these could be adjusted or rescinded since no obligation rested on the people to adhere to them throughout varying conditions.

And the final result of this philosophy was that, as the religious laws in their literal sense became increasingly difficult to conform to, so the Sadducees were obliged to ignore and transgress them. Hence the religious laws ultimately divorced from life became a matter for the Temple alone - formal ritualism alone supplanted the lofty ideals contained in the Mosaic Code.

The *דיוקנים*, the lay teachers and forerunners of the Pharisees, held diametrically opposite views. Their veneration of the Mosaic Code was by no means less than that of the Sadducees, but they disputed the superior authority of the Priesthood regarding legal matters. Except for the privileges and functions specifically allocated to the priesthood, the law was the heritage of the entire House of Israel, the common possession of all without any monopoly of its interpretation to be assigned to the priesthood. As the law as such was the supreme authority, anybody versed in it, be he priest or layman, could speak with equal authority. The authority of the priesthood to enact laws was vehemently denied; Deut. chap. 17 gave them the right only to interpret the law and enact its ordinances. This privilege was not given to them by virtue of their birth-right as priests; indeed it was given equally to every Israelite who, by training or knowledge, could justly interpret and teach. And since there was no law except the Mosaic Code, no additional laws could be enacted by priests even for temporary duration, the Torah being all-embracing, since the law suffered neither addition nor repudiation. Hence to derive new laws they found it necessary to expand the connotation of the term "Torah" and applied new methods of interpretation, new rules of hermeneutics by which they could read new meanings into the law. Hence they could deduce novel and possibly unforeseen decisions. It was then a *תורה חסידה*, enveloping all the requirements necessary to regulate the ever-changing demands of daily life. It required neither priest nor layman to complete the wholeness of its compass, for all that could be derived from it.

This argument is epitomised in the adage (25a):

לא תהא תורה שלמה שלנו כשיחה בטלה שלכם

The question then arose: Since the priests of former generations were not empowered to enact new laws, what was to be the fate of the welter of traditional laws enacted by previous generations of priestly law-givers not actually written in the Mosaic Code, yet obeyed and revered by the people? These laws became part of the national heritage, as revered and respected as the Mosaic Code. The only possible answer was that these laws were never independent laws but actual derivations, by a process of sound reasoning, from the Mosaic Law, and hence of equal validity to the Mosaic Law. But how could one, on this basis, account for certain laws that clearly had no foundation in the Torah, even by the most strained interpretation? This was explained by the assumption that the Torah consisted of a twofold Law, one the Written Code, the other the Oral Code.

Even those laws widely practised and respected by generations and not patently derived from the Written Law were in fact part of the Oral Law, and such laws as were clearly instituted at a specific time to meet a specific contingency when it would not be possible to assume that it was part of an old Oral Law were covered by the dictum(25b): שחכום וחזרו ויטעו: Thus they were not enacted by any particular later teacher, but were merely re-introduced after a lapse of time.

Lauterbach is at pains to point out that these principles and theories were not an immediate and spontaneous growth. They developed gradually over a period of time and may have taken generations before the whole system was schematically enunciated. These theories, claims Lauterbach, explain all the inconsistencies hitherto experienced - the negation of the special privileges claimed by the priestly faction in the field of law, and the denial to them of any special authority in religious matters, and finally the refutation of the view that priesthood enjoyed any special right to enact new laws. They also show that the accumulation of traditional laws was the outcome of the original authority of the priesthood to enact or rescind as time demanded. The Pharisees merely clothed these traditional laws with a spirit of sanctity equivalent to that due to the Mosaic Law. A final claim made by Lauterbach was that the effect of this philosophy was the reverse of stagnation. The Pharisees became the masters of the law, not its slaves. The very negation of the principle

דבר תורה כלשון בני אדם implied that the Mosaic Law was not to be treated in the prosaic form associated with any other code, but was open to be read just as the Rabbis chose and such renderings were henceforth to be regarded with the same authority as that of the Written Law.

The binding power of the Mosaic Code was not incidental to the oath extracted from Ezra's generation, but because the law as such was a Divine Law enveloping the highest and most beneficial truths with which mankind has been blessed, and when the law, in the passage of time, had clearly outgrown its usefulness and become discordant with the times, it need not be summarily abrogated, but a new meaning would henceforth be read into the original and clothed with a sanctity equivalent to the original. Lauterbach cites, in support of this thesis, as a typical example, the Lex Talionis (26), which he contends was understood by the Sadducees in its literal sense, but was later modified to mean monetary compensation. Finally, claims Lauterbach, due to the progressive tendencies of the Pharisees, their interpretation of Judaism continued to flourish till this day, whereas the Sadducees became fossilised in the rigid and petrified conservatism which they championed.

Stripped of its didactic verbiage, Lauterbach's account, so widely hailed by historians (27) as an original contribution towards the subject, adds nothing new or constructive to the viewpoint of the German school. Indeed, even his references are identical with those quoted by his predecessors (28) with a commensurate lack of appreciation of their meaning. He too accepts the principle, originally enunciated by Weiss, Krochmal and Graetz, that their opposition to the Oral Law was the primary cause of friction between the parties, and then proceeds to elaborate his own theory as to the reason for this opposition. Yet this very assumption, namely that the Sadducees primary objection was their negation of the validity of the Oral Law is the fundamental purpose of the present enquiry, and thus far no support for the assumption has been deduced from the sources. Certainly Josephus (Antt. XIII: 10,6) does not support the view, notwithstanding Lauterbach's reference. Moreover his tacit acceptance of the hypothesis that the "Sadducees adhered tenaciously to the unambiguous language of the Mosaic text, and were not prepared to deviate from the traditional explanations where such explanations had already been given" (29) provides yet another illustration of the frequently encountered fallacy in logical deduction whereby the validity of a proposition is tacitly accepted although its very truth is the purpose of the enquiry. Neither is the present writer prepared to accept his statement that whenever new measures were required to be introduced, the Pharisaic Rabbis clothed their innovation under the pretext of שחכום וחזרו ויסדום . Rabbinic ordinances were introduced without resorting to apologetics (30).

ל"א בן יעקב אומר שמעתי שבית דין כובין ועונשים שלא
בין התורה

Moreover Lauterbach does not differentiate the two distinct functions of Pharisaic Rabbis, namely Rabbinic enactments (תקנות דרבנן) and Rabbinic interpretations. It is factually untrue to assume that the Rabbis introduced the selfsame authority into their enactments as that of the Written Law.

A classical instance of dissimilarity is embodied in the rule (31) תקנותא לתקנתא לא עבדינן . But Lauterbach again displays a lack of appreciation of the implication of Rabbinic interpretation embodied in the Oral Law. What the Rabbis implied in their interpretation was that the meaning they attributed to a text was the actual meaning inherent in the Mosaic Code, and their authority was "tradition". It was not a case of using devious methods for circumventing the restrictions imposed by the Mosaic Code, but rather that the code was meant to be read and interpreted in the light of accepted traditions. Neither was it a case of new innovations by the Rabbis, who were but the learned custodians of the traditional exegesis of the Mosaic text. In the course of time the original tradition as to the exact manner of understanding of the Mosaic text became confused owing to the emergence of contradictory traditions. In such cases we have

Rabbinical polemics, based on differing traditions, but not, as Lauterbach suggests, arising solely from a desire to adapt the Mosaic Law to changing circumstances. Indeed, according to one authority, traditional law was unaffected by custom (32).

Neither is the present writer prepared to accept the view propounded by Lauterbach that Deut. chap. 17 imparts exclusive rights to the priesthood in the field of Law. Deut. 17, 9 and 17, 12, specifically provide for the establishment of courts presided over by judges distinct from the priesthood, thus indicating that in the dispensation of justice the judge was the supreme authority, and independent of the priesthood.

The foregoing objections are not the only weaknesses inherent in Lauterbach's analysis. What is even more inexplicable is his primary thesis that the sole reason for the Sadducees' acceptance of the Mosaic Law was the oath imposed by Ezra. Had they not been bound by the hypothetical restriction we would be led to believe by Lauterbach that the Sadducees would not have been bound to accept even the Written Law. Apparently, according to this school, the original undertaking in Biblical days (עשרת הדיברות) held far less reverence than the oath exacted by Ezra.

The present writer can find no explanation for this anomaly other than the supposition that Lauterbach accepts the view that the law introduced by Ezra was not identical or synonymous with the original Mosaic text entrusted to Israel in the desert, but a variation of it, namely the Priestly Code, the content of which theory has already been presented during the early part of the present chapter (33). This allegedly priestly law gave supreme authority to the priest in the enunciation and dispensation of the law. Support for this conclusion flows from Lauterbach's subsequent essay (34), which adopts an apparently completely different approach to the problem, blissfully oblivious of his earlier exposition based on the original oath exacted by Ezra.

However, bearing in mind the suggested explanation of the present writer vis-à-vis Lauterbach's approach to Ezra's Law the two approaches to the problem, though superficially unrelated, become not only reconcilable but even complementary.

Hence he states (35): "For the fight of the Pharisees against the Sadducean priestly aristocracy with its primitive ideas of religion as a cult and particularistic conception of God, Israel and the Torah, was practically but a revival of the old opposition of the prophets to the priesthood. It was a renewal in a more persistent manner of the conflict between the prophets and the priestly organisation of pre-exilic times.

The attitudes and tactics of the prophets and the Pharisees in their respective struggles show many parallels and striking similarities. Like the prophets, the Pharisees, in principle, had little use for the sacrificial cult but tolerated it when not accompanied by false conceptions of God and not resulting in unethical conduct towards man ... For the Pharisees were not only the heirs of the prophets but also the disciples of the priests - and very apt pupils at that ... I said before that the struggle between the Pharisees and the Sadducees was, in a way, but a renewal of the conflicts between the prophets and priests of pre-exilic times. Now, that old conflict had never been fought to a finish ... no party had won a decisive victory."

This theme of the disparity in outlook between the priesthood and the prophets of pre-exilic times, and the efforts of the former to maintain its erstwhile superiority of influence during the Second Jewish Commonwealth has achieved widespread support in accounting for the divergence of outlook between the two parties under discussion. Zeitlin (36) tacitly accepts this approach in his account of the subject.

A detailed refutation of the theory of a distinctive priestly code as the Law introduced by Ezra based on a critical evaluation of its validity must be sought elsewhere (e.g. Adam Welch (37)); yet it would be opportune at this stage to remove a misconception relating to the divergence of Priestly and Prophetic approaches towards religion, which has proved such a pet hobby-horse for so many historians.

Although it is correct to assert that it was a constant burden to the prophets to urge upon the people the necessity for practising righteousness, mercy, and morality in all their relations to one another, they never presented these virtues as though they in themselves constituted the whole content of Israel's religion, any more than they constituted the entire relation between Israelite and Israelite. Hence while it is legitimate to speak of the teachings or ideals of the prophets, it is a misnomer to speak of their religion, for none of them professed his intention of founding a new religion. Even Jeremiah, who came nearest to such a position when he counselled the exiles in Babylon to approach the presence of God by prayer in the new conditions to which they had been brought, he did not attempt to propound a new cult (38). For he neither invented prayer, nor did he write as though the exiles were to begin a practice which they had never known before.

As far as the priests were concerned it is an equal exaggeration to suppose that they were utterly deaf to the prophetic message, refusing to learn anything from it. One simple fact is enough to warn us against adopting the facile solution of the relationship between the two bodies of religious teachers. "We, today should never have known anything of the messages of the prophets but for the pious care with which their oracles were collected, edited and included in the sacred canon during the period

"Yet the men who fulfilled this task must have been closely associated with the community who built the second Temple and with the priests who conducted the sacrificial worship there. These men would never have reverently preserved the trenchant criticism which had been levelled against the cult unless they had firmly believed it to be compatible with the continuance of that cult. The same men who restored the sacrificial system and who made the Temple the centre of the new Jewish policy were also careful to collect these oracles. For men preserve for the guidance of the future and commend to the attention of their followers that from which they themselves have profited." (39).

Indeed, a careful examination of the manifesto of the returned exiles as described in Nehemiah (40) leads us to believe that the tendency of the new settlement was, if anything, to minimise and guard against the possibility of undue influence of the Priesthood consistent with the essential requirements of the cult. This purpose is but thinly veiled in the verse *וְלֹא נִעְזָב אֶת בֵּית אֱלֹהֵינוּ* "and we will not forsake the House of our God".

Yet the context of this document embodies a series of undertakings which seek to uphold the Temple worship, so that this last verse quoted is not only redundant but is in strange discord with the context of the document as presented to us. Finkelstein (41) explains this anomaly on the assumption that only a fragment of the original document has been preserved, the missing part containing references which might conceivably be interpreted as being inimical to the Priestly interests, e.g. the establishment of localised synagogues for prayer, the public reading of the law which, Sir Henry Maine (Ancient Law) contends, constituted a distinct step in the direction of democracy, which requires that all the Laws and Customs be embodied in a Written Law, available to all who wish to refer to it. These essential provisions of the original document may have been accidentally overlooked, or eliminated by design by some subsequent editor.

Support for the view that the tendency of Ezra's community was in a direction opposed to the Priestly interests is suggested by the account of the history of Israel given in Nehemiah (42) commencing with the creation, and enumerating the abundant instances of the manifestation of God's favour and loving kindness towards His people, as well as their waywardness and consequent punishment. Yet throughout this account no mention is made of Aaron, the priesthood or the Temple. Was this omission accidental, or by design, with the purpose of relegating the Priesthood as a caste to a lower stratum in the spiritual and intellectual life of the settlement? Finkelstein holds the latter view, and supports his theory by reference to the Passover Hymn *וְלֹא נִעְזָב*. By contrast in this lyric, which is of great antiquity, the emphasis is on the Priesthood and the cult as the culmination of God's favour towards Israel (43).

Hence the absence of any reference to the sanctuary, or to the priestly cult in Neh. 9 may, with a fair degree of certainty, be indicative of a designed attempt against undue priestly influence. The absence of the name of the High Priest amongst the signatures of that historic document which in its present form displays no hostile tendencies towards the priestly interests, also lends support to the supposition that the original document did in fact contain measures, which, if allowed to proceed unabated, might ultimately have affected the authority of the Priesthood adversely even in relation to affairs distinctly within the orbit of the Priesthood. Hence the present writer is not prepared to accept any theory based on the assumption that the regime instituted by Ezra was influenced unduly by priestly tendencies.

If, however, it be argued that during the two hundred years subsequent to Ezra, a distinctly priestly approach developed which ultimately took the form of a class rivalry between the sacerdotal elements and the laity, one would be obliged to investigate the essential characteristics of such a class. The priestly approach to members outside the Jewish faith, even if not conditioned or inspired by a fanatical hatred, would be completely devoid of a spirit of universalism. The priest might well, in his concern for God's glory and the ministration of His sanctuary, forget His creatures outside Israel, and His claim upon His care. It is generally accepted that the School of Schammai reflected the attitude of the priesthood in opposition to the Hillelite School who expounded the views of the laity (44).

In matters of liturgy the priestly class manifested their parochial approach in their prayers, e.g. they would conclude blessings with the

phrase *ברוך אלהי ישראל*, whereas the laity would use the passage *ברוך אתה ה' אלהינו ואלהי אבותינו אלהי אברהם אלהי יצחק ואלהי יעקב האל הגדול הגבור והנורא אל אליין קונה שמים וארץ*

Similarly in grace after meals the universalistic tendency of the laity is characterised by their form of benediction

הזן את העולם כולו . . . הזן את הכל

The Jewish attitude towards the Gentile, too, reflects both the priestly and non-priestly tendencies. The first approach represented by the Shammaite Rabbi Eliezar declares that only Jews are destined to share in the hereafter, whereas the latter approach, conveyed by the Hillelite R'Josiah, express the wider and universalistic view that all righteous people, Jew and Gentile, are to share equally in the joys of the hereafter (45). These instances support the present writer's contention that wherever priestly tendencies prevailed, a narrow and parochial approach to humanity outside the Chosen ones becomes apparent.

Hence if Lauterbach and Zeitlin ascribe the subsequent divergence between the Sadducees and the Pharisees to the inherent difference in outlook between principle of the Priesthood and the laity, they are constrained to explain the otherwise inexplicable phenomenon that, in later years, it was the Sadducees who evinced the more pronounced, and often unbridled, tendency towards assimilation.

However, the major objection to identifying the Sadducees with any faction specifically professing priestly tendencies lay in their denial of Divine sanctions. The objection will be discussed in a subsequent chapter (46).

It is apparent from the survey hitherto presented that most scholars have interpreted the conflict between the Sadducees and the Pharisees on the assumption that the former constituted the conservative element in Judea, tenaciously adhering to the Mosaic Code, whereas the Pharisees represented the more progressive element. This assumption has been shown to be deficient in a number of respects.

Finkelstein (47) has departed completely from this hypothesis. He attributes the differences between the two factions to a sociological basis. The population of Judea gradually became divided into two major economic groups

- (a) the wealthy rural landowners, living sumptuously in the fashionable upper part of the city of Jerusalem on an almost feudal pattern, and
- (b) the poor, humble traders and craftsmen, who inhabited the lower and less pretentious districts of the city.

Each of these sections of the population would interpret Scripture in a spirit consistent with its own distinctive needs and aspirations. Finkelstein then proceeds to interpret the polemics recorded between the two sections on this basis. The Sadducees represented the wealthy aristocrats, whereas the Pharisees constituted the humble artisan and small trader. With considerable skill and ingenuity Finkelstein resolves most of the polemics in terms of class distinctions.

Frequent references to Finkelstein's arguments will follow during the course of this enquiry, yet even at this stage two objections to this treatment must be recorded.

Firstly, rationalisation alone, unsupported by reference to the sources, no matter how plausible it may appear, leaves some measure of doubt as to its validity. One feels that, in reconstructing the social structure of an ancient society, a certain measure of arbitrary judgement is introduced which is open to doubt.

Secondly, Finkelstein indiscriminately accepts all the polemics enumerated by previous historians without verifying their validity. These he elucidates in terms of his own hypothesis.

It will be shown (48) that a number of these subjects did not constitute contentious topics between the two factions at all. Instances of this nature are

- (a) the Water Libation (49),
- (b) the Sabbath lights (50), and
- (c) the Erub (51).

Yet he finds no difficulty in resolving these non-existent polemics on the basis of his own hypothesis!

One final historian who has devoted himself to the present theme must be mentioned, namely Von Rudolf Leszynsky (52). His hypothesis is that the Sadducees constituted a religious sect, comparable with the Essenes, and composed mainly of priests descended from the Zadokite dynasty. Their most notable surviving literary relic is the Zadokite Document which, at the time of his writing, had been but recently deciphered. However, he attributes to the Sadducees every Apocryphal and Pseudo-epigraphical work in which

- (1) the priests are exalted, or the notion is expressed that the Messiah is descended from the Priesthood,
- (2) the resurrection of the body is denied, and
- (3) anti-Rabbinic sentiments are expressed.

His theories can often be described as 'monuments to lack of caution', and Revel (53) has analysed them with devastating results. His more plausible theories will be referred to during the present enquiry.

CHAPTER IV

HALEVI'S CLASSIFICATION OF POLEMICS BETWEEN PHARISEES AND SADDUCEES

The present writer proposes devoting this section of the investigation to a critical examination of the sources in an effort to ascertain whether the conclusions drawn by the historians mentioned previously are justified. It has previously been repeatedly stressed that Josephus' remark in Antt. X: 13,6 reveals only the hostility of the Sadducees to the תַּקְנֵי דַרְבָּנָן.

Halevi (1) has emphasized Josephus' reference (2) which reads: "For when they become magistrates they are unwilling, and by force they are sometimes obliged to comport themselves according to the notions of the Pharisees for the multitude would not otherwise bear with them." This disclosure by Josephus indicates the absence of a well-defined code of conduct, and betrays an element of expediency in their attitude, a point of view corroborated in T.B. (3)

גַּר מַעֲשֵׂה בַצְדֻקִי אֶחָד שֶׁתִּקֵּן מִבְחוּץ וְהַכֵּי"ס. בִּיצִיאָתוֹ הָיָה
שָׂמָּה שִׂמְחָה גְדוֹלָה. פִּגַּע בּוֹ אֲבִיו אֲמַר לוֹ בֶּן־אֶפֶר עַל פִּי שַׁדְדֻקִּים
אֲנִי כֹתֵירָאִין אֲנִי מִן הַפְּרוּשִׁים.

This excerpt would seem to confirm ones doubts whether indeed the Sadducees had a specific and well-defined norm of conduct, for, were this the case, it could be difficult to explain the admonition contained in the reference in Yoma just quoted.

In the interests of clarity, a resumé of the polemics between the parties applicable to the practice, as distinct from belief, of Jewish observance will be given here.

CLASS I

- a) תָּמִיד קִרְבָּן Whether this sacrifice is the prerogative of the High Priest and financed from his private purse, or whether it is to be financed from Temple funds derived from the whole of the community (4).
- b) מַעֲשֵׂה הַקְטֹרֶת בְּיוֹם הַכִּפּוּרִים לִתְקֵן מִבְחוּץ וְאַחֵר יָכֹנֵס
The sequence of procedure in igniting the incense offering in the Temple on Yom Kippur (5).
- c) פֶּרֶה אֲדוּמָה The laws regulating the preparation of the ashes of the (6).
- d) מִנְחַת בְּהֵמָה The privilege of the priest to consume the (7).
- e) נִסִּיךְ הַמֵּיִם The validity of the water libation offered upon each of the seven days of Succoth (8).
- f) עֲצִירַת נִקְבַּע אַחֵר שַׁבָּת Date of celebration of Pentecost (9).

CLASS II

- a) Lex Talionis (10) עין תחת עין.
- b) The penalty of false witnesses אין עדים זקמים נהרגים עד שיהרג הנידון (11).
- c) Inheritance of the daughter on a par with the son's daughter (12) תירש בתו עם בת בנו.
- d) Procedure in the ceremony חליצה (13) וירקה בפניו.
- e) Evidence of adultery ופרשו את השמלה לעיני הזקנים (14).
- f) Owner's responsibility for damages caused by slaves (15) לה'צ נעל הבית בנזק עבדו.
- g) Manner of execution by burning שרפת הנשרפים ע' חבילי זמורות (16).

All the contentious issues classified under Class I have one element in common, namely, that they are related to Temple practice. This salient feature alone seems to have influenced Lauterbach and Zeitlin in having ascribed the difference between the two factions to the Priestly proclivities inherent in the Sadducaic faction.

The contentious issues inherent in Class II quoted above have, too, a common feature, namely that they are primarily concerned with matters normally associated with the law courts. A close examination of the stand adopted by the Sadducees reveals that their opinions are not unequivocally sound in law, a disclosure that no doubt has prompted Halevi to adopt the view that the Sadducees were either ignorant or apathetic to informed Jewish practice resulting from their background of Hellenistic and anti-Jewish education. We have already (17) indicated one instance during the reign of John Hyrkanus when the regular teachers and judges were banished, and replaced by political supporters of the King. A similar incident occurred during the reign of King Janneus, when the qualified judges were replaced by people of doubtful erudition, and hence ill-equipped to deliver legally sound judgements.

A detailed examination of these judgements (18) will indicate the possibility that such decisions were "snap" decisions by people ill-equipped and insufficiently informed to afford a legally sound opinion. Indeed, this is the view expressed by Halevi (19), and such was the opinion of the Rabbis in connection with item (g) of Class II enumerated above as is evident from the Talmud (20)

אמר ר' אליעזר בן צדוק מעשה בבית כהן אחת שזנתה והקפוח חבילי זמורות ושרפיה. אמר לו חפני שלא היה בית דין של איתתה שעה בקי.

The comment of the Gemara on the relevant passage is enlightening

אמר ר' יוסף בית דין של צדוקים הוה

In other words, the cryptic explanation of the Rabbis of that event is that the court referred to was composed of Sadducees and unqualified to pronounce a sound judgement, and not because they, on principle, held a different interpretation of the law based on its literal connotation (21).

CHAPTER V

CRITICISM OF THE INTERPRETATION OF GRAETZ AND WEISS OF ^{12 מ'ת'ב' ד'ת'י'ט' (1)} ~~and א'ב'ב'ב'ב'ב' (2)~~

As a result of the paucity of known and incontrovertible instances where the Sadducees differed from the Pharisees, historians have attempted to generalise, and to enumerate wider principles governing the differences of opinion of the two factions. A significant feature of the disagreement of the two parties is the absence of any one explicit case relating to the individual in the conduct of his private life, in his home or in the market place. No decisive instance is recorded relating to the conduct or obligations of the individual vis-à-vis the Divine, and the absence of such specific instances must be regarded as a distinct weakness in the theories of the historians who claimed a comprehensive difference in Biblical interpretation on the part of the Sadducees. Hence we shall examine the efforts of the historians to generalise the approach of the Sadducees to matters not specifically recorded in the sources.

Weiss (1) for instance, having enunciated and commented on the various established and incontrovertible subjects of disputes, also finds the established data far too meagre to warrant a convincing generalisation of a philosophical approach, and hence is constrained to conclude with a note of caution "Neither should we assume that the Sadducees differed only in the case of the instances recorded, for they differed in all instances derived by the Rabbis in conformity with their own peculiar process of deduction, where such results are not patently apparent from the Mosaic Code (B. Sanh. 33band Horayot 42)."

These two references have been examined by Halevi (2) with illuminating results. The reference Sanhedrin (3) reads as follows: "In the case of monetary matters, the decision of a Beth Din can be reversed either to the benefit or detriment of either of the litigants. In cases involving capital punishment, however, it is permissible to reverse the decision of the court to the benefit of the defendant alone, but not to his detriment"(4). In evaluating the contents of this mishna the Gemara comments (5) "We can only assert in cases involving capital punishment that we cannot reverse the judgement to the detriment of the defendant in such cases where the Sadducees differ in outlook from us (the Pharisees), but in cases where the Sadducees agree on the erroneous nature of the judgement we are obliged to reverse the judgement even to the detriment of the defendant."

The references in Horayot (6) follows a similar train of reasoning "A Beth Din can only be held responsible for the effects of its erroneous decision in cases where the Sadducees differ from ourselves (Pharisees), but in cases where the Sadducees agree on the erroneous nature of the judgement, such a judgement is completely disregarded, and hence the Beth Din is not called upon to make good the damages consequent upon its erroneous decision."

Both Weiss and Graetz deduce from these two excerpts that, apart from the recorded instances of disagreement between the two sects, there were other cases, the details of which have been lost. Weiss claims support for such an assumption from the phrase:

דבר שאין צדוקים מודים בו

Graetz, on the other hand (7) stresses the fact that in many instances the Sadducees agreed in policy with that of the Pharisees, and stresses the significance of the phrase:

דבר שצדוקים מודים בו

Both historians have failed to appreciate the context of these references. What the authors of these Talmudic excerpts meant to convey was not specific instances upon which the Sadducees and Pharisees agreed or disagreed, but to points which permitted no divergence of opinion because of their manifest clarity. Hence the words

דבר שצדוקים מודים בו

really imply instances where even the Sadducees cannot but agree or, in the second instance, cases where even the Sadducees are constrained to disagree. The Talmudic authors leave no

latitude in this respect for they provide the reason explicitly in their reasoning

זיל קרי בי רב literally "Go and study with a tutor".

Rashi, too, explicitly defines the expression

זיל קרי בי רב

as

אפילו תינוקות של בית רבן יודעים שאינו כלים

"Even children in the preparatory schools know there is no valid substance in the judgement". Hence, declares the Talmud, if the judgement of the Beth Din is so manifestly erroneous, as to fall within the orbit of

זיל קרי בי רב we take no cognisance of it whatsoever, and reverse it

even to the detriment of a defendant in cases involving capital punishment, where normally we would not be at liberty to reverse a verdict originally given in his favour.

Graetz has placed such importance on the expression

אין בית דין חייבים עד שורו בדבר שאין הצדוקים מודים

בו אבל בדבר שצדוקים מודים בו פטורים

that he has formulated a whole edifice of fallacious reasoning relating to the laws of זקן כסרא (literally, a rebellious sage), which he has interpreted as having a bearing on the prevailing friction between the two hostile parties, the Sadducees and the Pharisees. Hence, according to Graetz, the law of זקן כסרא was enacted at a late stage in Jewish history, and was dependent on the prevailing animosities between the two parties.

Briefly, the basis of the law of זקן כסרא is contained in Deut. (8), where provision is made for judgements too complicated or involved for the local authorities to decide to be elucidated by a Great Court located in a larger centre. Once, however, the judgement of this more authoritative court has been delivered, such a judgement becomes absolute and binding.

Should a judge violate the decision of the central authority, the recalcitrant judge becomes guilty of a capital offence. Such is the

fundamental Deuteronomic law, and is referred to as

Graetz (9) interprets this law as having been derived from the prevailing polemics between the Sadducees and Pharisees. Hence he asserts that the principle דבר שאין צדוקים כוידים בו to be dependent on the law of זקן במרא, which in turn was enacted during the period of strife between the two sects. Hence his account of the implication of the latter law runs as follows: Should a judge differ from the central authority and follow the Sadducean view in preference to the Pharisaic view propounded, he would be guilty of a capital offence, but should the Pharisaic view and the Sadducean view coincide, so that he could not be accused of partisanship with the Sadducees, he would be exonerated from the capital offence associated with a זקן במרא

In support of this theory Graetz (10) quotes the excerpt from B. Sanhedrin (11): "The laws enunciated or derived by the Rabbis carry a harsher penalty than those contained in the Mosaic Code. For if one denies the principle of the validity of the laws of Phylacteries, תפילין (enunciated in the Mosaic Code) he is not guilty, but if he denies the validity of the Rabbinic precept as to the nature of the details of construction of the Phylacteries, he is guilty." Hence Graetz aligns the law of זקן במרא with the Sadducaic-Pharisaic polemics where the capital penalty applies only if one follows the Sadducaic version; but does not apply to cases of violation of the Mosaic Code upon which there is unanimity between the two parties.

The reasoning of Graetz is entirely fallacious. In the first instance the principle of דבר שאין צדוקים כוידים בו or דבר שצוקים כוידים בו was not enunciated in relation to זקן במרא but on a different subject entirely, namely פיר העלם דבר. Secondly, when the author of the Mishna (12) refers to the case of an individual denying the validity of the Mosaic Code not being guilty, the submission is that such is the case vis-à-vis the orbit of the law relating to זקן במרא, but it does not imply that he is guiltless within the framework of the law of a כופר, a heretic. The basis of the law of זקן במרא is defined in Deut. (13) as being dependent upon the interpretation of a higher court in cases of elements of doubt. A significant feature of the law is that it applies only to a supreme judge, a מופלא שבסנהדרין (14), who negates the authority of the larger court. In such cases the Talmud gives instances where a judge would be considered guilty of the law of זקן במרא, but he specifically excludes cases where he violates the Mosaic Code, when he would be dealt with according to the laws applicable to a heretic, a כופר. Hence we may conclude that Graetz's efforts at correlating the law of זקן במרא with the Pharisaic/Sadducaic conflict are unsound, and that the corollary that the law of זקן במרא was instituted as a retributive measure against the Sadducees, is equally unfounded.

The attitude of the Sadducees towards the daily burnt sacrifice offered up in the Temple, has invariably been cited as an instance illustrating the literal approach adopted by the Sadducees in their reading of the Mosaic text (1).

The Pharisees contended that this offering was to be financed from the monetary contributions subscribed by the whole of the Jewish people, even from those resident in foreign lands. The Sadducees claimed this right to be the prerogative of the Priests alone, the funds necessary to be derived from the privy purse of the High Priest.

The authority for the precept is the scriptural verse in Numb. (2):
 זו את בני ישראל ואמרת עליהם את קרבני לחמני לאש יום
 נחת תשמינו להקריב לי במועדו ואמרת להם זה האשה אשר
 תקריבו לה כבשים בני שנה תמימים שנים ליום עלה תמיד

The exponents of the view that the Sadducees interpreted the verse literally emphasise the singular person used in v. 3 indicating that the High Priest alone was intended by the Scripture to be responsible for the fulfilment of this obligation. Yet the most cursory examination of verse 2 of the text will disclose the reverse to be the case, for the injunction clearly emphasises the plural, indicating that the law was primarily the responsibility of all Israel.

There is no latitude for conjecture in this regard for זו את בני ישראל, followed by

אשר תקריבו, ואמרת להם, תשמינו
 all explicitly indicate the plural, giving ample support for the Pharisaic contention that this sacrifice should be a truly national one embodying the unity of all Jewry. If, however, verse 3 of the text

את הכבש האחד תעשה בבוקר ואת הכבש השני תעשה
 בין הערבים
 supports the Sadducaic contention that an individual is implied, such support is purely superficial, for it is obviously addressed to the officiating priest specifying to him the relative times of the offering. For nobody, certainly not the Pharisees, contested the view that the actual sacrificial act should be performed by anybody but the priest, but this does not abrogate the broad national character associated with the sacrifice.

It is clear that the literal interpretation of the sources supports the Pharisaic view, namely that the תמיד was a national sacrifice, as opposed to a Priestly privilege. However, Halevi (3) interprets the polemic on the basis of a wider issue, namely the ownership of the Temple treasury. The Sadducees admitted that the תמיד was to be financed from Temple funds, but if the sacrifice was the prerogative of the priests exclusively, the obvious corollary was that the treasury which provided the necessary funds was also part of their private property. This theory is supported by the frequent reference to the לשכה in the sources.

The relevant sources are to be found in:

a) B. Menachot (4)

תנו רבנן אילין יומיא דלא להתענא בהון ומקצתיהון
לא למספד בהון. מריש ירחא דניסן עד תמניה ביה איתקום
נמידא דלא למספד... שיהיו הצדוקים אוסרים יחיד מתנדב
מביא תמיד מאי דרוש את הכבש האחד תעשה בבוקר
את הכבש השני תעשה בין הערבים. מאי אהדרו את
קרבני לחמי לאשי תשמרו שיהיו כולם באין מתרומת
הלשכה.

b) A corroborative account is afforded in the beginning of Megillat

Taanit (5), which concludes with the remark

וכשגברו עליהם ונצחום התקינו שיהיו שוקלים
שקליהם ומנחיהם אותם בלשכה והיו תמידין קריבין
משל צבור וכל אותן הימים שדנום עשאוים
ימים טובים.

The superficial view that this polemic hinged on a purely academic question as to the source of the revenue required to provide these sacrifices ignores the very fundamental issues involved, for this question struck at the very roots of the sacrosanct nature of the Temple treasury. For, as amongst all ancient people, the Temple served as a financial as well as a religious centre where great wealth accumulated in its strong rooms. The half shekels, which Jewry throughout the world contributed, gradually grew into considerable sums. Josephus (6) remarks: "Great wealth was concentrated in our Temple, for all Jews and God-fearers of the whole world, both Asia and Europe, had been sending their contributions here since ancient times."

Apart from sacred funds, the strong rooms of the Temple also served as a quasi bank for private individuals (7), the Tobiad family having at one stage been one of its most consistent patrons (8). Hence the Temple treasury was frequently a source of envy and will again be referred to in our account of the pre-Maccabean days of Menelaus and Antiochus (9).

The monies from the Temple treasury were drawn out and allocated for their respective purposes on three separate and distinct periods during the year (10).

בשלה פירקים בשנה תורמין את הלשכה, בפרוס
הכסה בפרוס העצרת ובפרות החדג.
The period designated as פרוס הכסה has been specified by Maimonides
(11) as relating to the first day of the month of Nissan.
בשלה פירקים בשנה תורמין את הלשכה
בראש חדש ניסן.

The claims on the available funds derived from these treasury allocations must have been considerable, one of which was the provision of the daily sacrifice. But, as will be pointed out subsequently (12) the typical Hellenistic potentate was called upon to finance his mercenaries.

John Hyrkanus, for example, imported mercenaries from abroad (13) and was forced to finance the project in a strange way, for Josephus (14) reports his as having opened the tomb of David and denuded it of 3,000 talents of silver. Moreover, Alexander Janneus continued this policy of importing mercenaries (15) from Pisidia and Cilicia, who were Greek-speaking and trained in Greek academies, so much so that it appeared that a Greek army was being commanded by a Jewish High Priest.

Neither should we overlook the fact that the personal possessions of the contemporary dynasty of High Priests were inordinately large, for it is recorded (16) that the envoy of Antiochus was infuriated by the splendour of the home of Simon the Maccabee. But not only Simon, but his family too, were renowned for their wealth. Thus the sources record (17) that Ptolemy, Son of Habab, Simon's general, possessed an abundance of silver and gold plate for "he was the son-in-law of the High Priest".

It would be reasonable to infer that the new dynasty supported by their Sadducean adulators was wont to derive the necessary funds for these ventures from the Temple treasury, and to reduce the legitimate calls and obligations such as the communal sacrifice.

Hence we find this dispute flaring up on the first day of Nissan according to the account given in B. Menachot (18) which corresponds to the period devoted to the allocation of funds (10).

When ultimately the fundamental principle that Temple funds were, in effect, the possession of all Jewry, and not merely the prerogative of the priesthood alone, was established after a period of discussion lasting eight days, so great was the jubilation and relief of Jewry that the day of victory over the Sadducees was declared a public holiday.

One can only express surprise at the remark made by Graetz (19) that the reference in Megillat Taanit indicates that the use of Temple funds for the purpose of providing sacrifices was a new departure from regular usage, and was instituted only at a late stage by the two Pharisaic exponents, Simeon ben Shetach and Jehuda ben Tabai. For this latter theory is not supported in the account in B. Menachot p. 65, nor in the very excerpt from Megillat Taanit quoted by Graetz himself,

אָדער אַלע דאָס וואָס איז געווען צו דיין און צו דיין און צו דיין
לפ' שאין קרבן צבור אלא כשל כל ישראל

These sources do not imply that the Sadducees proposed departing from regular usage by diverting Temple funds from their legitimate purpose. On the contrary, the reversal of the meaning of the context of the excerpt from Megillat Taanit to indicate that the Pharisees achieved a notable success by their novel innovation, to wit, that henceforth the daily sacrifice was to be derived from Temple funds, is neither hinted at nor supported by the sources. For even as early as the period following the return from

Babylon this practice was specifically reported in Neh. 10,33:

והעמדנו עלינו מצות לתת עלינו שלישית השקל בשנה
לעבדת בית אלהינו ללחם המערכת ופנחת התמיד
ולעולת התמיד השבתות החדשים למועדים ולקדשים
ולחטאות לכפר על ישראל וכל מלאכת בית אלהינו.

What seems to have been more probable was that, after this polemic was settled and the Pharisaic demands had been met, general and widespread confidence in the conduct of the Temple treasury was restored. For it is quite feasible that the knowledge that Temple finances were open to mismanagement and abuse engendered a feeling of distrust and suspicion amongst Jewry. It is even likely that devious means were being investigated as to how contributions to the Temple could be made by circumventing the Temple treasury. This view gains some measure of support from Megillat Taanit
התקינו שיהיו שוקלים שקליהם ומוניחים אותם בלשכה
והיו תמידים קריבין משל צבור

The proviso בלשכה ומוניחים אותם seems to support this view, namely that the odium associated hitherto with the Temple treasury was eliminated and henceforth contributors were satisfied to entrust their donations to the treasury, confident that henceforth it would no longer be subject to the predatory designs of the reigning potentate.

CHAPTER VII

CRITICISM OF THE INTERPRETATION OF THE LAW OF DAMAGES WROUGHT BY SLAVES

Liability for damages caused by servants was yet another source of conflict between the two sects (1). The attitude of the Sadducees is particularly interesting for it illustrates clearly that the Sadducees were by no means guided, far less shackled, to the Mosaic Code.(2).

אומרים צדיקים קובלים אנו עליכם פרושים שאתם
אומרים שורי וחמור שהזיקו חייבין ועבד ואמת שהזיקו
פטורין. מה עם שורי וחמור שאיני חייב בהן מצות הרי
אני חייב בניזקן, עבד ואמת שאיני חייב בהן מצות
אניודין שאהא חייב בניזקן.

Here the Sadducees are attempting to deduce a point of law by resorting to the established form of legal deduction, namely the a fortiori. But the attempt is fundamentally unsound. Firstly the obligation of the owner relative to the damages caused by his animals is specifically mentioned in the Mosaic Code, whereas the damages of his servants are not. Had the Sadducees depended solely on the Mosaic text, the question of such obligations would not even have arisen. Furthermore, the reason for the Mosaic provision is not a matter of conjecture, but is stated explicitly in Exodus (3).

או נודע כי שור נגח הוא מתחולל שלשום
ולא ישמרנו בעליו שלם ישלם.

Hence the Mosaic Code specifically provides the reason for the owner's obligation, namely, that the duty of the owner is to keep guard on animals, who being naturally devoid of a sense of responsibility, impose this obligation on their owners. This reasoning cannot apply to servants, so, provisionally, we can only assume that the attitude of the Sadducees was dependent on considerations not connected with the Mosaic Code.

CHAPTER VIII

CRITICISM OF THE INTERPRETATION OF DISPUTES DEPENDING ON LITERAL EXPOSITION

At this stage we propose grouping together and examining four instances which have assumed particular significance amongst scholars, because each instance supports the view so frequently expressed that the Sadducees clung to the literal interpretation of the Mosaic Code, in opposition to the more enlightened and figurative interpretation propounded by the Pharisees.

These instances are:

- a) ופרשו את השבילה
- b) עין תחת עין כמש
- c) וירקה בפניו
- d) עצרת לקבץ אחר שבת

Two significant features common to these four instances have been overlooked. Firstly, these cases constitute the only recorded instances of conflict between the two factions where the literal or figurative interpretation seems to constitute the core of the polemic. In other words, the generalisations assumed by Krochmal, Weiss, Lauterbach and Zeitlin, that the Sadducees opposed the figurative interpretation of the Mosaic Code flows solely from the literal exposition of these four cases. Hence, the absence of detailed analyses of these particular instances by the historians must be assessed as a grave omission on their part, particularly since their sole evidence for their contention that the Sadducees adopted a literal interpretation throughout the Mosaic Code rests on these four isolated cases.

The second striking feature characteristic of these particular cases, just quoted, is that in each case the literal interpretation does not stem from the Sadducees, but from a distinct sect, the Boethusians.

Admittedly Josephus is silent on this particular faction, and though Geiger (1) suggests an unsupported explanation that the Boethusians denied completely the validity of tradition in contra-distinction to the Sadducees who allowed a modicum of tradition, Lauterbach denies the validity of Geiger's suggestion, and identifies the Sadducees with the Boethusians.

Yet the validity of such an assumption is open to question. The mere fact that each of these instances where the differentiation is based on the literal interpretation is attributed to the Boethusians cannot, logically, be summarily dismissed. Moreover the sources emphasize the distinction, hence a valid criticism must needs take cognisance of this divergence in terminology.

The first three of the four arguments are contained in Megillat

Taanit (2)

בארבעה עשר בתמוז עדא ספר גזרתא דלא למספד מפני
שהיה חונח להם לצדוקים ספר גזרות... ועוד שהיו
בייתוסין אומרים עין תחת עין שן תחת שן הפיל אדם
את שן חברו יפיל את שנו, סמא את עינו של חברו יסמא
את עינו שיהיו שוין כאחד ופרשו השמלה לפני זקני העיר
דברים ככתבן וירקה בפניו שתהא רוקקת בפניו אפרו
להם חכמים והלא כתב והתורה והמצוות אשר כתבת
להורותם... ואותו יום שבטלוהו עשאוהו יום טוב.

An element of singular interest in the above excerpt is the un-
mistakable distinction made in the very source itself between the צדוקים
and the בייתוסים, conveying the calculated impression that the literal
exposition of the three Mosaic laws עין תחת עין, ופרשו את השמלה,
and וירקה בפניו was applicable to the Boethusians alone.

This contention, that the literal interpretation was espoused by
the Boethusians alone, gains a considerable measure of support from
Megillat Taanit (3), where the date of the celebration of Pentecost is
discussed.

מן ריש ירחא דניסן ועד תמניא ביה איתקום תמידא
דלא למספד שהיו צדוקים אומרים מביאים תמידים
כשל יחיד...

Thus far, in the context, the Sadducees are specifically detailed
as the exponents of the view relating to the daily sacrifice and, as has
been discussed previously (4), their view is not dependent on the literal
interpretation of the Mosaic Code. However, the excerpt continues:

ומתמניא ביה ועד סוף מועדא אתותב חגא דשבוע"א
די לא למספד... אלא שהיו דנין כנגד בייתוסין
שהיו אומרים עצרת לאחר השבת ומפל להם
הי יחגן בן זכאי...

In this latter part of the excerpt the contenders are specifically
named as the Boethusians and, as will be shown later (5), the support for
their views is derived from a literal interpretation of a verse:
וספיתם לכם מנחות השבת מיום הב'אכם את עמר התנופה

However, the salient feature of the present writer's contention is

- that the literal exposition of the Mosaic text is supported by only four instances, and
- that in each case this support is specifically related to the Boethusian sect alone.

It will be the task of the present writer to account for this anomaly (6).
However, it is pertinent to record the unjustifiable generalisations resorted
to by most historians that the Sadducees insisted on a literal exposition of
the Mosaic Code in all cases. In point of fact, we do not know that the
Sadducees expounded a literal interpretation in any one case, far less a
wide and comprehensive generalisation application to the whole of the Mosaic
Code.

However, pro tempore, it would be instructive to examine these cases more deeply.

1) *וְכִשְׁמַע הָאִשָּׁה מִלִּפְנֵי הָרִבּוּן*

The basic provisions of the law are contained in Deut. (7) wherein provision is made for one who accuses his wife of unchastity during betrothal. Should his accusation prove unfounded he shall be rebuked, fined and deprived of the right to divorce her all the days of her life. However, if such a charge be true it becomes a case for capital punishment. For betrothal in Biblical terms united the bridal couple as husband and wife for all purposes save living together, and any infidelity on the part of the wife was considered adultery (8).

From the text of the verse it would appear that the bedclothes bearing the visible signs of virginal intercourse were to constitute the sole and undisputed evidence of the wife's innocence of the charge laid by the husband. Indeed this is the contention of the Boethusians. However, the Pharisees contended that the decisive evidence was to be deduced from independent witnesses, who were to be cross-examined according to regular court procedure, and only after the validity of evidence had been assessed could the court decide whether the allegation contained sufficient truth to warrant the death penalty or, in cases where the independent evidence did not support such a charge, whether the husband was to be penalised for degrading his wife and subjected to the provisions laid down in the Mosaic Code.

However, the contention of the Boethusians leads to a state of *reductio ad absurdum*. Their assumption is that the actual bedclothes alone were to provide the incontrovertible evidence either of the guilt or innocence of the wife, irrespective of independent witnesses. Assuming no physical signs of virginal intercourse were available, would this specifically prove that adulterous intercourse had been consummated? She may have experienced intercourse long before her betrothal, an act which would not be punishable. She may have been raped, in which case she would not be liable for punishment. Nor could the court exclude the possibility of a congenital defect, in which case her virginal intercourse would not be characterised by physical signs.

Neither can the soiled bedclothes alone provide incontrovertible evidence as to her innocence. Without the corroboration of independent witnesses we have no means of knowing that the bedclothes produced were indeed those in question, or that they had not been tampered with. Hence the view of the Pharisees is that the rendering of the Mosaic text must be taken figuratively, namely that the evidence by independent witnesses was as conclusive as if the very bedclothes had proclaimed her innocence or guilt, as the case may be.

The Boethusians, however, adopted the verse literally in spite of the obvious absurdity and injustice concomitant with such an exposition.

Weiss (9) suggests that one of the Pharisaic Rabbis, Rabbi Eliezar Ben Yaakov, agrees with the views of the Sadducees (properly Boethusians) in this respect. Graetz, on the other hand (10), denies that this polemic concerns the Sadducees (or Boethusians) at all because a Pharisaic Rabbi, Rabbi Eliezar Ben Yaakov, agrees with the views of the opposition. Why Graetz should suggest this to be the case is not clear, since previously (11) he has stressed that Pharisees and Sadducees agreed in many instances.

However the approach adopted by Rabbi Eliezar Ben Yaakov bears no relationship to that adopted by the Boethusians. He too agrees with his colleagues that the evidence of the girl's conduct was substantiated by independent witnesses in conformity with regular court rules, and in the event of guilt being established beyond question the provisions of the law would be enforced in all its severity. In the case where the husband was found to be unjustified in his allegation, the penalty as detailed in Deut. would be imposed on him. But here is where Rabbi Eliezar Ben Yaakov differs from his colleagues. He contends that the penalty would apply to the husband only if he had relations with his betrothed (כשבועל).

In support of this view he quotes the Deuteronomic text where it is clear that the whole episode is dependent on the husband's having had relations with his betrothed. If he did not consummate relations with her, Rabbi Eliezar Ben Yaakov contends that the penalty normally imposed would not apply to the husband, and he claims support for his views from the Mosaic text.

The Rabbis, however, differ from him. They claim that the primary purpose of the law was to penalise the crime of denigrating one's betrothed (מוציא שם רע). The crime is applicable whether he consummated sexual relations with her or not. If sufficient evidence of acceptable validity be forthcoming of his libellous conduct, he should be penalised, irrespective as to whether he consummated sexual relations or not.

If, however, one quotes the Biblical texts where apparently sexual relations are indeed implied, the answer of the Pharisaic Rabbis would be that the intention of the text was to indicate the potency of the evidence, namely that it should be as conclusive and unambiguous as if the very bed-clothes had been produced.

It will be appreciated that the polemic between Rabbi Eliezar Ben Yaakov and his Pharisaic colleagues bears no resemblance to that of the Boethusians, which seems designed to accentuate all possible shortcomings of the Mosaic Code.

This view is even obvious from the Talmud (12)

נמצא שם רע, אינו שם רע, לוקה ונותר כחיה חלע
בין בעל ובין לא בעל. ר' אליעזר בן יעקב אומר לא
נאמרו דברים הללו אלא כשבועל.

This Talmudic excerpt clarifies the position of Rabbi Eliezar Ben Yaakov, who certainly does not corroborate the view of the Boethusians. Furthermore Maimonides establishes the law according to the views of Eliezar Ben Yaakov (13) *בית דין שומאים דברי העדים וחקרים עדות*, namely that the penalties imposed by the Mosaic Code on the husband take effect only if he had consummated sexual relations with his betrothed - a situation quite different from that propounded by the Boethusians.

CHAPTER IX

LAW OF LEX TALIONIS

לֹקֵחַ תְּלִיף עֵינַי, commonly referred to as the Lex Talionis, is mentioned in the Mosaic Code on two distinct occasions (1). The sources (2) quote this together with the previous instance of וְכִפְּרוּ אֶת הַשְּׂחֵלָה as an instance where the Boethusians insisted on a physical interpretation against the Pharisaic rendering implying monetary compensation. Again it must be pointed out that the physical interpretation was enunciated by the Boethusians as distinct from the Sadducees, and the sources are explicit in this differentiation. Furthermore the present writer stresses the term "physical interpretation" against the customary rendering of "literal interpretation", for the latter concept leads to completely erroneous conclusions. Yet this confusion of the terms "physical" and "literal" on the part of the historians has provided the most formidable, though entirely erroneous support for the view that the Sadducees clung tenaciously to the literal interpretation of the Mosaic Code, and that the Pharisees permitted developments, on their own initiative, consistent with the gradual development of mankind to a higher plane of humanity.

It would be idle to deny that the implication of the law of Lex Talionis as described in both Exodus and Leviticus is unmistakable and literal. Indeed the Targum Onkelus (3) supports conclusively this view:

עֵינָא חֵלְף עֵינָא שְׂנָא חֵלְף שְׂנָא יְדָא חֵלְף יְדָא רִגְלָא חֵלְף רִגְלָא

In Leviticus (4) he continues in the identical strain:

וְגִבּוֹר אֶרֶץ יִשְׂרָאֵל כֹּפֵם בְּחִבְרֵיהּ כֹּהֵן דְּלַעֲבַד בֵּן יִתְעַבַּד לִיהּ חֵבְרָא חֵלְף תְּבִירָא עֵינָא חֵלְף עֵינָא שְׂנָא חֵלְף שְׂנָא

The interpretation of Onkelus leaves no room for conjecture but that the verses dealing with the Lex Talionis are to be rendered literally, and it is the present writer's contention that the Pharisees, too, accepted the literal interpretation.

Cassuto (5) also rejects the figurative rendering implying monetary compensation in the relevant verses (6). For the terminology employed in the verses is too specific to warrant such an interpretation.

However he suggests that Scripture has reproduced here the actual wording, the extant technical phraseology of a widely known principle involving reciprocal retribution (מִדָּה כְּנֶגֶד מִדָּה). This principle was accepted in practically all systems of law in the ancient world, and was common to Roman law (talio), Hittite law, and the Code of Hammurabi. However in the last instance provision was allowed for discrimination on the basis of differences in castes. If the victim was a member of the upper strata of society retribution in the strictly physical sense was demanded, whereas victims belonging to the lower strata could claim only specific and predetermined monetary payments, e.g. a maneh for an eye, a third of a maneh for a tooth. Also in the case of the ancient laws of the Hittites, monetary compensation alone is stipulated.

The acceptance of the theory that Scripture has quoted here an established principle eliminates two difficulties associated with the normal reading of the passage.

- a) Since an earlier verse (7) provides that accidental homicide is not punishable by death, why should this penalty be imposed in the case where the victim happens to be a pregnant woman?
- b) In describing the penalties applicable in the above case the author enumerates details which are obviously taken out of context, e.g. a tooth for a tooth, a hand for a hand, a foot for a foot, burning for burning.

However if we accept the hypothesis that the author was quoting a principle, *ipsissima verba*, the above objections are rationally explained.

Support for the theory can also be derived from a similar verse in Deuteronomy in connection with the penalties to be imposed for perjury (ד'טז ד'טז) (8).

In this case Scripture again enumerates four separate items of retribution (a) life, (b) an eye, (c) a tooth and (d) a foot. Yet in this context all but the first item are completely inapplicable. Hence their inclusion in the verse becomes rational only if we assume that the original author was quoting an actual principle in law.

The present writer finds additional support for this theory from the grammatical construction of the relevant verse. It has been suggested (9) for independent reasons that the law of retaliation as it appears in this section of Exodus is an interpolation and does not properly appertain to ד'טז ד'טז. The reason given is of a formal character. Whereas the provisions belonging to the wrongdoer throughout ד'טז ד'טז appear in the third person (if a man does this or that he is to be punished according to a particular way), the law of ד'טז ד'טז addresses him directly "Thou shalt give ...". Furthermore this direct address not only differs from the usual form of injunction, as is presented throughout ד'טז ד'טז it also introduces a break within the very section in which it appears. The section begins by employing the third person: "If men strive, and hurt a woman with child, so that her fruit depart from her and yet no mischief follow, he shall be surely fined according as the woman's husband shall lay upon him and he shall pay as the judges determine." It is only in the second half of the passage that suddenly the second person is introduced: "And if any mischief follow then thou shalt give life in place of life." Hence Daube (10) suggests that this is an interpolation. Bearing in mind Cassuto's theory, not of an interpolation but of a quotation, possibly paraphrased, the change in persons becomes rational.

However, superimposed on the law of Lex Talionis is the generalised principal of כפר, monetary redemption, a principle which pervades all aspects of Jewish law. In cases where the principle of כפר does not apply, the Mosaic text specifically refers to such an exception. Hence, fundamentally, one who inflicts an injury on his fellow man, is technically subject to the literal execution of the provisions of the Lex Talionis, and this state of affairs is not disputed by the Pharisees. However, he might take advantage of the law of כפר which permits his paying monetary compensation in lieu of the physical obligation which would be his normal retribution.

That this principal of כפר is established procedure is quite conclusive from Numbers (11) where the text deals with cases of deliberate murder

ולא תקחו כפר לנפש רוצח אשר הוא רשע לבנות
כי חיות ימותו

Here the text explicitly states that in the case of premeditated murder no redemption money is acceptable but the supreme penalty is to be imposed on the villain.

Neither can this be interpreted as an obiter dictum, for the verse provides in the case of accidental homicide for the perpetrators to take refuge in any one of the cities of refuge set aside for this particular purpose, for the duration of the reign of the contemporary High Priest. Here the text again excludes the admissibility of redemption money in lieu of the penalty.

ולא תקחו כפר לגוס אל עיר מקלטו לשוב לשבת בארץ
עד חיות הכהן

Here again, where no ransom is acceptable the text explicitly states that such is the case, but in all other cases of damages, such damages may be expiated by monetary ransom.

That this is the reasoning behind the interpretation given by the Rabbis is patent from the Baraitha (12).

ואם נפשו לאמר הרי הוא אומר לא תקחו כפר לנפש
רוצח אשר הוא רשע לבנות. לנפש רוצח אי אתה לוקה
כפר אבל אתה לוקה כפר לראשי איברין שאין חוזרין

Here the reasoning prompting the Pharisaic view is perfectly lucid ולא תקחו כפר לנפש רוצח אשר הוא רשע לבנות and the question does not hinge on literal or figurative interpretations, as the historians would have us believe, but on a perfectly established principle of כפר which has a broad and general application.

The present writer contends that provision of כפר in the Mosaic Code is no idle conjecture, and can be illustrated by further examples from the Mosaic Code.

The provision of cities of refuge is referred to in the text in three separate and distinct passages (13), hence it is not unreasonable to suppose that the purpose of references in the first instance is designed primarily to obviate the assumption that the law of כפר, ransom, superimposes itself even on the law relating to the cities of refuge.

ולא תקחו כפר לנפשו אל עיר מקלטו לשוב לשבת באיך
עד חות הכהן

However, in other cases of damages, where the Mosaic text does not specifically abrogate the option of כפר, one would be obliged to assume that it applies.

This reasoning was acceptable to Maimonides (14) and Ibn Ezra (15).

Conclusive evidence as to the validity of the generalised principle of כפר is afforded in Exodus (16)

וכי יגח שור את איש או אשה וחת סקל יסקל השור ולא
'אכל בשרו ובעל השור נקי' ואם שור גגח הוא סתמול
שלשום והיגד בעליו ולא ישמרו והמות איש או אשה
השור יסקל וגם בעליו יומת. אם כפר יושת עליו ונתן
פדיון גפשו ככל אשר יושת עליו

Here the principle of ransom is freely admitted. However, should the question be raised as to the reason for specifically intimating that

כפר is applicable in this particular case if we contend the general application of the principle, the reason is perfectly clear; in all cases of culpable homicide provision is made that no ransom is acceptable, but that the offender is obliged to spend a specified length of time in one of the cities of refuge. A natural corollary would be that in this case, too, the owner of the offending ox should also be subject to a similar penalty, in view of the consistent ferocity of the ox which had on previous occasions manifested his dangerous nature.

A normal and logical deduction would be that the owner of the offending ox should be treated in the same way as any other offender guilty of culpable homicide. Hence the author of the Mosaic text, in order to clarify the innovation that such is not the case, is constrained to state specifically that כפר applies in this particular case, in common with other cases of accidental loss of life and limb.

According to Cassuto's commentary (17) the remarkable feature of the Mosaic interpretation of Lex Talionis over that contained in Hammurabi's code, was the absence of class differentiation as far as the injured party was concerned. Anybody who sustained corporal injury was classified as a נזק, and the person responsible for causing the damage, theoretically, was liable to be subjected to the same injury, on the basis of the highest caste stipulated by Hammurabi's code. There was no arbitrary fixed amount of compensation for lower classes such as we encounter in the latter system.

The present writer, however, discerns an even more striking contrast. In the cases hitherto considered in Hammurabi's code, the pertinent question is the extent of the damages that A has to bear in compensation for injuries he inflicted on B. However in the case cited in Exodus, a different set of circumstances apply, namely A injured B's pregnant wife causing either injury or death. Now the judgement pronounced by the Mosaic Code is that A theoretically should be subjected to the injury he caused, with the proviso that he may take advantage of the law of Redemption (כפר).

However in Hammurabi's code this set of circumstances is governed by a different judgement, namely A's wife had to be killed or injured - not A. Indeed a very close parallel is actually cited: "If a man struck a gentleman's daughter and caused her to drop what is in her womb he shall pay ten shekels of silver for what was in her womb. If that woman has died one shall put to death his daughter" (18). Hence the law of retaliation takes a very different form from that described in Exodus, where only the wrongdoer is to be penalised. A similar case is cited (19). If a house collapses killing the son of its owner, the person to be put to death is not the builder, but his son.

וירקה בפניו

The basis of this polemic has always been understood to pivot on the difference in interpretation placed on the word בפניו in the חליצה ceremony as described in Deuteronomy (20).

According to Megillat Taanit (chap. 4) where it appears associated with the two related polemics ופרשו את השחלה and עין תחת עין, the Boethusians (as distinct from the Sadducees) interpreted the word בפניו so as to mean "in his face", whereas according to the Pharisees the word means "in front of him".

This instance has hitherto afforded another source for the view that the Sadducees adhered to the literal interpretation of the Mosaic Code. Apart from the same objection to this view that we have encountered in the previous two instances, namely that the Boethusians are named as the contestants, we have also to clarify the meaning of the word in question (בפניו). Although this actual word appears to be unique in Scripture, other inflected derivatives are frequent (21). Yet in no case does any inflection of the word connote "in his face" in a physical sense. Invariably the word means "in front of". Hence the deduction from this source that the Sadducees adopted a literal interpretation of the Mosaic Code is unfounded. Furthermore the fact that this polemic does not appear in any other section of the Talmud is also significant.

Weiss (22), in dealing with Rabbi Simeon ben Shetach, makes a completely unfounded and misleading supposition, that the literal and physical execution of the three laws:

וּפְרָשׁוֹ אֶת הַשְּׁמִלָּה
עַיִן תַּחַת עֵין
וִירְקָה בַּפִּנּוּי

was prevalent amongst Jewry until the advent of Rabbi Simeon ben Shetach, who by introducing a figurative rendering into the text deviated from the hitherto accepted practice. In support of this argument he cites the passage כַּשְׁגִּבְרוּ עֲלֵיהֶם וּנְצָחוּם (23) as indicating a long and concerted polemic with the Sadducees, culminating in a final vindication of the Pharisaic interpretation. So convinced is Weiss of the justification of his supposition that he boldly closes with a note of admonition, that although the name of Simeon ben Shetach is not specifically mentioned, we dare not doubt the validity of his reasoning (אֵין לְהַטִּיל סִפֵּק בַּזֶּה) for the clause כַּשְׁגִּבְרוּ עֲלֵיהֶם וּנְצָחוּם indicates a decisive feud which occurred only in the time of Simeon ben Shetach.

We have here presented not only for our consideration, but for our tacit acceptance, the assumption by a scholar of note that, until the advent of Simeon ben Shetach, the prevailing law as practised by Jewry, enforced the Lex Talionis law physically. Furthermore the Sadducees, as the legatees of the conservative usage, adhered to this practice and that only after a vehement polemic of several days duration did the Pharisees succeed in emending the existing practice to permit monetary compensation in place of the physical enactment of the law.

Halevi (24) merits the distinction of having demolished this argument completely. In the first instance, from consideration already advanced, the assumption of the physical enactment of the law is completely unfounded. Secondly, the phrase כַּשְׁגִּבְרוּ עֲלֵיהֶם וּנְצָחוּם quoted by Weiss, is taken completely out of context. In Chapter IV of Megillat Taanit where these three laws, including the Lex Talionis, are discussed, the phrase כַּשְׁגִּבְרוּ עֲלֵיהֶם וּנְצָחוּם does not appear. This latter phrase appears only in the first chapter of Megillat Taanit, dealing with the polemic of the daily sacrifice being financed by Jewry as a whole, and where the restoration of an ancient usage, after vehement opposition by the opposing Sadducees, is unreservedly admitted. This disclosure casts a somewhat shady light on Weiss' reliability. Furthermore, his somewhat ham-handed concession that the Jewish figurative interpretation of the Lex Talionis as to imply monetary compensation is not necessarily derived from the Roman Code, but is concomitant with the gradual realisation of a higher concept of humanity, is to say the least, presumptuous. For the very Mosaic Code itself took great pains to stipulate that in cases of murder and culpable homicide alone did monetary compensation not apply, and that no "elevation of the concept of human dignity" was necessary for the law-giver to enact the Lex Talionis in this human fashion.

CHAPTER X

DATE OF PENTECOST

עצרת נקבע אחר השבת It would appear that the polemic relating to the date of celebration of the feast of Pentecost was dependent on the interpretation of the text in Leviticus (1).

וספרתם לכם ממחרת השבת חיום הביאכם את עמר התנופה שבע שבתות תמימות תהיה

The sources do not, however, associate this argument with the Sadducees at all, but with the Boethusians. Hence the Talmud (2), dealing with the question of the daily burnt offering (3), specifically mentions the Sadducees as participants in the polemic yet, in the very same verse, where the determination of the date of celebration of Pentecost is the issue in dispute, the Boethusians are held responsible for the view that seven weeks should elapse from the first day after the first Sabbath in Passover before Pentecost can be celebrated. Hence Pentecost would inevitably fall on the first day of the week.

The Pharisees, by contrast, held the view that שבת in the text connotes the first day of rest, the day of cessation of work, and the context of the text indicates that the feast of Passover is intended. This latter rendering is indeed supported by the Septuagint which reads: "On the morrow of the first day". Hertz, quoting Kalisch (4), explains the somewhat unusual rendering of the word "Sabbath" thus: "The offerings of the sheaf took place on the 16th, the first busy work day of the harvest, in relation to which the preceding day might well be called a Sabbath or rest day, though not all labour was prohibited. This is alone compatible with the context and is free from the objection to which all other opinions are open." Hence according to the view propounded by the Pharisees, the calculation commenced from the second day of Passover, and Pentecost would be celebrated on a fixed day of the month, irrespective as to which day of the week with which it fortuitously coincided.

The sources (5) agree in every detail:

מן ראש ירח דניסן ועד תמניא ביה איתקום תמידא זלא למספד שהיו צדיקים אומרים

and then proceeds:

ומתמניא ביה ועד סוף מועדא איתותב חגא דשבועיא זלא למספד... אלא שהיו דנין כנגד קב"תוסים שהיו אומרים עצרת אחר השבת... נשפל להם רבן יוחנן בן זכאי...

The emphasis is clear that the Boethusians were the contestants, and furthermore that the polemic took place only in the time of R'Johanan ben Zaccai and suggests, though not conclusively, that this new sect pressed its demands at a relatively late date in the history of the Second Jewish Commonwealth. The virulent and vindictive character of this sect can be surmised from a number of interesting sources (6)

בראשונה היו מקבלים עדות החודש ככל אדם משקלקלו הב"תוסים התקינו שלא יהיו מקבלים אלא מן המכירים

The law under discussion in this Mishna relates to the determination of the day of the New Moon, based on the lunar observations. Initially the ecclesiastical authorities accepted evidence from all and sundry on the appearance of the New Moon, and determined the first day of the month accordingly. However the Mishna states that as a result of the deception of the sect called the Boethusians it became necessary to limit the acceptable evidence to persons whose bona fides were beyond question.

The intrigue and deception resorted to by the Boethusians has been recorded in the Talmud (6)

תנו רבנן מה קלקול קלקלו הבייתוסים. פעם אחת בקשו בייתוסין להטעות את החכמים. שברו שני בני אדם בד מאות זוז אחד שלנו ואחד שלהם. שלהם העיד עדותו ויצא, שלנו אמרו לו אמור כ'צד ראית את הלבנה. אמר להם... ואם אין אתם מאמינים לי הרי מאתים זוז צרורים בסדיני. אמרו לו מי הוסיף לך? אמר להם שמעתי שבקשו בייתוסים להטעות את החכמים אמרתי אלק אני ואודיע להם שמוא' בואו בני אדם שאינם מהוגנים וישעו את החכמים. אמרו לו מאתים זוז נתונים לך במתנה והשוכר יסתח על העמוד. באותה שעה התקינו שלא יהיו מקבלין אלא כון המכירים.

The repeated reference to the Boethusians, as distinct from the Sadducees, is clearly emphasized. The purpose of the deceit has been enshrouded in a veil of mystery by Weiss (7) who, ever on the alert to discover new issues of conflict between the Sadducees and the Pharisees, suggests that the Sadducees differed in principle in matters relating to the proclamation of the New Moon. In support of this theory he quotes the above references, but offers no plausible reason for the deception except that they had a different calculation in this matter, the details of which have been lost with the passage of time. Yet the reference he himself quotes in Tosephta'ch.I makes the reason abundantly clear.

בראשונה היו מקבלים עדות החודש מכל אדם. פעם אחת שברו בייתוסים שני עדים לבוא להטעות את החכמים לפי שאין בייתוסים מודים שתהא עצרת אלא באחד בשבת

Hence the cause for this deception is quite clear from the very source quoted by Weiss, namely that they insisted on arranging the calendar so that Pentecost should fall on the 50th day after the first Sabbath in Passover. Hence to achieve this end they were prepared to perjure their testimony. so that the New Moon in Nisan should fall one day earlier than that ordained by orthodox precept, so that the second day of Passover should fall on the first day of the week, with the attendant advantage to their contention that Pentecost would likewise fall on the first day of the week.

However in order to achieve this victory it was necessary to perjure their testimony as the account in Rosh Hashana (6) records. However, this victory on the part of the Boethusians was not without other and more far-reaching complications. For in order for their intrigue to have been effective it would have been necessary to proclaim the first day of Nisan one day earlier than the law prescribed. But this step would imply (a) that the first day of Passover be proclaimed one day earlier, and (b) that the relevant sacrificial ritual would be performed at a time inconsistent with the correct one. Such conduct would transgress the fundamental law relating to sacrificial procedure (לחם לחם). Furthermore (c) Passover would be terminated one day earlier than the correct calculation demanded, and consequently $\gamma \delta \eta$ would be consumed when it was specifically prohibited.

Hence we can deduce that the Boethusians, if not the Sadducees, evinced a disregard for even the provision of the Mosaic Code, a hypothesis that will be dealt with at length in a subsequent chapter of the present investigation (8).

CHAPTER XI

WATER LIBATION

נסוך המים

Thus far we have not uncovered a single instance of dispute between the Pharisees and Sadducees to support the widely held assumption by [REDACTED] historians that the latter opposed the distinctive interpretation placed on the Mosaic Code by the former. We have shown that the rendering associated with Josephus (1) applied only to Rabbinical edicts (תקנות דרבנן) and that no reference was intended as to the validity of the Oral Law.

On the surface it would appear that the practice of the water libation (נסוך המים) nullifies this contention. Briefly, the water libation constituted the ceremony of pouring water on the altar on each of the Seven Days of Tabernacles. This practice was adhered to in spite of the absence of any relevant precept in the Mosaic Code and, if indeed the Sadducees opposed any deviation from this Code, their opposition to the practice of the water libation would have been consistent with their views. Indeed most historians have cited this instance in support of their contention that the Sadducees opposed practices and readings instituted by the Pharisees, and not supported by the Mosaic Code. This particular practice of the water libation would constitute the epitome of such instances, for it is not even mentioned in the Mosaic Code, yet it assumed the validity and sanctity as if it had been.

Finkelstein (2) has attempted a rationalised explanation to this polemic based on the social structure of the Judean population of the time. The festival of Tabernacles was intrinsically a joyous one, associated with the ingathering of the harvest, and was referred to as the pilgrimage par excellence (3).

However, concomitantly, it also engendered a feeling of misgiving and apprehension amongst the middle class plebians in Jerusalem arising from their subconscious fears lest their water cisterns, almost depleted after the hot summer months, might not be adequately replenished by the autumn rains. This feeling of anxiety would not be shared by the wealthy Sadducees, whose water requirements were amply provided for by their capacious reserves, and by whom a water offering was interpreted as an instance of profanity. But to the plebians, the very humble nature of the offering, coupled with the seasonal vagaries and uncertainties, became an earnest and significant ritual, embodying both the hopes and fears of the whole social class.

However, the present writer denies the validity of the premise that the water libation constituted a contentious issue between the two sects. Before evaluating the sources on this subject it would be pertinent to stress the joyous nature of the festival ever since antiquity. The Mishna (4) epitomises the goodwill associated with the feast of Tabernacles in such extravagant terms as

מי שלא ראה שחמץ בית השואבה לא ראה שחמץ סימין

The extent of the traditional joy and good cheer which characterised the festival can be gauged from a number of sources. Solomon chose this particular festival to dedicate his newly erected Temple on this particular day. The prophet Zechariah (5) prophesied that ultimately all nations who, at some period in their history, engaged in hostilities against Jewry would ultimately show their goodwill towards Israel by participating in the joyous ceremonies which were an integral part of the Festival of the Tabernacles. He visualises the neglect of such participation as the ultimate cause for the visitation of the wrath of the Divine on the offending nations.

Jonathan the Maccabee chose this same festival as the occasion for proclaiming himself leader of Jewry (6). Antigonus, brother of Aristobulus I, considered the occasion of such significance as to warrant his leaving the scene of battle and, resplendent in his ceremonial military garb, participated in the Temple celebrations (7). Aristobulus II chose this selfsame festival to don, for the first time, the spectacular robes of the High Priesthood, and to present himself before the wondrous gaze of the enthralled spectators (8).

Mindful of the spirit of goodwill which pervaded the Festival of Tabernacles from its very origins, the factors relevant to water libation became all the more interesting. According to all historians the conflict associated with the water libation flared up during the ignominious reign of King Janneus. No effort will be attempted here to assess the character of the man, apart from referring the reader to the account in Josephus (9): "When he had taken the City (Jerusalem) and gotten the men into his power he brought them to Jerusalem and did one of the most barbarous actions in the world to them; for as he was feasting with his concubines in the sight of the City, he ordered about eight hundred of them to be crucified; and while they were still living, he ordered the throats of their children and wives to be cut before their eyes."

This is Josephus's account of Janneus, and we shall see presently that this writer evinces no particular hostility towards him.

The events leading up to the alleged breach between the Pharisees and Sadducees on the water libation are gleaned from two excerpts from Josephus (10) and the Mishna (11). Read independently of each other, none of the excerpts reveal a complete picture of the events yet, read in conjunction with each other, these three excerpts together afford us an uncommonly clear account of the sequence of events. The account in Wars I (10) reads: "and when he (Janneus) had made slaves of the citizens of all these cities, the nation of the Jews made an insurrection against him at a festival. For at these feasts seditions are generally begun; and it looked as if he should not be able to escape the plot they had laid for him, had not his foreign auxiliaries, the Pisideans and the Cilicians, assisted him. For as to the Syrians, he never admitted them amongst his mercenary troops on account of their innate enmity against the Jewish nation. And when he had slain more than six thousand of the rebels he made an incursion

This account is elaborated in Ant. XIII 13, 5:

"As to Alexander (Jannaeus) his own people were seditious against him. For at a festival which was then celebrated, when he stood upon the altar and was going to sacrifice, the nation rose upon him and pelted him with citrons (which they then had in their hands) because the law of the Jews required that at the Feast of Tabernacles everyone should have branches of the palm tree and the citron tree - which things we have related elsewhere. They also reviled him as being derived from a captive, and so unworthy of his dignity and of sacrificing. At this he was in a rage and slew of them about six thousand."

The Mishna (11) reads:

ולמנסך אומרין לו הגבה ירך שפעם אחת נסך אחד על רגליו ורגמיהו כל העם באתרוגיהן

The contents of these three excerpts have been admitted by the historians as referring to the same incident, and a number of elements of noteworthy nature emerge from their analysis. Firstly, Josephus is liberal in his use of the word "sedition". We shall, in a subsequent chapter (12) have cause to draw the reader's attention to a similar use of the word "sedition" in the case of an isolated individual who, to the disgust of even the Pharisees, objected to John Hyrkanus' assumption of the High Priesthood. In this particular instance the pelting of Jannaeus by the assembly with weapons no more aggressive than citrons leads us to query Josephus' account of an organised sedition. Furthermore the categorical assertion by Josephus that the Festival of Tabernacles had become the germinating period for sedition must be queried, for as has been emphasized previously, this particular festival was traditionally characterised by goodwill.

From Josephus (Wars) it is clear that Jannaeus had at his command a large contingent of mercenaries at the ready, intent on crushing any opposition to his assumption of office.

His provocative actions are described in the Mishna, namely when called upon to fulfil the traditional water libation, he provocatively aroused the enmity of the assembly by pouring the water on the ground instead of on the altar. This premeditated and malicious act infuriated the congregants who, according to both Josephus and the Mishna, pelted him with citrons, which gave him his long-sought opportunity of visiting his wrath and vengeance on his adversaries by subjecting them to the mercy of his Pisidean and Cilician mercenaries, culminating in the slaughter of six thousand of his subjects.

Yet in no instance is either the word Pharisee or the word Sadducee employed, nor does either excerpt from the sources suggest an academic or philosophical polemic on the merits or otherwise of the water libation.

The whole tone of the episode as described in the sources suggests the ravings of a psychopathic neurotic, and the distortion of the episode by the historians to indicate a difference of opinion on the validity of the water libation must surely be judged as the most classical case of a "non sequitur".

Furthermore, Finkelstein's theory (2) that water, as a sacrificial offering, was a comparatively recent innovation and dependent on the economic strata that developed during the Second Temple, is not supported by the sources. Instances are enumerated in the Bible where water was, apparently, accepted as part of the established sacrificial procedure (13).

CHAPTER XII
GEIGER ON THE SABBATH

We have thus far examined the available evidence on which the historians have based their theory that the Sadducees adhered to a distinctly theological approach towards Judaism, based solely on the fulfilment of the Mosaic Code. The salient objection, ad hoc, to the acceptance of this theory is that the number of undisputed instances of conflict is comparatively small, and any generalisation on the basis of these instances would be unwarranted. Furthermore the present writer has attempted to show that, even in the cases specifically recorded, the Mosaic Code does not invariably support the Sadducaic viewpoint; on the contrary, in a number of instances it is in direct conflict with it. The fact that all instances of conflict concern either the law courts or the Temple, but do not concern the conduct of the private individual in his home, was apparently the cause of grave anxiety to the propounders of this theory, as the writer will illustrate in the course of the present chapter.

A most disconcerting feature of this theory is the fact that we have no evidence that the Sadducees expounded a particular approach towards the Sabbath and Festivals, two elements in Judaism which, historically, have been days of delight and one of the curious antinomies of the Jewish religion. In spite of the thirty-nine heads of forbidden occupations and the subdivision of these heads, promulgated apparently by the Pharisees, the injunctions for their observance became so well known and universally maintained that they were no longer felt as an irksome restriction upon individual liberty. One would therefore expect that on so profound and deep-rooted an element in Judaism some aspect of the subject would have been reflected in the attitudes of the two factions if, indeed, the Mosaic Code had been the source of the divergence in their views. The Sabbath, in particular, should have provided a fair field for speculation for both Lauterbach and Zeitlin, who ascribe the fundamental difference between the two parties to the Priestly proclivities of the Sadducees. For the classical critics of the Bible have been on the alert to perceive the fundamental differences in what they term the "Priests Sabbath" and the "Sabbath in Deuteronomy". For in Deuteronomy the Sabbath was instituted for Man's sake, whereas in the Priestly Code, the goal is the Sanctification of God - for God rested on this day, and the observance is linked with a perpetual sign that "Ye may know that I am Yahveh that doth Sanctify you" (1).

Hence Geiger (2) perceiving the weakness of his thesis that the ancient Israelitish Code, as espoused by the Sadducees, was irretrievably jettisoned by the advent of the Rabbi Akiba who was responsible for obliterating the last vestiges of this ancient code, finds himself constrained to illustrate his views by referring to both Sabbath and the Festivals. According to Geiger (3) the ancient law, expunged by the Pharisees, and Rabbi Akiba in particular, prohibited the practice of cooking

food on the Festivals. In support of this speculation he quotes the extant practice of the Samaritans and the Karaites who, clinging to the ancient law originally practised by ancient Jewry, also prohibit the preparation of food on Festivals. The interpretation of the relevant verse in Exodus (4):

אך אשר יאכל לכל נפש הוא לבדו יעשה לכם

is interpreted by both the Karaites and the Samaritans as being applicable solely to the preparation of the Passover offering, but nothing in excess of this requirement. Hence, if the practice of preparing food on Festivals has been accepted by Jewry, and sanctioned by orthodox authority, such a practice is but another instance of the Pharisaic intervention to meet popular demands.

The reasoning of Geiger is faulty in the extreme, for the verse quoted in Exodus (4) reads:

וביום הראשון מקרא קדש וביום השביעי מקרא קדש יהיה לכם כל מלאכה לא יעשה בהם אך אשר יאכל לכל נפש הוא לבדו יעשה לכם

The very text explicitly permits cooking on the seventh day of the festival when the Passover offering no longer applied, rendering Geiger's deduction from the practice of the Samaritans invalid. Furthermore, if the ancient Israelitish law was clear and explicit, embodying the unembellished literal context of the Mosaic Code, it would be difficult to reconcile Geiger's contention that the phrase

אך אשר יאכל לכל נפש הוא לבדו יעשה לכם

implies the Passover offering. Indeed any such rendering would necessitate a semantic interpretation beyond anything the Pharisees offered.

Geiger, however, concedes that even if we were to admit the possibility that the Sadducees permitted the kindling of fire on festivals, such a concession would only apply in cases where the kindling was performed for the purpose of preparing food, but for no other purpose. In support of this view he quotes (5) the views of Beth Shammai:

לא יחם אדם חמין לרגליו אלא אם כן ראוין לשתיה ובית הלל מתירין

In this case, contends Geiger, Beth Shammai adhered to the provisions of the old law, prior to the advent of Rabbi Akiba who was instrumental in abrogating the last vestiges of the ancient law and replacing it by the Pharisaic version. How ill-advised was Geiger in citing this particular instance in support of his theory for, as Halevi points out (6), on this very case of kindling of fire on festivals, Rabbi Akiba was even more exacting than Beth Shammai, the alleged supporters of the ancient code. For contrary to Geiger's views that Rabbi Akiba annulled the ancient law, supplanting it by a less exacting version, Rabbi Akiba expresses a more rigid view than even Beth Shammai on the very issue of kindling on the festival (7).

שמע מינה לא אמרינן הואיל והותרה הבערה לצורך הותרה נמי שלא לצורך

Hence Rabbi Akiba, on the controversial subject raised by Geiger, is more rigid than even Beth Shammai, for he does not permit the utilisation of fire originally kindled in the execution of a Mitzvah; a view which he derives not from a Rabbinical modification, but from the Mosaic text

תשבתו מערב יום טוב

Yet in his original statement Geiger (8) concedes that we do not know the attitude of the ancient code towards the kindling of fire on the festivals, nonetheless he is prepared to state categorically that the original code did not permit kindling unless required for the preparation of food.

Hence the present writer feels justified in dismissing Geiger's attempt at introducing the subject of restrictive measures applicable to festivals into the orbit of Pharisaic-Sadducaic polemics.

CHAPTER XIII
GEIGER ON THE "ERUB"

We have stressed in our previous discussion that the absence of explicit evidence of a divergence of opinion between the two sects relating to the behaviour of the individual regarding Sabbath and Festivals, constitutes a serious obstacle to the religious literalists. We have also given a resumé of one attempt by Geiger to introduce the subject of the behaviour of the individual on festivals as a controversial topic of the two sects. We have also shown the attempt to have been unfounded, and based on an interpretation of the sources inconsistent with their true context.

Geiger (1) has attempted, in addition, to show that the subject of the observance of the Sabbath was also a controversial subject between the two sects. In the case of the Pharisees, claims Geiger, the severity of the original Mosaic law was modified so as to permit relaxation which would not be condoned by the legatees of the original ancient law, namely the Sadducees.

In support of this view he cites the case of the 'Erub' literally a blending or merging.

A brief word of preliminary explanation is necessary to clarify the law. According to the traditional explanation of the Mosaic Code (2) it is forbidden to remove, on the Sabbath, articles from an enclosed place which is private property to an open space which is public property. Likewise, it is prohibited to transport objects for a distance of more than four cubits within a public open space. The only area where it is permissible to move articles freely is an enclosed space which is the private property of an individual. However to mitigate the inconvenience occasioned by the law, the 'Erub' was introduced, which had the effect of converting an open space into an enclosure. Should the space in question not be completely enclosed the completion of the enclosure is, under certain circumstances, effected by a single rod or wire placed across the open part, or by a pole placed as one of the sides of the open part.

'Erub Hatzerot' (עירוב חצרות) - Combination amongst the inhabitants of courtyards. The courtyard, being as a rule surrounded by houses or other buildings, thus satisfies one condition for its inclusion in the category of "Reshut Hayachid" (רשות היחיד), private property, inasmuch as they are enclosed spaces. However, as they are not the property of any one individual, they also participate in the nature of public property, and thus the removal of articles within their area on the Sabbath would be forbidden. In order to satisfy the second condition, namely of being the property of a single person or entity, the inhabitants combine forming a union, each member contributing something towards a common meal placed in a room accessible to all of them. They thus form one family, and the courtyard becomes a Reshut Hayachid (רשות היחיד) wherein things may be moved about without transgressing the law.

This process of merging or diffusing of property of individuals to form a composite entity is termed an 'Erub'.

This principle of merging has two other major corollaries. The first of these is the Erub Techumin - combination of parts of two Sabbath journeys (*עירוב תחומין*).

Normally two thousand cubits constitute a permissible Sabbath-day journey, implying that on the Sabbath a man, taking his home as a centre, may walk as often as he likes within a radius of two thousand cubits. If, however, a person intends walking on the Sabbath to a place lying beyond the radius, but within four thousand cubits from his original home, he has to transfer his home, symbolically, for the day of the Sabbath from the original centre to a point on the circumference, which becomes the new centre, and he may proceed from this point for a further two thousand cubits. The symbolical transfer is marked by placing some food at the new point on the preceding Friday, which gives the individual a latitude of movement of four thousand cubits.

Yet another modification of the Erub relates to the cooking of food on festivals, required for consumption on the Sabbath following immediately after the festival. Permission to prepare food on festivals is restricted to food required for these days. But if a festival is followed by the Sabbath, the food for consumption on the Sabbath may be prepared on the festival provided such preparation was commenced on the eve of the festival. The first instalment of the preparation for the Sabbath on the eve of the festival is called 'Erub Tabshillin' - the uniting link of the preparation for the Sabbath on the eve of the festival with that done on the festival itself.

Geiger (1) supports his premise that the Pharisees mitigated the prohibitions associated with the ancient law by introducing those measures encompassed by the Erub. Hence, according to Geiger, the Sadducees as exponents of the original law would not sanction the movement of articles in a common courtyard, walking of distances in excess of two thousand cubits on the Sabbath, nor the preparation of food on festivals immediately prior to the Sabbath. Such artificial measures as the various forms of the Erub were but instances of legal friction invented by the Pharisees, and which the Sadducees rejected.

In support of this view he quotes the Mishna (3) which reads that if one performs the rites associated with the Erub through the medium of (a) a person non compos mentis, (b) a person afflicted with deafness, or (c) a person who does not subscribe to the principles of the Erub, such an Erub is invalid. The Talmud (4) clarifies the term "One who does not subscribe to the principles of the Erub" as a Samaritan, and the similarity in viewpoint, contends Geiger, between the Samaritans and the Sadducees was recognised by the Rabbis. This is apparent from the Mishna (5) and the

Talmud (6) which provides that "One who shares a courtyard with an idolator or one who denies the principle of the Erub" suffers the consequence of having the whole process being rendered null and void. Rabbi Gamaliel illustrates the point by reference to an incident in his own experience when he shared a courtyard with a Sadducee in Jerusalem, and before Sabbath his father reminded him to move any necessary articles into the courtyard, on the assumption that the Sadducee, not subscribing to the principle of the Erub, might move his own articles into the courtyard first, rendering the whole process null and void.

Supported by this excerpt from the Talmud, Geiger (1) deduces that the Sadducees denied the validity of the Erub and permitted no transfer of articles on the Sabbath under any circumstances. This view has been accepted by Finkelstein (7), Asher Finkel (8) and Lauterbach (9).

Geiger's view is supported by a complete misunderstanding of the Talmudic text he quotes for support. For the phrase *אֵינוֹ מוֹדֵה בְּעֵרֻב* does not imply, as he tacitly assumes, one who does not subscribe to the efficacy or the purpose of an Erub. The context of both the Mishna and the Gemara implies the very reverse, namely one who does not subscribe to the view that an Erub is necessary, since there are no restrictions to be circumvented. The experience cited by Rabbi Gamaliel proves this contention, namely that the Sadducee referred to might conceivably bring out his own vessels into the courtyard, since he was not deterred by the lack of an Erub. Subsequent discussion in the Gemara on that very instance leaves no room for doubt but that the intention of the Pharisaic Rabbi, by employing the term *אֵינוֹ מוֹדֵה בְּעֵרֻב* meant to imply one who does not subscribe to the view that an Erub is necessary. The very discussion on the incident (10) based on the premise that *צְדִיק הָרִי הוּא כְּגוֹ'* proves that the Sadducee's views were on a par with those of a Gentile who denied the necessity of an Erub.

What is even more remarkably inexplicable is the fact that Geiger's views on the subject are accepted by Lauterbach, Finkelstein and Finkel. Yet all these historians share the view that the Sadducees denied the binding qualities of the Oral Law. Yet the very instance of the common courtyard is founded on far weaker strata than even the Oral Law, that these historians claim was repudiated by the Sadducees. Indeed, it is a typical case of Rabbinical decree (*תְּקֻנַּת דִּרְבָּנָן*) not dependent on the Mosaic Code but implemented by Rabbinical edict. In such cases we have repeatedly stated that the evidence, even from Josephus (11), favours the view that the Sadducees rejected such restrictions. Yet in this case Geiger suddenly credits the Sadducees with a desire to implement the Rabbinical decree to such a degree as not to permit the Erub Techumin, that is the maximum distance that one may walk on the Sabbath to be two thousand cubits, and no relaxation of this measure was to be permitted by any devious

means. The very measure of two thousand cubits is also a Rabbinical decree, a תקנה דרבנן, yet Geiger maintains that the Sadducees observed this תקנה so rigidly as not to permit its relaxation. What is even more inexplicable is the fact that Geiger maintains that Rabbi Akiba was responsible for abrogating the old law, and substituting a milder version. Yet the very prohibition of walking in excess of two thousand cubits is universally accepted as a Rabbinical ordinance by all except Rabbi Akiba, who deduces it from the Mosaic Code (12), relating to the suburbs of the cities allocated to the Levites (13).

Hence the rational explanation of law of the Erub vis-à-vis the Sadducees is far more consistent than Geiger has propounded. The restrictions relating to movement of articles in a courtyard and the walking distance of two thousand cubits on the Sabbath are both Rabbinical decrees (תקנות), which the Sadducees consistently opposed. Hence, from their angle, no legal fiction in the form of an Erub is necessary.

Whether or not the Sadducees held any distinctive views on the transportation of goods into public property is a matter of conjecture. Weiss (14) deduces from the same Mishna(14) that the Sadducees denied the necessity of an Erub since they did not prohibit the passage of goods into public property. This generalisation is also unwarranted from the Mishna quoted by him, since the circumstances of the Mishna only apply to a common courtyard, and being a Rabbinical decree, was opposed by the Sadducees.

CHAPTER XIV

HELLENISM IN JUDEA PRIOR TO THE MACCABEAN REVOLT

Our investigation has thus far revealed no justification for the theories propounded by the religio-literalist school that the Sadducees were the legatees of an ancient and original form of Judaism dependent solely on the Mosaic Code as it supposedly existed prior to the ameliorating innovations introduced by the Pharisees. It is also pellucid that these historians have seen no reason for associating the Sadducees with Hellenism in any form.

We have now to examine the second alternative propounded by Halevi to account for opinions and policies (1). Halevi's attitude is distinctly a negative one. He contends that it would be futile to seek a fundamental religious or philosophical basis for a faction which owed its existence to the depraved and vilifying influences of Hellenism which wrought such havoc during the pre-Maccabean age. The nefarious activities of the Judean Hellenists are vividly recorded in the first two Books of the Maccabees, as also in the contemporary Book of Daniel. This assumption would, superficially, explain away Graetz's original objection to this theory on the grounds that the Sadducees are not mentioned by name in the contemporary literature, nor by Josephus prior to his account of the conclusion of the Maccabean revolt.

However, contends Halevi in the post-Maccabean phase, these selfsame Hellenists were constrained to adopt a locus standi more acceptable to the emergent and regenerated state which had expunged every vestige of Hellenism. Hence in an effort to ensure their former affluence and supremacy they adopted a new status, namely as exponents of Judaism as enunciated by the Mosaic Code alone. However, their original purpose, namely the negation of Judaism, was not materially affected, even to the extent of practising idolatry.

The essentials of this view, though in a slightly modified form, are expressed by a more recent author (2) who states "The Sadducees were the descendants of the Hellenisers at the time of Antiochus Epiphanes and opposed the Pharisees as the Hellenisers had opposed the Hassidim. But the Sadducees too had changed, for there was now no more thought of introducing Greek customs or idolatry." According to this view though the Sadducees of a later age stopped at practising Greek idolatry and foreign customs, they were essentially the spiritual heirs of the Hellenisers and allies of Antiochus Epiphanes.

The fundamental premise underlying these views is that Hellenism typified everything repugnant to Judaism, admitting of no compromise. It must be granted in support of Halevi that even the highest Greek culture "tolerated that nameless vice which was no less loathsome to the Jews of Alexander's age than it is to ourselves" (3). Hellenism of even the loftiest phase made no protest against idolatry. Hence to the pious Jew of the Maccabean period, as well as to Halevi, Hellenism could only be assessed in terms of one more form of polytheism, a form of idolatry more dangerous than, and as immoral as those which Israel had previously encountered.

Furthermore, Halevi's appraisal of the degrading effects of Hellenism is not without support. For scholars have repeatedly emphasised the fact that the Hellenistic culture which pervaded the Middle East as a result of Alexander's conquests was not primarily of that uniformly high and noble type which reached its zenith in the 5th century BCE in Greece. It has been described by Grant (4) as "the sceptical disillusion post-bellum type. It was a period of wild anarchy, of constant warfare, of powerful dictators with armies of mercenaries under their control, of sudden and violent changes in fortunes, and criticism of religion was voiced on all sides. A city or citizen wealthy and at peace today might tomorrow be impoverished or sold into slavery". Generally, the truly religious spirit was completely lacking, and the belief in Tyche, Fortune, Chance and Luck superseded man's trust in Divine Justice.

"The Athenians themselves, how much more so the Orientals, despaired of any intervention of the gods such as their fathers had experienced during the Persian invasion and sang a song to Demetrius Poliorcetes, the newest dictator to liberate the city:

The other Gods are far away
Thee we see face to face".

The widespread belief in Tyche in an age characterised by despair of Divine intervention and by exclusive reliance on human ingenuity or ability was the last stage in the secularisation of the Greek religion. Its conception of the powers which govern the universe could not possibly have been more undermined and still have retained any semblance of religious belief." (5).

Bentwich (6) compares the prevailing intellectual climate with the "Frenchified civilisation of our time, constituting a poor imitation of the genuine French culture" - "A soulless culture which the half Hellenised Macedonian and the degenerate offspring of the Hellenistic city states brought to the East" (7). When mingled with oriental ideas it degenerated into an altogether bastard growth of sensuality and rationalism, but remotely resembling the intellectual and spiritual excellence of the model. The population inhabiting Alexander's empire may have had a surface veneer of high culture, beneath which was a mixture of primitive superstition, barbarous fears and feelings and coarse passions.

Halevi's assessment throughout his analysis of the course of events is influenced solely by the extreme revulsion towards the infiltration of Hellenistic influences.

Montefiore (7b) while admitting the degeneracy described above, however, does recognise the existence of a moderate middle party which exercised a stabilising influence on Judean Jewry without compromising their attachment to their native religion or the sovereignty of the Law. The degrading tendencies were not part of the Hellenistic wave of intellectualism, but sprang out of the old oriental cults themselves. If the religious cults and philosophical systems had shown a remarkable degradation from the spirit of Hellenism in its home, it was because they lacked a hedge of resistance to outside influences which Judaism did in fact possess in its sacred and highly developed law.

As Freudenthal states (8) "In addition to Hellenists of pronounced anti-national and heathen dispositions such as Menelaus, Jason and Alcimus, the age also produced men who, despite their knowledge of Grecian literature and their pleasure in Grecian studies, were yet attached with immovable fidelity to their people and their faith." Indeed Cheyne (9) goes so far as to assert that a "persuasive presentation of true religion only became possible in the Hellenistic age". The impulse towards separatism and isolation, introduced by Ezra, was sharply reacted to by an opposite impulse towards absorption and inclusion, founded on a scepticism that perhaps the light of God's teachings might shine on mankind through other sources. For the Jew who had absorbed some measure of the purer form of Hellenistic thought must have looked upon the idea of association with the gentile as being difficult or polluting as an instance of folly or misanthropy. "Even in the interests of Yahweh, the heathen must be won over to His service. Indeed Yahweh was to be acknowledged God of the Jews, but He was also God of the world - His glory though bound up with Israel also required for its fullest earthly diffusion that it should also be acknowledged by all mankind. The ideals of Deutero-Isaiah were not forgotten. In the interests of Yahweh the heathen must be won over to his service" (10).

The suggestion has been made that the exquisite idyll of Ruth dates from the Hellenistic period. Its object was to show that marriage even with the foreigners of full blood need not necessarily have an evil influence on Judaism. Perhaps the story of Jonah typifies Israel's unwillingness to allow the light of God to shine on the gentile. Its obvious lesson is to illustrate that Yahweh's interests are not limited to Israel alone but that all nations are entitled not only to retributive justice, but also to His complimentary quality of pity and loving kindness.

Ben Sirach, whose book was written about twenty years before the accession of Antiochus, repeatedly enforces the claims of the Law and identifies it with Wisdom, but was none the less able to accept and assimilate for his ideal sage a variety of general culture which was certainly not devoid of a tincture of Hellenism. Yet in spite of his having been influenced by Hellenistic thought he was still able to say

"All wisdom is the fear of the Lord
And all wisdom is the fulfilling of the Law
But the knowledge of wickedness is not wisdom
And the counsel of sinners is not understanding" (11).

Indeed so universal had the study of Greek culture become in Judea, that the Talmud (12) records in the name of Simeon ben Gamaliel that, of the thousand students associated with the school of Rabbi Gamaliel, five hundred were engaged in Jewish studies, the remainder in the pursuit of Greek culture. We also find a similar reverence for the Greek language reflected in the dictum of Rabbi Simeon ben Gamaliel that the Books of the Holy Scripture may be written in Greek or in the Assyrian script (אשורית) exclusively (13).

The duration of this special status accorded to the Greek language is further illustrated in the Talmud (14) where both Rav and Samuel (circa 200 CE) permitted the public reading of the Book of Esther in Greek.

Neither is there any support for the view that the pursuit of Greek wisdom met with the disapproval of even the pietist elements in Jewry. The famous Beraitha (15) which adjures one against teaching the young Greek is the earliest admonition against the spread of Greek. Yet this discouraging note dates from the war between Hyrkanus and Aristobolus, at least three generations after the Maccabean revolt, and reflects vividly the hostility and suspicion towards Greek culture that ultimately developed. Yet this hostility may have arisen from the fact that Greek education was tied up with the *ἐπιβίβα* practice which when introduced by Jason in Jerusalem aroused vehement opposition (16). The subtle difference between learning Greek and being taught in the Greek manner might well have been confused, arousing the condemnation of both. Yet in spite of these sentiments Rabban Gamaliel was permitted to learn Greek on account of his association with the government (17). However, we have no reason for assuming that until the Maccabean revolt, and shortly afterwards, Hellenism in its more cultured and philosophical form aroused any distinct antagonism from any section of the Judean population.

Although we have no decisive description of what *ἑλληνισμός* implies, the study of Homer appears to have been prominent; indeed he is the only Greek author that the Rabbis mention by name (17b). The Mishna refers to *Ὅμηρος* which is generally accepted as referring to Homer. Similar references are to be found in the Palestinian Talmud (18). So popular had the study of Homer become in Judean society that his works were not affected by the subsequent ban on Greek wisdom literature, nor did they provoke the displeasure of the Rabbis. Rabbi Akiba says "Also he who reads extra-canonical works such as ben Sirach and the Books of Laaga has no share in the world to come, but he who reads the books of Homer and similar books is considered as one who reads a secular document" (ibid). Other instances where *Ὅμηρος* appears as an abbreviated form of Homer are recorded in the sources (19).

Schürer thinks that had the Hellenism process been allowed to take its course peacefully Palestinian Judaism would also probably have gradually acquired a form in which it would have been hardly recognisable. It would have, according to Schürer, become even more syncretistic than the Judaism of Philo (20).

The pietists would have dwindled into a mere sect. Montefiore adds (21) what the present writer believes to be an unwarranted deduction: "But the persecution of Antiochus broke the spell and Judaism was saved ... Hellenism was overcome and as an influence on the regular development of Judaism was, in Judea at any rate, no further account".

This approach to the persecutions of Antiochus and the resultant Maccabean revolt is a widespread one but, in the present writer's opinion, unfounded. Travers Herford also (22) expresses the same opinion "and of course Hellenism, after the successful defiance of Antiochus Epiphanes was no longer an enemy to be fought". Guinsberg also refers to "the tragic details of the clash of the two cultures - the Jewish and the Greek" (23).

At the other end of the scale, Hadas (24) does not take into account the degradation that Hellenism underwent in the process of its diffusion through the Middle East, resulting in the decay of philosophy and the degeneration of the origin of Hellenistic religions. Hence he assumes that the Maccabean revolt originated from baser motives which were outside the orbit of Hellenism. His views on the subject are so radical that it would be advisable to quote them ipsissima verba.

"The one rebellion which has been recorded in history as directed against Hellenism, that of the Maccabees in Judea, was not in its origin a reaction against Hellenism. From the contemporary, or almost contemporary accounts in I and II Maccabees, it is clear that Hellenism had proceeded very far indeed, and apparently without protest before insurrection began. Violence started in consequence of rivalry between two equally Hellenised contenders for the High Priesthood, and religion was not an issue. The standard of religion was raised in the countryside and then served to rally the people to the cause. It was only after religion had become the cry of the rebels that Antiochus IV issued his decrees against the observance of central religious rites and it is highly significant that as soon as the anti-religious decrees were rescinded the pietist group withdrew from the fighting. The object of the Hasmonean rulers was not to protect religion - their bitterest opponents were the pietists - but to maintain a sovereignty which should be able to hold its head up amongst others which were being carved out of the weakened Seleucid empire".

Hence in assessing the influence of Hellenism in Judea and its relationship to the Maccabean revolt we are confronted with three conflicting hypotheses by different historians.

- a) Halevi and Browne who regard Hellenism as only a vilifying factor, with Antiochus as its most fervent supporter. With the victory over Antiochus, Hellenism was eradicated.
- b) Schürer and Montefiore who differentiate between the different strata in Hellenism, but also maintain that Hellenism was eradicated by the Maccabean victory.
- c) Hadas who denies that Hellenism played any significant part in the events leading up to the revolt which was nothing more than a parochial conflict between two claimants of equal qualifications for the High Priesthood.

The present writer does not support any of the preceding theories in toto. In the course of the ensuing account he proposes emphasising the following facts as they appear in the sources:

- A) That the dissemination of Hellenism in any form was not a contributory factor in the succession of events which led up to the Maccabean revolt. However he differs from Hadas even on this primary assumption, for Hadas regards Menelaus as having been essentially a Hellenist, an assumption which the present writer repudiates. Furthermore the present writer refutes Hadas' conjecture that religion was not a cardinal issue in the revolt.
- B) Hellenists not only constituted a significant section of the Maccabean forces against Antiochus, but were even the original instigators of the revolt. This hypothesis is contrary to that propounded by both Halevi and Montifiore.
- C) After the revolt Hellenism was by no means expunged from Judea, as is suggested by both Montifiore and Halevi. From then onwards it assumed a sectarian guise in the form of Sadduceeism.

The present writer is also constrained to employ certain inadequate and misleading terms, which have been accepted by historians in spite of their shortcomings. The Pietists or the Hassidim were the spiritual heirs of Ezra and the forerunners of the Pharisees to whom, it is suggested, any form of Hellenism was objectionable. Yet, from what has been said previously, it is certain that even they were influenced by the tidal wave of Hellenism (25).

The Hellenist element openly aspired towards a syncretism of Jewish practice and Greek cultural refinements. But it must be stressed that the present writer does not suggest the existence of a sharp line of demarcation between these two sections. This position is not anomalous, for in later Jewish history we encounter a similar trend during the Middle Ages, when even the great Maimonides reflected the prevailing Hellenistic philosophy of his time, and attempted a reconciliation of that school with Hebraism. The Haskala movement in Europe during the 18th and 19th centuries embodied in effect similar attempts at reconciling Judaism with dominant contemporary philosophies.

The final faction is generally referred to as the Hellenisers. The term is an unfortunate and misleading one, for there was little, if anything, of the Greek character in their platform. Grant has assessed their attributes admirably by his reference to wild anarchy, constant warfare, and powerful dictators with armies of mercenaries.

This, broadly speaking, constitutes the elements of Judean Jewry of the time.

CHAPTER XV
POLITICAL ASPECT OF HELLENISM

The spread and fruition of Hellenism in Judea, understood in its baser connotation, evolves largely round the activities of the Tobiad family. As a result of the financial genius of Joseph, the son of Tobiad, great wealth flowed into the country. Holtzman (1) somewhat unfairly discovers in the Tobiads "the first historic example of that bad type of Judaism which makes this blessed people of God's, in the eyes of many people, not without reason, contemptible to the present day". For if indeed the sons of Tobiad are the first historic instances of this type, it remains to be proven that their Judaism was the more dominant factor in the formation of their characters.

In Egypt vast numbers of Jews had settled during the reign of Ptolemy I and II. A Jewish mercenary garrison was stationed on Egyptian soil in Persian service. By 250 B.C. an opulent Jewish community flourished, but the dominant tendency veered towards Hellenisation rather than towards Egyptian culture. The majority adopted Greek names. They enjoyed a privileged status, since they were in the armed forces from the beginning, whereas Egyptians were accepted only after 218 B.C. (2).

After Joseph's death his property and wealth passed to his sons, the youngest of whom was Hyrkanus, who emigrated to Transjordan. The original account of the activities of the Tobiads will be found in Josephus (3).

Two aspects of their activity seems irrefutable. Firstly their inordinate wealth also brought in its wake a commensurate measure of power and interest in political intrigue. Secondly, they constituted the vanguard of the Hellenising party. Closely associated with them were Menelaus and his two brothers, Simon and Lysimachus. Whether or not Menelaus and his brothers were in any way directly connected with the Tobiads is a matter of speculation, Wellhausen maintaining that they were the sons of Joseph; Schürer and Tcherikover holding an open mind on the subject (4).

A suggestion is made by Tcherikover (5) that the Tobiads discharged the same function in the Syrian court as their progenitor Joseph did in Egypt. However it must be remembered that none carried the title of Prostates, a post still carried by the reigning High Priest, Simon the Just, who was pro-Seleucid in outlook.

Hence we may hazard the conjecture that their strongest influence was felt in the social sphere, the natural forerunner to political ambitions, since they could not stand aloof from political developments which might adversely affect their fortunes. This state of affairs would also account for their interest in the Temple, for it must be remembered that the Jewish Temple served not only as a religious centre, but also as an economic metropolis. The regular income of half a shekel paid annually by the Jews all over the world (6) constituted a considerable income, necessitating elaborate books of account, and simultaneously incorporating the function of state exchequer. The latter function was facilitated by the fact that the High Priest, besides being head of religious affairs, also enjoyed considerable

Hence the danger always existed that, under political pressure public monies might become confused with private resources, particularly if the wealthy aristocracy amongst whom were many of the priesthood, availed themselves of the facilities afforded by the Temple as a means of safekeeping for their own private fortunes. The institution of a two-way loan system too is quite probable, with the attendant advantages to both parties. This procedure enhanced the influence and privileges that the Tobiads enjoyed and exercised in Temple affairs. Joseph, the son of Tobiad, was a nephew of the High Priest Onias II, and his successor Simon the Just supported Joseph's sons during the conflict with their half-brother, Hyrkanus, "because he was related to them" (8). The fact that he was equally related to Hyrkanus, a factor not mentioned by Josephus might be accounted for on the assumption that Hyrkanus's birth was shrouded in mystery (8) and, in the assessment of Simon the Just, only the brothers were the legitimate heirs.

Hyrkanus' monies were certainly deposited for safekeeping within the Temple treasury during the reign of the High Priest Onias III, a privilege enjoyed by the former's brothers during the tenure of office of Simon the Just, the predecessor of Onias III. This latter incumbent succeeded his father, Simon the Just, as High Priest, and "his piety and his hatred of wickedness" are referred to in the sources (9). However, with his succession to the High Priesthood there immediately appears a change in external policy for, whereas Simon the Just favoured a pro-Seleucid approach, Onias III reverted to a pro-Ptolemaic policy (10). Whether or not this change of external policy was dependent upon the deference entertained by Onias III for Hyrkanus, or whether it was stimulated by a bona fide assessment of conditions, is open to speculation.

However, it must be noted that even if such a change in policy apparently did not bear the stamp of open rebellion against Syrian rule (11), it did engender internal animosity between Onias and Hyrkanus on the one hand and the remainder of the Tobiads with their pro-Seleucid sympathisers on the other.

The counter offensive was instigated by a person named Simon, not hitherto mentioned in the present account apart from the cursory reference that he was the brother of Menelaus and Lysimachus (12). A factual fallacy, recorded by Stanley (13), erroneously identifies this Simon with Simon the Just. As a result of this confusion of names, some historians have been misled into arriving at a totally fallacious corollary. For Simon the Just was a descendant of the Zadokite dynasty which had, since Davidic days, faithfully carried out the functions of High Priest in the Temple, a practice which symbolised the independence of the Temple of all extraneous interference and outside pressure. His son, Onias III, who succeeded him was thus also of the Zadokite lineage, and he too was followed in this office by his brother, Joshua, or the Greek equivalent of Jason. Hence until the eventual replacement of Jason the sanctity of temple practice, insofar as the entrenched

By confusing Simon, the instigator of the counter-offensive, with Simon the Just, the erroneous corollary is that Menelaus, the brother of Simon, was also of the Zadokite dynasty, whose claim to the high priesthood was in accordance with established practice. This erroneous supposition might account for Hadas' assumption that the Maccabean revolt was dependent upon the claims of two equally Hellenised claimants of equal qualifications for the position of High Priest, namely Menelaus and Jason.

However, a close investigation of the lineage of Menelaus, or his brother Simon, will show that Menelaus was not of Zadokite lineage, and hence other and more fundamental principles were involved. Hence the present writer proposes elucidating the status of the Simon in question so as to establish the attendant corollary.

It would appear that Simon was a member of an influential family (14). Momigliano (15) suggests he was prostasia under the auspices of the Selucids. This is not borne out in the text which describes him as the prostasia of the Temple. Furthermore, the post of prostasia, the authority of representing the people before the King, was still the prerogative of the reigning High Priest. Hence it is more likely that the post is one which is described in Nehemiah (16) as "President of the House of God", entailing the general administration of Temple affairs. This position had a parallel in the status of prostasia of Temples in Ptolemaic Egypt (17).

A further difficulty is encountered in the text (18) which describes him as having been a member of the Tribe of Benjamin. If this were the case, it would follow that Menelaus, the brother of Simon, was also of the tribe of Benjamin and hence not of priestly origin.

Consequently his appointment as High Priest could only be condoned at the expense of the fundamental precepts enjoined in the Mosaic Code. This assumption has aroused the speculation of a large number of scholars (19). The inherent difficulty in the text can be remedied by emending the word בִּלְבִּי to בִּלְבִּי, one of the priestly watches, frequently referred to in both Nehemiah and Chronicles (20). Moreover, the Greek word "Phyle" can denote either a tribe or watch.

An even more plausible view is afforded by Tcherikover (21) who suggests that the original word was not Benjamin, but Belgea, one of the priestly watches mentioned in Nehemiah (22). Indeed this is the text in the later translation of II Macc. It may well be that the copyist, seeing the word "Phyle" followed by the rare word "Belgea", substituted on his own initiative the more common word "Benjamin". It would be difficult to account for the reverse process, for if the word "Benjamin" appeared in the original text, why the later translator should adopt the rarer and more difficult word "Belgea".

Hence we may assume that the Simon under discussion was of priestly descent, but of completely different identity from Simon the Just, and also there is no reason to assume that he was of the Zadokite lineage. His first demand was that he should be confirmed in the appointment as Agoranomus of the city. This office is to be found in Greek cities in both the classical as well as during the later periods (23). It is also encountered in Ptolemaic Egypt in the sense of an official notary (24). This demand was refused, at which juncture Syrian intervention was resorted to (25).

Apollonius was appointed as a one-man commission who reported on the inordinately excessive wealth housed within the Temple, which could conceivably be turned to Ptolemy's advantage. Hyrkanus's possessions, and the unfeigned sympathy of Hyrkanus towards Egypt, probably confirmed Apollonius towards this view. The outcome of the report was Heliodorus's visit with the express purpose of confiscating any monies in excess of Temple requirements, perhaps in the hope of ameliorating the financial embarrassment of Seleucus IV, who was called upon to pay Rome an enormous tribute after his father's disaster at Magnesia. Onias, the son and heir of Simon the Just, refused to accede to such a request, on the grounds that all monies deposited within the Temple precincts were largely the property of widows and orphans, over which the High Priest held custodianship and which he could not violate with impunity. Hence the first effort of removing Onias, the legitimate holder of the High Priesthood, failed.

A second and more determined attempt at accomplishing this ambition was instituted. A report was despatched to Seleucus IV that Onias III composed himself disrespectfully towards Heliodorus, an act which might be interpreted as an attempt at rebellion. This more serious allegation was sufficient for Onias to travel to state his case in person to Seleucus, and in the sources (26) a hint of apology is implied. The possible outcome of his visit has been withheld, for at the critical moment Seleucus IV died, and was succeeded by Antiochus Epiphanes.

Even at this juncture several salient characteristics of the Hellenistic reform in Judea already became apparent. Firstly the pro-Seleucid party, composed of the wealthier strata of Judean society and a considerable number of priests, was not influenced by any particular cultural or philosophical tendencies associated with Greek culture. Neither was the breach occasioned through the lack of reverence to Jewish tradition. The two branches of the Tobiad family, Hyrkanus and his brothers, were equal in Hellenistic attributes, yet Hyrkanus favoured Ptolemaic associations, whereas his brothers favoured pro-Seleucid attachments. Deference to Judaism too does not seem to have been a cardinal factor, for Simon the Just, who attracted the profound and sincere admiration of so pious a scholar as Ben Sira, also favoured pro-Seleucid ties.

Any possible breach within Judea occasioned by the Syrian victory at Paneion in 200 BCE was not dependent on ideological or philosophical principles but on practical political considerations alone. Apparently the greater part of the aristocracy and the politically-minded section of the population, sensing the growing ineptitude of the Ptolemies, put its trust in the Seleucids.

Nevertheless, a strange and revolutionary mutation appears to have affected Jewry, one which can certainly be traced to Hellenistic influences. Ever since the establishment of the Jewish state under Ezra, the dominant cell structure of society seems to have been the family. Even the signatories of the document constituting the Jewish state (27) all refer to the ראשי ה'בית the heads of the families. What could be more natural but that families as units should assume a specific stand on political and social questions, and that this stand should become traditional and hereditary, imposing itself on individual members of each family as a principle developed over generations. The Hellenistic period was one of revolution, which all over the world broke up the fixed framework of tribe, polis and family and put in their place the will of the dominant and strong individual (28). The manifestation of the phenomenon of the rise of the strong individual has already been noticed in the friction between Hyrkanus and his father and brothers, and we shall yet draw a similar parallel in the case of the Onias family. Political affiliations seemed to be no longer a consistent characteristic of any particular family, for while the Tobiads in general favoured the Seleucids, Hyrkanus veered towards Egypt. Similarly in the case of Simon the Just, who personally inclined towards Syria, his son Onias III supported a pro-Ptolemaic policy. Henceforth a man's success in life was no longer influenced by family affiliations, but by his own worth and efforts. With this process family loyalties tended to become less material. This process can be attributed not to a sudden phenomenon, but to a gradual infiltration of Hellenistic philosophy.

CHAPTER XVI

HELLENISTIC REFORM BY JASON

Onias's absence from Jerusalem afforded his adversaries an opportunity for taking the initiative of carrying out their long-awaited reform. The first step in the crossing of the Rubicon was to eliminate Onias III from the High Priesthood, a step which had to be undertaken with great caution. Tcherikover (1) is of the opinion that the revolutionaries refrained from flagrantly violating any deep-rooted canon in Judaism through fear of the consequences of arousing the enmity of the conservatives. The present writer, however, can find no support for this assumption, for according to his views the radicals themselves had no desire to violate any firmly established and historical customs. The principle of the appointment of High Priest from the lineage of Zadok was sanctified by tradition, since Davidic days, and there is no evidence to support the view that the radicals at this stage, however much they were influenced by Hellenism, wished to nullify such a tradition.

However, no violations of consequence were necessary, for an eminently suitable candidate for the position of High Priest was found in the person of the brother of Onias III, Joshua, who had assumed the Hellenised appellation of Jason. This choice may not have met with the approval of the conservatives, but it certainly did not conflict with their reverence for tradition, for Jason, too, as his brother Onias before him, was of the Zadokite lineage.

In order to gain royal sanction for his appointment, Jason augmented the three hundred talents of silver traditionally paid to the King by a further sixty and yet another eighty (2). His conduct introduced a novel and undesirable feature in Jewish society for, hitherto, the High Priesthood was a hereditary office, the sanction of the King being a mere formality; henceforth the office became open to the highest bidder, so that the post was degraded to a mere official nominee dependent on the King's favour. With his appointment the path was now open to a completely Hellenised political reform (3).

On the promise of a payment of a further 150 talents, permission was granted to build a gymnasium and ephebia in Jerusalem, and to register the population of Jerusalem as Antiochenes. The implication of this term is somewhat obscure, yet a reasonable interpretation is essential for the understanding of subsequent events. The measure may have meant that the residents of Jerusalem henceforth would enjoy the privileges associated with the people of Antioch, the capital of Syria. The establishment of a corporation centred around the gymnasium enjoying royal patronage might also have been intended. The most likely explanation is that offered by Tcherikover that permission was granted to convert Jerusalem into a Greek polis called Antioch.

The advantages and characteristics of a Greek polis may be summarised as follows. The urban population became divided into two parts (a) citizens and (b) inhabitants. The judicial conception of the polis centred around citizens alone. Two ways only were open to becoming a citizen; the first being born of citizen parentage, the second being elected to this status by popular assembly. The vast populations of Alexandria, Seleucia and Tigris

included great numbers who were not citizens, but were residents. Such residents were known as *Metoikoi*, *Paroikoi*, *Katoikoi*, *Synoikoi*, but members of this latter class enjoyed no civic rights even if they were born there and reared there.

The citizen enjoyed certain rights, and was also responsible for the fulfilment of certain obligations. He was privileged in participating in public debates, deciding the affairs of the city, and elected the council and its officials. On being elected a member of the council or to a magistracy, he discharged his function in the city for one year, and took an active part in the conduct of its political, financial, economic, as also its religious affairs. Often the post carried with it a considerable expense. He might be called upon to finance such enterprises as athletic contests, the urban corn supply, the conduct of the affairs of the gymnasium. These public duties (*liturgiae*) might become very costly and the reward was but personal honour and public acclaim (4,5).

Furthermore, the citizen enjoyed the privilege of sending his sons to the gymnasium and ephebeum for their education, which comprised not only athletic development, but also the study of everything pertaining to Greek culture, and if attendance at a gymnasium was not absolutely obligatory, certainly nobody deliberately avoided it.

Religion was a cardinal point in the life of a Greek polis, round which the entire public life centred. Every polis had its own god, who was its guardian, and the cult was the cardinal part of the religious life of the city. The participation in the religious life was certainly obligatory on all citizens, and the desire to abstain was taken as an offence. Besides the official local god, citizens were obliged to worship other gods of Greece and celebrate their festivals, and the presence of citizens at festivals was taken as being more of a duty than a privilege.

On the other hand, the resident aliens or non-citizens enjoyed no privileges as were accorded to strangers under the Mosaic Code, in which the rights of the alien are placed on a clear religious basis - the unity of God involving the brotherhood of man. "Ye shall have one manner of law, as well for the stranger as for one of your own country; for I am the Lord your God." (6) The declaration that "God loveth the stranger" (7) involved far-reaching consequences which cannot be extracted by the kindly religious sentiment expressed by Homer "the stranger and the beggar are from Zeus". The lessons, moreover, of suffering and the memory of the house of bondage are brought in to reinforce the ethical duty "Thou shalt love him as thyself; for ye were strangers in the land of Egypt" (8). For even at Athens where resident aliens received a more humane and favoured treatment than in any other state in Greece, they had no legal or civic status. Access to the courts was secured to them only through the services of a patron (9).

Hence by the appointment of Jason as High Priest, Jerusalem was to be privileged with the status of a Polis, and its inhabitants were to be registered as Antiochthones. This measure implied that a register was to be drawn up of citizens eligible for this distinction, but it certainly does not follow that every inhabitant was to be so honoured. The distinction between the citizen and the inhabitant or resident alien was observed even in democratic Athens. As Jason was responsible for the implementation of this reform, it would be obvious that he would draw the line at introducing "hewers of wood and drawers of water" into the camp of his elite. Furthermore, as has been mentioned previously, the privilege of election to the status of citizen might carry with it a considerable financial burden, which would immediately rule out a considerable number of the less wealthy from the electorate with the monied class and the aristocracy in the dominating role. Furthermore, none but the wealthy were in a position to take advantage of the facilities offered, for attendance at the gymnasium and the ephebeum also involved a heavy financial burden, which only the privileged classes could afford. The fact that together with the gymnasium, Jason built an ephebeum, indicates what class of the population was being specifically catered for.

Tcherikover (10) has attempted a surmise of the number of citizens thus created. He deduces from the sources (11) that during subsequent events while Menelaus, the newly instated High Priest, was absent from the city, his brother armed 3,000 men whose task it was to defend the city against the insurgents. On the assumption that in a case of emergency every eligible citizen was called upon to take up arms, Tcherikover deduces that the number of citizens was of the order of 3,000, a number in keeping with the average sized polis. The present writer regards this deduction as being fallacious. For Menelaus represented only the debased Hellenising faction, and as subsequent events prove, he was not regarded with any measure of loyalty by the moderate Hellenists. The fact that Jason, an undisputed Hellenist, could presume to attack the city with 1,000 men indicates that he was not without considerable support. Hence the initial number of citizens created by Jason would appear to exceed the number deduced by Tcherikover.

The Boule and Demos - council and people - were the mainstay of the Greek Polis. The Demos was already constituted by Jason, and the establishment of the Council offered no great difficulty. The Council of Jerusalem, the Gerousia, was already in existence. Hence, apart from the replacement of the individual members by more sympathetic ones, there was no need for a fundamental change in the election of a new council.

The popularity with which these innovations were greeted in Jerusalem can be judged from II Macc. (12), where a description is given of the young men, the youthful aristocracy, hastening to don the petasus, the broad-brimmed hat of the god Hermes, the patron god of the ephebi. Amongst these young men figured a large number of priests who had abandoned the Temple worship to participate in the more exciting and stimulating joy of athletics and sport (13).

The purpose of the establishment of the gymnasium and ephebeum simultaneously with the proclamation of Jerusalem as a Polis was premeditated and had a specific purpose. For if Jason was given the right to elect his own citizen body, he ensured the continuation of this body in spirit by the establishment of the gymnasium and ephebeum (14). Hence the account in II Macc. of Jason's reform as a wide and far-reaching movement has in no measure been exaggerated. Henceforth, in the view of the Syrian government, Jerusalem as a Jewish city no longer existed, having no public institutions of her own.

A pertinent angle presents itself in assessing the Hellenistic reform under Jason, namely in what way did the Hellenistic reform infringe upon traditional religious customs? We have already made mention of the fact that the office of High Priest was still preserved as the prerogative of the Zadokite lineage. We have no direct evidence, thus far, of any fundamental change in religious practice. The Second Book of the Maccabees which denounces Jason as the initiator of the reform and as the man who was responsible for introducing foreign practices in Jerusalem does not accuse him of offences against the Jewish faith. The abolition of that Constitution dependent on the Mosaic Law does not necessarily imply the abolition of the law itself. Its only provision was that henceforth the choice of religious practices was to be left to the Demos itself, even to the extent of abolishing the Mosaic Law, but it also pre-supposes no obligation on anybody to do so. Neither can we deduce that the introduction of foreign practices and customs, although alien to the Jewish spirit, constituted a religious offence. It is certainly doubtful if the introduction of an image of Hermes in the gymnasium building can be regarded as a religious offence, since it was not accompanied by any form of cult-worship. In the Temple itself there is no suggestion of any change in regular practice. The Greeks, too, revered local deities at every place and even more so in the case of Hellenised orientals. The God of Israel was never, under Jason, coupled with any other god, and when under the subsequent persecution He was coupled with Zeus, the reports stressed the enormity of the offence. This fact alone proves that under Jason we have no reason to believe that the God of Israel was sullied in any way.

Some measure of support for the view that Jason's reform was in no way connected with religious observances is afforded in II Macc. 4, 18-22. The delegates representing Antioch and Jerusalem at the games at Tyre brought with them the customary 300 silver drachmas which, according to prevailing usage, should have been spent on sacrifices to the local city god. Yet these delegates requested that the money be spent on ship-building. This strange request could be accounted for on the assumption that as yet there had been no violation of Jewish religious observances (15). For though the Mosaic Law need no longer be the law of the state, yet until the Demos exercised its power to replace this law it still held sway, and as yet there appears to have been neither incentive nor desire to replace it.

If such were the case, what then were the underlying stimuli for the reform? In the first instance Greek philosophy and literature had, by this period, gained adherents and admirers from all sections of the Judean population, even amongst the conservatives (16). Customs of Greek origin were to be observed even in Temple sacrificial procedure, and were tolerated, if not acclaimed by the Pharisaic Rabbis (17). The mere attendance at a gymnasium is not per se explicitly prohibited by Jewish Law. The answer is afforded in I Macc. 1, 11: "Let us make a covenant with the Gentiles about us; for since we have been different from them we have found many evils." For since the consolidation of the Jewish state under Ezra, the watchword had been that of "Separatism", an approach devoid of the universalism expounded by the prophets. The proclaimed aim of the reformers was to remove the barrier of differentiation and segregation, and to allow free access to a wide world, permeated by the niceties and refinements of the Hellenistic civilisation.

Halevi has erroneously equated this reform with a religious reform, but he has overlooked the salient fact that the Greek politcia (mode of government) was not a religious concept, and all that Josephus implies (18) was the desire for the status of a Greek city, for the metamorphosis from an ethnos to a polis. Should the reason be queried for paying a special tribute to acquire permission to Hellenise Jews and to build a gymnasium, the answer becomes quite apparent. For the building of a gymnasium was but the outward symbol of the complete change in authority from an ethnos based on ancestral laws, to a polis, dependent on the will of the Demos. Such a change in authority certainly required monarchical approval, accompanied by the attendant tribute.

The advantages of these new innovations were outwardly considerable. The "cities", in contra-distinction to the "tribes", were definite entities enjoying special privileges. They were regarded as allies of the central power, entitled to self government, and could also strike their own coins, an indispensable privilege to the furtherance of trade. Moreover, the cities of every state and even beyond were united by bonds of friendship, sharing in cultural projects; whereas the ethnos, or peoples, were distinct and separate, circumscribed by its own traditional life, and living according to their ancestral laws, without any hope of developing materially or flourishing culturally. Hence the aim of the reform was "Let us make a covenant with the

Hence we can safely ascribe the change in the sphere of religion, and the subsequent degradation of Jewish customs hallowed from the earliest times, not so much as a fundamental concept inherent in the reform, as an attendant consequence of the general outlook. No basic or fundamental principles militating against Judaism were involved, but a gradual drifting away from ancestral traditions was stimulated by the new outlook. The Jerusalem aristocracy was inexorably impelled towards this new trend by the social outlook and economic and political advantages, while Antiochus, too, derived considerable personal advantages from the spread of this new philosophy, for henceforth he could count on the friendship and allegiance of the Hellenised towns in his incessant wars against the natives without actually founding outposts to safeguard his interests in case of open conflict. It was far easier to deal with a functioning organism with definite and universally recognised procedures and obligations, with ideals which harmonised with those of the central government, than to deal with an amorphous and capricious mass. With this end in view it would also be to his advantage to encourage the friendship of the aristocracy and the wealthy by granting them additional favours and privileges, rather than to rely on the fickle and unpredictable whims of the masses.

The detailed course of events during the High Priesthood of Jason has not survived, and apart from the fact that the delegates were sent to Tyre (20) to participate in the games and the associated festivities, nothing is known of developments in the newly-founded Hellenised city.

In spite of the absence of detailed information relating to Jason's tenure of office, one salient feature emerges. The sources do not portray him in a favourable light. This apparent hostility may be accounted for on the assumption that the author of II Maccabees envisaged him as having been the initiator of a series of events which ultimately led up to the Maccabean revolt. However in spite of this apparent hostility towards his indubitable Hellenistic proclivities, nowhere is he accused of violation of Jewish religious principles. This proves conclusively that even a far-reaching Hellenistic reform, complete with all the superficial trappings, did not encroach on Jewish sanctities.

However, irrespective of the source, it would appear that Jason refused to hand over the High Priesthood, with the result that civil war broke out, and Jason was constrained to flee to Ammon for refuge. In this struggle, Menelaus, supported by the Tobiads, was victorious, probably with the assistance of Syria. Tcherikover interprets subsequent events in the light of a reaction against Hellenism by the bulk of the people in view of the degeneration of affairs under the extreme Hellenists headed by Menelaus, and that the erstwhile supporters of the movement became vehemently opposed to it. Whereas hitherto they had become tolerant of the movement and even conscious of its benefits, now, under Menelaus exerting his authority like "a beast of prey in his wrath" (3), they became more disillusioned as to its attributes. On the one hand he had to contend with the animosity and hatred of his own people, and on the other hand he had to buy the niggardly support of his Syrian masters by meeting their insatiable desires. In order to placate his alien superiors, he had to resort to the unpardonable offence of denuding the Temple of its treasures, a crime which could not easily be concealed from the gaze of the people. This action prompted Onias, the High Priest prior to any Hellenistic reform, to issue a sharp rebuke, an act for which he was destined to pay the supreme penalty, for, fearing the influence of so venerable a person as the former High Priest, Menelaus took the precautionary step of having Onias lured from his place of refuge in Daphne and had him murdered.

Prior to the advent of Menelaus Jewry was divided into two somewhat ill-defined factions, namely the Hellenists on the one side, and the conservatives on the other, but the line of demarcation was as yet ill-defined. There was at this stage no assault on the sanctity of religious practices, merely a cultural and political infiltration of influence. Even the sanctity of the custom of appointing the High Priest from the House of Zadok was religiously observed. The deterioration in the internal affairs in Judea concomitant with the appearance of Menelaus on the scene cannot be attributed to any phase of Greek thought or ideology. It was merely a manifestation of degeneracy and corruption stimulated by an unscrupulous individual acting at the behest of equally unscrupulous masters, namely the Tobiads and the Seleucids.

Under these circumstances the present writer contends that it would not be too extravagant a surmise to assume that the sequence of events impelled the moderate Hellenists, possibly under the leadership of Jason, into an organisation called the Zadokites (Sadducees) demanding that the High Priesthood should revert to the legitimate claimants. For if Geiger is prepared to concede, as quoted earlier (4), that a breach in the line of succession of the High Priesthood could give rise to a sect called the Zadokites, surely the obvious moment for the initiation of such a party would be at this moment when the Hellenisers, under Menelaus, usurped the High Priesthood from Jason, thereby violating the sanctity of the claim of the House of Zadok. If we accept this hypothesis the whole course of the subsequent history of the Sadducee-Pharisee struggle becomes infinitely more rational. In other words, the

inauguration of the Zadokite sect arose, not in opposition to the conservatives, but against the Hellenisers. It is strange that Graetz should, as quoted earlier (5), propose that the reason for this phenomenon was the emergence of a feeling of reaction against Hellenism, and as a protest against assimilationist tendencies, and yet disregard this particular instance when the very sanctity of the Temple was abused. Indeed the Zadokite sect in its initial stages might well have encompassed all people to whom the violation of the Temple was abhorrent, irrespective as to whether they professed Hellenistic sympathies or not.

ANTIOCHUS' GEZEROT IN RELATION TO THE REVOLT

The failure of historians dealing with this period to emphasize the difference between Hellenists under Jason and the Hellenisers under Menelaus, has been responsible for the inability of the critical enquirer to account for the purpose of the tyrannical decrees (gezerot) resorted to by Antiochus Epiphanes. Primarily, the problem revolves round the question as to the purpose of attacking fundamental Jewish ritualistic conduct, such as the observance of the Sabbath, the practice of circumcision and culminating in the extreme assault on the Jewish mode of life by erecting an effigy of Zeus within the Temple itself.

It is true that Jewish sources have already equated Antiochus with the evil one, but an impartial judgement can obviously not be expected from the most vehement of his foes. Even if Polybius recounts elements in his conduct to justify Klausner's judgement of his as a "degenerate neurotic", there are also grounds in the same author to support Rostovtzeff's regard for him as the most important figure in the Seleucid dynasty. Having been nurtured in an atmosphere of Greek philosophy (Epicureanism was the court philosophy under Antiochus), it has been suggested that he used Hellenistic philosophy as a cohesive force solely to stem the tide of the crumbling process which had beset his empire, and spared no effort in his attempt at favouring cities prepared to enter into his scheme of intensifying Hellenism (1).

Some support for this theory is derived from the sources, for instance, his letter to Nicanor, in which he mentions that, in contrast with the Samaritans, "They do not apply themselves" (2). Also (3) he orders the execution of those Jews who do not wish to go over to the Greek way of life. This approach to the intensification of Hellenistic culture would not be in keeping even with the Epicurean outlook, the policy of which was to proselytise where possible. For it must be remembered that, while pamphlets were written with this end in view (4), methods involving tyrannical force were never resorted to. Furthermore, the validity of this explanation is open to suspicion if we bear in mind the known fact that the Seleucids were never aspirants for culture as such, and never aspired to encroach on the freedom of vassal states on such profoundly spiritual matters as freedom of ancestral worship. Oriental towns regarded as sacred under the Seleucid empire never suffered any deviation from their own distinctive religious practices.

Furthermore, his indubitable devotion to the Roman civilisation casts a grave doubt on his bona fides as an arch-Hellenist, and raises doubts as to whether even his admiration for Rome was not merely a measure to strengthen his domain by fostering good relations with Rome. Similarly his Hellenistic policy was only a political measure to consolidate his empire, but bade no pretence at interfering with local cults. On the conversion of Jerusalem into a Greek Polis, while not directly affecting the religious practices as such (although their legal entrenchment could be questioned), the ambitions

of Antiochus were already satisfied. Hence the question as to the causes which stimulated Antiochus to embark on measures totally unprecedented and uncalled for, and indeed inconsistent with his normal policy, still remains unanswered.

Other theories have been advanced, supported by more or less convincing proof, founded on the assumption that Antiochus proposed unifying all religions throughout his domain. However, such a syncretic form of pagan mono-theism was, as yet, an undreamed of concept in the period of Antiochus, and never took a concrete form until the 3rd Century of the common era. Even if, apparently, the authors of I Macc. (5) and Daniel (6) saw the obvious tendency of Antiochus to spread the cult of Zeus, their interpretation was based on the fact that they themselves were mono-theists and hence, by reading into Antiochus a desire to spread another form of pagan mono-theism, they were in reality reflecting their own instinctive beliefs. However, the notion that Antiochus nurtured such aspirations must, historically, be questioned.

A perceptible advance towards the solution of the question has been proposed by Bickerman, who suggests that not Antiochus but the Hellenisers at Jerusalem were responsible for the persecutions. Exclusiveness was, to the Greek mind, a manifestation of barbarism, and in their zeal for removing any stigma of barbarism which threatened to sully their newly acquired veneer of Hellenism, they proceeded to eliminate the final element of exclusiveness, namely their religious practices. Some measure of support for this theory is to be found throughout the Books of the Maccabees, where the atrocities of the Hellenisers in the subsequent course of events have been minutely preserved.

While one feels that Bickerman's theory contains more than a germ of truth, a fundamental shortcoming remains to be accounted for. The association of the persecution with the name of Antiochus, while no mention is made of Menelaus or his brothers Simon and Lysimachas, arouses doubts as to whether Bickerman's theory completely accounts for the known facts. Furthermore a representation of Hellenism in all oriental cities can, at best, be described as "Levantine", and the probability of Hellenisers of this nature being concerned with such profoundly philosophical matters as universal religions, the stigma of barbarism associated with separatism, would pre-suppose a higher standard of philosophical thought than that prevailing in oriental cities. Indeed, had they reached such a standard of appreciation, one would also expect a commensurate scepticism in religious matters, as well as a broad-minded tolerance towards curious religious practices. For if (argues Tcherikover) Antiochus himself, the profound Epicurean, would not degenerate to such measures, why should the Hellenists who imbibed philosophy from the same source, not share similar liberal ideals. Since in the final analysis only Antiochus' interests would be served by the total subordination of Judea (until the actual outbreak of the revolt) one cannot completely disengage Antiochus from affairs in Judea.

Admittedly the broad context of international affairs in 168 BCE provides ample reason for Antiochus' interests in Judea. The war between Rome and Perseus of Macedon was drawing to a close, and Rome was to emerge as the victor. Secondly, Ptolemy sent an appeal for aid to Rome against the Syrian invaders, as it was obvious that Antiochus had to consolidate his gains, since he could not as yet gain control of Egypt. The submission of Judea had to be ensured and Rome had already manifested her policy of maintaining a balance between Eastern powers rather than protecting the interests of smaller states (7).

These facts may account for Antiochus' determination to have complete control of Judea, but they do not explain the ruthlessness of his decrees (gezerot).

Hence Tcherikover (8) postulates another theory which in its fundamental premise appears nearer the truth. The explanation pivots on the assumption that the persecutions came as a punitive measure against that element of the population which resisted Antiochus' degrees and Hellenistic reform, and was dependent on the course of events between 170-167 BCE, which were quite independent of the Hellenistic reform as enacted in Jerusalem, but centred around his Egyptian campaign. The pertinent question is, on how many occasions during his Egyptian campaign did Antiochus set foot on Palestinian soil. The question is far from clear from the sources, since I Macc. (9) relates only one occasion, after the first campaign, while II Macc. (10) also relates only one instance, namely after the second campaign. Yet Daniel apparently indicates two visits, one in 169 BCE (11) and the other in 168 BCE (12). Other scholars favour the view that on the first occasion he arrived in person; on the second he empowered his representative Appolonius to execute his orders. Be it as it may, it appeared that the Palestinian question loomed large in his attention on two occasions.

On his first visit, about which there is no doubt, in 169 BCE after his Egyptian campaign, his initial reception appears to have been cordial, a fact which Josephus emphasizes (13). However he took the opportunity of looting Temple treasures (14) and Josephus, quoting Greek authors (15), stresses the fact that this act of hostility was motivated solely by his need of funds. Menelaus, as High Priest, was the official representative of Jewry and his apathy in this act of desecration could not be condoned by any loyal section of the population, Pietist or Hellenist.

Naturally such an act of deliberate desecration would arouse the deepest resentment and disgust, not only amongst the orthodox conservatives, the Hassidim, but equally amongst the Hellenists under Jason, who still professed to hallow its pristine sanctity. Subsequent events support this mode of reasoning, for within a year a false rumour spread throughout Jerusalem that Antiochus had died. Thereupon events moved swiftly.

It is significant to note that the initial, ^{organised} assault on the existing regime was launched by none other than Jason himself, who is reported in II Macc. (16) as having slaughtered many citizens, and his men burnt the gate and shed innocent blood. At this stage no mention is made of the Hassidim as having participated in the assault.

The pertinent question is "Who was fighting and against whom?" From the account in the sources (17) the reply is decisive, namely the Hellenists under Jason were attacking the debased Hellenisers under Menelaus. Yet Tcherikover (18) seeks to prove at length that this seemingly obvious solution is untenable and raises the following objections to the normal reading of the sources:

- a) The writer of the account in Maccabees displays a distinct abhorrence for Jason for his brutality, and shows a profound sympathy for his victims. Had the target of the attack been Menelaus and his followers, surely, argues Tcherikover, the author would have commended his action rather than having censured it for its brutality.
- b) The attack was abortive in its effect, and Jason was forced to flee. As his flight preceded the arrival of Antiochus or his deputy, the question arises as to who was responsible for putting Jason to flight. In the opinion of Tcherikover, Menelaus could not be credited with this victory since if this were so, the arrival of Antiochus would surely have been redundant.

Hence, to overcome these objections, Tcherikover submits the theory that while fighting was in progress there was a new and unprecedented uprising of the mass of the people, led by the Hassidim, who, having put Jason to flight threatened to overthrow Menelaus and return to the traditional way of government, thereby identifying themselves as a hostile element in the eyes of Antiochus. Thereafter Antiochus arrived, crushed the uprising, slayed 40,000 souls, and sold an equal number into slavery.

Hence Tcherikover accounts for the course of events according to the following sequence. After the first visit of Antiochus during the tenure of office of Menelaus he was accorded, in his own estimation, a warm and cordial welcome, even to the extent of being permitted to loot the Temple treasures. Thereupon Jason emerged from his refuge and attacked Menelaus and his forces. While this coup was in progress a new and unprecedented uprising took place, with the mass of the people as the insurgents, put Jason to flight and imprisoned Menelaus. Thereafter Antiochus or his deputy returned, gave succour to the beleaguered Menelaus, and handed over the authority to the extremists once more, and so re-established his authority over the polis.

Diverted from completing his scheme he left his commander Philip¹ in charge of his Phrygian mercenaries (19). No sooner had he left than the uprising was renewed and Appolonius was compelled by a ruse to capture the city on the Sabbath. From this fact alone Tcherikover deduces that the target of Antiochus' attack was the Hassidim, otherwise the purpose of the ruse seems to have been superfluous. Hence Tcherikover dismisses somewhat summarily the part played by the supporters of Jason.

In the present writer's opinion this treatment is somewhat arbitrary, and the conclusion commensurately unjustified. For Tcherikover, in arriving at this conclusion, places great weight on the sympathy ((a) above) expressed in II Macc. for the victims of Jason. But for this objection a more natural and unstrained reading in the text would immediately suggest itself. For Jason, at the head of a band of a thousand insurgents recruited from all sections of the population averse to the Hellenisers under Menelaus, consisting of both conservatives and Hellenists, united them in their efforts to forestall any recurrence of spoilage of the Temple sanctities. Such a reading would be supported by the text.

The objection raised by Tcherikover can be quite easily explained if we take into account the limitations of II Macc. as an historical document. The book is a condensation by an unknown author (referred to in literature as the Epitomator) of five books written by Jason of Cyrene. The condensed account as we have it in the form of II Macc. was probably written during the period of John Hyrkanus, at the breaking point between Hellenists and Hassidim, the author showing profound sympathy with the latter. Hence it is to be expected that such an author would project back his own antipathies and interpret events associated with the progenitor of the Hellenistic party, colouring them in the reflected light of subsequent events.

During the reign of John Hyrkanus, the cleavage between the Hellenists and the Hassidim (20) became irreconcilable, and it would not be unreasonable to suppose that a writer sharing marked sympathies towards the viewpoint influencing the Hassidim, should lose no opportunity to malign one of the earlier exponents of the movement which subsequently gave rise to such vehement friction. Hence, the present writer contends, while the Hassidim may have constituted the spearhead of the attack on Menelaus, they still shared common ground with the moderate Hellenists on matters relating to religious observances. For the intellectual elements amongst the Hellenists never evinced any hostility towards Judaism, and if Tcherikover is justified in seeking religious tolerance from Antiochus on account of his Epicurean proclivities, surely this selfsame approach would be expected from the cultured elements in the Jewish Hellenistic party.

Granted that subsequent events revealed that there was amongst the Hellenistic party intellectuals who viewed certain elements in Judaism with benign cynicism, any base attempt at degrading the religious conviction of a section of their kinsfolk would arouse the fiercest opposition.

Their intellectual ideal was a polis wherein none but the demos, constituting the citizen body, had the right or power to vary, rescind or jeopardise any religious practice; how abhorrent must have appeared the totally unconstitutional act of permitting the sanctity of the Temple to be violated. Hence the thoughtful Hellenist must have been profoundly shocked at seeing not only his sacred places violated, but also his intellectual and cultural background being denigrated.

Hence the present writer suggests a variation of the trend of events prior to the revolt, which would follow the following sequence.

- a) Menelaus usurps the High Priesthood, and during Antiochus' first visit to Palestine connives at his looting of Temple assets.
- b) A vehement uprising by both Hellenists and Hassidim, initiated by Jason (21).
- c) The punitive gezerot by Antiochus during his second visit after the attempt had been subdued, and directed against the insurgents of both parties.
- d) The Maccabean revolt stimulated by these gezerot.

This sequence constitutes a more rational approach than that pictured in the sources, namely

- 1) Collision between parties,
- 2) Intervention of Antiochus,
- 3) Evil decrees,
- 4) Maccabean revolt.

Tcherikover's suggestion that step (b) above was instituted solely by the mass of the people simultaneously against the Hellenists under Jason and the Hellenisers under Menelaus derives no support from the sources, nor does it contribute any rational explanation to subsequent events.

The fact that the sequence of events suggested above does not correspond with that suggested in the sources need not be counted as an inherent weakness in the argument. For the aim of the First Book of the Maccabees is to idolise the Hasmonean dynasty as the saviour of the Jewish people, and its contents have been designed to convey this impression. Hence any suggestion of a revolt prior to that instituted by the Maccabees might detract from the lustre of the Hasmoneans, and consequently its effect was minimised (22).

The second Book of the Maccabees is certainly coloured by a sentiment of adulation for Judas Maccabees, with the purification of the Temple as the crowning achievement. Hence the author of the Second Book shows considerable reserve in crediting anybody who might detract from his hero's glory. A significant omission in the second book is the name of Matthias, the father of Judas, who historically initiated the Maccabean Revolt. Furthermore the Epitome, as has already been explained (23), was a fervent follower of the Hassidim of a later generation, at a time when the moderate Hellenists and the Hassidim parted ways permanently, so that we cannot expect any recognition from this

But what is particularly pertinent to our argument is the simultaneous refutation of two diametrically opposite viewpoints. Firstly Hadas' (24) that the revolt resolved itself into a mere feud between two equally Hellenised families, the Oniads headed by Jason, and the Tobiads personified by Menelaus, with the High Priesthood as the ultimate prize. The advent of Hellenism burst asunder family ties and affiliations, giving rise to the exercise of individual talents and merely family loyalties played no significant part. In this case even this tendency was eclipsed by a greater issue, namely the basic concept of the independence and sanctity of Jewish religious practice.

The second misconception, that advocated by Halevi (25) and followed by Travers Hereford (26), is one characterised by over-simplification. This view is that Judean Jewry consisted of two elements alone, the one the pious Hassidim to whom any trace of Hellenism was repugnant, and the other the Hellenisers, led equally by Antiochus, Menelaus and Jason, and to whom the eradication of Judaism was the sole aim and purpose. The above examination will show the erroneous nature of such a premise, and the fallacy of attempting to segregate people into such artificial compartments.

The measures adopted by Appolonius in 168 BCE have fortunately been recorded in I Macc., for having captured the city and fortified it he converted it into a stronghold Akra, which became the centre of the so-called new polis. The inhabitants of Akra were obviously the supporters of Menelaus, coupled with a new element in Jewish post-exilic history, namely aliens, described in I Macc. 3: 45 as the sons of aliens, "people of pollution", "sons of Belial". Daniel 11: 39 also appears to recount the activities of the strangers of Akra. Hence it is clear that the new element of the population consisted of foreigners drawn from the Gentiles, possibly from the returned military. Earlier Ptolemy Eugertes threatened to impose the severest penalty amongst Jews by settling Cheruks or Katoikia (27). Nor should the implication of such punitive measures be underrated, for it implied confiscation, rape, and even expulsion from the homes and towns. Ptolemy Eugertes (28) had used his strongest weapon, namely his intention to turn Jerusalem into a military Cleruchy, and I Macc. described the effect most vividly by its reference to Jerusalem as a wilderness completely abandoned by its inhabitants (29).

The effect of settling large numbers of foreigners and military pensioners in Jerusalem could not fail but to have a profoundly debasing effect on religious worship. For the newcomers were henceforth to become fully qualified citizens, entitled to add their voice in questions even of religious worship. These soldiers were by no means nurtured in the highest form of Greek culture, nor were they of Greek or even Macedonian lineage, for Antiochus had no foothold in Greece or Macedonia at that time. They were Syrians, who had received their training in an academy modelled on the Macedonian style. The probability exists that these soldiers brought with them Syrian deities, not with the purpose of supplanting the local cult, but to unite the Jewish cult with one of the deities of the Syrian Pantheon, with

discovery of the Syrian character of the cult on the Temple Hill during Antiochus' persecution. For these were not the Greek gods Zeus, Dionysius enjoying special privileges. They were regarded as Syrian gods in Hellenistic garb.

Moreover the wanton women (30) were the sacred prostitutes who had no counterpart in Greek cult. Bickerman's discovery was inexplicable even to himself, for he queried (31) that if the Hellenists in Jerusalem sought to convert Judaism into another form of worship, they would certainly have chosen a full-blooded Grecian cult in preference to a grossly repugnant form of Syrian worship. Yet the solution is simple, for neither Jason nor his Hellenists were responsible for these new innovations, indeed they certainly stood as aghast and horrified at such profanity as the conservatism Hassidim. Only Menelaus could still perform his function as High Priest in an atmosphere where Syrian soldiers consorted with Syrian prostitutes.

This account brings us to the year 168 BCE, and Tcherikover deduces that about a year elapsed between these events and Antiochus' decrees enumerated in II Macc. 6: 1, when a special emissary was sent to force Jews to transgress the laws of their fathers and not live according to God's commandments. The Temple was renamed Zeus Olympus, the observance of the Sabbath and the practice of circumcision, two cardinal precepts amongst Jews, were prohibited. The erection of an altar on which swine were to be sacrificed followed upon the edict that the Books of the Law were to be burnt (32). This picture is further coloured by the account in Daniel 11: 31, who describes the cessation of permanent sacrifice and the setting up of abomination and desolation.

With minor variations we may agree with the sequence of events suggested by Tcherikover (33), namely that after the introduction of pagan rites in the Temple there was widespread uprising led by the Hassidim, who constituted the scribes, the authoritative interpreters of the Law, and supported by the urban population constituting the masses. The Law of Moses became the watchword of the uprising of the ordinary folk, the craftsmen, labourers and traders. But it would be fallacious to assume that there were no others in the vanguard of the attack, apart from Hassidim. For if a radical opposition between one form of worship and another would seem to the Syrian Katoikoi as an absurdity, even the most advanced Hellenised Jew could only offer unwavering opposition to this form of tolerant syncretism.

That the Hassidim took a prominent part in the uprising is conclusively proved from the sources. I Macc. (34) refers to the congregation of scribes coming to Akimus "to seek justice", and uses the same word in describing those who fled from the persecutions of Antiochus "to seek justice and judgement". But any deduction from the fact that by observing the Sabbath they allowed themselves to be massacred by their adversaries that they were composed solely of Hassidim is unwarranted, since a cardinal precept such as the observance of the Sabbath would be equally binding upon a Moderate Hellenist as upon a member of the Hassidim.

THE REVOLT

A detailed investigation into the authenticity of the account of the clash between the villagers of Modin and the Syrian troops as revealed in the First Book of the Maccabees would be outside the scope of the present investigation. What is pertinent, however, is to ascertain whether this phase of the uprising was in any degree effective in eradicating the Hellenistic tendencies from Judea. One must emphasize the fact that the revolt itself was only one phase in the reaction of events which had begun fully a year earlier, and which in reality was initiated by two Hellenistic factions. For if the assault on religious practices merely catalysed the revolt which had been simmering for more than a year previously, such an attack, as has been stressed previously, was completely inconsistent with the designs of the Hellenistic reform. While we may differ from the view expressed by Hadas (1) that "violence started in consequence of rivalry between two equally Hellenistic contenders for the High Priesthood and religion was not an issue at all", we must admit justification for his remark that "rebellion was not in its origin a reaction against Hellenism".

Scholars (2) have questioned the romantic account of the saintly figure of Matthias as depicted in I Macc. on the grounds that the purpose of the book is to undermine to a considerable extent the part played by Judah by ascribing, not to him, but to his father the credit and honour of having initiated the revolt, and on the death of Judah to magnify the part played by Simon his brother. Such an approach would be consistent with the designs of a court historian in the time of Simon's son, John Hyrkanus; a theory supported by the significant omission of Matthias' name from II Macc. Could the omission be due to the fact that the author of II Macc. detected in the character of Matthias some element dissonant with that of a true member of the Hassidim, by permitting a defensive war on the Sabbath (3) as suggested by Klausner? (4) Support for this suggestion is to be found in the fact that II Macc. 8: 26 under similar circumstances records that Judah's decision was diametrically opposed to that ascribed to Matthias.

From a wider angle, we must not overlook the fact that the Maccabean revolt was not an isolated uprising on the part of an Oriental country against its Western rulers. We come across similar small kingdoms such as Bithynia, Cappadocia and Armenia (5) demanding their independence from the Seleucids. But such a demand for political independence must not be interpreted as a reaction against Hellenism, for the Parthians, the most vehement enemies of the Seleucids, even after attaining their independence still regarded Hellenism with favour. Under their newly acquired independence the city Seleucia-on-Tigris retained its independent existence, and the Greek tragedies were performed at the royal court (6).

The identity and character of the adversaries that the Maccabees had to contend with are also referred to in the sources, and do not support the concept of bearers of Hellenic culture. I Macc. 3: 10 refers to the Samaritans and II Macc. 8: 9 stresses the heterogeneous nature of the troops under Nicanor, while I Macc. 3: 41 also supports the view that the armies were largely Syrian and Philistines. An added advantage envisaged by the enemy was the expectation of the availability of Jewish slaves, for the rich merchants brought not only money but also fetters in the hope that a copious supply of low-priced slaves would be the reward for their efforts (7).

Such conduct on the part of the enemy does not support the view that the spread of Hellenism was a cardinal factor in stimulating the war, on the contrary, even Hellenised Jews residing in Palestinian towns were persecuted (8).

This fact alone supports the view that, whether justifiably or not, the Gentile population occupying Palestine looked askance at the widespread settlement of Jews along the coastal towns of Jaffa, Yavne and Galilee and in north-western parts of Samaria and Giliad and in the land of Tov where the sources mention a figure of 1,000 killed (9) indicating a sizable Jewish community. That these settlers aroused both the fear and the suspicion, and also the enmity of the Syrians need not be questioned, for psychologically one can readily appreciate the misgivings of the dominating powers towards a population, which historically once occupied the whole of Palestine, and who made no pretence of concealing their ultimate hope for the restoration of their homeland. This undercurrent of suspicion of his Jewish subjects is supported by the order given by Antiochus to Lysius (10) to settle aliens in all their borders and to divide the land into allotments.

En passant, Antiochus was quick to perceive the financial relief that such a programme would mean to him in alleviating his embarrassment at having to redeem his debt to Rome (11) and if by making Jerusalem a Greek settlement (12), levying taxes on the Temple and converting the High Priesthood into an auctionable post constituted measures not inconsistent with established Hellenistic precedent, neither were they merely fortuitously consistent with his dire need for financial succour. Furthermore the Hellenisers at Jerusalem aided Seron (13) in accomplishing this programme, and acted as guides for the Syrian army (14) and one can safely conjecture that the spread of the torch of Greek culture and philosophy was in no way a primary consideration amidst this element.

However, support for the view that the Maccabean armies themselves were not devoid of a significant number of Hellenists is afforded by a close scrutiny of the four documents quoted in II. Macc. Chap. II, originating from the official bureau of the period and therefore worthy of close examination. Their historical value was questioned (15) primarily on account of chronological difficulties, but once this obstacle was eliminated by Laqueur (16) by divorcing document No. 2 from the rest, their historical value becomes apparent.

DOCUMENT NO. 1 (II Macc. 11: 16-21)

Lysias greets the Jewish people (τῷ πρῳτοῦ τῶν Ἰουδαίων). Johanan and Absalom who were sent by you, have delivered to us the memorandum subjoined and have requested of us a reply on the matters indicated in it. What has been necessary to refer to the King also, I have proposed to him, and what I personally have been able to approve I have approved. If you retain your devotion to the government I also shall endeavour in the future to care for your welfare. As to the details of the matter, I have empowered your representatives and my own to enter into negotiations with you. Farewell. Written in the year 148 on the 24th of the month of Dioskorinthios.

DOCUMENT NO. 2 (II Macc. 11: 22-26)

Antiochus the King greets his brother Lysias. Now that our father has ascended to the gods, we desire that all the inhabitants of the state should devote themselves quietly and peacefully to their affairs, and we heard that the Jews are not in accord with our father's command compelling them to live in the spirit of the Greeks, but prefer their own life and therefore ask that permission be given to them to live according to their laws. It is our desire that this nation too shall live in tranquility. Therefore our decision is: to restore to them the Temple and to permit them to live according to the custom of their fathers. You will do well therefore to send emissaries to them to make an agreement with them, in order that their spirits be raised up when they learn of our goodwill, and that they turn joyfully to their affairs.

DOCUMENT NO. 3 (II Macc. 11: 27-33)

King Antiochus greets the Council of Elders (Gerousia) of the Jews, and the rest of the Jews. We hope that you are well. Menelaus has revealed to us that you desire to return to your homes and also to devote yourselves to your private affairs. Whoever departs up to the 30th of the month of Xandikos may go under safe escort and may be certain that the Jews will receive permission to use their foods and their laws as originally; nor will any one of them suffer any interference whatsoever on account of former offences. I have sent Menelaus to you to make peace with you. Farewell! Written in the year 148 on the 15th of the month of Xandikos.

DOCUMENT NO. 4 (II Macc. 11: 34-38)

Quintius Mummius and Titus Manlius, the Roman ambassadors greet the Jewish people (Gerousia). We also agree to everything which Lysias the King's kinsman has consented. As to those matters which he has decided to bring before the King, do you yourselves discuss them and send somebody swiftly, that we may express our opinion as befits your affairs. We are on our way to Antioch, therefore send several envoys quickly that we also may know what you think. Farewell! Written in the year 148 on the 15th day of the month of Xandikos.

A detailed analysis of the chronological difficulties inherent in these four documents must be sought elsewhere (17). Briefly, the difficulty pivots on the dates affixed to these documents and their numerical sequence. The third and fourth documents were apparently written on the same day, yet the contents of document 4 clearly precede the edict contained in document 3. Furthermore the date affixed to document 1 is unknown to us, and the surmise of Abel and Bevenot (18) that the month intended was Dystios, which preceded Xandikos is a feasible possibility. Document No. 2 clearly is out of context and the accepted explanation is that it is to be relegated to a later stage.

However the important problem which directly concerns us here, and has given rise to a prodigious literature (19), is to whom were these documents addressed. Hitherto there have been two schools of thought.

- a) E. Meyer (20) and Bickerman (21) maintain that they were addressed to Judah and his supporters. The use of the term "plethos", denoting a disorganised mass of people, with which document 1 opens, can, according to these historians, only be applicable to the Maccabean insurgents. Had they been addressed to the Hellenisers at Jerusalem, the word "demos" would have been employed.
- b) Tcherikover (22) and Dagut (23) maintain that these documents were addressed to the Hellenisers at Jerusalem on behalf of the humble non-attached folk who were consistently joining the Maccabees, and who suffered most on account of the disrupting influences of the wars from which they would willingly have remained aloof had they been given the chance. Tcherikover points out that the word "plethos" has been used indiscriminantly even in the classical period (24).

The theory propounded in (a) above does not bear critical examination. Firstly, Zeitlin (25) in his commentary on the relevant passages has noted the absence of any reference to Judah in the negotiations contained in these documents, but offers no explanation for this surprising omission, if indeed they were addressed to the Maccabees. Lysias in Document 1 might have coupled all the allies of Judah under the name of "plethos", but Document 3 is addressed to the "Council (Gerousia) of Elders of the Jews, and the rest of the Jews". The word "Gerousia" has a specific meaning referring specifically to the council in the polis concept - an aristocratic institution as in Sparta - and is not synonymous with the Sanhedrin (26).

Although the terms יְקִיָּהוּ and יְקִיָּהוּ הָעִיר have been translated into Greek as "gerousia", such translations date only earlier than 250 BCE - later translations use the word "presbyteroi" (27). Reference to Document 3 also negates the supposition that the documents were addressed to Judah. "Menelaus has revealed to us that you desire to return to your homes, and also to devote yourselves to your private affairs." This could not refer to Judah for nothing could be further from his ambition at the moment of his ascendancy.

At this juncture Judah had already successfully attacked the Syrians three times, and was on the point of launching an attack on the capital itself. The possibility of Judah entrusting Menelaus with a mission to travel to Antioch must be regarded as extremely unlikely. Furthermore, would the Romans express their willingness to use their good offices in negotiating with what must have appeared to have been an ill-defined body of rebels and barbari?

The suggestion advanced by Tcherikover (b above) that these documents were addressed to Menelaus acting on behalf of the mass of unaffiliated Jews is also unsupported. Document 2 provides for the restoration of the Temple, but from the Syrian point of view access to the Temple was never denied to anybody. All historians agree that this particular document was addressed to the insurgents and, while it may have been displaced from a chronological aspect, it is less likely that the recipients had also been confused.

On the other hand the Hellenisers at Jerusalem were certainly not the recipients of these documents for the contents were not applicable to them. "I have sent Menelaus to make peace with you" would certainly not apply to the Hellenisers at Jerusalem. Nor would the concession that they may eat certain foods and be pardoned for former offences be applicable to the faction headed by Menelaus. Finally the concession granted in Document 2 restoring to them the Temple would also be inconsistent if the Hellenisers in Jerusalem were being referred to - for they held control of the Temple throughout the troublesome days during Menelaus' regime.

Furthermore a strange coincidence of names seems to have escaped the historians, apart from Zeitlin (28) - yet even he fails to appreciate its significance. In Document 1 Johanan and Absalom are mentioned as having been sent to initiate peace-feelers. In I Macc. 13: 11 the identical names are used to describe persons sent by Simon at the time of his struggle with Tryphon. If this similarity of names is no mere coincidence, but refers to the same person or people, the present writer's contention that peace-feelers emanated from Maccabean Hellenists would be strongly supported. Hence the suggestion is presented that these documents were in fact addressed to the Maccabean Hellenists, amongst whom the first signs of friction and discontent with the Hassidim were becoming apparent, culminating in an approach to Lysias by the Hellenists to explore the possibility of peace terms. The term "devotion to the government" and the reciprocal promise of "caring for your welfare" would be particularly applicable to the Hellenistic faction in the Maccabean camp. Their sacrifice, both material and social, would be most apparent to the Syrian government. Subsequent events, referred to later (29), support the view that a concerted effort was made to appease the religious inclinations of the Hellenists by the Syrian government so as to bring the revolt to an end.

Document No. 3 provides us with an indication of the concessions offered, namely that permission would be granted to anybody taking advantage of this token of appeasement to enjoy their own choice of foods and to live under their own laws. Yet it is also noteworthy that a fundamental cause of dissension, indeed the very explosive issue which triggered off the whole revolt, the conduct of Temple affairs, is significantly omitted from the concession. For to the followers of the Zadokite dynasty, primarily those of Hellenistic tendencies, such a provision would amount to a sine qua non in any peace negotiations. Indeed subsequent events indicate that the Hassidim were, at this stage of the revolt, prepared to forego the principle of succession of the Zadokite dynasty in Temple organisation. The refusal of the Syrian government to acquiesce on this cardinal issue, perhaps on account of the influence of Menelaus, is a plausible reason for the failure of these negotiations to win over the Maccabean Hellenists.

This contention is supported by the contents of Document No. 2 (30) written after the compilation of the earlier document (162 BCE), where official recognition is given to the Maccabean claim, and the restoration of the Temple is tacitly referred to. The question as to the purpose of such a concession after the Temple had been occupied and cleansed by Judah is not difficult to answer, for by issuing this decree, the Syrian government accepted de jure, that which had been established de facto, and the execution of Menelaus by Lysias (31) supports our theory that the recognition of the transfer of the Temple to the Jewish authorities was opposed by Menelaus, as suggested by our discussion of Document No. 3.

Indeed, a measure of how little consequence Hellenism meant to the whole revolt is afforded by the reaction of the Hassidim themselves to the appointment of Alcimus, a profound Hellenist, to the office of High Priest. For on his appointment and assurance that religious freedom would be guaranteed, in spite of his somewhat ignominious antecedents, the Hassidim withdrew from the struggle. The reason for the other element's reluctance to follow suit may be surmised from Josephus' record (32) that he was not of the Zadokite dynasty. The fact that he claimed the High Priesthood as an ancestral inheritance might be due to the fact that he was appointed to that office on the death of Menelaus but he was subsequently deposed (33).

On the other hand the acceptance by the Hassidim of a person of doubtful antecedents, and not descended from the Zadokite dynasty might be accounted for on the assumption that they had become disillusioned as to the importance of the High Priesthood in their religious lives. Hence, provided that a reasonable prospect of their liberty to practice their religious convictions was assured, they were reconciled at having to forego their ideals as to the priesthood. For even King Solomon deposed Abiathar, the High Priest, when the latter's loyalty to the monarch became suspect (34). In the light of subsequent events, when the Hasmoneans, also not descended from the Zadokite dynasty, became High Priests, the alternative prospect of some other aspirant aspiring to this office may not have been regarded by the

Hassidim as completely devoid of compensation, provided that other religious rights were safeguarded.

However, two conclusions emerge from this episode. Firstly, even after the cessation of the Hassidim from the field of battle the revolt still continued, which proves that the Maccabean Hellenists remained obdurate. The second incontrovertible conclusion is that Hellenism as a philosophy was never a cardinal issue in the revolt, otherwise the reason for the readiness of the Hassidim to come to terms with Alcimus would remain inexplicable.

Hence the present writer cannot concur with Hadas' judgement that the revolt started "in consequence of rivalry between two equally Hellenised contenders for the High Priesthood and religion was not an issue".

In the first instance, can Menelaus be cited as an exponent of any form of Hellenism? Secondly, the present writer has shown that as Menelaus was not a member of the Zadokite lineage, his assumption of the High Priesthood at the time could well have been considered a flagrant breach of established religious observances. Furthermore his condonation of the looting of sacred Temple objects (שֶׁטֶף) was certainly a calculated offence against Jewish religious practice.

However the fact that the initial organised assault was launched by an undisputed Hellenist, coupled with the active participation of other Hellenists in the revolt, disproves the contention of Halevi, Montefiore and Travers Herford that the ultimate goal and achievement of the revolt was the eradication of Hellenism.

It would also appear that subsequently the whole attitude towards the sanctity of the Zadokite dynasty underwent a change, for the pietist element apparently were prepared to disregard this usage.

The events described in the following chapter seem to confirm the supposition that the disregard of this canon stimulated a further split amongst the original Zadokites.

CHAPTER XX

EVIDENCE OF SPLIT IN ORIGINAL ZADOKITE SECT

With the withdrawal of the Pietists from the Maccabean revolt, we reach the second phase in the ultimate development of the Sadducean faction. Many explanations have been given for the derivation of the word Pharisees (Hebrew פְּרִיִּשִׁים), most of them stressing the concept of 'separatism'. Whilst there are many well-founded theories as to the significance of the word as applied to the Pharisees, the possibility that the name originated from the withdrawal of the Pietists from the Zadokites on the issue of the appointment of Alcimus as High Priest, is a conjecture not devoid of substance.

As has been explained previously, the first stage was concomitant with the general and widespread uprising of all sections of the Judean population, including Hellenists who were opposed to the abuse of Jewish religious practice, as symbolised by the appointment of Menelaus by Antiochus as High Priest. The reason for the withdrawal of the Pietist element from the conflict, and their condonation of the appointment of Alcimus, who was not of the Zadokite lineage (1), as the new incumbent of the High Priesthood, has been conjectured by the present writer in the previous chapter.

We must turn to the Zadokite Document, and the Dead Sea Scrolls, for evidence pertaining to the third stage in the development of the Sadducees as a distinct faction.

Ever since Schechter published his famous fragments found in the Cairo Genizah, there has been no lack of speculation as to the identity of the sect referred to. Their obvious loyalty to the House of Zadok (2), their mutual loyalty by virtue of a covenant (3) and their ultimate emigration to Damascus (4) were subjects which aroused the interest and speculation of many historians (5).

With the elucidation of the Dead Sea Scrolls the relationship between this sect and the authors of the Scrolls became almost obvious. The outstanding personage prominent in both the Zadokite work (6) and the Habakkuk commentary (7) was the Teacher of Righteousness. In the latter case he is described as a priest, whose followers were bound by a covenant, also referred to as the New Covenant in the Zadokite work (8). This expression is repeatedly found in the Manual of Discipline (9) and in the Habakkuk commentary (10).

The hostility of an opposing group, the Sons of Darkness, is the subject of one of the Scrolls. This group is also referred to in the Zadokite work, though not by name (11), and in the Manual of Discipline (12). The leader of the enemy is referred to as The Wicked Priest (13) in the Habakkuk commentary, and as the Prophet of Untruth and the Man of Untruth in both the Zadokite document (14) and in the Habakkuk commentary (15). A further opponent is referred to as the Man of Scorn in the Zadokite work (16).

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Hence both mutually hostile groups had a priest as their respective heads. Other foes are also mentioned. In the Zadokite work we encounter the chief of the Kings of Yavan (Greece) (17). The Kittim are also mentioned (18) and one of the texts differentiates between the Kittim of Assyria and the Kittim of Egypt (19).

Several significant episodes are related. The defiling of the House of God (20) and the persecution of the Teacher of Righteousness (21), culminating in his martyrdom (22) are strongly condemned. The Kittim are reported as having plundered, attacked and slain (23), and the arch-enemy is accused of having been given into the hands of his foes (24). The House of Absalom is also condemned (25). Whether this reference is symbolical or refers to a specific individual of that name is a matter for conjecture (26). As a result of the persecution of the Teacher of Righteousness the sect migrated to Damascus (27) and its leadership is assumed by another individual referred to as the Star which came to Damascus (28). One final reference, which has been interpreted in a variety of ways by different critics, must be included here. This reference deals with the "builders of a wall who daubed it with untempered mortar" (29).

The identification of this sect has been the subject of widespread speculation. However, the interpretation proffered by Rowley (30) seems to conform with our knowledge of the period. The Wicked Priest could be identified as Menelaus, and Onias could appropriately be represented as the Teacher of Righteousness. The House of Absalom may be a reference to the Tobiads, and the Man of Scorn immediately conveys the impression that Antiochus is being referred to. The abominations that the Wicked Priest did in Jerusalem are reported in the Habakkuk commentary, and they bear a striking resemblance to the sacrilege and desecrations attributed to Menelaus, reported in the Second Book of the Maccabees. In the Habakkuk commentary we learn that the Wicked Priest reaped his just reward for his persecution of the Teacher of Righteousness (31), a fate reminiscent of that recorded in II Macc. (32) associated with Menelaus.

Significantly, the 'enemies of the Sons of Light' were Edomites, Moabites, Ammonites, Philistines and the Kittim of Assher (i.e. Seleucids), but not the Kittim of Egypt (Ptolemies).

The problem of the emigration to Damascus presents no insuperable difficulty. Critics who advocate a later date for the events contained in the Scrolls emphasize the fact that Damascus was part of the realm of Antiochus, and hence would not provide refuge from any sect fleeing from Judea. However, Rowley (33) points out that the Scrolls were written towards the end of a forty year period from the death of the Teacher of Righteousness. If Onias was put to death in 171, the emigration could have taken place at any time until 131 BCE, when Jonathan and Simon were in control in Judea, and a new and conciliatory regime prevailed in Syria.

Hence in the present writer's opinion these events, if they do indeed refer to the troubled years immediately preceding and during the Maccabean revolt, indicate a further split within the ranks of the original Zadokites, who had previously rallied against the regime of Menelaus. The appointment of Alcimus, who was not of the Zadokite dynasty, and his acceptance by the Pietists must have caused grave concern to any element which was vitally concerned with the personal continuation of the Zadokite dynasty.

This interpretation of events casts a significant light on the otherwise somewhat obscure reference to the 'builders of a wall'. While some authors interpret this as referring to the Wall of Jerusalem (34) others find a more rational explanation in assuming that the Pharisees are being referred to, by virtue of their function of encompassing the Torah with a proverbial wall. Segal has argued ever since the Zadokite document appeared (35) that the sect was formed in Hasmonean times, in opposition to Jannaeus, who is referred to as the Wicked Priest, and whose assumption of the office of High Priest violated their aspirations of re-establishing the lineage of Zadok. Segal's inability to indicate the reference to the Teacher of Righteousness is only one of the many objections to his theory (36). Yet his interpretation of the 'builders of the wall' as referring to the Pharisees, who were scornfully castigated on account of their acquiescence to Jannaeus' appointment, is one of the more attractive features of his theory.

However, the present writer also maintains that the 'builders of the wall' refers to the Pharisees, but suggests that it refers to another episode, namely the acceptance by the Pharisees of Alcimus, and later of Simon the Maccabee, as High Priest.

Hence when Josephus (37) refers to the Sadducees enjoying the popularity of none but the wealthy, he was describing events after the withdrawal of (a) the Pietists and (b) the Damascus sect. The residual faction may have retained the original name Sadducees, but as a result of these internal developments it lost its original significance.

The members of the Damascus sect were undoubtedly strict in their observances. They upheld the Sabbath (38) and exercised more rigid restrictions on the question of marriage (39).

Yet their internal organisation appears to have been modelled on the Spartan pattern. Their possessions were shared by all members of the group (40). The members were divided into four classes and they were organised in camps (41). These facts are interesting for they support the present writer's view that originally the advent of Hellenism did not conflict with religious observances.

CHAPTER XXI

HELLENISTIC TENDENCIES OF MACCABEAN LEADERS

The extent to which the spirit of Hellenism permeated even the Maccabean brother Jonathan can be gauged from the letter (1) supposedly addressed to the Spartans by Jonathan himself.

"Jonathan, the High Priest, the Council of the Nation, the Priests and the rest of the Jewish nation to their Spartan brothers. Greetings!

Even before this a letter was sent to Onias, the High Priest, from Areus, who was then King among you, to the effect that you are our kinsmen, as the copy herewith submitted sets forth. Onias received the man honorably and accepted the letter in which declaration was made about alliance and friendship. Although we are not in need of these pledges since we find encouragement in the holy books which we possess, we have undertaken to send you to renew the pact of brotherhood and friendship, that we may not become estranged from you, for much time has gone by since you sent word to us. So we remember you at every opportunity, incessantly on the festivals and other appropriate days, in the sacrifices which we offer and in our prayers, as it is right and fitting to recall our kinsmen. Moreover we rejoice in your glory. But many hardships and many wars surrounded us, and the kings around us made war on us. We did not wish therefore to trouble you nor the rest of our allies and friends with these wars; for ours is the aid which comes from Heaven. We have been preserved from our enemies, while our enemies have been brought low.

We have selected Numenius, son of Antiochus, and Antipater, son of Jason, and have sent them to the Romans to renew our former friendly alliance with them. We have ordered them to go to you also, to greet you and to deliver a letter from us concerning the renewal of our pledge of brotherhood. Now will you please answer us about this."

This is the copy of the letter which they sent to Onias:

"Areus King of the Spartans to Onias High Priest, greetings!
It has been found in a writing concerning the Spartans and the Jews that they are related, and that they are of the family of Abraham. Since we have learned this will you please write us about your welfare. We are writing in turn to you that your cattle and property are ours and ours are yours. We give charge, therefore, that this be reported to you."

The contents of this letter are so remarkable that many scholars have doubted their authenticity. That people in the middle of the second century BCE should believe that Jews and Spartans shared a common origin, and if the letter quoted from Areus is genuine, that this belief prevailed in the middle of the third century BCE, certainly justifies some doubt as to their validity.

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Oesterley (2) rejects the whole account on the grounds that an examination of the passage in the Book of the Maccabees suggests an interpolation. Eddy (3) is of the same opinion. Vailhe (4) accepts the view that the incident is genuine, even though the literary source might be confused. M. Ginsburg (5) is of the same opinion.

A number of salient facts indicate the possibility of the truth of the contents of these documents. There seems to be some measure of proof that a settlement of Jews had been established in Sparta, for in 168 BCE Jason fled there (6), and the letter of Lucius Calpurnius Piso in 139 BCE seems to confirm this (7).

Josephus (8) corroborates this episode verbatim. The man "who was honorably sent" is identified by Josephus as Demosthenes. The "sacrifice which we offer" might reasonably refer to the seventy oxen sacrificed on the Feast of Tabernacles for the welfare of the seventy nations on Earth (9).

What is even more noteworthy is that a writer well versed in politics and tradition should not find the story absurd.

The facts contained in the appended letter of Areus also synchronise, for Areus did reign in Sparta in 309 - 265 BCE and Onias was High Priest from 320 - 290 BCE. Yet it is difficult to credit Sparta, in the middle of the third century, with taking the initiative of proffering such a claim, and suggests that the actual fabrication in the form of a letter was effected in Jonathan's office. Neither need we be too critical as to its absolute truth, for Hellenic historiography recognises three forms of history: "true history", "false history" and "history such as might likely to have happened".

Claims of relationship between Hellenic and non-Hellenic peoples were invariably initiated not by the Hellenes but by the non-Hellenes, a principle illustrated in an age approaching Jonathan's by the Lampsacenes whose country was Troad. They used that principle in claiming relationship to the Romans, and hence were entitled to help against Antiochus III. Similarly in 146 BCE Tyre claimed kinship with Delphi. Even more implausibly a cogerus of Eastern cities in South West Asia Minor claimed Sparta as the mother city (10). As Sparta, at this stage, was a broken reed (in the middle of the second century) and Jonathan emphasizes his negation of any desire for material assistance, his only object in pressing the claim could be to claim the prestige that a relationship with such a fountain-head of Hellenism would impart. In the present writer's opinion this letter and the appended spurious letter of Areus were intended for circulation not only to the Spartans, but largely amongst the Jews themselves, and Jonathan's purpose was primarily to condition the prevailing Jewish mind to the relationship with the early Greeks so as to justify an acquiescence in accepting governmental and other institutions akin to their kinsmen the Greeks.

In the classical period Greeks adapted myths for political reasons to establish a connection with one or other non-Greek people. During the Hellenistic period this practice was eagerly followed by non-Greek peoples who claimed that their founder was some figure out of Greek legend. These tendencies are indicative of the eagerness of native peoples to emulate Greek ways and to aspire to the dignity of citizenship in the Greek sense (11)

A similar manifestation of the desire of Eastern peoples, in this particular case the Jews, to bring into alignment Jewish and Greek thought at a period coinciding with the Maccabean uprising, is contained in the famous letter of Aristeeas. The theme of the account is based on the quasi-historical report that Ptolemy Philadelphus (285 - 246 BCE) was prevailed upon by Demetrius of Phalerium (who flourished at that time) to procure a Greek translation of the Hebrew Bible to complete his library. With this end in mind he sends an embassy to the High Priest in Jerusalem with the purpose of enlisting a committee of reliable translators. The beauty of Jerusalem and the stateliness of the High Priest are stressed, and deference and honour are accorded by the embassy to the Jewish authorities. The same courtesy is paid to the seventy-two translators who eventually are selected to carry out the literary task on their arrival at Alexandria.

Such philosophical subjects as the deity of the Kingship and the art of ruling are subjects discussed by the seventy-two wise men, and their replies though seemingly inspired by Jewish concepts are, in fact, thoroughly Hellenic in spirit, to the delight of the local philosophers (12). Yet the purpose of the account may be queried. One obvious purpose was to lend colour of authority to the Septuagint. But a more subtle purpose is suggested by Hadas (13), namely to impress the reader that in an earlier day the grand monarch of the Hellenistic world was keen on accepting the Jews as equals both in social status and intellectual attainments. Hence the desire of the author was not so much to win favour for the Jews amongst the Hellenistic world, as to portray the Hellenistic world in a favourable light to the Jews. For we must assume that the writer of Aristeeas, though assuming a pagan mask, was addressing fellow Jews. For it is extremely unlikely that a book of this nature would find its way to any other section of the reading public apart from Jews and Christians. Indeed there is no evidence that the work was read by any but Jews and Christians, for this is the audience he had in mind in his desire to lend authority to the establishment of a Jewish religious celebration on the completion of the work.

In effect his message is that it is perfectly possible and even desirable for Jews to share Greek customs and still adhere to the essentials of Judaism. It is possible, he argues, to engage in polemics with Greek philosophers and to dine with them, and yet to remain distinctly loyal to Judaism. This approach can be regarded as the official manifesto of the Hellenistic party, and bears no similarity to that of the adversaries of the Maccabees, headed by Menelaus. Neither was this attitude opposed to the policy of the Maccabees.

CHAPTER XXII

THE AFTERMATH

Our investigation into the course of events leading up to the Maccabean revolt and its ultimate triumph has been designed to emphasize the salient feature that Hellenism, in its broad philosophical sense, was by no means a contentious feature. We have shown that, from the first tyrannical measures instituted by Antiochus Epiphanes, Hellenism was not a primary consideration - an assumption which explains the otherwise curious feature that the first active steps of hostility against these measures were initiated by the Hellenistic section themselves. The interference in the office of High Priest was resented initially by the Hellenistic faction, and only at a later stage, when the supreme contumely of placing an effigy of Zeus in the very precincts of the Temple was resorted to, did the vast majority of the people join the Hellenists in a natural movement to overthrow the foreign aggressor. An attempt has already been made to show that the sources themselves seem to support the theory that the insurgents were composed, to a considerable degree of Hellenists.

We now propose investigating the possible effects of the successful revolt on the hitherto widespread prevailing Hellenic tendencies. The triumph of the Maccabees succeeded in restoring the independence of the Jewish state from alien intervention in Jewish religious practices. However, the assassination of Simon the Maccabee and the attempt on the life of his son, John Hyrkanus (1), tends to cast some doubt on the assumption that the remnants of the debased faction previously headed by Menelaus, was completely eradicated.

However, the extant evidence seems to confirm the view that Hellenism as a political and philosophical model for society emerged unaffected by the struggle equally potent and seductive as before, braced to meet its adversaries in the form of a struggle between Sadducees, the exponents of the widespread Hellenic philosophy, and the Pharisees, the embodiment of the traditional form of Judaism.

Halevi, in his excessive zeal in espousing the cause of the latter, has done the former an injustice by continually identifying them with the followers of Menelaus. However he is justified in perceiving the fact that the Sadducees appeared on the scene before the Maccabean revolt and in this respect his judgement, though fallacious at other times, is superior to that of Weiss, Graetz and Krochmal, all of whom ascribe the rise of Sadduceeism to the post-Maccabean era.

The letter of the Maccabean brother Jonathan to Sparta during the revolt itself, virtually angling for a cultural re-approachment with Greece, negates the theory that the revolt was in any way directed against Hellenism.

Furthermore we must be mindful of the fact that Jonathan himself ruled as High Priest not by the choice or election of his co-religionists, but through the appointment of a foreign ruler Alexander (2), and in this sense his appointment was no more efficacious than that of his predecessors Jason and Alcimus whose pronounced Hellenistic tendencies are a by-word in the sources. Jonathan's brother, who succeeded him, also displayed that flamboyant conduct which arouses suspicion as to whether his private life was not influenced by models of Greek sumptuous living (3). The very coronation decree of Simon (4), although presumably the decision of the Great Assembly, bears the stamp of Hellenistic influence. The reckoning of the era by the year of his priesthood (5) "let all the bills of the country be registered in his name", and his subsidy to the armed forces (6) are qualities which one would normally expect from a Hellenistic king who stands above the state, extending aid to his subjects out of his personal generosity and humanitarianism. A careful analysis of subsequent events will tend to show that the ambitions of the Maccabeans were in the direction of putting their principality on a footing equivalent to other Hellenistic principalities, implying a model of Greek political theory and practice.

Hitherto the ancient kings of Israel had been primarily political or military leaders who were constrained to submit to the prophet, or in a lesser degree to the High Priest, in religious matters. Plato - the supreme Hellenist - advised that every phase of human conduct be subject to religious sanctions. Indeed the most striking feature of the Lycurgian code was that it claimed direct authority from Apollo. The important characteristic of these sanctions, in contra-distinction to those accepted in Jewish religious philosophy is that they should be manipulated by the ruler. This principle was incidentally re-asserted in a later age by Martin Luther, and explains the otherwise curious anomaly that when the Maccabees assumed rule they did so in the capacity of High Priests, and not kings, though they were not of High Priestly extraction.

In other Hellenistically inspired communities, in common with the Maccabean dynasty, religious susceptibilities played an important part in the social structure of the community. Whatever the origin of the distinction between patricians and plebians may have been, it is clear that the salient differentiation regularly put forward by the patricians to justify their privileged exclusiveness was a religious distinction. It was this that gave the patricians their monopoly of office holding. Public magistracies involved religious duties for the performance of which patrician blood was a pre-requisite, and from these duties plebians were barred.

The effectiveness of religion as a device for securing discipline amongst the common people was noted by Polybius, a careful and competent student of Roman institutions, who wrote in the second century BCE:

"My own opinion is that at least the Romans have adopted this course of propagating religious awe for the sake of the common people. It is a course which perhaps would not have been necessary had it been possible to find a state composed of wise men, but as every multitude is fickle, full of lawless desires, unreasoned passions and violent anger, the multitude must be held by invisible terror and such-like pageantry. For this reason, I think not that the ancients acted rashly and haphazard in introducing among the people notions concerning the gods and beliefs in the terror of hell, but that moderns are most rash and foolish in banishing such beliefs" (7).

The utility in securing discipline was recognised in Cicero's Laws (8) and illustrate to what extent religion continued to be a social factor. "So in the very beginning we must persuade our citizens that the gods are the lords and rulers of all things and that what is done is done by their will and authority; that they are likewise great benefactors of man observing the character of every individual, what he does, what wrong he is guilty of, and with what piety he fulfils his religious duties, and that they take note of the pious and impious. For surely minds which are imbued with such ideas will not fail to form true and useful opinions."

The Rabbi's attitude towards the Maccabean efforts indicates some measure of reserve in their acclaim. Admittedly there are some minor excerpts (9) eulogising the Hasmoneans. Yet the inescapable impression one derives from the sources is that the Maccabean episode, with the related celebration of Chanuka, is somewhat underestimated. For the whole episode of Chanuka is dealt with somewhat cursorily (10), while the analogous feast of Purim enjoys a whole tractate devoted to its significance, and leads us to the conclusion that the Rabbis did not share in the sentiments expressed by Zeitlin (11). Further support for this contention stems from the Rabbi's injunction placing the reading of the account of Purim (Megilla) preferential to the Temple sacrificial ritual, yet makes no reference to the historically more significant Maccabean revolt (12).

If we have stressed the intensity of Hellenism in Judea inordinately, it is because even the most searching of historians such as Graetz, Krochmal, Weiss and Halevi have failed to evaluate its significance. Even Travers Hereford (13), who in other respects shows an admirable appreciation of the period, surprises one with the remark "and of course Hellenism, after the successful defiance of Antiochus Epiphanes, was no longer an enemy to be fought", implying the erroneous supposition that the Maccabean revolt completely eradicated Hellenism. M. Ginsburg also refers to the "tragic details of the clash of the two cultures - the Jewish and the Greek" (14).

Such an erroneous supposition would give rise to either of two equally fallacious suppositions. The first, that supported by Halevi, is that the residual vestiges of Hellenism, driven underground by the Maccabean revolt, revived in the form of Sadduceeism; the second, propounded by Graetz and Weiss, is that Sadduceeism only appeared on the historical scene after the Maccabean revolt as a reaction against the Pharisaic character of the Rabbis.

In contrast to these two views, the present writer proposes the view that Hellenism permeated Judea from as early a period as Alexander the Great, and was unaffected by the revolt, and ultimately emerged in the guise of Sadduceeism.

REIGN OF JOHN HYRKANUS 135 - 103 BCE.

The reign of John Hyrkanus is of particular interest to our theme for a number of reasons. A significant event in his reign was the breaking point between the Sadducees and the Pharisees, and an intelligent reading into the sources provides the key to the *raison d'être* of the conflict. Furthermore the event is fully described in both Josephus and the Talmud, and though minor discrepancies will be noted on close examination of these sources, the two accounts essentially confirm one another. A further feature of interest is the fact that Josephus' account was published, though not contemporaneously with the actual event, yet sufficiently close for the adherents of both parties to either gainsay or confirm the account.

On the assassination of Simon, the last of the Maccabee brothers, his son John Hyrkanus assumed office as leader. It would be inopportune at this stage to describe him as either King or High Priest, and *pro tempore* the conservative appellation of "leader" is as comprehensive a title as we may justifiably allow him.

Halevi (1) in accounting for the number of apparently foreign features which manifested themselves during the reign of John Hyrkanus, attributes these anomalies to the effects of approximately 35 years of Hellenistic influence, since the establishment of the polis under Jason until its liquidation by the Maccabees. In the present writer's view, such apologetics are redundant, since Hellenism was not curtailed, and the features which characterised Jonathan's reign were part and parcel of a Hellenistic potentate.

Josephus (2) in his prelude to his account of the cleavage between the Sadducees and the Pharisees makes the following statement: "However this prosperous state of affairs moved the Jews to envy Hyrkanus, but they who were worst disposed towards him were the Pharisees, who are one of the sects of the Jews as we have already informed you. These have so great power of the multitude that they say anything against the King or High Priest they are believed. Now Hyrkanus was a disciple of theirs and greatly beloved by them."

This account, in broad outline, is repeated, though with slight variation, in the Wars (3): "But then these successes of John and his sons made them be envied, and occasioned a sedition in the country, and many there were who got together and would not be at rest until they broke out in open war, in which war they were beaten".

Some doubt exists as to the veracity of Josephus' reference to open warfare between the sects as related in the excerpts from the Wars. Neither is the fact corroborated by any other source. Furthermore we had on a previous occasion (4) to remark on the somewhat unwarranted use of the word "sedition" by Josephus. Yet John's initial popularity as described in the excerpt from Antiquities seems to find support in a Talmudic source (5)

ינא' רשע מעקרו יחנן צד'ך בעקרו

Nevertheless it would appear that these two excerpts from Josephus cast some doubt as to the sincerity of his popularity. It may well be that his initial leaning towards the Pharisees was governed by the general rule, illustrated by earlier Greek experience, that the King and the commons often supported one another against the possible ambitions of the nobility (5). In this case the Sadducees represented the nobility, and the Pharisees represented the commons. Hence the initial conduct of John was stimulated not through a sincere and unaffected conviction, but through a measure of expedience gleaned from Greek experience. This would account for the suspicion and incipient hostility nurtured by a section of the Pharisees against their leader. For what successes could possibly move the people to a state of envy? And the subsequent succession of events can only be explained on the assumption that John's initial allegiance to the Pharisees was but a temporary measure of expedience to stabilise his position in the manner of other Hellenistic potentates.

John Hyrkanus' conduct, even during the period of superficially good relations with the Pharisees, manifested a number of Hellenistic tendencies. He was the first of the Hasmonean dynasty to import mercenaries from abroad for his army (6), for, with the exception of Rome, this practice was universal amongst Hellenistic states (7).

Neither can we ascribe such a practice to lack of local forces, for the Maccabean revolt proved that the local population, though small, could nevertheless provide a striking force of several thousand peasants of military prowess not inferior to that of the Syrians, and the urge to bring in foreign mercenaries arose from the need of the ruler to bind the armies with strong and direct bonds to their own persons.

Another incident reported in Josephus (8)^{was} that Hyrkanus obtained the money to pay his army of mercenaries in a strange fashion, namely that he opened the tomb of David, whence he recovered 3,000 talents of silver. We can only conjecture that this source of revenue was derived by irregular means, concealed from the general knowledge of his subjects. This manner of raising money was also characteristic of Hellenistic rulers, whose sources of revenue were often open to suspicion. Hence in this respect the polemic over the daily sacrifice assumes particular interest (9).

The actual point of friction between the Sadducees and the Pharisees is mentioned in detail in two distinct and unconnected sources - firstly in Josephus (10) and secondly in the Talmud (11). As the broad outline of the two accounts run parallel, we can assume that in essence the account is basically true.

The account in Josephus is as follows:

"This prosperous state of affairs moved the Jews to envy Hyrkanus but they that were the worst disposed towards him were the Pharisees, who are one of the sects of the Jews, as we have informed you already. These have so great

a power over the multitude that when they say anything against the King or against the High Priest they are presently believed. Now Hyrkanus was a disciple of theirs and greatly beloved by them. And when he once invited them to a feast and entertained them very kindly, and when he saw them in a good humour he began to say to them that they knew he was desirous to be a righteous man and to do all things whereby he may please God which was the profession of the Pharisees also.

However, he desired that if any observed him offending in any point and going out of the right way, they would call him back and correct him. On which occasion they testified to his being entirely virtuous; with which commendation he was well pleased; but still there was one of his guests there whose name was Eliezar, a man of ill temper and delighting in seditious practices. This man said: "Since thou desirest to know the truth, if thou wilt be righteous in earnest, lay down the High-Priesthood and content thyself with the civil government of the people".

And when he (Hyrkanus) enquired why he should lay down the High Priesthood "Because" said he (Eliezar), "we have heard from our elders that thy mother had been a captive in the reign of Antiochus Epiphanes". The statement was false and Hyrkanus was furious with him and the Pharisees were deeply hurt. Now there was one, Jonathan, a very great friend of Hyrkanus, but one of the sect of the Sadducees, whose principles are the opposite of those of the Pharisees. He said that Eliezar had, in casting that reproach against him, uttered the sentiments of all the Pharisees, and that this would become apparent if he asked them what punishment the offender deserved. So that when Hyrkanus asked the Pharisees what punishment they thought he deserved (for he was sure that the insult had not been approved by them if they gave sentence according to the justice of the case) they said "stripes and fetters, but that it did not seem right to inflict death for speaking evil", the fact being that the Pharisees are inclined to mild punishments. Hyrkanus was very angry at this, and concluded that the man had insulted him with their approval. Jonathan especially urged him on and so influenced him as to attach himself to the party of the Sadducees and to oppose that of the Pharisees, and to annul all the decrees they had imposed on the people and to punish those who observed them. From this source arose the hatred which he and his sons met with from the people."

The account in the Talmud (12) bears a striking resemblance to that recorded by Josephus and leaves no doubt that the same incident is being referred to.

"An incident relating to King Jannaeus who went to Kochlith in the desert and captured there 60 fortresses. On his return he made great rejoicing and he called together all the wise men in Israel and said to them "Our fathers were wont to eat salted food while they were engaged in Temple construction. Let us also eat salted food in memory of our fathers." And they served salted fare upon golden plates and they ate.

There was one there, a man of mockery, of a bad heart, a vile fellow by the name of Eliezar ben Po'irah. And Eliezar ben Po'irah said to King Jannaeus "The heart of the Pharisees is against you". "And what shall I do" (asked the King). "Prove them by means of the gold plate which is between your eyes." There was an old man by name Jehudah ben Gedidiah, who said to King Jannaeus "Suffice it be to thee the crown of royalty, leave the crown of Priesthood to the descendants of Aaron, for people said that his mother had been a captive in Moden". An enquiry was made, but no truth was found in the report, and the wise men withdrew in anger. And Eliezar ben Po'irah said to King Jannaeus "Such is the treatment of a private man in Israel, and such is the treatment of thee, though thou art King and High Priest!" "And what shall I do?" enquired the King. "If thou wilt hearken to my council, crush them." "And what will become of the Torah?" "Lo, it is rolled up and rests in a corner for whomever wishes to learn it." (This ends the account contained in the Beraitha.)

Rabbi Nachman ben Yitzhak said: "Immediately unbelief was injected in him for he ought to have said "There is no need for fear for the written, but what will become of the unwritten?" And immediately the evil sprouted, as a result of the act of Eliezar ben Po'irah, and they slew all the wise men of Israel and the world was desolate until Simeon ben Shatach came and restored the Torah to its former state."

An examination of the two accounts reveals certain discrepancies. Eliezar appears in both accounts in an unwholesome light, and yet in Josephus' account Jonathan appears as the motivator of the King's anger. In the Talmudic account the name of Jonathan is absent completely, but Eliezar is substituted. Also, in the Talmudic account Jehudah ben Gedidiah is credited with raising the objection to the assumption of the office of High Priest, whereas in Josephus Eliezar assumes this role. However, what is most striking is the fact that in the Talmudic account King Jannaeus is the central figure in the story, whereas Josephus relates the incident to John Hyrkanus. This latter difficulty is quite easily explained on the grounds that the account of the incident as reported in Kidush, is attributed to Abbaye, who in another section (13) is of the opinion that Jannaeus and John Hyrkanus were one and the same man. His colleague Rava differs in this view that they were two different people, but since Abbaye is recounting the episode he ascribes it, though erroneously, to King Jannaeus. Furthermore, the slaying of the wise men of Israel has manifestly been misplaced, for this episode was certainly enacted during the ministry of Jannaeus. In the present episode the rescinding of Rabbinical decrees alone was the outcome of his wrath.

However, in spite of these inconsistencies there are insufficient grounds for the assumption of Kohler (14) to the effect that the story is unhistorical. A noteworthy point of divergence between the two versions is the use of the term "Pharisees" in Josephus, who explicitly describes them as a sect, whereas in the Rabbinic sources the opponents of John Hyrkanus are

identified as the *ד'מון*, implying representatives of the people, and not a parochial sect. The antiquity of the Rabbinic account has been recognised by Travers Hereford (15). Furthermore in comparing the reliability of the respective versions, we must point out an apparent irregularity in Josephus' account insofar as, contrary to his regular usage, he does not refer to the lineage of the persons involved, whereas the Talmudic source does, suggesting a more decisive authority for the latter account.

However, the Rabbinical account too is beset by certain difficulties. In this version it would appear that the mischief perpetrator raised no objection to John's assumption of the Kingship, even to the extent of accepting the crown. In Josephus' account "civil government of the people" is distinctly mentioned, and indeed it would seem unlikely that anybody with patriotic tendencies would lightly permit the usurping of the kingship. For kingship in Israel was not a mere civil office, but one integrated with ecclesiastical functions, almost on a par with the priesthood (16).

Hence one cannot credit the concession being granted lightly to John to assume the kingship, and one is tempted to accept Josephus' version that only the civil government was being referred to.

However, from both these sources one fact emerges beyond dispute, namely the general dissatisfaction at John's attempt at assuming the High Priesthood. The reason cannot be ascribed to the possibility of John's doubtful ancestry, since close investigation revealed no truth in the rumour. From the tone of the account from both sources it is apparent that the Pharisees were by no means gratified by the crude and unfounded attack on John's legitimacy of birth, and they even inflicted a penalty on the instigator. Furthermore John's reaction in severing his allegiance with the Pharisees on account of a rumour, admittedly false and rejected by the Pharisees, lacks reason.

Hence, one can only conjecture the motive behind the rift consistent with the known facts. Apparently John's Hellenistic leanings were widely known even prior to this episode. This is hinted at by Josephus when he refers to the jealousy aroused amidst the Pharisees by John's success. The assumption of the office of High Priest was but another manifestation of his desire to follow the Hellenistic theory that every phase of human conduct should be governed by religious sanctions, a postulate against which, initially, the Pharisees found no objection. However, when he devised means for implementing the corollary that these sanctions should be manipulated by the secular ruler, the Pharisees, realising the dangers inherent in the position where a lay political head should be in a position to dictate religious policy, offered uncompromising opposition to such a prospect. Viewed in this light, the friction between John Hyrkanus and the Pharisees was more fundamental than the mere pursuit of personal ambition.

The punitive sanctions imposed on the Pharisees by John Hyrkanus, correctly interpreted, provide the most conclusive evidence as to the justifi-

The legal instrument called to bear by the objector to Hyrkanus' assumption of the High Priesthood was that the child of a woman who had undergone a period of forceful captivity by the conqueror was ineligible for the office of High Priest on account of the possibility of his being illegitimate. Now this law is not dependent on Rabbinical interpretation of the Mosaic Code, and the Rabbis at no stage suggested its derivation from the Written Law. It was a law imposed by the Rabbis on their own initiative to safeguard the sanctity of the High Priesthood from any possibility of being defiled. It is not part of the Oral Law, which is dependent on the customary interpretation of the Written Law, *תורה שבעל פה*, interpretations which owe their origins to antiquity, and preserved through the erudition of the Rabbis. The law invoked against Hyrkanus was, in contrast to the Oral Law, a typical *תקנת דרבנן*

Reference to the Talmud (17) indicates certain measures which were introduced after a period of lapse. These measures are all instances of *תקנות דרבנן* and the note of the editor (18) that these might be some of the measures expunged by the Sadducees might have a bearing on this incident.

Hence John's displeasure with the Pharisees culminated in his peremptory rejection of the privileged function vested in the Rabbis of enacting new laws as were required from time to time, and expressed no opinion either in the interpretation of the Mosaic Code or the validity of the Oral Law. This edict of John's would be in keeping with the Hellenistic approach towards legal enactments which required that all new laws should be established by the citizen body of the polis, presided over by the head of the state. Hence, intuitively, John proposed reverting back to the Hellenistic form of government previously attempted by the Hellenists under Jason.

This interpretation, the appreciation of which is of paramount importance and which was grossly misunderstood by the earlier historians (19), is supported by Josephus' explanatory note which reads: "What I would now explain is this, that the Pharisees have delivered to the people a great many observances by succession from their fathers, which are not written in the law of Moses, and for that reason it is that the Sadducees reject them, and say that we are to esteem only those observances to be obligatory which are in the Written word, but are not obliged to observe what are derived from the tradition of our fathers".

Having now presented a full picture of the context applicable to the above explanatory paragraph by Josephus we are in a position to evaluate both its true meaning as well as the fallacious rendering of it by the historians. We have already cursorily examined the text (20) and have shown that none of the polemics between the Sadducees and the Pharisees could reasonably be resolved in the light of the above text from Josephus if he was referring to the whole of the Oral Law.

In each instance quoted above, it would be fallacious to assert that the issue is not mentioned in the Mosaic Code, or that an element of discretion as to its fulfilment lay with the individual. In each case, whatever the reason for the divergence between the two sects, the conduct of the individual is categorically and specifically defined. Neither can the question be resolved on the supposition that the Sadducees objected to the manner in which the precept should be fulfilled as expounded by their opponents. For in both cases of *דְּיָדִים זִוְמִין* and *תִּירַשׁ הָבִיתָ עִם בֵּית בְּנֵי* the manner of the application of the law as enunciated by the Pharisees is unembellished, while the Sadducees follow a course "not written in the law of Moses".

The very narrative itself militates against any other interpretation but that suggested above. The very impulsive nature of John's retributive edict implies that those measures to which John took exception were well-known as not being contained in the Mosaic Code by all parties, Sadducees and Pharisees alike. A significant example being the whole *casus belli*, the question of the progeny of an ex-captive woman. No reference is even implied by Josephus to Rabbinic interpretations to the Mosaic Code - only to additions to the Code. If John's purpose had been to implement the Code on a purely literal basis, he would have been compelled to re-adjust the whole of the prevailing system of the law based on a literal exposition of the Mosaic Code. Such a procedure would have involved far-reaching complications and would not have been possible in the peremptory manner indicated.

Neither does the narrative itself permit such an interpretation. Had the literal reading of the Mosaic Code upheld John's claim to the High Priesthood, whereas the Rabbinic interpretation opposed his claim, one could find justification for his annulment of the Rabbinic interpretations so as to validate his legitimate claim. However, Rabbinic interpretations were not an issue in the dispute; hence an abrogation of Rabbinic interpretation would not be effective in restoring his position, so that narrative would be pointless.

Furthermore, the violation of Rabbinic interpretation would amount to a revival of Antiochus' infamous decrees, for so fundamental a law as that of circumcision is also governed by Rabbinical interpretation (21).

חל ולא פורע כאילו לא חל

Hence if circumcision were to be enforced, stripped of the attendant Rabbinical interpretation, we would have a state of affairs wherein circumcision was virtually prohibited to the conservatives, a state of affairs reminiscent of Antiochus' decrees, and against which even the Hellenists rebelled. Yet no such state of affairs is recorded.

Hence we have reached the negative though nonetheless important conclusion in our investigation, namely that we cannot explain the rise of the Sadducees in terms of their opposition to Rabbinic interpretation or the Oral Law alone. If, however, they did engage in polemics against the Pharisees in legal matters, other considerations for their attitude must be sought.

CHAPTER XXIV

PROPOSED CLASSIFICATION OF DISPUTES

Having established that Judean Jewry was, notwithstanding the effects of the Maccabean revolt, still largely influenced by the Greek pattern, we are now in a position to analyse in greater detail the general attributes of the Sadducees as conveyed by the sources. Their approach to specific instances of either thought or practice will be shown to support our initial premise that we are dealing with a conscious attempt at adapting the contemporary distinctive Jewish *modus vivendi* so as to syncretise with the more versatile ideals embodied in Hellenism. This process would be stimulated, not only by the Hellenised component of Jewry, but also by that important section of the population, namely, the resident Gentiles and converts. The influence of this latter element must not be minimised, for although the entrance of Gentiles into the Court of the Temple where sacrifices were offered was forbidden, Gentiles were freely admitted into the Synagogue (1) where they often formed a large part of the congregation. Since the main function of the Synagogue was to teach and discuss (2) rather than to worship, one can surmise that Greek concepts would frequently be referred to.

The account of the polemics between the two relevant factions are only cryptically referred to in the sources. This terseness of expression was largely responsible for the somewhat unwarranted deductions derived by the historians on the subject.

Hitherto Halevi (3) has been the sole historian who has attempted to classify the disputes known to us on the basis of a definite pattern. However, since his primary hypothesis is that the Sadducees were the avowed opponents of disciplined Judaism, his efforts revealed no consistency, apart from the fact that the polemics centred around either (a) Temple worship or (b) isolated legal issues devoid of an informed basis. In every case, maintains Halevi, the viewpoint enunciated by the Sadducees disclosed either apathy, hostility or even ignorance of Jewish views, and were devoid of any rational basis. Furthermore, the absence of any disputes relating to the conduct of the individual in his private life indicates, according to Halevi, the limitations of the Sadducean attitude towards Judaism. Indeed, other historians (4) have also been acutely aware of the apparent justification of this shortcoming inherent in their own respective treatment of the subject, and have consequently gone to great speculative lengths in surmounting this otherwise incontrovertible objection. In each case the theory propounded has been shown to be untenable (5).

On the basis that the disputes revolved around the infiltration of Hellenistic views into Jewish life, the present writer finds no difficulty in categorising the known disputes into a well-defined pattern. Furthermore, this scheme has a number of distinct merits. It eliminates those vague generalisations supported by such pseudo-philosophical terms as the

"Prophetic and Priestly Judaism", "Conservative reactionary Judaism". "Socio-economic interests". etc. Secondly, the scheme provides a concrete account of the specific instances against which the Pharisees were constrained to take concerted action. Finally, it provides a rational explanation of the importance of these polemics, which otherwise appear either incomprehensible or even trivial.

The present writer proposes arranging the disputes into the following well-defined scheme.

1. Disputes dependent on the distinctive interpretation of man and his environment
 - (a) Refutation of the idea of Divine retribution by the Sadducees.
 - (b) Refutation of the dogma of the survival of the Soul.
2. Disputes dependent on the literal exegesis of the Mosaic text
 - (a) Lex Talionis.
 - (b) Evidence of suspected adultery.
 - (c) Procedure at Haliza ceremony.
 - (d) Determination of day of celebration of Pentecost.
3. Disputes relating to ritual
 - (a) Procedure in preparing the Ashes of the Red Heifer.
 - (b) The prerogative of the Priest to partake of the חֶלֶב זֶהֱבָה
 - (c) The financing of the daily sacrifice.
 - (d) Procedure in igniting the incense on the Day of Atonement.
4. Disputes relating to the concept of Social Ethics
 - (a) Damages wrought by slaves.
 - (b) Penalty of intended false evidence.
 - (c) Procedure in death penalty by burning.
 - (d) Distribution of deceased estate between the daughter of the deceased, and the daughter of the son of the deceased.

We now propose analysing each of the above-mentioned polemics individually.

CHAPTER XXV

REFUTATION BY THE SADDUCEES OF THE PRINCIPLE OF DIVINE
RETRIBUTION FOR GOOD AND EVIL

Josephus (1) records that the Sadducees "take away fate (or providence) entirely and suppose that God is not concerned in our doing or not doing what is evil, and they say that to act what is good or what is evil is at men's own choice and the one or the other belongs so to everyone that they may act as they please".

This view is corroborated by the excerpt from Antiquities (2). "All our actions are in our own power so that we are ourselves the cause of what is good, and receive what is evil from our own folly."

Talmudic corroboration of the above testimony by Josephus is to be found in the Talmud (3), where the Sadducees are associated in spirit with the Psalmist (4), "The fool hath said in his heart there is no God". The superficial translation of this verse is misleading. The intention of the verse is that the morally deficient person denies that God takes cognisance of man's doings, or that He distinguishes between good and bad. Hence sin can be committed with impunity, since God is unconcerned with human conduct (5). This attitude is so opposed to everything contained in the Mosaic Code that any theory associating the Sadducees with reverence for the Mosaic Code must necessarily be extremely strained. Indeed most historians of the 'religio literal' school have studiously avoided referring to this aspect of the Sadducees, and Leszynsky alone (6) proffered the suggestion that the Sadducees did in fact subscribe to the principle of Divine retribution, except that they denied the validity of prayer in influencing Divine grace. He makes this assumption on the basis that whereas Divine retribution is a cardinal tenet in the Mosaic Code, prayer as a means of communion with the Divine is not. Hence he supports his view that the Sadducees were strict adherents of the Mosaic Code on the basis that they denied the validity of prayer as a medium of intercession with the Divine.

Yet these very notions of the Sadducees as described by Josephus, and corroborated by the Talmud, were distinctive of the Greeks, whose history of achievement was profoundly influenced by these principles. A pertinent question presents itself, namely whether we can discern a distinct social outlook characteristic of the Greeks alone, unexampled in antecedent civilisations, which can account for their significant achievements, and by virtue of which they became an ideal to be emulated by lesser nations. Any solution of this question depending solely on the stunning victory over the Persians in the 5th Century which provided a fair field for intellectual and political progress is unconvincing, for peace and prosperity cannot alone be a guarantee for cultural advance. A close analysis does reveal a unique social outlook peculiar to the Greeks, one which was more likely even to have been the cause of the victory rather than its effect.

Hadas (7) maintains this distinctive attribute to have been embodied in the classical formulation of the Humanist Code, the terse pronouncement of the Sophist Protagoras "Man is the measure of all things". Our own traditional view of the relationship between man and God has been encrusted with meanings inseparable from two millenia of Judaeo-Christian tradition, which would impart an element of atheism to the pronouncement of Protagoras - indeed many critics have so understood it. But it is clear that Protagoras did believe in the gods, and if he does not speak of them or ascribe any specific attribute to them, he explains, it is because he cannot know about them. "With regards to the gods, I cannot feel sure either that they are or that they are not nor what they are like in figure for there are many things that hinder sure knowledge, the obscurity of the subject and the shortness of human life." Even Xenophanes questions only men's conception of the gods when he says that cattle and lions would depict god in their own image if they had hands; not only is he not an atheist, but he asserts the existence of the deity firmly (8). Euripides too, questions man's conception of the gods, in plays like the Bacchae or Hippolytus, but not their existence.

What made it possible for Protagoras to make man his criterion without the rejection of the Divine, was the view shared by Greek authors, and initiated originally by Homer, according to which gods and men belong to disparate realms and observe disparate modes of conduct. The gods behave as it becomes gods to behave, and not by standards appropriate or even intelligible to man.

Homer not only provided the foundation on which the polis and the people of the polis stood. He was their companion, always present to them, always alive with them, exerting a strong influence upon them (9).

Even if the Homeric poems were composed by people quite unconscious of being teachers, and innocent of this intention, this does not make the use of the word any less appropriate. We are dealing with the effect of the poems, not the intention of the bards (10).

We are not concerned here with the problem of the lack of morality displayed by Homer. It would not be difficult to quote passages from the *Odyssey* illustrating instances of the higher morality, as Nilsson has done (11). But it is pertinent to note that Nilsson himself has emphasized the significant fact that these passages invariably occur in the *Odyssey*.

A unique passage appears in the *Iliad* which depicts Zeus as being eager to punish wrongdoing. It describes for the purpose of a simile how Zeus sends a storm on an autumn day. The whole black earth is oppressed by it and Zeus pours down a furious rain because he is heavy with anger against men who in the assembly pass crooked judgements by force and drive out justice, heeding not the vengeance of the gods (12).

It is significant that Leaf maintains that lines 387-388 are an interpolation by a 'poet of the Hesiodic school', while Nilsson resorts to the explanation that the passage occurs in a simile and 'therefore in one of the newest parts' (13A).

Wace and Stubbings (14A) do discern a distinction in Homer between the mythological gods who live on a different plane ethically and socially, and the primary supernatural powers that dictate the moral code for the universe. Yet they are forced to admit that the moral standards of Homeric society are based on human and social sanctions, and on men's feelings of what is decent and right and what is not.

Man therefore must behave as it becomes man, and not seek to simulate his conduct to a pattern outside humanity. The gods are indeed powerful, and a prudent man would avoid crossing them as he would avoid a crushing boulder or a rushing torrent, but it would be as irrelevant to speculate on the motivations of the gods as on the motivations of gravity or the torrents.

Since detachment from the gods leaves man friendless in an alien world, it also simultaneously imposes on him the added responsibility of conducting his affairs to his best advantage. In order to meet this challenge the Greeks enunciated the two divergent factors, Nomos and Physis, described in the Hippocratic Corpus (13B) in the following terms: "Nomos men make for themselves without knowing the things about which they legislate; but the Physis of everything is ordained by the gods. What men legislate never abides the same whether it is right or wrong, what the gods ordain always abides upright, whether it is right or wrong. That is the difference."

Man must therefore accommodate himself to the elements in the realm of nature - gravity, death, the impulse for the strong to rule and the weak to yield - for he cannot alter them. These are the elements which constitute Physis, the universality of which is demonstrated in the famous papyrus fragment of the Sophist Antiphon (14B) by the argument that Hellenes and barbarians breathe alike through nostrils and mouth and take their food alike. The distinguishing feature differentiating them is only in their Nomos.

However elements governed by convention, even if once serviceable, they may no longer be so, and if they are not, they not only may, but must be revised. All institutions, class distinctions, and beliefs must be re-examined often to test whether they are still applicable. When Euripides questions the Athenian degradation of women and foreigners as he does in the Medea, or of the illegitimates as he does in Hippolytus, he is emphasizing the nomos in distinction to the physis.

A significant reference (15) illustrates the application of this philosophy by the Sadducees to the Mosaic Code. "There was a Sadducee who saw Rava engrossed in his studies while the fingers of his hand were under the former's feet. He ground them until blood spurted. 'Ye rash people' he exclaimed, 'who gave precedence to your mouths over your ears: ye still persist in your rashness. If within your power, accept, if not you should not have accepted

The comment by the Soncino editor (16) that, as there were no Sadducees in Rava's time, the emendation of the word 'Sadducee' to 'Min', seems to be called for, will be discussed in a subsequent chapter (17) of the present enquiry. However the context of the excerpt appears to be quite lucid. Rava refused to remove his hand in spite of the obvious injury he would sustain on account of his tenacity. The Sadducee interpreted this obstinacy as being symbolic of Rava's approach to the Mosaic Code which, despite consideration of expediency was still being adhered to on account of the binding quality of the original undertaking (נקשר ונשחט). Hence the emphasis on "the precedence of your mouth over your ears". To the Sadducee, the rational behaviour would have been to remove one's hand to avoid being hurt, and similarly to adjust one's code when necessity so demanded. The above element of evidence is of paramount importance, for it negates completely the attitude of the 'religio-literalists' that the Sadducees were the exponents of a system of thought dependent on the literal exposition of the Mosaic Code.

Reverting to the testimony of Josephus, referred to earlier, we find the Homeric attitude to the Greek gods translated to a monotheistic climate. The doom or tragedy visited on man must not be interpreted as a just requittal for wrongdoing for such an assumption would merely make the Divine unjust.

Actually this view eventually opened up a way for a theology so lofty that it regarded any affirmation regarding the Divine, laudatory or otherwise, as being presumptuous and enjoined man to love God with no expectation of being loved in return.

The Book of Job proclaims the antithesis of the conviction expressed by Protagoras. Job proclaims his innocence, but his primary feeling is one of perplexity. The voice of accusation is addressed to a God who is not only supreme and enduring, but also in the highest sense righteous. It is, however, the very perfection of power and goodness which adds the sting of the injustice. Simultaneously we have the plaintive exclamation "Thou knowest that I am not wicked"(18). In Job's anguish God and his adversaries seemed to be ranged on one side (20), but suddenly he turns again to God, whom he invokes to be the Judge of his cause: he makes Him his arbiter even when He is his adversary. "Even now, behold my Witness in heaven, and He that voucheth for me is on high." (21) Such confidence in Divine retribution for justice would be alien to the Homeric concept of the gods, even allowing for the disparity between monotheism and polytheism.

If then in the Homeric concept it would be a contradiction to conceive the gods as labouring in men's interest, a pertinent angle presents itself. By what mental process did this view, so alien to the Mosaic concept, find its way initially into a distinctly Jewish faction without having compromised its allegiance to Judaism?

The present writer suggests the following mental process as a possible solution to the question raised. Epicureanism, as depicted both in Cicero (22) and the Talmud, has a blacker reputation than any other Greek philosophy, primarily because Rome and the Church regarded it as being dangerously subversive. Talmudic sources reacted strongly against it because at the time when it came to enjoy a large following in Judea its primary focus was the denial of Divine sanctions.

However Gassendi (23), in the Seventeenth Century, recognised that the original philosophy propounded by Epicurus constituted a particularly pure religion, although deficient in one salient respect. Gassendi, analysing the elements indispensable to an ideal religion, deduces two essential components

- a) the filial, representing pure devotion, and
- b) the servile, representing the interchange of services between Man and God.

He emphasizes the fact that only the servile element is lacking in Epicureanism, and it was a problem as to why ancient religious leaders should have condemned Epicurus as an atheist.

Until the publication of the last of Bailey's researches on Epicureanism (23a) the most important extant writings of Epicurus had been three letters - to Herodotus, to Pythocles and to Menoeceus. However Jensen, while working on a papyrus first published in 1899 (23b), reconstructed a fourth letter, the contents of which were published in *Ein neuer Brief Epikurs* (24). The content of the letter takes a curious form. Epicurus makes the god Asclepius the arbiter between himself and Timocrates, who had maligned him and slandered the teachings of the Garden. The letter contains his plea to the god and the speech of the god in reply. If the address to the god is remarkable, the reply is even more so, for the god not only acquits Epicurus but expressly assures him of divine approval and protection. Furthermore he quotes the very reply in answer to the charges brought against him of pride.

Jensen admits that the contents of these two speeches surprised him, since he too believed that according to the teachings of Epicurus the gods do not trouble themselves with the affairs of men. However Jensen's discovery of Epicurus' dialogue with Asclepius, and the god's assurance of his goodwill, negates the widely held supposition that Epicurus denied the interest of the gods in human affairs.

Epicurus' letter to Menoeceus reads:

"The things which I used unceasingly to commend to you these do and practice, considering them to be the first principles of a good life. First of all believe that god is a being immortal and blessed, even as the common idea of god is engraved on men's minds, and do not assign to him anything alien to

his immortality or ill-suited to his blessedness, but believe about him everything that can uphold his blessedness and immortality. For gods there are since the knowledge of them is by clear vision. But they are not such as the many believe them to be. And the impious man is not he who denies the gods of the many but he who attaches to the gods the beliefs of the many. For the statements of the many about the gods are not conceptions derived from sensations but false suppositions according to which the greatest misfortune befall the wicked and the greatest blessings the good by the gifts of the gods. For men, being accustomed always to their virtues welcome those like themselves, but regard all that is not of their nature as alien."

According to Jensen the underlined section of the verse is a mis-translation and, aided by an interpretation by Gassendi who was imbued by a Christian-Platonic theory of rewards and punishments, an entirely erroneous impression is conveyed. According to this rendering, Epicurus was dismissing as false the supposition of the many, namely that the greatest misfortunes befall the wicked and the greatest blessings the good.

Jensen has shown that the word 'good' was an interpolation by Gassendi, and Epicurus was protesting against the false supposition of

- a) the greatest misfortunes befall the wicked, and
- b) the greatest blessings befall the wicked by gifts to the gods.

Hence his attack was only on the fallacious premise that

- a) the wicked are directly and immediately punished by the gods, and
- b) wicked men can win favours by gifts to the gods.

The final sentence reads as follows:

"For the gods, ever familiar with their own virtues, receive men akin to themselves, and reject as alien all that are not of their kind." In other words, the notorious indifference of the gods is shown only towards wicked men, whose sole punishment is that they are rejected as alien to the divine nature - but the good men, the gods receive. This sentiment is expressed in his phrase 'For gods there are, since the knowledge of them is by clear vision'. The meaning is that the pure in heart experience a direct contact to the gods which is not dependent on the superstitious associations of the natural phenomena.

Hence it follows that they did not subscribe to the view expressed by Statius 'Primus in orbe deos fecit timor'. 'It was fear that first made gods in the world'. For the Epicureans did in fact not only believe in the gods but even substantiated their belief that they actually perceived them by clear vision. However, only the pure in heart, and of clean hands, can receive the divine presence, and the mind of the wicked can only distort the true conceptions of the nature of the gods.

Lucretius (25) co-ordinates the position of the gods vis-à-vis natural phenomena. For it is an error to suppose that the benevolent powers of the gods control the regular operation of nature, or that storms, earthquakes and diseases are manifestations of their wrath. Fear did not make the gods, but false ideas created fear. And this ungrounded fear is responsible for the spread of a false religion amongst men. For "it is fear that has spread over great nations the worship of the divinity of the gods and filled towns with altars and led to the performance of stated sacred rites, rites now in fashion on solemn occasions and in solemn places". And this fear propagates itself for from these sacred rites "even now is implanted in mortals a shuddering awe which raises new temples of the gods over the whole earth and prompts men to crowd them on festive days".

Hence the effort of Epicurus was not to destroy belief in the gods, but to sublimate it, and the unsullied effects of his efforts can be shown in many orthodox pagan thinkers, notably Sallustius (26).

These views would naturally find a ready and sympathetic response within Judaism; indeed they would be corroborative of the teaching of many of the Prophets. The incipient danger, one which apparently did materialise in Judea, was when these doctrines were interpreted as implying a licence for the individual to disregard justice in the pursuit of his own parochial interests. This was particularly the case when Homeric doctrines of the desirability of the individual to pursue his own interests irrespective of ethics, were supported by a wilful misunderstanding of Epicureanism. Hence the dictum attributed in Abot. I to Antigonus of Sokho assumes a very pertinent historical significance.

"Be ye not slaves who serve the Master in the expectation of a reward, but be as slaves who serve the master without expectation of a reward." This adage epitomises the purest form of Epicurus' doctrine, namely that one must not expect a physical retribution for each of one's meritorious acts. The comment of Abot de R'Nathan (27) that two disciples of Antigonus, Zadok and Boetus, distorted this lofty ideal to imply atheism, hence the derivation of the groups Zadokites and Boethusians, might be more in the nature of allegory than legend. Furthermore the fact that the author of the comment in Abot de R'Nathan accuses the pupils of Antigonus and not Antigonus himself is surely significant.

CHAPTER XXVI

IMMORTALITY.

It would be comparatively easy to find many a parallel in classical Greece for Josephus' testimony (1) that the "Sadducees think it an instance of virtue to dispute with those teachers of philosophy whom they frequent". For the Greeks were a nation of arguers. Logic in the form of dialectic was common both to philosophy and rhetoric. Lucian (2) tells a tale of a country gentleman of the old school whose nephew went home from lectures night after night and regaled his mother and himself with fallacies and dilemmas talking about 'relations' and 'comprehensions', and 'mental presentations' and jargon of that sort. Nay, worse than that, saying 'that God does not live in heaven, but goes about the stocks and stores and such-like'. As far as logic was concerned, it was almost natural to a Greek mind; dialectic was but the conversation of a sharp-witted people conducted under recognised rules.

Dio Chrysostom (3) draws a picture of a public place at Corinth during the Isthmian games which he alleges to be as true of the time of Diogenes as of his own. "You might hear many poor wretches of Sophists shouting and abusing one another and their disciples, as they call them, squabbling and many writers of books reading their stupid compositions, and many poets singing their poems, and many jugglers exhibiting their marvels, and many soothsayers giving the meaning of prodigies, and ten thousand rhetoricians twisting law-suits". Josephus' description (4) "And the behaviour of the Sadducees towards one another is in some degree wild", might well be a masterpiece in understatement of a similar scene in Hellenised Judea.

However, his testimony on immortality merits close appraisal. His records survive in two independent excerpts. For reasons that will, in due course, become apparent, it would be desirable to quote the relevant passages. In Wars (5) he writes "They (the Pharisees) say that all souls are incorruptible, but that the souls of good men only are removed to other bodies, but the souls of bad men are subject to eternal punishment. But the Sadducees are those that compose the second order, and take away fate and suppose that God is not concerned with our doing or not doing what is evil; and they say that to act what is good or what is evil is at man's own choice, and that the one or the other belongs so to everyone and they may act as they please. They also take away the belief of the immortal duration of the soul, and the rewards and punishments in Hades."

The excerpt from Antt. (6) superficially confirms this view: "But the doctrine of the Sadducees is this that the souls die with the bodies." These disclosures by Josephus are apparently sufficiently unambiguous to warrant our accepting the premise that the Sadducees denied the principle of the immortality of the soul. Leszynsky (7) however, expresses the view that, notwithstanding Josephus' testimony, they did, in fact, believe in the principle of immortality, but that they rejected the principle of

prayer as being an effective measure in ensuring the survival of the soul. The pertinent question that concerns us is the underlying reasons for their rejection of the principle of the survival of the soul, as well as the extent of their rejection. Many historians (8) have cited the rejection of immortality as a classical case of the generalised opposition of the Sadducees to theories and speculations unsupported by the Mosaic Code. For it must be granted that the concept of immortality is by no means clearly stated by Scripture. Finkelstein (9) interprets this polemic in terms dependent on his own theory that the Sadducees and Pharisees constituted two widely divergent social classes, the former representing the wealthy aristocratic rural landowners, while the latter constituted the urban plebian artisans and small traders, Finkelstein envisages the natural development of two divergent views on the subject. The wealthy landowner, the rural aristocrat, to whom worldly affluence and family ties of solidarity imparted a sense of security and confidence, found little attraction for a creed such as immortality calculated to mollify the apparent injustices encountered in daily experiences. The reverse would be the case with the Pharisees who constituted the humble traders whose hardships and daily problems were mollified by the assumption that a happier hereafter would compensate them for the apparent injustices they were constrained to endure.

It is difficult either to support or negate rationalisations such as those that Finkelstein proposes, unsupported by the sources. Had the concept of the survival of the soul been solely dependent on the apparent injustices of everyday experiences, who would be so bold as to assert that opulence and family ties to be the guarantors against tragedy so as to minimise the need for solace and comfort? Why, too, should one assume that the humble trader is in greater need of hope in his hour of tragedy than the mighty? The very protests of Job in his hour of Divine oppression considerably weakens Finkelstein's argument.

The problem is further complicated by the fact that Josephus in these two excerpts makes no mention of a closely allied, and equally speculative subject, namely the pre-existence of souls. Heineman (10) concludes that this doctrine had not yet been known in Judea at the time, for if it had been known, it would certainly have constituted a topic of controversy between the two sects. Hirsch (11) rejects this theory and suggests that the two sects differed only on matters of fundamental importance. He therefore concludes that the question of pre-existence was not a question of fundamental importance. Both these explanations are unconvincing, particularly the former, since Josephus does mention the belief in pre-existence in the case of the Essenes (12), which proves that this topic was not unknown in Judea at the time.

By the second-century the belief in pre-existence had become so widespread that Rabbi Meir, a Palestinian teacher could express this view "In the seventh heaven, Arboth are the souls of the righteous, the souls yet to be created (in the body) the treasures of righteousness and justice, of life and blessing"(13).

A large measure of the misunderstanding associated with the subject would be avoided if we were to eradicate non-essentials. For we must not confuse folk-lore with its primitive and legendary fancies which centre about pious duties to the dead, universal amongst all superstitious classes to this day, with a doctrine of immortality. For a long time in their respective histories, both Jewish and Greek intellectuals paid little attention to these superficial acts of primitive piety, and when ultimately both these peoples accepted the belief in immortality, as part of their religions, this belief was neither historically continuous with, nor mystically related to the soul-cultus. For such primitive notions could only lead to a belief in a nebulous, shadowy survival with no relationship to a real doctrine of immortality. The elaborate Mycenaean tombs and the concern of the Greeks to see those killed in action properly laid to rest suggest that there was a folk religion that kept primitive rites alive. Yet owing to the accidental greatness of Homer, these primitive conceptions were overlaid and suppressed.(14). In the case of the Greeks, therefore, the fundamental idea about life and death was that 'deathlessness' was the fundamental prerogative and attribute of the gods. For only the gods can claim immortality. In the strictly national Greek religion, prior to the ingress of notions derived from other nations, there was no tendency to break down the barrier between human nature and that of the Divine. Greek ethics and philosophy pivoted on the notion that Man must know his place, and not strive for the attainment of a status primarily the prerogative of the gods. If cases had been recorded where heroes had been admitted into the company of the gods to share their immortality such instances were rare and exceptional and did not affect the doom of the ordinary man. The recorded belief at the Homeric stage was that after death we have nothing to look forward to except the unsubstantial and unenviable condition of ghosts 'phantoms of mortal men outworn' ($\beta\rho\omicron\tau\omega\nu \epsilon\acute{\iota}\delta\omega\alpha\kappa \kappa\alpha\mu\omicron\nu\tau\omega\nu$).

Similarly the Jews evinced no concern about life after death. Their primary interest lay in this world, not the next. The Jewish soul was so wrapped up in the pursuit of life that it could even predict a time when God would annihilate death forever (15). It was this passion for and interest in life in this world 'to walk before the Lord in the land of the living' (16) that evoked in the Jews the 'hereditary opposition to life beyond the grave' (17).

The philosophical and religious interest in immortality was re-awakened amongst the Greeks not through their own native Olympian religion, but through the mystical religion associated with Dionysus (18). The innate sanity and self-restraint of the Greek genius was profoundly disturbed by the manifestation of religious excitement which they encountered in other peoples. Rationally, they could only attribute the wild ebullitions and frenzy of oriental and semi-barbarous tribes to a 'Divine madness' (θεῖα μανία) or possession by a god (ἐνθουσιασμός). The Thracian god was particularly prone to 'make men mad' (19). Originally he may even have been the god of religious ecstasy before graduating to become the god of wine which produced allied effects. The important aspect for the present purpose is that religious excitement influenced an inner conviction or experience of Divine origin and destiny of the human soul. That ecstasy was a form of madness was fully conceded. Galen defines it as a 'brief madness' as madness is 'chronic ecstasy'. But this did not prevent the spread of the belief that a man who was temporarily out of his mind might not be the instrument of some higher intelligence and thus become enriched with the gift of prophecy. Thus the speculation on the nature of a purely physical and finite phenomenon, ecstasy, helped to break down the barrier between men and gods, and orgiastic worship gave a tentative support to the philosophical mysticism which taught that there is no impassable gap between the human and the Divine.

This mystical faith in human immortality has not left, and indeed could not, leave a profound effect on the Greek spirit, since it presupposes a weakening of the idea of personality and character which followed from its apparent diremption in ecstasy. The chief attraction of this worship was that it stimulated flashes of intuition that man, at times, could aspire to immortality like the gods. The Greeks attributed the warlike courage of the Thracians to the teaching of this religion that death is a transition to a happier state. Pindar, whose poetry generally does not suggest deep spirituality professes to believe in it, and Euripides has a more genuine sympathy with Orphic ideas. The Greek mind, throughout its flowering time, remained positivist and humanistic. Even in Plato (20) we find the following remarks: "Do you not know, I said, that the soul is immortal and is never destroyed?" And he (Glaucón) looked at me in surprise and said: 'Heavens no! Can you prove it?'. Of the philosophers, Thales is vaguely reported to have taught that the soul is immortal (21), though neither he, nor his immediate successors can be supposed to have believed in the immortality of particular souls as such. Thales introduced a scientific element in his concept of 'soul' by associating it with magnetism (22). They, generally speaking, viewed the universe as a whole, co-ordinated and directed by the force of Life which permeated everything that existed. The soul according to these systems is not an individual entity entering the body from without, but an individualisation of the general force that

forces manifesting themselves in human life (23).

The doctrine relating to individual souls is the expression of Orphic tradition. In Heraclitus and Parmenides we find the doctrine of immortality implicit in mysticism separated; Heraclitus champions the Dionysiac view that life and death follow one another in an unending cycle. Parmenides, under Orphic influence teaches that the soul has fallen from the realm of light and reality to the dark and unreal world of bodily existence. This is for Parmenides only by way of opinion, for he feels, it would seem, that the substantiality of this world of common experience cannot be so easily rejected. But he will not give up the unchanging stability of the eternal substance. The most interesting fragment of Parmenides is that in which he seems to enunciate for the first time in Greek thought the mystical eternity as a timeless "Now", as opposed to the popular notion of unending succession "There remains then only to give an account of one-way - that real being exists. Many signs there are upon it, showing that it is unborn, indestructible, entire, unique, unshakable, and unending. It never was and never will be, since it is altogether present in the Now, one and indivisible".

Empedocles vehemently refutes the philosophy of Parmenides, probably on the grounds that he reduces the world of time and change to nullity, and thus leaves no pathway from appearance to reality. The Orphic element in his philosophy is modified so as to appear consistent with his own distinctive metaphysics embracing the idea of opposing forces 'love' and 'strife' producing dissimilar states (24). His doctrine of the soul's exile and wanderings is expressed in a famous fragment: "There is a decree of necessity, an old ordinance of the gods everlasting, sealed with broad oaths, that whenever one of the daemons whose portion is length of days has sinfully stained his hands with murder, or followed strife and committed perjury he must wander away from the blessed gods for thirty thousand seasons being born throughout that time in all manner of mortal forms passing from one to another of the painful paths of life. For the power of the upper air drives him towards the sea, and the sea spews him out upon dry land; earth throws him with the rays of the burning sun, and the sun into the eddies of the air. One receives him from the other, and all loathe him. Of these I myself am now one, an exile from God and a wanderer because I put my trust in raging strife".

This is pure Orphic doctrine which Pindar also gives us in the second Olympian ode (25): 'Wealth adorned with deeds of prowess ... is a conspicuous star, a most true light for man if he that hath it knoweth that which is to come: that the helpless minds of the dead pay strongly here their penance, while the sins done in this Kingdom of Zeus one judges under earth, pronouncing doom by abhorred constraint ...'

In this excerpt Pindar's teaching appears to be that the soul passes through three successive incarnations, alternating with a disembodied state, and that only after passing through all these blamelessly is it finally redeemed. Such souls, according to another passage of Pindar (26) receive a final embodiment as kings and wise men and athletes, and after death become not indeed gods, but heroes.

"From whom Persephone in the ninth year accepts the atonement of the ancient war, the souls of them she sends back into the upper sunlight. From them springs the glorious kings and men swift and strong and mightiest in wisdom, and for the future they are called by men 'holy heroes'."

According to this view the soul lives on after death, it alone being of divine origin (27).

"For them shines the strength of the sun below while here it is night. And in the meadows of red roses their suburb is shady with frankincense and laden with golden fruits. And some in horses, some in games, some in draughts, some in the lyre take their delight and by them flourisheth all the fair flowers of blessedness. And a fragrance spreads above the lovely place while they ever more mingle all manner of incense in far shining fire on the altars of the gods".

Here the body with its senses is only an outer garment and perishes at death. When Empedocles describes the soul as a ratio or harmony, he means it contains a complex of discordant factors (strife) which are bound together by the principle of unity (love).

However the Greek spirit could not be content with orgiastic mysticism. The affinity between the human and the divine must be realised in a calmer temper and must assume the guise not so much of a cult as a philosophy. Pythagorean philosophy, in common with most philosophies which are also religions, attempted to combine logically incompatible ideas. Pythagoreanism is a form of intellectualised Orphism (28) where questions, such as the following, press for an answer. Is the descent of the soul an essential part of a cosmic mechanism, a circulation of the life blood of the spiritual world, as Heraclitus taught, or is it a thing which should not have happened, a misadventure to be remedied by the discipline which leads to deliverance? Is the soul part of nature, or is it radically alien to nature, so that we must live our lives in the world as prisoners in a hostile country, or at best as pilgrims escaping from the City of destruction to the far off city of God? Is the individual soul an eternal indestructible substance, or a mere offshoot of universal life? And is the universal soul a group soul of which individual souls are integral parts, or is it a transcendental substance from which they remain essentially distinct? A summary of his doctrines is preserved by Diocæarchus (29). He taught that the soul is immortal and is transformed into other kinds of living beings.

Further, that events recur in certain cycles (30) and that nothing is absolutely new, and that all living things should be treated as akin to one another. But the emphasis is laid on the fortunes of the individual soul, and its purification or deliverance by suffering here and hereafter. The Pythagoreans in Europe were the supporters of the concept of purgatory. Pythagoreanism was a mystical philosophy of immortality by death unto sin, and a new birth into righteousness (31).

Although Plato has always been regarded as the great exponent of personal immortality, it is impossible to find any fixed and definite conviction on the subject in his writings. His preoccupation on the subject seems to revolve round the formulation of a convincing proof for a hypothesis which he accepts as being true.

In the Charmides (32) the Platonic Socrates seeks to deduce the complementary nature of body and soul, and the futility of treating ailments of the body without taking into account the needs of the soul. In this case 'mind' would be a far more suitable translation of the word

The essential inferiority of the body and its pleasure we find described in the Gorgias (33) but the myth of the Day of Judgement at the end of this dialogue assumes the immortality of the soul, but it must be clearly understood that Socrates' arguments for the good life are in no way based on it in the first instance, and that here, as elsewhere, his ethical system stands even if this immortality is denied. The myth is an addendum, not an argument. In the Meno we find reference to immortality still in a mythical form. This is clear from its introduction (34) "Poets and priests have said the soul is immortal", which is a regular way of introducing a myth. It is emphasized in the course of discussion, and is used to introduce the theory that knowledge is only recollection, that learning is only remembering what our soul knew before birth. It illustrates very vividly the fundamental conception of education enunciated by Plato, that education consists in drawing out, not putting in (35).

"The soul then, being immortal, has come to birth many times. It has seen what is here and in the underworld, and all things, and there is nothing which it has not learned. No wonder it can recollect what it knew before about virtue and other things. For as the whole of nature is akin, and the soul has learned everything, there is nothing to prevent a man - after first recollecting one thing, which is what we call to learn something - from finding out all the rest for himself, if he is courageous and does not weary of this search. For all research and learning is but recollection."

But the first dialogue to make a worthwhile contribution to the subject is the Phaedo, where Socrates, on the day of his death, is attempting once again to prove the immortality of the soul. Recollection appears again, this time in connection with the theory of Ideas, which enables Socrates to express his belief in the essential kinship of the human soul with the world

of thought. We also find, in a form more impelling and more uncompromising than anywhere else in Plato, an excessive dualism, and almost complete divorce between soul and body (36).

"As long as we have our body, and the soul is confused with this evil we shall never satisfactorily attain the object of our desires which we say is truth ... The body fills us with desires, passions and fears, all kinds of imaginings and nonsense so that we can never understand by means of it anything in truth and in reality, as we call it. It is the body and its passions that make for wars, revolution and battles ..."

Here we see clearly the imprint of Orphic tradition, which he further develops as a so-called proof for his belief in immortality supporting his belief in rebirth. Living souls come from souls that are dead and the dead from the living (37).

The second argument revolves round the co-ordination of the concept of recollection with that of the existence of Ideas. Finding his hearers not satisfied, the Platonic Socrates argues that the Idea of the soul is that of an entity unchangeable and imperishable. On assuming the doctrines of ideas we may argue that since Ideas are simple and indestructible, the soul which knows them must be so too (38).

Lastly, after disposing of the notion that the soul is in harmony with the body he argues that the soul is the Idea of life and therefore alien to death. The argument ends with the well-known myth about the conditions of the soul hereafter which Socrates feels sure that "something like it must be true".

In the Republic and Phaedrus he no longer argues that the soul is immortal because it partakes in the Idea of life, but that it has life in its own right. "It is not difficult" he says in the Republic (39) "to prove immortality because soul is substance, and substance is indestructible. Nothing can be destroyed except by that which corrupts its own nature; and soul which cannot be destroyed even by its own evil-injustice or ignorance (a murderer is very much awake and alive) can still less be destroyed by any physical agency." This argument, he adds, applies to the soul as it really is, not to the soul contaminated by the flesh. This latter is like the sun-god Glaucus, which is so encrusted with limpets and sea weed that he is hardly recognisable.

In the Phaedrus he argues that the cause of life is a self-moving principle which cannot perish. Every self-moving principle is soul. By movement he means any form of activity. If it is in a fuller state here, that must be because it has chosen to make for itself an unworthy environment, suited to its own disposition "God is not at fault, the fault is with the chooser". "It is impossible to believe that the union of the immortal soul with the corruptible body is immortal, a union which only took place because the soul has lost its wings." He illustrates this point by reference to the

"To describe the nature of the soul is an altogether superhuman and long story, but it is a lesser task and within human power to say what it resembles. So let us do that. The soul is like a team of winged horses and a charioteer that have grown into one. Now the horses and charioteer of the souls of the gods are all good themselves, and of excellent lineage, but those of other souls are mixed. Our charioteer rules over the pair he drives; one of his horses is beautiful and good and of similar parents, the other opposite in both respects. Our driving is therefore necessarily difficult and troublesome."

In the *Timaeus* the relationship between soul and ideas takes on a more positive aspect. "The higher parts of the soul at any rate are the direct work of the Divine intelligence which created them. God cannot wish to destroy His own work and nothing else can destroy it. Individual souls, then, are not immortal in their own right. They are immortal because they are made by God in His own image, and it is only the higher part of the soul of which this can be said. We are therefore left in doubt as to how much of what we consider our souls is really immortal. There is no blunt answer to the question "to be or not to be".

Aristotle's doctrine of immortality depends on his characteristic view of activity (*ἐνέργεια*). He prefers the concept of perfect activity as the unchanging substratum of change, to that of substance. Movement is but an imperfect manifestation of activity. The happiness of God is derived from an activity which transcends movement. Time is the creature of movement; it is the number of movements. The perfecting of the time consciousness carries us into eternity where there is no time and no movement. As regards the immortality of the individual, Aristotle has always been considered to give very dubious support to the hopes of mankind.

The eschatology of the Stoics is vague and uncertain. The soul must be immortal for nothing ever perishes. Forms change but substance persists.

However the question of the judgement of souls in after-life received greater attention from the mystics such as Pindar (41) than from the philosophers. Plato, though professing to support this belief, nonetheless associates it with his views in metempsychosis. He refers to a period of ten thousand years (or 3000 in the case of pure souls) that must elapse before the soul returns to its primal home, and that judgement takes place at the end of life. Souls were then rewarded or punished in places of correction. At the end of a thousand years the soul chooses a new body, human or animal, and is again born on earth to undergo further probation. Some souls are too wicked ever to return and are remanded to eternity in Tartarus (42).

In the *Phaedo* (43) the soul is led by its daemon to the place of judgement and is then sent to bliss or purgatorial punishments followed by rewards for good deeds. Incurable sinners never leave Tartarus.

However, both Greeks (and later Romans) had little regard for the concept of the judgement of souls after death. There was no lively conviction that it would fare worse in the after-world than in the present. There was no persistent conviction that there was a true after-life at all, no such deeprooted faith as to induce martyrdom or self-sacrifice. Neither of the earlier Greek poets, Homer and Hesiod, mentions the divine judgement of souls, and the dramatists seldom speak of a judgement of the dead (44). Plato must in this, as in other respects, be regarded as 'an alien drop in the Greek bloodstream' (45).

The Epicurean philosophy, as is well known, is that the soul is a corporeal substance, a compound of atoms of four different substances distributed throughout the human frame. It most resembles warm breath. But at death the soul is dissipated into the surrounding atmosphere. However, the physics and cosmologies of the Epicureans were only scaffoldings for their ethical teachings, not part of their quest for truth for its own sake. In this case their distinctive physical approach to the soul was actuated by their general objection to any inferences relating to Divine retribution which may flow from the acceptance of the principle of an after-life. Plato, who resorted to principles of Divine sanction was, to the Epicureans, a deviation from the central stream of Greek thought.

Thus in the first book of the *De Rerum Natura*, at the close of the great onslaught on religion, Lucretius proceeds "You yourself sometime or other, overcome by the terror speaking tales of the seers will seek to fall away from us. Ay indeed, for how many dreams may they imagine for you, enough to upset the calculations of life and trouble all your fortunes with fear! And with good cause; for if ever they saw that there was a fixed limit to their woes they would be able in some way to withstand the religious scruples and threatenings of the seers. As it is there is no way, no means of resisting, since they must fear after death everlasting pains."

To sum up: There is ample evidence to support the view that the re-awakening of Greek interests in the concept of the soul was stimulated by Orphic mystical notions. But the Greek genius was soon to be engrossed in the physical and philosophical (scientific) aspects of the subject and was apathetic towards the mysterious and the mystical. There was no lively interest in visualising the hereafter as a form of retribution for man's behaviour in this life except to a limited number of mystics such as Pindar and the Pythagoreans. Plato is exceptional amongst the philosophers in his acceptance of the dogma of Divine retribution in after-life. The Epicureans, in particular, consistent with their opposition to the principle of Divine sanctions, formulated their own distinctive formula of the soul with the primary purpose of negating any suggestion of Divine behaviour.

The origin of the Jewish belief in an after-life has been discussed at great length by a number of scholars (46).

Hirsch (47) formulates evidence that the belief was prevalent in Biblical times. However, when critically examined the relevant passages often disclose the author's abhorrence of prevailing heathen customs (48). Saul's request to the witch of En Dor to bring up the spirit of Samuel is recorded as a reprehensible act (49) and consequently cannot be regarded as an indication of the typically Jewish view on the subject. Even the passage in Job (50), regarded as the most explicit testimony on the subject, has provoked Moore (51) to comment "that the expectation of a resurrection of the flesh in the common English version and more uncompromisingly in the Latin Bible is read into the text not in it". The most that these Scriptural passages suggest is the prevalence of a popular belief in an after-life, not a specific doctrine. Indeed a systematic study of the subject under discussion reveals the absence of a doctrine on the life hereafter, and the permissible latitude of free expression of individual views. A wide diversity of opinion and interpretation becomes apparent. The Mishna (52) assures us that "all Israel has a share in the world to come, except those that deny the principle that the resurrection of the dead is of Biblical origin". This normally would indicate a doctrinal authority for the principle of the resurrection. However, in the same passage Rabbi Akiba adds another exception, namely those that read Apocryphal literature. Since the Talmud itself quotes from Ecclesiasticus (53), the inference is that this is another instance where 'folklore entered the law book' (54).

Although the terms עולם הבא and לעית לבא are usually accepted as denoting the life beyond the grave, the two terms have been shown by Moore (55) to have become confused, and even the term עולם הבא often refers to the ideal future life here on earth. Higger (56) warns us that each of the instances in Jewish literature associated with these terms (עולם הבא and לעית לבא) must be examined separately. Instances relating to absence of eating or drinking refer to the world of the spirit, whereas cases involving universal peace and riches refer to this world.

The very use of the terms Gan Eden and Gehenna for Paradise and Hell respectively, suggest that the subject of eschatology was never fully coordinated. For Gan Eden (57) was the garden planted on earth by God, where Man was to enjoy the good He had to offer. Similarly Gehenna, too, was the name of the Valley of the Son of Hennon, notorious as the locale where acts of abomination were perpetrated, such as human sacrifices (58). This fact suggests that originally the Jews had no conception of Heaven and Hell as concrete places, and were constrained to borrow their very vocabulary for such designations from temporal places.

Even the concept of angels, so widespread in all systems of eschatology, was freely adapted from other cultures, and was unreservedly admitted by the Rabbis as having been borrowed from Babylon (עלי מבל) (59).

A distinct tendency by the Rabbis to minimise the belief in angels is conveyed by the Rabbinic dictum (60) that any godly son of Israel exceeds the angels in power and influence. The fact has been pointed out by Kohler (61) that the Mishna has even eliminated every reference to angels, and even later Rabbinic references suggest "an exhibition of homiletic ingenuity rather than serious opinion. There was nothing approaching a doctrine of Angels" (62).

As to the physical or metaphysical aspect of the hereafter or of the soul, Judaism remained completely non-committal. "Do not enquire into what is beyond thy understanding and do not investigate what is hidden from thee"-

וְאַתָּה לֹא עוֹשֶׂה שׂוֹאָלִים - literally "Thou hast nothing to do with the mysterious" (63). Similarly the Mishna emphasizes (64) "Everyone who meddles with the following four subjects it were better if he had not come into this world (a) what is above, (b) what is beneath, (c) what is before, (d) what is after".

The only real interest that Judaism evinced in the subject of the hereafter was associated with the broader principle of reward and punishment - Divine retribution. Hence the problem revolved to a far greater extent about psychology than theology. The age-old problem as to the reason why the righteous should suffer and the wicked should thrive, could only be solved in the belief in a hereafter. For there alone can the unrewarded virtue of the individual receive its just recompense. There "the righteous sit wearing their crowns on their heads, and enjoy the radiance of the Divine Presence" (65). Even though the Rabbis believed in another world and often spoke of the rewards awaiting the righteous after death, the development of religious thought shows a marked tendency to fix the centre of gravity in the life on earth. This world was compared to a vestibule prior to entering the banquet hall. However the admonition was still expressed (66) "Prepare yourself in the vestibule that you may enter the banquet hall". "Better one day of good deeds and repentance in this world than all the life in the world to come" (67).

Occasionally when the Jew allowed his fancy to wander and speculated on the nature of a sumptuous meal in the hereafter, replete with fish and wine, he visualised the climax of the experience in a strictly spiritual sense. For God Himself would say grace, and would lecture to the righteous souls on the beauties and truths of the Law (68).

The promise of a future world solved the problem of martyrdom, which otherwise would be devoid of justice. The fate of Hanina ben Tradian, who was burnt at the stake on account of his religious convictions, was justified only in terms of a future life (69).

The appreciation of the salient distinction between the Greek and Jewish concepts of immortality is of paramount importance to the present writer's theory. Whereas in the former case the physical or metaphysical aspects were of salient interest, in the latter case the pragmatic element

was of primary importance. For the hereafter in Judaism was not only inter-linked with Divine retribution, it was actually a corollary of it.

Josephus (70) testifies that the "Sadducees take away the belief in the immortality of the soul, and the rewards and punishments in Hades". The denial of immortality appears to be associated with the negation of rewards and punishments. This is clearly corroborated in yet another excerpt from the same author (71). In the latter instance he advances, as the Jewish doctrine (in his speech discouraging suicide), the doctrine that while those who kill themselves "are received in the darkest place in Hades", the souls of the righteous "receive as their lot the most holy place in heaven, from whence in the revolution of ages they are again sent into pure bodies". The incontrovertible feature is that Josephus stresses the element of Divine retribution implicit in the Jewish concept of immortality.

Now, this very element of Divine retribution was, as has been repeatedly stressed throughout this survey, alien to Hellenistic thought, particularly in the case of the Epicureans. Indeed Lucretius (72) has specifically inveighed against the 'vates' (seers or priests) who sought to promote this belief. Hence the denial of the Jewish concept of immortality by the Sadducees would be consistent with Hellenistic culture, and need not have been dependent on their views of the Mosaic Code.

The hypothesis that the denial by the Sadducees of the principle of immortality was dependent on their denial of the wider principle of Divine retribution, is not without further support. For we have already indicated earlier (73) that the closely allied subject of pre-existence did ^{not} apparently, constitute a subject for a polemic, between the two factions, and both Heineman and Hirsch have remarked on this without offering convincing explanations. Yet if we accept the view that the primary objections of the Sadducees to Immortality stemmed from their denial of Divine retribution, we can readily understand why the subject of pre-existence did not constitute a controversial issue between the two factions.

The present writer has attempted to show that the denial by the Sadducees of both the principles of (a) Divine retribution and (b) existence of a hereafter was dependent on prevalent Greek notions (particularly Epicureanism).

It would now be appropriate to show how this policy seems to have influenced the function of the priesthood during the period of domination by the Sadducees.

A most significant corollary stems from Josephus' report that the Sadducees denied the principle of Divine Sanctions in the form of rewards and punishments in this world, or in an after-life. The belief in Divine Sanction is a sine qua non to the sacerdotal class in any conventional form of religion. Indeed it would be virtually impossible to visualise any conventional form of priesthood which does not resort to the principle of

Divine retribution. We have noted above (74) that when Lucretius sought to demolish these beliefs he specifically directed his attack against the 'vates'. Hence the views held by both Zeitlin (75) and Lauterbach (76) that the Sadducees were the exponents of a strictly priestly approach towards Judaism, are completely vitiated by the incontrovertible testimony that they denied an indispensable and cardinal principle to the Priesthood, namely Divine retribution.

On the other hand, the fact that many of the High Priests of the time were in fact affiliated to the Sadducees sheds an interesting light on the structure of the Priesthood of the time. The fact that presses for an explanation is as follows: How was it possible for a Jewish priestly class to deny so fundamental a premise to Judaism generally and to the priesthood in particular, as the denial of Divine Sanctions.

However, this anomaly is rationally accounted for only on the basis of the present writer's contention that the Priesthood had undergone a fundamental mutation and had adopted a Greek standard. For the Greeks did not possess a Priesthood in the sense of a sacred class or caste through whose medium alone the gods could be approached. Their significance was quite different from the sacred order such as was prescribed within Jewry by the Mosaic Code. The general Hellenic attitude refused, generally, to define any department of life as taboo. On the contrary, ideologically, it professed to throw open all its possibilities to any and every individual claiming citizenship. True, at Athens certain priesthoods were hereditary privileges, vested within great families such as that of the Eumolpidae (77). But this did not alter the fact that the Greek Priest (or priestess) was one charged with certain specific functions or ritual acts, directed towards the gods and in which the state was vitally interested. The traditional ritual often demanded a high degree of professional or technical know-how, comparable with any other department of civic life. Furthermore the priesthood could not usurp the religious functions exercised by or demanded from other laymen such as heads of families or magistrates. Nor did the holding of a priesthood curtail other occupations or interests.

Aristotle even proposed that the same individual citizen should successively assume the functions of soldier, statesman and priest, according to his time of life, the last office to be regarded as a dignified sinecure for men no longer able to serve the state in a more active capacity (78). Indeed the priesthood was even sold to the highest bidder by public auction (79), which suggests that the institution was paradoxically both a religious and a secular office.

This explains the new trend in the Judean priesthood which did not revolve round religious teachings and doctrines, so that the denial of Divine Sanctions was not inconsistent with the normal profession of a Hellenised, secular priesthood.

CHAPTER XXVII

POLEMICS APPARENTLY DEPENDENT ON THE LITERAL EXEGESIS OF THE MOSAIC CODE

Four polemics fall within this category, and were referred to earlier in the present survey (1).

- (1) Lex Talionis where the conditions enumerated in Exodus (2) were, apparently, accepted in their literal connotation by the Sadducees.
- (2) Evidence of adultery where the details as described in Deuteronomy (3) were also accepted literally by the Sadducees.
- (3) Procedure in the *וִירְקָה בַּפִּיּוֹ* ceremony where the expression (4) is interpreted not only literally but in its most degrading form.
- (4) Date of celebration of Pentecost where the Sadducees' view is supported by the literal interpretation of the word *שִׁבֹּת* in Leviticus (5).

We have already noted some irregular features associated with these polemics which militate against our accepting them at face value. We have already pointed out that the noteworthy substitution of the name *בִּיתִּיּוֹסִים* (Boethusians) in each of the above cases, in contrast to the regular term

בִּיתִּיּוֹסִים employed within the same section in the sources (6) where these polemics are reviewed. The change in terminology from *בִּיתִּיּוֹסִים* to *בִּיתִּיּוֹסִים* is far too explicit to warrant summary dismissal as being irrelevant. Furthermore the absence of any reference to the first three of these polemics in any of the more authoritative law reports of the time (Mishna Beraitha or Tosephta) leads one to suspect an element of irregularity. The blatant lack of profundity inherent in the literal reading of the first two of the above polemics has already been referred to (7) and serves to intensify our doubts as to the whole meaning behind these polemics.

Rappaport (8), Geiger (9) and Welhausen (10) are convinced that these polemics were in fact later interpolations, and the theory has been suggested by Rappaport that the author of Megillat Taanit confused these views with those held by the Karaites who were literal in the Scriptural exposition. Nevertheless most historians adhere to the view that the literal exposition of the Mosaic Code was a primary attribute of the Sadducees.

The present writer feels, however, that a far more rational explanation to account for these polemics can be formulated by reference to the trends prominent in the Greek exegesis of the classics.

Several theories have been proposed to account for the spirit of reverence that the Greeks displayed towards their own ancient poets. It has been suggested that the mysterious glamour of writing which enabled men to convey their meaning to successive generations by means of signs which in themselves were meaningless imparted a spirit of authority to the written word (11).

However, whatever the underlying reason was, the salient characteristic of the Greeks was a deep devotion to antiquity. The 'wisdom of the ancients', emanating from an age when heroes became gods and which conveyed the sage-like maxims associated with^a noble life, frequently took the place of religion. If in addition the written word was also enveloped in melody, rhythm or verse, it assumed the highest authority, and inspired the greatest reverence.

"When the gods spoke, they spoke in verse." "Dictae per carmina sortes" (12) was the current belief. "It was the gods who gave the words, the poets were but the interpreters" (13). "Whatever wise and true words were spoken in the world about God and the universe, came into the souls of men not without Divine will and intervention through the agency of the Divine and prophetic men (14). "To the poets, I mean the very ancient poets, there sometimes came a brief utterance from the muses, a kind of inspiration of the divine nature and truth like a feast of light from an unseen fire" (15). Plato re-echoes the same thought "Whosoever knocks at the doors of poesy untouched by the muses' frenzy, fondly persuading himself that art alone will make him a thorough poet, neither he nor his works will ever attain perfection but are destined for all their cold propriety to be eclipsed by the effusion of the inspired madman" (16)

The reverence for the poets stimulated by the belief in inspiration and sanctity of the written word imparted a unique significance to the ancient poets, particularly Homer who transcended the limitation of time, space or circumstances. He was to enjoy a universal privilege as an undying fountain-head of wisdom. Indeed he was sometimes regarded as being not only inspired, but even Divine. The idea has existed in much more recent times, not indeed that he was Divine, but that so much wisdom could not have existed outside Judea. There is a treatise entitled: *Ὅμηρος ἑβραῖος* sive historia Hebraeorum ab Homero Hebraicis nominibus ac sententiis conscripta in *Odyssea et Iliade* (17), which seeks to prove that the name Homer is derived from a Hebrew word, and that the Iliad is an account of the conquest of Canaan, and that the Odyssey is a narrative of the wanderings of the Children of Israel up to the death of Moses!

When ultimately the Greeks outgrew the instinctive imitation of heroic ideals, and developed a rational and conscious philosophy, dictated by the principles of reason, it was necessary to prove that this new philosophy was compatible with prevailing beliefs. Homer then became the criterion of such education. He was regarded as a Sophist whose purpose was to educate men. He was the spiritual influence behind a number of systems of education, one of which was the study of literature for its own sake, a perspective which still survives to this day.

It was continued by both schools of (a) textual critics, and (b) the successors of the first Sophists who sharpened their wits as to Homer's meaning enunciating imaginary difficulties and solving them. Some such instances have survived in the Scholia, especially those based on "The Questions of Porphyry".

However, in the initial stages in the educative movement literary education and didactic morality were not only complementary but even inseparable elements. The fundamental premise was that morality could be imparted by normal teaching methods, and Homer was assessed as the norm not only of literary, but equally of moral excellence. It is not difficult to account for this dual role applied to Homer, namely as the model for both literary and moral excellence for, in stressing a moral, all literature becomes plastic, permitting diverse interpretation dependent on the theme of the moralist. Sophists could preach sermons of their own supporting their themes from Homeric texts. Interpretation became fluid, and in drawing their meanings these interpreters were following a standard pattern. The Hippias Minor of Plato is an instance as to how this method was employed.

The method became a standard feature of Greek literature being resorted to by most prominent writers of the time. "In the childhood of the world" says Strabo (18), "men, like children, had to be taught by tales and Homer told tales with a moral purpose." "It has been contended" he says again "that poetry was meant to please" (19). On the contrary, the ancient looked upon poetry as a form of philosophy, introducing us to the fundamental facts of life, teaching us in a pleasant way the character and feelings of men. Moralists continually cited Homer-like verses of the Bible in order to illustrate moral truths. Dio Chrysostom (20) introduces us into a charming imaginary conversation between Philip and Alexander: "How is it" says the father "that Homer is the only poet you care for? Are there not others who ought not to be neglected?" "Because", replies the son, "it is not every kind of poetry just as it is not every kind of dress that befits a king; and the poetry of Homer is the only poetry that I see to be truly noble and splendid and regal, and fit for one who one day will rule over men."

Dio Chrysostom himself derives many a moral meaning from Homer. When, for example, the poet refers to the Son of Kronos having given the staff and rights to a chief that he might take counsel for the people, he meant to imply that not all kings but that only those who have a special gift from God had that staff and those rights, and that they had them not for their gratification but for the general good. He meant in fact that no bad man could be a true master either of himself or of others - not even if all the Greeks and all the barbarians join in calling him king (21). Not only the developing forms of ethics were supported from Homer, but also the various theories of physics and metaphysics.

The Heracliteans held, for example, that when Homer said "Ocean, the birth of gods and Tethys their mother" he implied that all things are the offspring of flow and movement (22). The Platonists, for instance, held that when Zeus reminded Hera of the time when he had hung her trembling by a golden chain in the vast concave of heaven, it was God speaking to matter which he had taken and bound by the chains of laws (23).

The Stoics read into the poets so much Stoicism that Cicero says in good humoured banter that one would think the old poets, who had no such suspicions, were Stoics (24).

Xenophon in his Banquet (25) makes one of the speakers who could recite Homer by heart say that "the wisest of mankind had written about almost all human things". There is a treatise by an unknown author of imperial times (25a) which endeavours to show in detail that he contains the beginning of every one of the later sciences, historical, philosophical or political.

When he gives to each character its appropriate style of speech he shows his knowledge of rhetoric. He is the father of political science in having given examples of each of the three forms of government, monarchy, aristocracy and democracy. He is the father of military science in the information he gives about wars and siege works.

However these tendencies to draw a moral from all that Homer wrote and to read philosophy into it were not universal, although common and enduring. There were those who rebelled against this tendency and demanded the literal interpretation of the words, and no amount of ingenuity could disguise or mollify the immorality of some references.

The earliest expression of this reaction is that of Xenophanes which is twice quoted by Sextus Empiricus (26). "But Homer and Hesiod according to Xenophanes of Colophon tell many a tale of the lawless deeds of the Immortals thieving and wenching and dealing deceitfully one with another."

It was deprecated by Plato (27): "If I disbelieved it" he makes Socrates say in reference to Boreas and Oreithyia, "As the philosophers do, I should not be unreasonable. Then I might say, talking like a philosopher, that Oreithyia was a girl caught by a strong wind, and carried off yonder ... but it would take a long time and a laborious and not very happy lifetime to deal with all such questions and for my own part I cannot investigate them until, as the Delphian precept bids me, I first know myself." Nor will he admit allegorical interpretations as a vindication of Homer.

"The chaining of Hera and the flinging forth of Hephaestus by his father, and all the fighting which Homer has described, we shall not admit them into our state with allegories or without them." (28)

In spite of the obvious awe and love with which Plato regards Homer, he will not countenance any allegorical or hidden meaning to vindicate the elements of immorality he perceives in Homer. "The wisest of our poets" (2) and "The captain and teacher of that tragic company" (30) are instances of his love for Homer.

However, these feelings of adulation do not prevent him from expressing the following views:

"Homer tells lies, and lies too that are immoral" (31).

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"His gods and men do things which ought neither to be done nor heard of, whereas the aim of poetry should be to teach us to be good and brave and true. Homer by his potent spells steals away our hearts. He sets before us weeping heroes in all the luxury of woe. He feeds emotion which ought to be starved and makes anarchy of the soul." (32)

Aristarchus, the great critic of Alexandria (circa 170 BCE) was almost unique amongst the learned men of the day in bringing both genius and common sense to bear on Homeric poems. His guiding principle was that Homer must be explained by himself. The epic language was a separate entity which must be studied in detail. Homeric and Attic usages of words must be distinguished. Again the manners, customs and the civilisation of other times must not be imparted into the Homeric age. The method of allegory should not be applied to Homeric mythology. The legends must be accepted in their literal sense as belonging to the childhood of the race without making Homer responsible for their truth or morality.

The identical difficulty which had been felt on a large scale in the Greek world with regard to Homer, was felt in no less a degree by Jews who had become students of Greek philosophy in regard to their own sacred books. The Pentateuch in a much higher sense than Homer was regarded as having been written under Divine inspiration. It, more so than Homer, was so ingrained into the minds of men that it could not be set aside. It, no less than Homer, contained elements which on the surface seemed inconsistent with morality. To it, no less than Homer, was applicable the theory that the words were the veils of hidden meaning.

These objections presented no difficulty to the Pharisees. To them the Scriptures contained the highest and noblest truths that had ever been revealed to mankind. It was an inexhaustible source of truths, not all of which had been discovered by man. הפך בה והפך בה דכלא בה was the adage applied by the Sage (33). It was referred to as the 'tree of life', for all ages and for all circumstances.

Yet it may be validly conjectured that an element in Hellenised Jewry found the blind acceptance of the Mosaic Code difficult. It may further be conjectured that a more benign section of Hellenised Jewry might seek to regard the Scriptures in the same way as Aristarchus applied to Homer. The epics of both Jews and Greeks must be studied against their respective backgrounds without resorting to apologetics in the form of symbolism or allegory.

Indeed this approach is indicated by the rendering of the Mishna (34).

The Sadducees say "We complain against you Pharisees, for you say the Holy Scriptures render the hands unclean and the books of Homer do not render the hands unclean." Rabban Johanan ben Zakkai said "And have we nothing but this against the Pharisees? For lo, you say the bones of an ass are pure but the bones of Johanan the High Priest (John Hyrcanus) are unclean".

They said to him "As our love for them so is their uncleanness, so that no man may make spoons out of the bones of his father and mother". He said to them, "Even so the Holy Scriptures - as is our love for them so is their uncleanness, whereas the writings of Homer, which are held in no account, do not render the hands unclean".

According to the conventional rendering of this passage, Jacob Neusner (35) is justified in assuming the above passage represents a polemic of minor significance. The issue appears to be whether or not sacred Scriptures have the property of imparting impurity to one who touches them. Neusner (35) interprets this polemic in terms of a deeper significance, namely whether touching the sacred Scripture for purposes of study was equivalent in religious significance to the priest who had to wash his hands after sacrificing in the Temple. The Sadducees who were normally in charge of the Temple deduced (according to this view) that since handling the scroll kept in the Temple did not require washing of the hands, the same practice would also apply to copies of Scriptures outside the Temple. But the Pharisees demanded that the scrolls outside the Temple should be treated in a manner equivalent to the sacrifice. Finkelstein (36) goes even further, by suggesting that the purpose of washing of the hands after sacrificing in the Temple was to wash away, symbolically, the holiness imparted by the sacrifice. Hence the Pharisees demanded that Scripture should be treated with an equivalent respect as though they imparted holiness to those engaged in its study, and this holiness should be washed away before undertaking mundane occupations.

These explanations are, in the present writer's view, inadequate. The expression *טמא'ים את ה'דים*, does not imply residual holiness, but impurity (37). Secondly, the issue remains trivial. Finally, the complaint of the Sadducees involving the books of Homer seems irrelevant. It would have been more germane to have pointed out the analogy of sacrifices. What was the purpose of referring to Homer? However, the present writer sees in this argument an issue of fundamental importance. We will first assume that the expression *טמא'ים את ה'דים* is a technical one which is applied to anyone who has handled sacred objects. The origin of the expression need not concern us here. Hence the argument between the two sects runs as follows.

The Sadducees complained that whereas even the texts of Homer were open to criticism, and were, in some cases even being denigrated, yet the Scriptures were treated with a spirit of reverence which precluded any suggestion of rational analysis. To this the Pharisees answered that Scripture was as far removed from Homer as the bones of an ass from the revered remains of the hero of the Sadducaic party, namely John Hyrkanus. This explanation appears to be infinitely more satisfying than the conventional ones. For the Pharisaic reference to the bones of John has a historical validity.

For the Greek religion, imbued with deference to departed heroes, often paid special veneration to the remains of such a personage. Thus the grave of Oedipus at Colonus was regarded by the hearers of Sophocles as the foundation

The recovery of the bones of Orestes made the turning point in the struggle between Sparta and Tegia, and the bringing of the bones of Theseus from Scyros to Athens was regarded as one of the most distinguished services which Cimon rendered his country. This explains the Pharisaic reference to the bones of John Hyrkanus, who no doubt was regarded as a hero by the Sadducees.

In the light of what has been said in relation to the long and protracted polemics on the validity of Homer, these four disputes dependent on the literal exegesis of the Mosaic text, take on a very different meaning. They were instances quoted by a section of the Hellenistic faction to illustrate how primitive and degrading the Mosaic Code really was, and which should not be clothed in a rational guise by resorting to sophistry. The text, like Homer, must be taken literally, in the same way as Plato criticised Homer, and if immoral elements were encountered, the text should be denied the privileged position which it had hitherto enjoyed.

Each of the items cited by the Boethusians could be interpreted in this way. The Lex Talionis, as read by the Boethusians, stresses the barbaric nature of the law, in spite of the fact that an informed assessment of the law in question precludes such an interpretation (38). The Boethusian rendering stresses, not as much the literal aspect, as the barbaric aspect.

The same applies to the law of evidence of adultery. The normal and rational explanation of the relevant verse in Deuteronomy has been shown (39) to be obviously impracticable in law, and the Rabbinic rendering seems to be called for. The Boethusians however stress the obviously absurd side of the law when read literally.

The law of בפניו in the חלצה ceremony, read literally accentuates the vulgar side of the provisions of the Mosaic Code. Although the word בפניו can be interpreted without any undue force to the meaning to read 'in front of him', the Boethusians have purposely taken it to mean 'in his face', stressing unduly the vulgar nature of the procedure. This is not so much the literal aspect of the verse as a calculated degrading and vulgar meaning that the Boethusians have purposely stressed in order to manifest their reasons for disregarding the Mosaic Law. These three instances all appear in the one source, namely Meg. Taanit, Chap. IV, where the Boethusians are clearly and distinctly differentiated from the Sadducees.

The final case dependent on literal interpretation is that relating to the day of Pentecost referred to in Meg. Taanit (40) and the Mishna (41). Here again, in the first section of the verse, the Sadducees are explicitly mentioned in connection with the daily sacrifice (תמיד). In this case, as has been explained above (42) the literal meaning of the relative verse in the Mosaic text was not an issue. Yet when the question of the date of the celebration of Pentecost is discussed in the very section as the case of the

תמיד, the name Boethusians appears. The latter case depends on what interpretation we place on the word ביום in Leviticus (43). The word need

not necessarily mean the seventh day of the week, it may also mean a day of rest, e.g. in the case of שבת שבתון .

Not only the Septuagint substitutes the phrase 'the morrow of the first day of Passover' for 'the morrow of the Sabbath', but also the Book of Joshua corroborates this interpretation. It reads "and they did eat of the produce of the land on the morrow after the Passover. And the Manna ceased on the morrow, after they had eaten of the produce of the land." (44)

Finkelstein (45) recognises the dual significance of Pentecost

- a) as a harvest festival, and
- b) as the anniversary of the Sinaitic theophany.

Accordingly, he applies the same fundamental premise to this instance as he does to every case of dispute between the Pharisees and the Sadducees. The Sadducees, who represented the rural landowners, sought only an agricultural significance in the festival of Pentecost - the ripening of the harvest. Apparently, according to Finkelstein, the ripening of the harvest generally occurred 50 days after the first Sabbath in Passover. Hence the insistence of the Boethusians (synonymous with Sadducees, according to Finkelstein) on counting the days from the day after the first Sabbath in Passover. The Pharisees, who represented the urban faction, had little interest in a festival devoted entirely to an agricultural significance, and to them the Sinaitic revelation held out greater meaning. Hence they would, therefore, favour the celebration of Pentecost 50 days after the first day of Passover, which by tradition coincided with the giving of the Law on Mount Sinai.

Finkelstein's explanation is unintelligible to the present writer, for what assurance has the agriculturalist that his wheat will ripen 50 days after the first Sabbath in Passover, but not 50 days after the first day of Passover? In any case, is the ripening of the wheat so accurately and specifically determinable so as to enable one to predict in advance the date of a festival? Furthermore we have already (46) referred to an episode (47) where the Boethusians (and not the Sadducees) sought to enforce their views by means of deceit, and where only one day was at issue, which could hardly affect the agricultural significance.

However, on the basis of the premise that the Boethusians sought to emphasize the irrational aspect of the Mosaic Law, this whole episode becomes alive. True, as Finkelstein correctly points out, Pentecost involves another religious significance apart from the agricultural aspect. Now if it is to be celebrated as an anniversary of the date of the giving of the law, it must be calculated from a definite date, which would be the case if we start from the first day after Passover. In this case חמשה would imply the first day of Passover. But if the calculation commenced the day after the first Sabbath in Passover, the date of Pentecost would vary from year to year and be valueless for the purpose of celebrating a particular event. This is precisely what the Boethusians were aiming for. Give the word חמשה its conventional form and the traditional celebration of a cardinal festival in

Hence the supposition enunciated above is that the policy of the Boethusians was the negation of the Mosaic Code, and by using an established procedure of criticism, namely by resorting to literal interpretation, sought to denigrate the Mosaic Code. The question that immediately presents itself is whether we have corroborative evidence of this supposition. The answer appears to be in the affirmative. The incident reported in the Talmud (48) has been examined above (49). It has thus been pointed out that in order to gain their victory by a deceitful intrigue they were not averse to being instrumental in having the first day of Passover erroneously declared a day earlier, with the attendant desecration of the Temple ritual. Also the Passover in question would officially terminate a day earlier, so that the whole of the nation would be guilty of eating leaven foods when, in fact, it was prohibited. Hence we can deduce that the Boethusians in fact had little regard for religious observances.

The above interpretation of the status of the Boethusians gives the following Talmudic excerpt added colour (50):

"A certain Boethusian asked R'Joshua the grit dealer 'How do we know that tephillin may not be written on the skin of an unclean animal?'

He answered 'Because it is written "that the Law of God may be in your mouth", implying that which is permitted to be in your mouth'.

'If so' (continues the Boethusian) 'they should not be written on the skin of animals regarded as "nevelot and terephon".' R'Joshua replied 'I will give you an analogy: two men were condemned to death by the state, one to be executed by the King himself, and the other by an official. Who would you say stands higher? Surely he who was executed by the King?'

'In that case' continued the Boethusian, 'if the nevelot and terephot represent a more meritorious death (having been executed by God) why should they not be eaten?' Rabbi Joshua replied 'The Torah prescribed "Ye shall not eat nevelot" (51), yet you say that they should be eaten!'

'Well said!' replied the Boethusian."

The question is, what was the purpose of the argument between the Boethusian and Rabbi Joshua? The conventional interpretation (52) is that the matter under discussion was a purely academic one involving the question as to what materials were permitted for the purpose of writing tephillin. If such were the case, the contention of the Boethusian had more merit than that of Rabbi Joshua, for in the end the latter was constrained to resort to a quotation to negate the rationally justifiable approach by the Boethusian. Furthermore, after this altercation the final concession 'Well said!' is in strange contrast to the logic of the argument.

However the present writer proposes an unconventional rendering of the episode. The purpose of the argument initiated by the Boethusian was to show how illogical Jewish dietary laws were. 'Nevelot were' prohibited from being eaten, yet one could write tephillin on these skins because "the King had executed them", whereas in other carcasses a mere official had performed

Finally Rabbi Joshua had to call to bear a scriptural verse and ended with the significant words "Scripture says you may not eat them, and you say you may!" To this the Boethusian replies "Well said!", meaning "I do hold this view". The purpose then of the Boethusian was to ridicule Scripture as being irrational (53).

The conflict between the allegorical and literal interpretations constitutes a significant chapter in later church history. The procedure of applying allegorical or figurative meanings to Scripture was stimulated because it provided evidence of prediction, and solved the difficulties which the Old Testament presented to philosophical minds. But it was attacked by Greek philosophers in its application to Christianity. "There are some persons" says Porphyry (54) "who being anxious to find, not a way of being rid of the immorality of the Old Testament, but an explanation of it, have recourse to interpretations which do not hold together nor fit the words which they interpret." "It is a delusive evasion of your difficulties" says, in effect, Celsus "that you find in your sacred books narratives which shock your moral sense; you think that you get rid of the difficulty by having recourse to allegory but you do not; in the first place your Scriptures do not admit of being so interpreted, in the second place the explanation is often more difficult than that narrative it explains"(55). The answer of Origen is weak and is in the form of a tu quoque. Homer is worse than Genesis, and if allegory will not explain the latter, neither will it the former.

The method had opponents even in Alexandria. Origen (56) often speaks of those who object to his "digging wells below the surface", and Eusebius mentions a list of works of the learned Nepos of Arsinoe entitled "A refutation of the Allegorists".

The subject of literal interpretation vs the allegorical or figurative alternative was the dominant discussion between the two Christian schools of Antioch and Alexandria respectively in the 4th Century of the Common Era. The Alexandrian school had been founded on a fusion of Platonism, some elements of Stoicism, a revived Pythagoreanism, and was idealistic. On the other hand the school of Antioch was tending towards Aristotelianism, and inclined to be realistic. To the former Revelation was but an earthly foothold from which speculation might soar into infinity. To the latter it was a positive fact given in the light of history. Allegorical interpretation was the outcome of the former, literal interpretation was the outcome of the other. But nevertheless, the tendency to disparage and to bring Scripture into disrepute by applying the strictly literal meaning has survived until quite recently. As late as 1862 a work appeared entitled "The Pentateuch and Book of Joshua critically examined" (57). The theme of this book is strikingly similar in approach to the criticism of the Boethusians of an earlier age. Its purpose is clearly to ridicule the Pentateuch and the Book of Joshua. Its modus operandi was analogous to

that which we have discussed previously. A refutation, in the form of a pamphlet, appeared under the editorship of Rev. Joseph McCaul in 1862, but to illustrate the type of attack, the present writer will reproduce but one extract.

The relevant chapter IV is headed "The extent of the camp compared with the Priests' duties, and the Daily Necessities of the people". In Lev. IV: 11,12 we read the following: "And the skin of the bullock, and all his flesh, with his head and legs, and his innards and his dung even the whole bullock shall he (the priest) carry forth without the camp in a clean place ...". Dr. Colenso inclines to adopt Scott's measurements of the camp, who computes it to have 'formed a moveable city of twelve miles square'. "In that case" says the Bishop "the offal of these sacrifices would have had to be carried by Aaron himself, or one of his sons, a distance of six miles, and the same difficulty would have attended each of the other transactions above mentioned. In fact, we have to imagine the priest having himself to carry on his back, on foot, from St. Pauls to the outskirts of the Metropolis, the skin and the flesh and head and legs and innards and dung, even the whole bullock, and the people having to carry out their rubbish in a like manner, and bring in their daily supplies of water and fuel, after first cutting down the latter when they could find it! Further we have to imagine half a million men going out daily - the 22,000 Levites for a distance of six miles - to the suburbs for the common necessities of nature. The supposition involves, of course, an absurdity but it is our duty to look the plain facts in the fact."

All this results because the Bishop did not evaluate the word וְהָיָה in the original (in the Hiphil) and derived his explanation from a rigid, literal translation of "he shall carry forth".

Similarly he transplants the sanitary regulations intended for warriors in the field (58) or a military detachment on active service, to apply to the 22,000 Levites!

CHAPTER XXVIII

DISPUTES RELATING TO RITUAL

Four such disputes are recorded, and have been enumerated earlier (1) as follows:

- a) Procedure in preparing the Ashes of the Red Heifer
- b) The prerogative of the Priest to consume the חֵטְא בַּמִּזְבֵּחַ
- c) The financing of the daily sacrifice (זֶהֱבָה)
- d) Procedure in igniting the incense on the Day of Atonement.

The fact that all the above disputes centred around Temple worship supported the view that a distinctly priestly attitude pervaded the Sadducean approach. We have already investigated the case of the זֶהֱבָה and have drawn the conclusion that the most likely explanation to this polemic was not that dependent on the literal rendering of the Mosaic text, but rather a mundane consideration, namely the financial implications involved (2).

Hence we will not reiterate these arguments already enumerated, but will proceed with the other cases.

THE PROCEDURE IN PREPARING THE ASHES OF THE RED HEIFER

The ceremony described in Numbers (3) is as tantalising in its concept as it was picturesque in its execution. The purpose of this strange precept was to provide the reagent with which to purify anyone who had come into direct contact with a dead body. Such a person was regarded as impure for seven days. In order that his ritual purity could be restored at the expiration of that time he had to be sprinkled with the ashes of the Red Heifer mixed with water on the third (4) and seventh days.

The controversy between the Pharisees and the Sadducees revolved round a detail in observance in the process of the preparation of the ashes. The question was as follows: What state of purity was required of the officiating priests before they were permitted to prepare the ashes?

There were clearly two stages in purification. If a man touched the carcass of a dead animal he was, according to Leviticus (5) unclean until the evening, and no question of bathing is prescribed in the text. On the other hand, somewhat later, we are informed that anyone who touches a person that 'hath the issue', he must bathe himself in water and be 'unclean until evening' (6). The same applies to a man who has had sexual intercourse (7). However by early exegesis the law was made uniform, which required a ritual bath in all cases. The Scriptural verses seem to indicate that, in addition to the ritual bath, a lapse of time, a waiting period until nightfall, was required before impurity was completely removed. However, the Pharisees read the Scriptural verses to differentiate two stages in the kinetics of purification:

a) partial purification on taking a ritual bath (טבול יום)

b) final purification once evening had fallen on the טבול יום

One who had qualified as a טבול יום, might not be permitted to enter the Temple, nor eat of sacrifices or partake of the heave offering (תרומה), yet he might come into the camp. He ceased to spread impurity, and might therefore take part in communal life (8). He was permitted to eat of the tithes, of lesser degree of holiness than that of the heave offering. Finally, as a priest, he was permitted to take part in the preparation of the ashes of the Red Heifer which was carried out, not in the Temple, but on the Mount of Olives, but since he could not enter the Temple obviously he could not participate in any other sacrificial act (9).

The Pharisees went further and contended that the officiating priest may not be completely clean, and if he happened to be so, he was forced to undergo contamination, thereafter bathe, and immediately prepare the ashes of the Red Heifer without waiting for eventide.

The Mount of Olives was actually provided with a place of ritual immersion, and the High Priest was rendered unclean, "because of the Sadducees, that they should not be able to say 'It must be performed only by one on whom the sun has set. They laid their hands upon him and said 'My Lord High Priest immerse thyself this once'. He went down, immersed himself, came up, dried himself ..." (10)

Thereafter, as a טבול יום he was qualified to prepare the ashes.

The following account in Tosephta (11) is particularly interesting: "It once happened that a certain Sadducee waited out the night of his impurity and came to burn the Red Heifer. Rabbi Yohanan ben Zakkai heard of the matter, placed his two hands, rendered him unclean again and said to him, 'My Lord High Priest, how fitting it is for you to be High Priest! Now go, immerse.' The man went, immersed and came back. When he came up he slit his ears"(thus rendering him unfit for priestly service for all time).

The attitude of the Pharisees in this case seems incomprehensible. Finkelstein (12) agrees that the reasoning of the Pharisees seems to be so, for what purpose could possibly be served by rendering a ritually clean priest, who was normally qualified to perform the duty, unclean, and then partially purifying him?

Hence he enunciates a theory to support his fundamental theory that we have here a diversity of interests between the urban population, represented by the Pharisees, and the wealthy rural population. The issue was that of a טבול יום. It was essential for the urban population, particularly those resident in Jerusalem to restrict ritual impurity to a minimum, for in a case of complete impurity, the sufferer could also impart impurity to others and to objects around him. Whatever utensil he used would become impure, and if he

touched an earthenware utensil or stove the object would become incurably impure, so that people who came to Jerusalem for the festivals would avoid that particular home. Hence the Pharisees, of necessity, formulated the state of טביל יום, which did not spread the impurity once the victim had bathed.

The rural population however did not observe impurity in their homes at all, except during a brief period during Passover. The Sadducean priests derived no benefit from the concession since they, in any case, had to wait for evening before they could enter the Temple or eat of the heave offering. Hence, according to Finkelstein, this polemic represented a clash of interests, dependent on regulations governing impurity, and the Pharisees were vitally interested in the form of a concession as was provided in the case of טביל יום. The Sadducees could see no reason for the unwarranted breach of the law.

The theory, attractive though it appears, is wanting in logic. Had the polemic centred around the question of the concession of a טביל יום, what was the purpose in aligning it with the precept of the ashes of the Red Heifer, a practice that was carried out but seven times during the entire Second Commonwealth (13). Even if we doubt the rarity with which the precept was performed, it still appears to have been sufficiently rare to warrant comment. Furthermore how can one explain, on this basis, the unrelenting determination of R. Johanan ben Zakkai in maiming a High Priest for life because he happened to differ from him on a legal principle?

Leszynsky (14) maintains that the polemic centred around the purity of one of the four priests engaged in the ritual of the Red Heifer after the completion of the preparation of the ashes. For this particular priest, according to Leszynsky's interpretation of the text, was not impure at all, yet the Pharisees demanded that he should purify himself even though Scripture did not demand this. In order to achieve their contention, they intentionally rendered him impure. This interpretation is not conveyed by the sources, which clearly indicate that the dispute concerned the ritual purity of the officiating priest before commencing his duties.

However, reference has already been made to the Greek tendency to worship, if not to deify heroes, and for many generations this constituted one of the strongholds of oligarchy. Pindar especially displays inordinate family pride in his own lineage from the Aegeidae at least equal to that of the Heraclid Kings of Sparta. The theme of every Epinician ode is that the brave are born from the brave, the noble from the noble, and the salient motive in his morality is noblesse oblige. If the Athenian tragic poets sought to popularise the native heroes so as to make them an ideal for mankind, they simultaneously yielded to the pride of the tyrant city and encouraged a sense of arrogance towards subjects and allies.

The ritual of hero worship was, according to Pausanias (15), distinguished from that of the Olympian gods in several ways. The Temples of the gods in Greece were so contrived that the statue in the main shrine should face the

rising sun upon the day of the festival. The temple of the hero on the other hand opened to the west, and looked towards Erebus and the region of gloom. Thus Pausanias records (15) that the entrance to the Pelopeum was situated towards the setting sun, whereas the temple of Zeus faced eastward. The same historian's account of the ritual of sacrifice is further significant. It was performed by the rulers for the year and the victim was a black ram. Such sacrifice to those below was not followed by a feast. The worshippers did not taste the victim. The soothsayers had no share in the victim, but the officer known as the woodsman who supplied the wood for the sacrifice got the neck only. His business was to supply wood of appropriate kind for the sacrifice. White poplar was the only wood allowed, and it is significant to notice that anybody who participated in the sacrifice was not allowed to enter the temple of Zeus for a period. The blood was poured through an orifice in the ground.

A comparison of the procedure prescribed for the preparation of the ashes of the Red Heifer (16) bears a close resemblance to the cult of hero worship as recounted by Pausanias. The following tabulated form will clarify the resemblances:

Hero worship at the Pelopium

Ashes of the Red Heifer

- | | |
|--|--|
| (a) Victim was a black ram (colour defined) | (a) Victim was a red heifer (colour defined) |
| (b) Locality of performance was away from temple of Zeus | (b) Locality was outside the camp |
| (c) Blood poured through a special orifice in the ground | (c) Blood sprinkled in the direction of the Temple |
| (d) Only the neck was given to the woodsman, the remainder was burnt. | (d) The whole of the victim was burnt |
| (e) Particular type of wood used in the combustion - white poplar only allowed | (e) Cedar wood was used |
| (f) Participants were not allowed to enter the temple of Zeus | (f) Officiating priests were debarred from entering the Temple for the day |

Hence, the writer submits the following theory for consideration as an explanation of the otherwise inexplicable basis for the polemic between the two parties on this subject. The Sadducees, attempting to institute a Hellenistic spirit into Jewish Temple ritual, explained to their sympathisers that the ritual of the red Heifer was in reality a form of hero worship to the founder or one of the heroes of the Priesthood. They compared convincingly the procedure of the Red Heifer to the hero worship of Pelops. However the Pharisees could counter this comparison by one formidable argument, namely the Red Heifer was not a sacrifice at all. As proof of this contention they cited the fact that, whereas a **טבול יום** would not be qualified to perform any sacrifice, in this case a **טבול יום** was qualified. Hence the Sadducees insisted that this ritual was a sacrifice, whereas the Pharisees were adamant that it was not so. This explains the excesses that the Pharisees resorted to in order to impose their view - otherwise the Red Heifer would be interpreted as being the Jewish counterpart of a Greek ritual.

THE PRIVILEGE OF THE PRIEST TO EAT THE מִנְחָה מִנְחָה

The Minchah constitutes one of the most frequently mentioned and least frequently quoted rites of the Old Testament. The lack of understanding of the rite is illustrated by the fact that the A.V. translates it as a meat offering, the Douay translation refers to it as 'oblation of sacrifice'. The J.V. approaches the meaning by using the term 'meal offering'.

In earlier traditions the word Minchah was a general term for animal/vegetable sacrifice (1). In later writings it was confined to vegetable offerings, being used once to describe the 'first fruits' offering of green ears of corn dried by the fire (2). Its special use was for an offering composed of fine wheat flour called soleth, to which olive oil, salt and frankincense were added. The main sources of study of the rite are in Leviticus (3) and Numbers (4). The Minchah could be offered up as an independent sacrifice, or in conjunction with a meat offering as in Numbers (4). The polemic in this instance centres around the latter case, and is referred to in Meg. Taan. (5) and in the Mishna (6).

The source of the polemic is that the Sadducees claimed for the priest the right to eat the remainder of the offering, whereas the Pharisees contended that the whole of the offering should be consumed in flames on the altar. This polemic has been interpreted by Jacob Neusner (7) as an effort on the part of the Pharisees to limit the indulgence of the Priesthood. In view of the fact that the Pharisaic view was that the whole of the sacrifice was to be burnt, one cannot understand the context of the argument. Were the Pharisees, according to this view, so primitively anthropomorphic as to think that the Divine would palpably benefit from the complete consumption of the sacrifice on the altar!

It must first of all be conceded that the polemic centred around the מִנְחָה בְּהֶמְהָ (4) only, and not other forms of the מִנְחָה which consisted solely of components of vegetable origin. In the latter case the Mosaic text specifically permits the Priesthood to partake of the sacrifice (8). Hence the cause of friction was a specific sacrifice consisting of meat and items of vegetable origin. The cause of the controversy would be extremely obscure without reference to contemporary alien forms of sacrificial cult.

Possibly the commonest rite in the Greek religion was the Thusia, which culminated in a common meal after a portion of the flesh had been ceremoniously burnt on the altar. The specific verb Thuein is generally translated 'to sacrifice', a somewhat inadequate translation, since it means essentially 'to perform a Thusia'. The practice had become a fixed element of Achaean life long before Homer, and was characterised by its spontaneous nature and independence of any relationship to events determined by calendar dates.

The derivation of the word has been associated with the root thu, common in Indo-Germanic languages and indicates

(1) excited motion, (2) smoke, and (3) sacrifice (9).

All three forms of the root are found in Greek (10) and the second and third forms have an obvious relationship when we bear in mind that the sacrifice in which portions of the meat literally become smoke. So fundamental had the ritual become to the Greek cult that special words were introduced to connote the extent of the celebration, e.g. hekatomb, meaning originally 100 oxen. However, instances are recorded where the word 'hekatomb' lost its numerical significance and denoted a variety of numbers, e.g. 81 oxen, 50 rams or 12 oxen (11).

Ritual pattern

Several accounts of the procedure at a Thusia have been recorded, and essentially they bear a close similarity. In four of these accounts many of the lines are identical (12). The account from the first book of the Iliad (13) describes the thanksgiving Thusia presided over by Chryses, Priest of Apollo, who had finally secured the return of his daughter who had been captured by Agamemnon. With the Greeks who returned the girl he joined in the glad thanksgiving.

"The sacred hekatomb they

Quickly arranged in order about the well-built altar.

First they washed their hands and took up the grains of barley,

Chryses then made the prayer, holding his hands to heaven.

.

When they had finished the prayer and scattered the grains of barley,

First they drew up the neck of the victims, then slew and flayed them

Then cut out the thigh pieces; with fat they covered them over,

Making a double fold and placed raw pieces upon them.

These the old man burnt on the wood, while pouring upon them

Sparkling wine, the youths held the five pronged fork beside them.

When the thigh pieces were burnt and all had tasted the splanchna

Then they cut up the victims and pierced the spits through the pieces;

Carefully roasted the whole, preserving every fragment.

When they had ceased from labour they made them ready the banquet.

No lack of spirit was there, for each had his equal portion.

When they had gratified their thirst and hunger, the young men

Straightway turned their hands to the bowls prepared for libations.

Deftly they poured the wine, a few drops first in each goblet.

All day long they gave to lauding the god with singing,

Chanting glad paeans of praise, these striplings from far Achaea."

New accessories and refinements were added in the form of magnificently adorned temples, hierarchies of sacred ministers, glorious processions, or churches and choirs, yet the salient constant features survived. These were:

I The Preparation

- a) Lustration.
- b) Barley grains
- c) Prayer
- d) Casting the hair of the animal into the fire
- e) Slaying and flaying of the victim
- f) Processions

II The Thusia Proper

- a) Burning the thigh pieces and fat: libations
- b) Eating the splanchna

III The Feast

- a) Roasting the victim
- b) The banquet
- c) Libations
- d) Music, song and dancing

There are a number of features in the above synopsis of the proceedings which correlate with the analogous ritual described in Numbers (4). Rams, bullocks or sheep were acceptable to both the Greek Thusia and the Jewish

מנחת בהמה. Components of a vegetable nature were intermingled in both cases with wine and/or oil in both instances, and the essential element of prayer was prominent in the case of the Greek practice. Yet Yerkes (14) stresses the fact, quite independently of the relationship to Jewish ritual, that in the case of the Thusia "euchesthai" is not so much a prayer but a vow. It is strange that in the Jewish counterpart the expression specifically employed is גִּדְּרָא אוֹ נִדְּבָה (15), literally a "burnt offering or a sacrifice in performing a vow". The central action of the Thusia - that which gave the rite its name - was the solemn burning over the altar fire of pieces of thigh, wrapped in fat and overlaid with other portions. The long-handled, five-pronged fork used for the purpose is frequently portrayed in vase paintings and other works. The fork was held by young attendants "Curling above the smoke the savour went up to heaven" (16).

The Mosaic reference of אֵשֶׁה רִיחַ נִחַח לַיהוָה could be interpreted as a close parallel to the reference from the Iliad.

However one element characterised the Greek model of the sacrifice, namely the eating of the splanchna - those organs below the diaphragm, liver, kidneys, etc. - and it is the significance of this apparently insignificant detail that in the present writer's opinion sheds light on the otherwise apparently inexplicable polemic.

In post-Homeric days the technical name of the splanchna was the hiera, usually rendered 'sacred parts'. The general name for the officiant at the Thusia was the hiererus; the functioning of this individual was described by the word hieréuein. Jane E. Harrison (17) makes a distinction between the two verbs 'hiercuein' and 'thuein'. "Thuein is strictly applicable only to the portion of a sacrifice that was actually burnt with a view to sublimation, whilst hieréuein applies rather to the portion unburnt which was sacred indeed, as its name implies, to the gods, but was actually eaten in communion by the worshippers."

At the beginning of the Iliad, the Achaeans held a council to determine the reason for their continued failure to take Troy. Three types of diviners were employed to ascertain the reason for the failure. The triad consisted of a seer, a dream interpreter, and a hiererus. The function of the seer was the explanation of accidental omens, such as the flights of birds. The dream interpreter is self-explanatory. "Dreams" says Achilles "come from Zeus" (18).

The function of the hiererus was plainly associated with interpretation of some kind of omen differing from dreams or birds. The hiererus was plainly regarded as a professional interpreter of some kind. The simple matter of fact, mention of the name indicates that the office was well recognised, and a rational explanation would be that his duties revolved round the diagnosis of omens presented by the hiera, the well known post-Homeric name for the splanchna.

The connection between the hiera as the organs, hieréuein as the performance of these rites, and hiererus as the practitioner, is too obvious to be accidental. The eating of the splanchna, an essential stage in the Thusia, can be associated with some act of divination.

The polemic between the Sadducees and the Pharisees now assumes an interesting aspect. The Hellenistic Judean priests saw a close analogy in detail of ritual between the Thusia and the כִּנְחָת בְּרֵסֶה, an analogy which would be all the more complete if they could eat the splanchna, and simultaneously act as diviners of the omens that these organs revealed. The eating of these organs, in the present writer's opinion, constituted the polemic between the Pharisees and the Sadducees. The former objected to a foreign form of divination; the latter were only too keen to illustrate that such a procedure would draw one nigh to both cults. When ultimately (19) the Pharisees eradicated this obnoxious practice, a holiday was proclaimed.

The ritual to be followed by the High Priest on the Day of Atonement was the source of one of the most vehement polemics between the Sadducees and the Pharisees. The Mosaic text ordained that on that day the High Priest should enter the Holy of Holies, the most sacred compartment of the Temple, and within this compartment should offer incense before the Lord. The controversy, superficially, seems to pivot on an insignificant detail of ritual of apparently little or no consequence. The Sadducees maintained that the incense should be ignited in the outer hall, and thereafter the High Priest should enter the Holy of Holies with the fragrant smoke rising before him, whereas the Pharisees held that the incense should be kindled in the Holy Chamber itself (1).

This seemingly inconsequential detail of ritual was regarded as being of such importance that the Pharisaic Rabbinate, when in power, compelled the High Priest, if he were suspected of being a Sadducee, to take an oath that he would perform the ceremony in accordance with their interpretation. The Talmud (2) records a moving scene where the elders of the ecclesiastical court adjured the prospective officiating High Priest in these supplicatory terms: "My Lord High Priest, we are delegates of the Court, and you are our delegate, and the delegate of the Court. We adjure you by Him that made His name to dwell in this house that you will not change anything of that which we have instructed you". He turned aside and wept. Yet another incident (3) is recorded, where a Sadducee High Priest performed the duties in accordance with the Sadducaic usage, and regarded his achievement as a decisive victory.

The reading in the Mosaic text (4) seems unambiguous, and supports the Pharisaic interpretation. It reads as follows: "And he shall take a censer-ful of coals of fire from off the altar before the Lord, and his hands full of sweet incense beaten small, and bring it within the veil. And he shall put the incense upon the fire before the Lord ..." Hence the conduct of the High Priest who reversed the order of the respective actions by igniting the incense before entering the Holy of Holies would appear not only unwarranted, but even in direct opposition to the stipulated directions.

Lesynsky (5) interprets the polemic on the basis of the minutest literal execution of the precept. As the High Priest is commanded to carry "his hands full of incense", he must necessarily put the incense on the fire before entering the Holy of Holies, for otherwise, while his hands were occupied with incense he could not carry the censer of coal. Finkelstein (6) dismisses this argument by quoting the Mishna (7) which stipulates that the two handfuls of incense were to be carried in a special receptacle and the text simply prescribes the quantitative unit of measure of the incense.

Lauterbach interprets the principles underlying the strange controversy between the sects on the basis of psychological rationalisations. The High Priest about to enter the Holy of Holies unaccompanied by any other mortal, was in dire terror as to the outcome of his solitary visit. Mindful of the ominous verse "that he may not die", and fearful lest, on entering the Holy of Holies he might be confronted by the presence of the Divine Himself, he sought to create a smoke-screen between himself and whatever awe-inspiring apparition he might encounter behind the curtain, segregating the Holy of Holies from the remainder of the Temple precincts.

Although Finkelstein (8) acquiesces in this explanation, many objections militate against its acceptance.

Had the reason for the deviation been dependent solely on the personal misgivings of the officiating High Priest one would not have expected this deviation to have been associated in the sources with the Sadducees as a body, but rather with the particular High Priest who harboured feelings of timidity. Furthermore, since this precept must have been executed on innumerable occasions according to the Pharisaic view, which is supported by the text, one would assume that, with the passage of time, the terror and foreboding envisaged by Lauterbach would have been assuaged. Moreover, the remark made by the father of a Sadducean High Priest (9) who performed the precept according to the Sadducean usage: "Although we are Sadducees we must take cognisance of the Pharisees", does not support Lauterbach's conjecture. For the execution of the precept in this distinctive manner seems to have been the explicit policy of the Sadducees as a corporate body, and not merely because the High Priest happened to have been fortuitously drawn from their ranks.

However, if we view the Sadducees as exponents of a Hellenised form of Judaism, this particular polemic immediately assumes a realistic and rational significance.

The tractate "Aboda Zara" abounds in sacrificial procedures as practiced by contemporary nations, most of which were naturally forbidden by the Pharisees. However Lieberman (10) concedes that the tendency to avoid pagan customs was not always strictly followed in practice. He cites several instances (11) where pre-sacrificial rites clearly originated from Greek practices. However, hitherto but scant attention has been paid to the influence exercised, not so much by the established Greek forms of worship, as the mystery cults.

In Greece, side by side with the religion which was openly professed, together with the relevant rites practised in the temples, were the splendid rites which were known as the mysteries. These practices were not envisaged as being antagonistic to the established religion; on the contrary, they were accepted as the promoters of the better elements implicit in the religion, and which also enhanced the ritual. Side by side with the great political communities, the adherents of these cults formed a brotherhood professing ties stronger than those uniting communities professing similar political aspirations.

Innumerable associations for the practice of the new form of worship came in with foreign trade, All of these aimed at giving expression in common worship of religious feelings which the public religion did not satisfy. These associations were known as *δίκαιοι* or *ἐπαινοί*, and the term *ὀρχήστρες* referred to the officials.

Unlike the cults of the city states, the oriental religions were simultaneously both cosmopolitan and individualistic. Their message was not restricted to any particular racial or social group, and their concern was primarily with the relationship of the individual and his god. Their ritual too differed essentially from the glad social feasts presided over by secular civil magistrates, typical, on the whole, of the old worship of the Olympian gods. From their eastern homes the new cults brought with them the appeal of sensuous pageantry and of solemn emotional ritual performed by, or under the supervision of, an official or consecrated priesthood.

The doctrines emanating from the oriental religions were furthermore not devoid of intellectual attractions. They apparently offered a rational and complete account of the universe which served as an adequate explanation to such questions as were likely to perplex the average man. Yet another of the effects of the ingress of their cults was the tradition that learning was a sacerdotal prerogative, together with the doctrine which demanded respect for the authority of spiritual teachers who derived their infallible wisdom from supernatural sources of information which are open to holiness alone. The note of self abasement, the consciousness of sin, and the conception of holiness are characteristics of these cults (12).

The gods revered in this system were not the gods of the sky, Zeus and Athene, but the gods of the Underworld, the gods of productive forces of nature and of death (13).

The most important of these cults was practised at Eleusis, near Athens. Its ritual was based on the mythical loss and re-discovery of Persephone by Demeter. The original purpose of the cult was to celebrate and ensure the re-birth of nature in spring after its death in winter, and was founded on a primitive vegetative form of magic. On this type of ceremony, Fraser has collected a vast number of analogies from all stages of culture and from all parts of the world (14). But the promise of nature's resurrection had early become identified in terms of that of the individual worshipper (15).

"Be of good cheer ye initiates for the god is saved for he shall be to you a salvation from ills."

"We have found him, we rejoice together" was the united jubilant cry raised at the culminating point of the ritual of the mysteries of Osiris.

Ultimately the histories of the gods were to become merely symbolic of the great facts of human life. The idea of death and rebirth, an echo of which we discern in the terminology of the philosophers, is characteristic of the mystery cults. The successive stages or acts of initiation are variously described and enumerated, but there were at least four:

- | | |
|------------------|---------------------------------------|
| καθαρσις | - the preparatory purification |
| εργασιας | - the initiatory rites and sacrifices |
| τελετή or μυησις | - the prior initiation |
| and εκοπτεια | - the highest initiation. |

This final phase admitted the participant into the *καταδοσις τῶν ἱερῶν* or holiest act of the ritual (16).

The main underlying conception of initiation was that there were elements in human life from which the candidate must purify himself before he could be fit to approach God. There was a distinction between those who were not purified and those who, in consequence of having been purified, were admitted to a more divinely inspired life. Hence purification both ritual and spiritual played a dominant role amongst the means to grace. Indeed, the sense of sin and gratification of self-abasement often found expression in penance and self-torture. The episode in which the devotee of Isis crawls in midwinter on her bleeding knees to break the ice and then to immerse herself three times in the Tiber is a typical case.

Initiation, then, came to be regarded as a death to sin and the rebirth to righteousness; the carnal, base man was buried, the spiritual man was reborn.

The creation of this distinction is in itself remarkable. The race of mankind was lifted on to a higher plane when it came to be taught that none but the pure both in thought and deed can approach God.

Apollonius of Tyana was excluded because he was a magician (*γοης*) and not pure in respect to τὰ δαιμόνια - he had intercourse with other divinities than those of the mysteries and had practised magical rites (17).

The rites of Eleusis, though originally confined to the inhabitants of Attica, in time came to be open to all Greeks, and were widely practised in the Greek colonies in Asia. They reached Alexandria, and were known in Rome where they were legalised by Claudius (18).

Mylonas (19a) describes the climax of the celebration when the Hierophant, standing in front of the Anaktoron, the holy of holies, exhibited the sacred objects, the Hiera to the initiates. The nature of these sacred objects remains an undisclosed secret in spite of a number of conjectures. However, it seems likely that the display of these objects was calculated to arouse a certain measure of tension and awe. One of the charges against Alcibiades was that he had shown the sacred objects to his boon companions (19b).

We learn something of the liturgy of the mysteries from Lucian's romances of the pseudo-prophet Alexander. In it Alexander institutes a celebration of mysteries and torchlights and sacred shows which go on for three successive days. On the first day there is a proclamation "If any atheist or Christian or Epicurean has come as a spy upon the festival let him flee; let the initiation of those who believe in the god proceed successfully". The officiating priest reiterates the proclamation verbally by saying "Christians away!", and the whole crowd responds "Epicureans away!"

The initiation ceremony was followed by confession. The initiate was asked to confess his sins. "To whom am I to confess it?" says Lysander to the mytagogoi who were conducting him. "To the gods." "Then if you will go away" said he, "I will tell them."

Confession was followed by baptism. "The mysteries are not exhibited incontinently to all, but only after certain purifications and previous instructions." (20) "It is not without reason that in the mysteries that obtain amongst the Greeks, lustrations hold the first place, as also the lower amongst the barbarians. After these are the minor mysteries, which have some foundation of instruction and of preliminary preparation for what is to come after; and the great mysteries in which nothing remains to be learned of the universe, but only to contemplate and comprehend nature and things"(21).

The candidates for initiation bathed in the pure water of the sea. The manner of bathing and the number of immersions varied with the degree of guilt which they had confessed. They emerged from the bath new men. It was a *καθαρσις*, a *λουτρον*, a laver of regeneration. They had to practise certain forms of abstinence; they had to fast, and when they ate, they had to abstain from certain kinds of food (22).

Purification was followed by a sacrifice - which was known as *σωτηρια* - a sacrifice of salvation, and in addition to the great public sacrifice, each of the candidates for initiation sacrificed a pig for himself.

At night there were mystic plays representing the drama in symbol. The torches were extinguished and the doors of the temple were opened in a blaze of light, and before them was acted the drama of Demeter and Kore. - the loss of the daughter, the wanderings of the mother, and the birth of the child. It was symbolic of the earth passing through its yearly seasons, of the recurring poetry of nature. It was the drama which is re-enacted year by year with unfailing succession. Winter after winter the fruits, flowers and the grain die down into darkness, and spring they blossom forth again to new life. Winter after winter the sorrowing earth mourns her lost child and looks forward to her reappearance in spring.

There was no dogmatic teaching - there were possibly no words spoken. It was an acted parable. There was, in addition, a distinctive individuality about the performance. For everybody present witnessed the ceremony, each

man interpreted it for himself. It was his personal inspiration towards a divine life. The effect was conceived to be a change both of character and of relation to the gods.

In time however new myths and new forms of worship were added. Garucci (23) describes a remarkable syncretist painting in a non-Christian catacomb at Rome in which the elements of the Greek mysteries of Demeter are blended with those of Sabazius and Mithras in a way which shows that the worship was also blended. These syncretist forms of worship also had an initiation, they also aimed at an inspired religion, and also included the prohibition against the entry of anybody but the pious and righteous (24).

The practice of enacting awe-inspiring scenes, and manifesting revelations calculated to arouse terror and tension amongst the onlookers was probably motivated by a rational purpose. It proved to the righteous and the god-inspired that the faithful remained untouched by those experiences to which others would succumb. Iamblichus (25) advances the following characteristics of the mystery cults.

"Amongst the signs by which those who are truly possessed by the gods may be known, the greatest is the fact that many (of those who experience ecstasy) are not burned though fire is applied to them, since the deity breathing within them does not permit the fire to touch them; many though burned are unaware of it, since at that moment they are not dwelling in the body. Many have daggers thrust through their bodies without feeling it; others have their backs cut with hatchets, or cut their arms with knives without taking any notice. The activities in which they are engaged are not of a human kind, and since they are born by God they can reach places which are inaccessible to men: they pass through fire unharmed, they tread upon fire and cross over streams like the priestess in Castabala (who walked barefoot in snow and on hot coals). This proves that in their enthusiasm (i.e. their state of inspiration) they are not aware of what they are doing and are not living a human or bodily existence as far as sensation in volition is concerned, but live instead another and diviner kind which fills them and takes complete possession of them."

Reverting to the Jewish Day of Atonement, a number of close similarities to the mystery cults become so apparent as to suggest that a profound Hellenist would identify the two ceremonies as being but variations of the same cult.

Ever since Biblical days the Day of Atonement incorporated the most elaborate ritual, closely intertwined with the profoundest spiritual conceptions. Throughout the year man consistently alienates himself from the Divine by innumerable reprehensible acts of greater or lesser magnitude.

Inexorably he becomes more and more detached from his Maker. Hence the Mosaic Code prescribed that one day in the year, the Day of Atonement, should be set aside to enable the individual to restore his pristine unsullied relationship to God. The indispensable step in this process of regeneration is atonement (26). "As vessels of gold or glass, when broken can be restored by undergoing the process of melting, thus does the disciple of the law, after having sinned, find the way of recovering his state of purity by repentance" (27). The concept of purification is consistently emphasized-as being the essential component underlying the ritual associated with the Day of Atonement (28). This elaborate ritual was designed by the Lawgiver to accentuate the concept of sincere repentance by symbolic purification, and the re-dedication to a purer life. "For on that day the priest shall make atonement for you to cleanse you that you may be clean from all your sins before the Lord." (29)

Thus the High Priest acts on behalf of the congregation (30). The first stage in the elaborate ritual of the day is for the officiating priest to offer a bullock and seven lambs (31). This was followed by an elaborate and unique form of sacrifice. Two goats, contributed by the whole of the people (32) were placed before the priest and by drawing lots each goat was designated with an appropriate mark. The first of these bearing the distinctive mark "For the Lord" constituted a sin offering. The second, distinguished with the tag "For Azazel", was subsequently to be sent into the wilderness. Once again the High Priest offered a confession for himself and his wider household - his fellow priests - over his own bullock. After killing this latter animal (33) and recovering its blood in a specially designated vessel, he took a censer-ful of live embers from the altar of the burnt offering and two handfuls of fine incense into the sacred recess behind the curtain, where he placed the incense on the coals, the cloud of vapour thereby enveloping the mercy seat (34). This latter part of the ritual and its deviation by the Sadducees is the subject of the present discussion. Thereafter the High Priest returned for the vessel containing the blood of the bullock that had been sacrificed, and re-entered the Holy recess, where he sprinkled it with his finger eight times. Having left the sacred compartment he killed the goat designated "For the Lord", and performed the same ceremony with its blood, as he had done previously in the case of the blood of the bullock.

These rites ensured that the Holy place was rendered free from all impurities brought about through the entry, intentional or otherwise, of unclean persons (35). No one was permitted to remain in the sanctuary while the High Priest officiated in the Holy of Holies (36).

The live goat was now brought forward. The High Priest laid his hands upon its head and confessed. "All the iniquities of the Israelites and all their transgressions, even all their sins" (37) were thus symbolically placed upon the goat's head. Laden with the people's sins the goat was sent away into the wilderness. Further sacrifices (sin offerings, burnt offerings and incense offerings) were continued throughout the remainder of the day (38).

During that period of history in which the Sadducees exerted their strongest influence, this ritual was enlarged by the reading of the relevant portion from the Bible (39), the wording of the confession (40) and the recital of the ineffable name of God, to which the congregation enjoined "Blessed be the name of the glory of His Kingdom for ever and ever".

Hence not only the spiritual concepts inherent in the Day of Atonement but even the ritual, bears a close resemblance to their respective counterparts embodied in the mystery Eleusinian cult practised at the time. Both practices stressed the necessity of approaching God through purity achieved by dissociating oneself from previous ignominious acts. The ritual, too, seems to follow a similar pattern.

The Day of Atonement is preceded by a pre-penitentiary period of ten days (עשרת ימי תשובה). Lucian describes a period of ten days probationary ascetic purification prior to initiation.

The symbolic washing in the case of the Jewish High Priest (41), finds its counterpart in a similar act of baptism and purification (42).

"The mysteries are not exhibited incontinently to all but only after certain purification and previous instruction"(43). It is not without reason that in the mysteries that obtain amongst the Greeks, lustrations hold the first place, as also the laver amongst the barbarians (43).

The achievements of this sublimated state through penance (44) was also common to both systems. Lobeck (45) describes a fast lasting 9 days during which abstinence from certain foods was practised. The practice of sacrifice, too, was common to both cults. For in the mysteries, purification was followed by two forms of sacrifice σωτηρία - one of salvation followed by a personal one where each candidate sacrificed a pig for himself. The mystery plays such as that of Persephone and Demeter symbolising the earth passing through its yearly cycle, and its extension to include the individual from sin to purification, might well have found a parallel in the case of the ritual of the Day of Atonement in the enactment of the fate of the two goats, one to God, the other to Azazel.

There is a strong suggestion that there was indeed a tendency for one form of ritual to influence the other. Earlier (46) we have quoted the case of the exhortation by the Rabbis to the officiating High Priest in the following terms:

"My Lord High Priest, we are the delegates of the Court, and you are our delegate, and the delegate of the Court. We adjure you by Him who made his name to dwell in this house that you will not change anything that we have instructed you"(47).

Compare the above exhortation with the oath taken by the responsible officers at the mystery cults:

"I swear by the gods for whom the mystery cults are performed that I will have care that the details of the initiation will be carried out as is fitting for the gods, and to do all that is right. And I myself shall do nothing that is irregular or wrong at the performance of the mysteries or suffer another to do so, but shall follow out the things which are written" (48).

An interesting excerpt survives to this day in the prelude to the service of the Day of Atonement which commences thus:

"By authority of the Court on High, and by authority of the Court on Earth. With the knowledge of all present, and with the knowledge of this congregation, we give leave to pray with them that have transgressed" (הַעֲבִירֵי הַיָּמִים).

No completely satisfactory explanation has as yet been offered by the commentators for this strange and unique insertion into the liturgy of the Day of Atonement. The supposition that it was inserted by the Council of the Orthodox Synagogue during the Spanish Inquisition to permit Marannos to be included in the service is merely an unsupported conjecture.

The present writer suggests that it was included in the liturgy of the Day of Atonement by the Pharisaic Rabbis, who were perturbed at the consistent efforts by the Hellenist element to identify this day with the ritual of the mysteries which began with the exhortation "Christians away! Epicureans away! Let none but the initiated participate in the celebration, etc".

The one isolated element which was lacking to complete the analogy of ritual of the mystery cult with that of the Day of Atonement was the exhibition of some awe-inspiring, terrifying experience (49). This deficiency was augmented by raising the cloud of vapour by means of sprinkling incense on the burning embers taken from the altar.

The Scripture itself (50) identifies the presence of the Divine with the evolution of the vapours. But the effect of this experience would be minimised if the procedure were carried out behind a curtain, and the Temple itself was completely empty as prescribed in Lev. 16: 17. Hence in an effort to remedy this shortcoming, the Hellenistic High Priest took it upon himself to perform this ceremony outside the Holy of Holies, but within view of the multitude who crowded round the doorway to witness this awe-inspiring sight.

We have previously referred to the practice introduced by the Rabbis during the second Temple of reciting the ineffable name of God (Tetgrammata) during the liturgy on the Day of Atonement. Could not this procedure be interpreted as an effort on the part of the Rabbis to mollify the objectionable practice introduced by the Sadducees of exposing the Holy vapours before the public gaze by a less offensive substitute?

CHAPTER XXXI

LAW OF FALSE EVIDENCE

Hitherto we have attempted to prove that in the case of all the preceding polemics recorded between the two factions, the underlying issues were of greater consequence than the mere superficial reading of the sources indicated. A fair degree of certainty is possible by referring to similar trends in Greek contemporary thought. Principles of Divine Retribution, Immortality, Temple ritual, all have to a greater or lesser degree been preserved, hence the comparison becomes subject to a lesser degree of arbitrary speculation than in cases that we have enumerated under the heading of 'social ethics'.

Questions such as the following press for an answer: Were they 'snap' decisions in isolated and non-recurring instances? Were these decisions dependent on the uneducated whim of an incompetent law court, or were they founded on a difference in interpretation of Scripture? The alternative is that they involved principles of far wider importance relating to historical events, the details of which have not been fully preserved.

The present writer is guided by the last of these alternatives. He is not prepared to accept the view, originally propounded by Halevi, that mere 'snap' decisions were involved, devoid of a rational basis and dependent on the inadequacy of the prevailing courts. Though in cases of this nature conclusions must inevitably be dependent on speculation, it is hoped that these speculations will not appear irrational.

Penalty for False Evidence

The first of these disputes that we propose dealing with is that of the penalty for false evidence (עדים זוממים). The Scriptural foundation of the law is that witnesses who perjured themselves in order to secure a conviction, generally of death, against an accused person, became liable for that very sentence that they set out to enforce, once their perjury was proven (1).

The question immediately arises as to when they become liable for the penalty. Does the liability attach itself to the perjurers immediately they have given their evidence and their perjury has been proven, or does the liability revolve round the actual implementation of their nefarious motives.

The indications from the reading of the relative verse seem to support the first alternative. The crime is that of מִסָּדֵר, scheming to perpetrate a miscarriage of justice. This is the view of the Pharisees, who carried their view even further by contending that, since we are dealing here with a case of 'scheming to destroy', if they succeeded in carrying out their designs, they are absolved from liability. The relevant offence is dependent on "As they schemed to do", not "as they achieved".

The Sadducees, according to the sources (2), held the view that only if and when the actual death sentence was carried out would the law of דִּבְרֵי be enforced. Finkelstein (4) and Zeitlin (5) interpret this polemic on the basis of intent in the law. The Patrician classes, represented by the Sadducees, were more concerned with the practical effect of the felony, whereas the plebians, the Pharisees, were satisfied that even intent constituted a punishable crime. However this supposition does not explain why the patricians or plebians should hold their respective views.

A number of features in this polemic, as recorded in the sources (2), lead one to believe that certain extraneous considerations were brought to bear on the Pharisaic interpretation. On the one hand they were committed to the view, from which they were not prepared to deviate, that the law state

$\text{וְעָשִׂיתָ לוֹ כְּאֲשֶׁר זָכַרְתָּ}$, "And you shall do to him that which he schemed to do". On the other hand the Sadducaic reference to נֶפֶשׁ בְּנֶפֶשׁ , "A soul for a soul" (3) had to be satisfied. The final Pharisaic solution was that the perjurers became liable to the death sentence immediately the final verdict was pronounced, even though the accused person was to be released.

The following section in the sources (6) stipulates that all the witnesses who were involved in the prosecution had to be proved to be perjurers before any of them could be liable for the penalty of דִּבְרֵי . There could be no partial differentiation between true and false witnesses.

Furthermore an actual case is recorded. One of the witnesses in a murder case proved to have been a perjurer, a fact that was established prior to the proposed execution of the murderer. Thereupon a court, presided over by Simon ben Shattah, ordered that the perjurer should be executed. Judah ben Tabbai, a prominent Pharisee whose allegiance to his faction could not be disputed, protested vehemently with the words "May I not see the consolation if you have not shed innocent blood" (7).

The account of the episode presents a salient problem. According to the conventional rendering, Judah ben Tabbai protested against the summary execution of a single witness, whereas the law requires both witnesses to be equally guilty of perjury before the law of דִּבְרֵי can be applied. Hence one cannot easily account for Simon ben Shattah's verdict in condemning a single witness.

Finkelstein explains this difficulty on the grounds that the law requiring all witnesses to be perjurers before any one of them could be indicted was established at a later stage, long after the occurrence of this episode (8). This explanation might account for Simon ben Shattah's verdict. However it renders Judah ben Tabbai's objection inane, unless we assume that he subscribed to the Sadducaic view on the question of the penalty of false evidence - a very unlikely contingency.

Finkelstein makes a further unsupported statement by asserting (9) that the Sadducean interpretation of this law was without doubt based on original Israelitish precedent. Not only have we no evidence to support this contention, but the relevant passage in Deut. supports the Pharisaic interpretation. What is even more damaging to Finkelstein's contention is the fact that in this case the Pharisaic policy was more stringent than that of the Sadducees. Finkelstein (4) himself remarks on this anomaly, and yet he is prepared to accept the view that the Pharisees deviated from the original provisions of the law in order to satisfy some academic consideration.

A number of incongruent elements can be explained rationally if we take cognisance of the Greek approach to the law of homicide. However, before embarking on the relevant features of this approach, the present writer would like to bring to the reader's attention an interesting feature commonly encountered in Talmudic expression. Frequently a wide and far-reaching law is tersely embodied by referring to basic law. Two examples will suffice to convey the writer's meaning.

Whenever the Talmud wishes to refer to the law that a more severe penalty annuls or eliminates a less severe penalty for the same offence, it refers to the basic law, **אִינוּ לִיקָה וּמַצְלֵם**, literally "one is not punished by whipping in addition to being forced to pay a monetary fine" (10). The origin of the law is obvious, namely that as whipping (stripes) is a more severe penalty than a fine, the more severe penalty eliminates the obligation to impose the less severe. Such would be the case for all instances where, according to the rule, two penalties are applicable to a single offence.

Similarly we encounter a law **אֶתֶּן אֶסְרָה תוֹרָה אֲפִילוּ בֶּאֱלֵל אֶתֶּן**. Literally "the law forbids a harlot's fee from being used as a sacrifice even if the offence involved mother and son" (11). But the law has a wide application. It encompasses all cases in which an offence was committed, concomitant with a monetary obligation. We do not say that, as a separate penalty for the offence is provided in the law, the monetary aspect is annulled. The monetary or inanimate appendage remains tainted, in spite of the fact that a separate penalty is to be imposed for the crime committed.

We have given only two such instances for mere brevity, but this form of description is widespread. When we come to the law of **דִּבְרֵי** we encounter, in the present writer's opinion, another instance of a simplified, terse expression to convey a very wide and comprehensive concept - one which will explain rationally the importance of this particular polemic, and its importance to the two opposing factions.

The Greek law on homicide differs radically from that of the Mosaic law in a number of respects. When a person was murdered in Athens, the Athenian attitude was a complex one, involving several distinguishable principles. In the first place the deceased had suffered a wrong, an injury which called for retribution. It was the duty of his family to obtain it. Sometimes he would even give them instruction (**ἐπικληῖν**) to this effect before he died.

In Antiphon's speech against the stepmother the speaker says that such instructions are customarily given by men who are killed, and were given to him by his own father after he was poisoned. "Then if they have strength and time before dying they summon their family and relations, make them witnesses, tell them their killers, and instruct them to avenge the wrong they have received; and these are the instructions which my father gave me when I was a boy, and he was suffering from his tragic final illness." (12)

Lysias' Against Agoratos provides a vivid picture of instructions given in expectation of death. The speaker alleges that during the regime of the Thirty in 403 BCE, Agoratos denounced a number of men to the Thirty and they were executed. Among them was Dionysodoros. The speaker, who is the brother of Dionysodoros' wife, is accusing Agoratos as the man responsible for his death, and in the course of the speech he describes how Dionysodoros, in the last hour before his execution, was visited in prison by his wife, dressed in black, and other members of his family, and gave final instruction to them:

"In my sister's presence, Dionysodoros disposed of his property as he saw fit; and he said that Agoratos, the accused, was responsible for his death, and he instructed me, together with his brother Dionysios here, and all his family, to take vengeance on Agoratos for him: and believing his wife was pregnant by him, he instructed her that if she had a child she was to tell him that Agoratos killed his father and to command him to take vengeance on Agoratos for him as a killer." (13).

The features of the case relevant to the present theme are:

- 1) a relative was instructed to take vengeance,
- 2) one person alone (Agoratos) was responsible for the death of Dionysodoros by denouncing him (and others) to the Thirty, culminating in an unjust death penalty.

Furthermore, it was the duty of the dead man's relatives to set the machinery in motion to effect justice. To fail to take action was a disgrace. There were two other, and independent, strands which can be distinguished in the Athenian attitude to killing. For, besides obtaining vengeance for the wrong which the victim had suffered, it was also necessary to free the whole state from pollution incurred by the homicide. Killers were men with unclean hands. They had incurred pollution, which affected all with whom they had come into contact, and the whole of the state in which the crime had been committed. To cleanse or purify the state was yet another duty of the family of the deceased. This may be seen clearly in the first of the Tetralogies attributed to Antiphon, when opening remarks to the jury are being made by a member of a family prosecuting for homicide, as follows:

"We well know that, the whole state being polluted by him until he is prosecuted, the religious offence is ours, and for your error the penalty falls on us if we do not prosecute him as we ought. Since the whole prosecution falls on us ..." (14).

A third object which a prosecutor may urge a jury to accomplish by condemning a killer is that of prevention. A deterrent is superior to a cure, and prospective killers should be made aware that such crimes are punished. "Help the dead man punish the killer, purify the state. You will thus achieve three good things: you will diminish the number of future criminals, you will increase the number of god-fearing men, and you will free yourselves from pollution which this man has brought upon you!" (15)

There is no reason to suppose that these principles were modified with the time; since changes in Athenian homicide law were seldom made. Antiphon praises it on this account: "Everyone would agree that the existing laws on such matters are the finest and most righteous of laws. They have the advantage of being the oldest in the country, and they have always remained unchanged; and that is the surest evidence of good laws, since time and experience show men what is unsatisfactory." (16)

Hence the salient feature of Athenian homicide law is that the obligation to prosecute was not only the prerogative, but even the obligation of relatives. The question as to the degree of relationship is provided by Demosthenes.

"Relatives within the degree of cousin's son and cousin are to make proclamation to the killer in the Agora. The prosecution is to be shared by cousins, sons of cousins, sons-in-law, fathers-in-law and members of the phratry." (17)

The verbs of the law are jussive infinites: "Relatives are to make proclamation ...". The form of expression leaves one point obscure: Could these actions be undertaken by persons who were not relatives within the specified degrees? Does "Relatives are to ..." necessarily imply the converse "All others are not to ..."? Modern scholars have generally taken this implication for granted. Their assumption is based not only on the text of the law, but also on the belief that homicide cases were never graphai but always dikai. In the former case prosecution was open to anyone who wishes, but not, it is thought, in the latter instance. On the other hand one must point out that homicide cases were subject to special rules and had special courts. In other dikai the accuser was normally the person who suffered the offence, but in homicide cases the accuser could never be the person who had been killed. Indeed this problem faced the trierarkhos itself (18). This speech also proves that if the deceased was a metic or a foreigner the procedure was still similar, only his relatives were required to take action. There is a body of scholarly opinion that holds that the accuser was obligated to take an oath that, being a relative of the deceased (or the master of a killed slave), he was entitled to prosecute (19). However, the victim could, with his dying breath, forgive his killer, who was then immune from all prosecution. This is apparent from Demosthenes' Against Pantainetos: "If the victim himself, before he dies, absolves the

doer from the homicide, no other member of the family may proceed against him, but those for whom, if convicted, the laws ordain expulsion and exile and death, if they are once absolved, are freed from all danger by this utterance" (20).

In this respect Greek law on homicide bore the residual traces of that stage in legal development when wrongful actions were considered to be civil and individual matters. Hence a person who was not wronged in fact would have no valid reason for seeking redress (21) and the state had no locus standi for its intervention.

This reasoning would apply where the perjured evidence was revealed prior to the execution of the sentence imposed by the court on the victim. If however the sentence was wrongfully enforced as a result of the perjured evidence, the relatives (or the accused person himself in cases not involving capital punishment) would have a legal right to seek redress, even if only out of vengeance.

The Pharisaic law was opposed to this basis in criminal procedure. The act of $\Delta\Omega\tau$ was a crime irrespective of the parties' direct interest in the case, and the state had an obligation to prosecute and punish the offenders.

In point of fact interested parties would be precluded from active participation in such an action. For an essential qualification for eligible witnesses was their complete disinterest in the case (22). Relatives would certainly not be eligible to participate in an action of this nature (23).

Perjured evidence might well have been a felony frequently encountered in Judea. We know that this evil was common in Athens during the classical period. The Sycophant-parasite was often portrayed in Greek literature. He was the blackmailer, shrewd in diabolical machinations, and wealthy and respected Athenians were at his mercy (24)

There are indications that this evil was not unknown in Judea in the period under discussion. The incident cited above involving Simon ben Shattah and Judah ben Tabbai is a case in point. We also know that Simon's own son was convicted and put to death on false evidence (25).

The admonition of Simon ben Shattah (26) adjuring the courts to cross-examine witnesses exhaustively, no doubt had a historical basis.

Judah ben Tabbai's strange objection "Thou hadst shed innocent blood" lends itself to a different interpretation. For by sentencing one witness, Simon ben Shattah's action might conceivably be interpreted so as to condone the practice of denunciation by one party, as we have encountered in the case of Agoratos, leading to future shedding of innocent blood.

Charles (27) maintains that the theme of the Apocryphal Book of Susanna was intended to illustrate two salient features.. Firstly it aimed at impressing the reader with the value and necessity of an exhaustive cross-examination of witnesses in criminal lawsuits. The present writer agrees with this deduction. However, Charles maintains that the author of Susanna intended conveying a second message, namely that "it seeks to vindicate the execution of false witnesses although their victim may be delivered before this sentence was carried out". In other words, according to Charles, the purpose of the book was to justify the Pharisaic interpretation of the law of *עדים זוממין*. The present writer cannot accept this part of Charles' analysis.

The satirist depicts the circumstances under which the intended deception was ultimately revealed. The two witnesses differed in their testimony as to the locality of the alleged crime. One claimed that the crime took place under a mastick tree, whereas the second witness maintained that the crime was perpetrated under a holm tree.

Now according to Pharisaic law there is only one set of circumstances under which the Mosaic Law regarding the penalty applicable to false witnesses applies. The relevant law is specifically stated in the Mishna which reads as follows (28):

"Witnesses become subject to the law against false witnesses only if they bear false witness about themselves. Thus if they said 'We testify that so and so committed murder' and the other answered 'How can you testify so, for lo, he that was killed or he that killed him was with us that same day in such a place', they are not condemned as false witnesses; but if others answered 'How can ye testify so, for lo, ye were with us that same day in such a place', they are condemned as false witnesses and are put to death at the mouth of others."

Put more tersely, the law only applies in cases where independent bona fide witnesses can prove that the perjurers were in their company and in a different place from the scene of the crime at the relevant time. However perjured evidence of the nature described in the Book of Susanna, where the witnesses differed in their testimony relating to the scene of the crime, does not carry with it the penalty of *עדים זוממין*.

Hence if the purpose of the satirist was to substantiate the Pharisaic contention relating to the law of false evidence, surely he would have chosen a set of circumstances in keeping with the Pharisaic law.

CHAPTER XXXII

DISTRIBUTION OF INHERITANCE (1A) תִּירַשׁ הַבֵּת עִם בִּתּוּ

The hypothetical instance which gave rise to this polemic centres around the distribution of a deceased estate between two claimants, both of whom are women. A symbolic notation should clarify the circumstances. A (a male) has two children, B (a son) and C (a daughter). B, too, has only a daughter, D, and B predeceases A. Ultimately A also dies and the question arises as to who should succeed to the estate of A. According to Mosaic Law (2) property is transmitted through males in the family. Hence, even though B has predeceased A, the Mosaic law, interpreted normally, would demand that the daughter of B should succeed to the whole of A's estate, while C would not have any claim at all. This is the view of the Pharisees.

The Sadducees claim that the estate should be divided between the surviving daughters of A and B respectively in equal shares.

Finkelstein suggests a theory to account for this polemic based on his initial supposition of the social structure of two sections of the population. The Pharisees, whose estates were small, were keen on preserving the integral unity of their assets for posterity, whereas the wealthy Sadducees, who owned extensive lands, could see no objection to an equitable cutting up of vast estates. This view is also accepted by Jacob Neusner (3).

The present writer agrees with the observation made by Finkelstein (4) that the question of women's rights does not figure in the discussion, since both claimants were women. He also correctly points out that even in the Pharisaic view, neither of the female claimants would be left in dire want, since Pharisaic law provided for the maintenance of daughters even when male heirs were present. Hence these two considerations do not apply to this specific instance.

The actual wording and subsequent reasoning of the argument is of such importance that the present writer suggests quoting it from the sources (1A).

"On the twentyfourth day in it we returned to our law ... for the Sadducees said 'Let the daughter inherit with the granddaughter'. Rabbi Yohanan ben Zakkai busied himself with them. 'Idiots', he said, 'how do you know?' Not one of them could answer except for one old man who mumbled and stumbled 'Just as the daughter of his son who comes from the power of his son inherits him, so his own daughter who comes from his own power, is it not logical that she should inherit him?'

He replied: 'Concerning you this verse is written 'And these are the sons of Seir the Horite, the inhabitants of the land, Lotan, Shobal Zibeon Anah' (5). Another verse reads 'He is Anah who found the hot springs in the wilderness and pastured the asses of Zibeon his father ...' This proves that Zibeon came upon his mother and fathered Anah from her.'

He said to him: 'Rabbi, do you dismiss me with this argument?'

He answered: 'Idiot! Do not make our complete Torah to be like your idle chatter! Why does the daughter of the son ever inherit? Because her power is strong in place of his brothers (meaning that she inherits in place of her deceased father along with her uncles, his brothers) but will you say of his own daughter that she should inherit seeing that her power of inheritance is weak where she has brothers?' And he vanquished them and that day they declared a holiday."

The relevance of this Scriptural excerpt quoted by Rabbi Yohanan ben Zakkai is extremely obscure. Rashi (6) surmises the relevance of the passage as follows. Anah was both a son of Zibeon as well as his brother. As far as Seir was concerned he was a grandson. Hence, since he is reported (7) as being one of the inhabitants of the land, it is assumed that he inherited it from Seir, proving that grandchildren inherit from grandparents. Furthermore the supposition that Anah was a male, which would render the argument valueless, is ruled out, since Anah was a female (8). As she was considered an inhabitant of the land it is concluded that granddaughters succeed to an estate to which daughters have no claim.

Another explanation of this obscure deduction from Genesis has been proposed by S. Abramson (9). "Anah was a mamzer (illegitimate according to Mosaic Law) and thus does not inherit even according to the Sadducees, even though he/she comes 'of his father's power'. So too the daughter who comes from his power cannot inherit with a granddaughter." That is, Yohanan provides a precedent in which the fact of one's birth does not necessarily entail rights of inheritance.

This apparent inconsequential detail in the law of estates was considered of such importance that when R'Yohanan ultimately prevailed over the Sadducees, a holiday was proclaimed. The apparent inconsequence of the whole controversy has prompted Geiger (10) to seek a more rational explanation for its importance. He suggests an historical background, namely an effort on the part of the Sadducees to defend the validity of the Herodian succession through Marianne, the daughter of Alexander and granddaughter of Hyrkanus.

However the whole purpose of the argument is not easily resolved. Lesynsky (11) finds the Sadducean attitude the more rational, and he cannot account for that of the Pharisees, apart from a weak technical argument which is very unconvincing to the critical reader. Tschernowitz (12) is compelled to justify the views of the Sadducees from a social angle, though possibly not supported by a strictly judicial point of view. S. Poznanski (13) suggests the theory that the Sadducees shared all estates between sons and daughters in equal proportions. I Abrahams (14) also endorses this view, which is certainly not supported by the polemic with which we are dealing.

Finkelstein (15) suggests a further theory to account for this polemic based on the theory of immortality. The granddaughter inherits the estate on the grounds that her father, though dead, really survives in another world and is thus in a position to hand over his estates to his daughter, while the Sadducees denied such an existence. Finkelstein remarks that he is still of the opinion that this consideration played a part in the formulation of the Pharisaic view.

In the present writer's opinion, the whole purpose of the dispute has been overlooked. The question in dispute is by no means confined to a very special and isolated case involving deceased estates. An infinitely wider principle is involved, one which has been the subject of discussion in legal circles for centuries, namely the principle of 'Equity'. It was designated in Greek legal philosophy by the word *ἐπιεικεία*, something soft and yielding, in contrast to the harshness of law, and Plato (16) puts it, together with clemency, as an infraction of strict justice which must sometimes be permitted. However, Aristotle first formulated a definition which has never been surpassed, though he did not discard the old implication. In the chief passage (17) he explains that equity is not something different from justice but is itself a kind of justice, not only justice according to law. It is rather a correction of legal justice and the need for it arises because every law must speak in general terms 'and it is not possible to generalise accurately'. In a case therefore 'which the law-giver had not foreseen but which he would have excepted from his rule if he had foreseen it', it will be necessary for equity to step in.

Hence the salient feature in Aristotle's explanation is 'that the law-giver had not foreseen, but which he would have excepted from his rule if he had foreseen it'.

The case of the succession of the two daughters is a case in point, and in the present writer's opinion was carefully and ingeniously thought out. Generalised principles, such as the welfare of the state, or obligations to the polis, are conspicuously absent from this purely hypothetical case. It is not explicitly provided for in the Mosaic Code which deals only in a broad generalised way on the principle of inheritance through the male members of a family (18).

Indeed this particular case has been purposely chosen because it epitomised an instance which can be described as one 'that the law-giver had not foreseen but which he would have excepted from his rule if he had foreseen it'.

To this the Pharisees in effect replied that theirs was a complete law in which everything had been taken into account. There was no possibility of 'the law-giver had not foreseen, but which he would have excepted from his rule if he had foreseen it'.

Hence the relevance of the retort by Rabbi Yohanan:

לא תהא תורה שלמה שלנו כשיחה בטלה שלכם

In order to emphasize his contention that nothing has been overlooked by the law-giver, he quotes this passage from Genesis.

RESPONSIBILITY FOR DAMAGES WROUGHT BY SLAVES

This polemic is reported in the Mishna (1) where, apparently, the Sadducees differed from the Pharisees on the question as to whether damages wrought by slaves are the responsibility of the slave owners. The Sadducees, it would appear, held that the owners are responsible, while the Pharisees denied this obligation.

The explanation proposed by Finkelstein, in this instance, again supports his own consistent premise regarding all polemics between the two factions, Problems arising from the ownership of slaves would be the concern, primarily, of those who owned them. Hence the social obligation associated with slavery would be the primary concern of the rich rural land-owners, who would naturally look to the owner of an offending slave for retribution for such damages, in the same spirit as he would in the case of other destructive livestock. However, the Pharisees, who constituted the urban population of limited assets, and certainly not the employers of vast numbers of slaves, would obviously stress those qualities of dignity and independence associated with a human being. To compare a slave, endowed with an independent free will, to an animal, was nothing short of an insult.

This element of speculation by Finkelstein is certainly not devoid of substance, though deficient in a number of respects. Firstly it presupposes that the Pharisees were not cognizant with the social requirements of rural landowners, a supposition completely refuted by innumerable laws enacted by the Pharisees in deference to the requirements of the rural population (2). Secondly (an objection which Finkelstein himself raises) it presupposes that the Pharisees deliberately ignored not only a social need, but even a rational one, in deference to a philosophical moral. His own words are "But the plebians were so permeated with their belief in the individual and moral responsibility of man that they were blinded to the inevitable social consequence of their decision" (3).

However, an examination of the actual wording of the polemic reveals two interesting aspects:

- 1) The use of the comparatively unusual form of introduction

קבלים אנו עליכם פרושים

which Halevi (4) has interpreted as indicating a complaint, rather than a polemic.

- 2) The superficially invalid form of logic involving an a fortiori form of deduction which would not be justified in this case (5). Hence the present writer suggests a somewhat different exposition of the relevant Mishna. The first problem is the implication of the term חייב בגזיקן .

Admittedly it implies responsibility for damages. But in the same way as the phrase *אֵת הַיָּדָיִם* ultimately assumed a technical significance associated with holiness, and superseded the original limited meaning of the term so, in the writer's opinion, the phrase *בְּיָדָיו* came to imply complete ownership for the owner, and unqualified subservience on the part of the slave. Indeed this is the reasoning expressed in the Mishna (6).

כל שחבתי בשמיך חכשתי את נזקו

Now the status of slaves in Jewish law, generally, was a humane one. Apart from the humanitarian principles governing slaves enunciated in Scripture (7), where slaves were to be released after six years service, and on the Jubilee year, the Pharisees instituted further *תְּקִנּוֹת*, humanising their treatment even further. Even the Gentile slave could gain his freedom if he was subjected to mal-treatment. He was entitled to the same degree of comfort as his owner (8), and once he was circumcised he was equivalent in legal status to that of a Jewish woman. His manumission was encouraged, so that if he wished to emigrate to Palestine his owner was constrained to comply with his requests. Furthermore, should a Jew sell his slave to a non-Jew, he was entitled to his manumission. So exacting were the Rabbinic laws governing slavery that Salo Baron (9) expresses the view that under Rabbinic law slavery was not an economically profitable enterprise. Philo (10) remarks "Though we call them slaves they are really labourers".

Hence the complaint of the Sadducees was as follows:

In the case of other livestock the original purchase price along^e entitles one to complete and undisputed ownership. In the case of slaves, where we are obliged to make even further concessions (*חַיִּיב בְּרַחֲמֵינוּ*) should we not be entitled to unqualified ownership unfettered by further restrictions?

The objection of the Sadducees, then, was against the increasing number of Rabbinic enactments which tended to ameliorate the lot of the slave at the expense of the owner. This would explain the otherwise fallacious form of the a fortiori reasoning. To this objection the Pharisees replied that there was a vast difference between livestock and slaves, since the latter are endowed with human minds. It is interesting to record that Plato, too, used a similar expression "Sheep and other cattle should not be allowed to roam without shepherds, similarly boys without guardians, and slaves without masters" (11).

CHAPTER XXXIV

Execution by Burning at the Stake

The sole evidence for the assumption that the Sadducees insisted that executions by burning were to be accomplished by literal burning of the victim at the stake is contained in a Mishna (1).

אמר ר' אליעזר בן צדוק מעשה בבת כהן אחת שזנתה
והקיפוה חבילי זמירות ושרפוה אמר לו חכמי שלמה בל של
אותה שעה בקי

However, even the Pharisaic Rabbis entertained a considerable measure of doubt as to the reliability of this evidence, and suggested that R'Eliezar was reporting an episode which he had witnessed while still a child, and the possibility that the details of the incident were distorted was seriously considered (2). However if the details were in fact true, the only acceptable suggestion was that the court was composed of Sadducees, who were ignorant of the relevant laws relating to the death penalty by burning.

Halevi (3) deduces from this episode that the Sadducees resorted to 'snap' decisions, for if their procedure was governed by a distinctive interpretation of the law, R'Eliezar would have been cognisant of this, and would not have raised the question at all. Furthermore all the Rabbis would have been cognisant of the episode and subsequent conjecture would have been silenced.

Finkelstein (4) also doubts the facts in so far as they reflect on the practice of the Sadducees.

In view of the doubt associated with the incident, the present writer suggests that the episode did not involve burning at the stake, but cremation. This practice was apparently commonly applied to temple robbers at Athens (5). As the person in this case was the daughter of a priest, and had thus desecrated her status, one can well imagine a court composed of Hellenists resorting to such a sentence.

The Purity of the Nizzok

The Mishna (6) reports three instances which have been interpreted by scholars as a difference in practice between the Pharisees and the Sadducees:

- 1) The question of הידים את כטמאין involving the handling of sacred objects
- 2) Damages wrought by slaves
- 3) The purity of the nizzok.

In the first two cases cited above the present writer (7) has attempted to prove that the sources indicated a discussion rather than a polemic, and that the contentious issue did not involve a difference in practice but a philosophical difference in approach. In the first case, the question involved was the sanctity of Scripture, and whether it could be subjected to literary criticism on a par with Homeric texts.

In the second case the Sadducees complained about the increasing number of Rabbinic edicts humanising the status of slaves at the expense of the owner.

We must now consider a third case, also reported in the same section of the Mishna, and beginning with the characteristic introduction מ'לבב, indicating, in the present writer's opinion, a taunt rather than a polemic. The subject of discussion appertains to a nizzok, translated by the classical commentators as a stream of water which physically unites two vessels. Assuming the upper vessel is ritually clean and the lower one unclean, the Pharisaic view was that, although there is a contact between the two in the form of a stream of water, the impurity associated with the lower vessel is not transmitted to the upper vessel. According to Finkelstein (8) the Sadducees held the opposite view, namely that the impure state is communicated to the ritually clean upper vessel. This view of the Pharisees is corroborated by yet another Mishna (9). Ginzberg (10) also accepts the version that the two parties differed on a legal issue of limited application.

The wording of the text militates against our accepting this interpretation:

"The Sadducees say to the Pharisees 'We cry out against you Pharisees that you declare a nizzok pure'. The Pharisees replied 'We cry out against you Sadducees that you declare a stream of water which came from a cemetery pure'."

The relevance of the Pharisaic rejoinder is extremely obscure. Ginzberg suggests that the relevance of the reply is contained in the premise unanimously accepted that "all water attached to the soil cannot transmit impurity". Nevertheless the argument is still obscure. Geiger (11) interprets the whole argument allegorically, and suggests that the Herodians taunted the Pharisees for accepting the later Hasmoneans on account of their noble predecessors. The reply of the Pharisees was that the Herodians too (Geiger emends the text here) could not boast of a glorious past. Leszynsky (12) suggests that the word nizzok means honey, an interpretation refuted by Revel (13).

Finkelstein offers the explanation that the controversy concerns an aqueduct which conveyed water for the purpose of ritual immersion. Tschernowitz (14) interprets nizzok as water poured over the body.

Hence it is obvious that the context of the Mishna is extremely obscure, resulting in somewhat unconvincing interpretations.

The present writer suggests that the original interpretation of the word nizzok as given by the standard commentators, namely a stream of water, is correct. Similarly the discussion concerned two vessels, the upper one ritually clean, while the lower one was unclean.

By taking the theory of monism into account, we can understand the significance of the following episode referred to in the sources (19).

On one occasion the menorah (Temple candelabrum) had to be purified. The Sadducees who saw the procedure ridiculed the Pharisees with the words: "Look! The Pharisees are about to bathe the orb of the sun!"

Articles liable to be contaminated are those composed of wood, hides, cloth and clay (20).

In the case of metals, it would appear that purification was limited to articles captured in battle against heathens.

Hence the Sadducees, applying the principles of monism might have conjectured that only porous articles such as those made of clay, hide or wood, which allowed free entry of the foreign corpuscular body, need be purified, but articles made of metal which were impervious to the ingress of foreign attenuated organisms should not be subjected to contamination. This explains their ridiculing the Pharisees who purified the menorah.

It may well be possible that Simon ben Shattah's edict to include all metalware and glassware within the law regarding impurity (21) had been promulgated against the rationalisation of the Sadducees.

CHAPTER XXXV

RELATIONSHIP OF SADDUCEEISM TO EARLY CHRISTIANITY

With the advent of Christianity, Hellenism received a notable impulse. It was to the Hellenised section of Jewry that the Christian missionaries first turned and were specifically referred to as the "Hellenists" in the sixth chapter of the Acts. After the martyrdom of their leader, Stephen, they were scattered all over Judea and started their missionary activities.

The derivation of many of the contemporary Christian religious rites from Greek origins has been fully recognised by recent historians (1). The relationship between baptismal rites and the theory of monism has been referred to earlier (2). However it is interesting to note that the earliest methods of Christian exegesis were continuations of the methods which were common to both Greek and Graeco-Judean writers, and were concerned with the same subject matter. Just as the Greek philosophers had found their philosophy in Homer, so Christian writers found in him Christian theology.

When he represents Odysseus as saying "The rule of many is not good: let there be one ruler (3), he means to indicate that there should be one God, and that his whole poem is designed to show the mischief that comes from having many gods (4).

When he tells us that Hephaestus represented on the shield of Achilles "the earth, the heaven, the sea, and the sun that rests not, and the mood full-orbed", he is teaching us that divine order of creation which he learned in Egypt from the Books of Moses (5). So Clement of Alexandria interprets the withdrawal of Oceanus and Tethys from each other to mean the separation of land and sea (6). He also holds that Homer, when he makes Apollo ask Achilles "Why fruitlessly pursue him a god" (7) meant to show that the divinity cannot be apprehended by bodily power.

As these influences extended far into imperial times, we can understand why the Rabbis referred to Sadducees in Rava's time, and also why they identified them with the Minim (8)

The Sadducees and "The Wisdom of Jesus ben Sirach"

Oesterly and Box (Introduction to ben Sirach in Charles' Apocrypha and Pseudepigrapha) express the view that this Apocryphal book originally presented a Sadducaic approach to Judaism. Eddy (1) also expresses the same opinion and refers to ben Sirach as "an ideal Sadducee". However, according to these scholars, this approach was ultimately tempered by the inclusion of a large number of Pharisaic glosses by a later hand, and this theory accounts for the discrepancies encountered in different texts of the same book.

Now Charles (or the contributors of this section) does not deduce the Sadducaic attributes primarily from any of the extant texts of ben Sirach. He derives the attitude of the Sadducees on theological, Scriptural or sacerdotal matters from his interpretation of other and independent sources, and then proceeds to reconcile these judgments with expressions encountered in ben Sirach. Where other texts differ from that which he accepts as the original, he attributes the deviation to the inclusion of a Pharisaic gloss by some later hand in order to popularise amongst Pharisaic readers a book which had already achieved widespread acclaim. The present writer does not propose questioning Charles' opinion as to what constitutes a later Pharisaic gloss, though the purpose of the inclusions does admit other interpretations.

However these supposedly distinctive characteristics of the Sadducees alone must be questioned. For if it can be adequately shown that these views were by no means uniquely Sadducean, the whole force of the logic of Charles' argument is seriously undermined.

Quoting Taylor, Charles asserts that the Book of Ecclesiasticus approximates to the standpoint of the Sadducees as regards (A) Theology, (B) Sacerdotalism and (C) Want of Sympathy with Modern Sopherin (Scribes, the forerunners of the Pharisees).

Each of these premises must be examined individually.

(A) Theology

The most pronounced and undisputed theological attitude of the Sadducees is recorded in Josephus (2) which, incidentally, is quoted by Charles.

"But the Sadducees are those that comprise the Second Order, and take away fate entirely and suppose that God is not concerned with our doing or not doing what is evil ..."

Yet Charles himself in his introduction quotes (3)

"The mercy of man is exercised upon his own kin
But the mercy of God is extended to all flesh
Reproving and chastising and teaching
and bringing them back as a shepherd his flock.
He hath mercy on them that accept his chastening
and that diligently seek after his judgments."

Further examples from the book vitiate Charles' contention that the book evinces a Sadducaic approach to theology:

"Therefore is the Lord long suffering towards them,
and poureth out His mercy upon them.
He seeth and knoweth that their end is evil
Therefore doth He multiply his forgiveness." (4)

"O Lord, Father, and God of my life
Abandon me not to their counsel
Give me not a proud look
and turn away concupiscence from me." (5)

"All their works are as the sun before Him
and His eyes are continually upon their ways.
Their iniquities are not hid from Him
and all their sins are inscribed before the Lord." (6)

Finally we encounter the following verse:

"For He is a God of requittal
and seven-fold will he recompense thee." (7)

These views, none of which are suggested by Charles as later Pharisaic glosses, are diametrically opposed to Sadducaic teachings as recorded by Josephus and accepted by Charles.

(B) Sacerdotalism

Two primary passages in the book have been interpreted by Charles as being indicative of sacerdotal tendencies.

(a) "He that keepeth the Law multiplieth offerings
He that sacrificeth a peace offering that heedeth the commandments
He that practiseth kindness offereth fine flour
and he that doeth mercy sacrificeth a thank-offering.
A thing well pleasing to the Lord is to avoid wickedness
and a propitiation to avoid what is wrong.
Appear not with empty hands in the presence of the Lord
for all this shall be done because it is commanded
The offering of the righteous maketh the altar fat
and its sweet savour cometh before the most High
The meal offering of a righteous man is acceptable
and its memorial shall not be forgotten." (8)

The thoughts expressed in the above passage are reminiscent of the views expressed by the prophets, and the suggestion that these sentiments are opposed to Pharisaic teachings cannot be substantiated.

By a strange coincidence these lines are absent in the Syriac version. Yet Charles makes this significant remark "The elimination of these references in the Syriac ... spoils the symmetry and the apposition of the original lines".

(b) The second excerpt which is interpreted by Charles as imparting a sacerdotal flavour to the book is contained in Chapter 50, where the spectacle of Simon the Just sacrificing at the altar is eulogised. It is strange that the author should have chosen a revered Pharisee as his model!

A comparison of the description given by ben Sirach with that which appears in the liturgy of the Day of Atonement (edited and arranged by Pharisees), if anything, accentuates the reverence and deference paid by the Pharisees to the High Priest:

"As the brightness of the vaulted Canopy of Heaven
was the countenance of the Priest
As the lightnings flashing from the Splendour of Chargoth
was the countenance of the Priest
As the celestial blue in the thread of the fringes
was the countenance of the Priest
As the iridescence of the rainbow in storm clouds
was the countenance of the Priest
As the glory wherewith the Rock hath clothed his pious servant
was the countenance of the Priest
As a rose planted in the midst of a pleasant garden
was the countenance of the Priest
As a diadem set in the brow of a King
was the countenance of the Priest
As the mirror of love in the face of a bridegroom
was the countenance of the Priest
As a halo of purity shining forth from the mitre of Holiness
was the countenance of the Priest
As one that abideth in secret beseeching the presence of the King
was the countenance of the Priest
As the morning star shining in the borders of the East
was the countenance of the Priest." (9)

The liturgy continues:

"Happy the eye that saw all these things ...
Happy the eye that saw our Temple and the joy of our assembly ...
Happy the eye that saw the holy congregation thronging
the hallowed temple ..." (10)

Hence the suggestion that the Pharisees were opposed, or even indifferent, to Temple worship is completely untrue. The liturgy of the Day of Atonement includes no less than ten pages of an elaborate and detailed account of Temple worship (11). The additional services for Sabbath, New

Temple procedure, coupled with the lament that these practices have been suspended in retribution for our sins.

The fact that the Mishna devotes a complete division, comprising eleven tractates, to Temple sacrifices (Kodashim) negates any suggestion that the Pharisees were opposed to Temple ritual. On the other hand, what evidence have we that the Sadducees concentrated their attention on Temple worship as the Jewish Encyclopaedia suggests (12)? At the most there are five instances where they differed with Pharisaic interpretations. Even in these cases interpretations are possible that considerations other than religious sentiments were involved in the stand taken by the Sadducees.

(C) Lack of Sympathy with the Scribes

In support of this supposition Charles emphasizes that "the name of Ezra is significantly omitted from its catalogue of worthies" (13). He supports this observation with one by Kuenen "It remains singular that a man whom a later generation compared to, nay made almost equal to Moses, is passed over in silence ... Is it really most natural that a Jesus ben Sirach did not feel enough sympathy for the first of the scribes to give him a place of honour in the series of Israel's great men? The modern scribe was to ben Sirach an unworthy descendant of the primitive wise in accordance with Eliezar ha Gadol's lament over the degeneracy of a later age.

חיים שחרב בית המקדש שירו חכמים לחרוי כספריא ב'

Since the destruction of the Temple of the sages began to be like school-teachers, the schoolteachers like synagogue servants, and synagogue servants like the people of the land ..." (14).

The relevance of the quotation by Eliezar ha Gadol is not only obscure but even misleading, since Eliezar specifically refers to a period following the destruction of the Temple, five hundred years after Ezra. However, the theory advanced by Kuenen that the omission of Ezra's name implies lack of sympathy with the Pharisees is very strange. For Kuenen to associate Ezra with the forerunner of the Pharisees is a strange deflection of logic. For Kuenen was an arch protagonist of the theory of a Priestly code - a theory which associated Ezra with thorough-going sacerdotalism (15).

Without entering into a detailed discussion of the implications of the theory of the Priestly code, one can with equal justification attribute the omission of Ezra's name from the list of notables enumerated in ben Sirach to the author's displeasure with the new Priesthood, namely the Sadducees.

Charles proceeds further and asserts "What Dr. Taylor says received confirmation from the Hebrew text of the canticle (50.12) which was discovered subsequent to the publication of Dr. Taylor's book. 'Give thanks unto him that choseth the Sons of Zadok to be priests, for His mercy endureth for ever'".

How does he reconcile this canticle with the fact that we know from two independent sources (16) that Hyrkanus was accepted by the Sadducees as a High Priest even though he was not a Zadokite. The only possible explanation is that the date of composition of the book was prior to the Maccabean revolt, and prior to the Maccabean dynasty of High Priests, i.e. from 200 - 175 BCE, as suggested by Charles. If such were the case, it could not reflect the views of the Sadducees as the party was constituted during the revolt. The absence of any reference to this event seems to support this view.

The omission of this canticle from the translation by ben Sirach's grandson does not necessarily imply deference to the Hasmonean dynasty of High Priests, as Charles suggests (17), for it must be remembered that the Pharisees themselves, by accepting Alcimus as High Priest during the revolt, manifested their own disinterest in the perpetuation of the Zadokite dynasty. Charles further suggests, though he admittedly does not press the point, that the Sadducees revered the Mosaic Code to the exclusion of the Prophets and the Hagiographa. The fact that he does not find the suggestion absurd is remarkable in view of the fact that in his catalogue of notables, ben Sirach mentions almost every prophet, including Nathan, a little-known prophet, and the twelve minor prophets.

Reverence for the Law

Charles (18) notes the deep reverence displayed by ben Sirach for the Law and deduces that this tendency was the salient characteristic of the Sadducees. He deduces this assumption from the excerpt from Josephus (19) which reads: "The Pharisees have delivered to the people a great many observances by succession from their fathers which are not written in the Law of Moses: and it is for this reason that the Sadducees reject them and say that we are to esteem as obligatory only those observances that are in the Written Word but are not to observe those things that are derived from the traditions of our forefathers".

Now the most radical critics have interpreted this passage as implying that the Sadducees rejected Pharisaic commentaries or explanations on the fundamental Mosaic text. According to these critics the Sadducees contended that the Mosaic Law must be fulfilled in their literal context unembellished by renderings not clearly stated in the text. The Pharisees, on the other hand, decreed that the Mosaic Law was to be fulfilled in the light of traditional interpretations. The present writer has expressed the view that the whole context of the excerpt must be read in conjunction with the episode to which it is related, namely Hyrkanus' acceptance of the High Priesthood, and the alleged stigma associated with his mother. Be it as it may, no historian has ever ventured the interpretation that only the Sadducees revered the Mosaic Law, whereas the Pharisees rejected it. For this is the implication that Charles suggests by his deduction that since ben Sirach eulogises the law the book must necessarily be Sadducean.

The following excerpts appear to be those in which ben Sirach displays a reverence for the Law:

"If thou desirest wisdom keep the commandments
and the Lord will give her freely unto thee.
For the fear of the Lord is wisdom and instruction
and faith and meekness are well pleasing to Him." (20)

"Meditate in the fear of the Most High
And think upon His commandments continually
Then He will instruct thine heart
And He will make thee wise in that which thou desirest." (21)

"They that fear the Lord will not be disobedient to His words
And they that love Him will keep His ways
And they that fear the Lord will seek His good pleasures
And they that love Him will be filled with His Law." (22)

For he that feareth the Lord doeth this
And he that take hold of the Law findeth her.
And she will meet him as a mother
And as a youthful wife she will receive him
And she will feed him with the bread of understanding
And will give him the water of knowledge to drink." (23)

"He that keepeth the Law controlleth his natural tendency
And the fear of the Lord is the consummation of wisdom." (24)

"He that observeth the Law guardeth himself
And he that trusteth in Jahveh shall not be brought to shame." (25)

(After eulogising Moses, Sirach continues):

"And He caused him to hear His voice
And let him draw nigh into the dark cloud
And He placed in his hand the commandment
Even the Law of life and discernment
That he might teach the Statutes unto Jacob
And His testimonies and judgments unto Israel." (26)

(referring to Moses):

"And He gave him His commandment
And invested him with authority over statutes and judgments
That he might teach His people statutes
And judgments unto the Children of Israel." (27)

A complete anthology of instances in which the study of the law is commended in Pharisaic literature would constitute a sizeable volume. The following dicta are but a few typical examples found interspersed throughout Pharisaic literature:

"On three things the world is based, on Torah, on Temple service and on the practice of Charity." (28)

"Rabbi Chananya the son of Akashya used to say 'The Holy One, blessed be He, was pleased to make Israel worthy wherefore he gave them a copious Torah and many commandments.'" (29)

"He who has acquired for himself words of Torah acquired for himself life in the world to come." (30)

"Qualify thyself for the study of Torah." (31)

"Be watchful in the study of Torah." (32)

"If thou hadst studied much Torah much reward will be given to thee." (33)

"If two people sit together and interchange no words of Torah they are a meeting of sinners ... whereas if two sit together and interchange words of Torah the Divine presence abides between them." (34)

"If three people have eaten at a table and have spoken no words of Torah it is as if they have eaten of dead idols." (35)

Hence Charles' deduction that because a number of references to the Law appear in ben Sirach, ipso facto the book must necessarily evince a Sadducaic perspective is without foundation.

However, in the present writer's opinion the strangest and most inconsistent element in Charles' analysis is his comment on the following excerpt:

"Neglect not the discourse of the wise,
and busy thyself with proverbs,
For therefrom wilt thou learn instruction
That thou mayst stand in the presence of princes.
Reject not the tradition of the Aged
which thou heard from their fathers
For from these wilt thou receive instruction
That thou mayst be able to return answer in time of need." (36)

This, says Charles (37), is a eulogy of the Oral Law תורה שבעל פה
Hitherto every historian of the religio-literal school has insisted that the Sadducees rejected the Oral Law, a view to which Charles subscribes. Ben Sirach, contends Charles, was a Sadducee, yet in this instance Charles suggests that the above eulogy taken from ben Sirach refers to the Oral Law.

Finally, concludes Charles, "Ben Sirach shows himself to be a Sadducee by his comparative favourable attitude to the heathen world: it is true that one of the main objects of his book is to show the superiority of Jewish wisdom over that of the Greeks, but he does not show that contempt for non-Jews which was a characteristic of the Pharisees".

The present writer does not propose exposing here the fallacy of the charge that the Pharisees evinced contempt for non-Jews. However the utter confusion of Charles' logic must be exposed. According to Charles Sadduceism involves sacerdotalism. Scholars who have analysed the concept of a Priestly code have come to the conclusion that the distinctive attribute of sacerdotalism is its disregard for all heathens. Driver (37) remarks "In P (Priestly Code) the promises to the Patriarchs, unlike those of J (Jahwistic Code) are limited to Israel itself" (the italics are Driver's).

Similarly Montefiore describes a salient element in the Priestly code with the words (38) "The Priestly Code forgets creatures outside Israel and ignores their claims upon His care".

Hence one would expect the Sadducees, if they were at all influenced by a sacerdotal attitude, to discriminate against the Gentile world, and if ben Sirach adopts a contrary attitude, one must question his adherence to a strictly Priestly philosophy.

However, in the present writer's opinion, the book supports his contention that prior to the Maccabean revolt Hellenism did not constitute a sectarian issue. If the date of the composition of the book was between 200 and 175 BCE, as Charles suggests, one would, according to the present writer, expect to find Judaism reflected in a Hellenistic guise. This is indeed the impression gained from a careful reading of the book. There are no vehement reactions against Judaism, which is shown to be consistent with and even superior to Greek philosophy. The only facet that such a writer would attempt to conceal is the apparent element of separatism inherent in Judaism. This explains why the name of Ezra was omitted from his list of worthies. For Ezra's regime was characterised by violent measures against assimilation.

So unrelenting were these measures that at all religious ceremonies only those who had separated (הגבול) themselves from the heathens were permitted to participate (39). The constant plea was that the people were unwilling to separate themselves from the local population (40).

This exclusiveness which had been constantly advocated even towards men of semi-Israelite birth was alien to an enlightened Hellenistic perspective which could only regard such an attitude as misanthropy or folly. It is thus no cause for surprise if a work conveying the Hellenistic philosophy should attempt to expunge the name of Ezra from the most notable personalities in Jewish history.

Charles supports his contention that the book is Sadducaic from a Rabbinic source (41)

תנא בספרי צדיקים רב' יוסף אומר בספר בן סירה

which places the books of the Sadducees and the Book of ben Sirach side by side on "Index Expurgatorius".

But this very Rabbinic dictum differentiates between the books of the Sadducees and ben Sirach, conveying the impression that even ben Sirach should not be read by the pious.

Hence the present writer suggests that the book of ben Sirach was a typical item of Hellenistic literature dating from the period prior to the Maccabean revolt. It substantiates the remark of Montifiore (42) that "An average pious Jew of the year 176 BCE was in a different stage of religious development from an average pious Jew of the year 432 BCE; but it is not easy to say precisely in what the religious difference consisted".

For ben Sirach warned his readers against a wisdom contrary to religion. "Inquire not into the things too hard for thee, and what is above thy strength examine not. Consider that which has been commanded thee for thou has no need of the secret things." (42)

He believes that "evil imaginations lead astray" (43) and that "a wise man is discreet in all things, and in days of sinning keepeth himself from offence". (44)

Some were inclined to taste of forbidden fruits under the plea of gathering experience. Sirach replies "The knowledge of wickedness is not wisdom, and the counsel of sinners is not understanding". (45)

"He that has small understanding and fears God is better than one that has much wisdom and transgresseth the Law"(46). "All wisdom is the fear of the Lord, and all wisdom is the fulfilling of the Law" (47).

However to ben Sirach, though the Law was the foundation of the wisdom of the ideal Sage, it was by no means its only source, and his intellectual horizon is not limited by his native scriptures.

"He searcheth out the wisdom of all the ancients
and is occupied with the prophets of old;
Who heedeth the discourses of men of renown,
and entereth into the deep things of Parables.
Who soweth among great men
and appeareth before princes.
Who travelleth through the lands of the peoples
Testeth good and evil among men." (48)

Hippolytus

Hippolytus (Refutation of All Heresies 9.24) gives a seemingly elaborate account of the distinctive philosophy of the Sadducees. Yet the present writer cannot accept his testimony as an independent and original source. A comparison of his account with that of Josephus (Wars ii, 8.14) inclines one to the view that the former is an embellishment of Josephus' testimony. The following example will illustrate this suspicion:

"The Souls of bad men are subjected to eternal punishment" (Josephus)

"The wicked will endure everlasting punishment in unquenchable fire"
(Hippolytus)

"The Sadducees take away fate entirely and suppose that God is not concerned in our doing or not doing what is evil" (Josephus)

"The Sadducees however are for abolishing fate and they acknowledge that God does nothing that is wicked; nor do they allow that the Deity exercises providence over earthly concerns" (Hippolytus)

"And they say that to act what is good or what is evil is at men's own choice and that one or the other belongs so to everyone that they may act as they please" (Josephus)

"but they contend that the choice between good and evil lies within the power of men" (Hippolytus)

"They also take away the belief in the immortal resurrection of the soul"
(Josephus)

"And they deny that there is a resurrection not only of the flesh, but also they suppose that the soul does not continue after death" (Hippolytus)

"(They also take away) the punishments and rewards in Hades" (Josephus)

"But they still insist that after death one expects to suffer nothing either bad or good; for that there will be a dissolution both of soul and body"
(Hippolytus)

"Moreover the Pharisees are friendly to one another, and are for the exercise of concord and regard for the public: but the Sadducees one towards another is in some degree wild; and their conversation with those that are of their own party is as barbarous as if they were strangers to them" (Josephus)

"And while the Pharisees are full of mutual affection, the Sadducees on the other hand are actuated by self love" (Hippolytus)

The above similarities in the accounts of Josephus and Hippolytus arouse considerable doubt as to the validity of the latter as an independent source of information.

This doubt is accentuated by a further statement "This sect had its stronghold in the locality around Samaria". Hence it appears that Hippolytus identified the Sadducees with the Samaritans. Now the similarity in

practices between the Samaritans and the Sadducees has by no means been established. Segal (p.254) mentions two instances of alleged similarity, namely the counting of the Omer from the first Saturday inside the festival week, and that the Sabbath overrides the Passover. As Segal himself admits the first instance was a later emendation to the law, and the latter instance has certainly not been established as the point of view of the Sadducees. The identification of the two sects cannot be accepted.

In view of these objections we cannot accept his final statement that "They do not devote attention to the prophets, but neither do they to any other sage except the law of Moses only, in regard of which they frame no interpretations".

APPENDIX III

SEGAL ON DATE OF PENTECOST

Segal (1) analyses the dispute relating to the date of the ritual of sheaf-waving in greater detail and arrives at a more valid interpretation of the contentious word שבת. The lack of any explanatory comment in the Biblical text suggests that the term שבת is specific and precise, and that any further elaboration was unnecessary.

Three possible meanings of the term שבת are, at a first blush, possible:

- (a) A specific day of the week (Saturday). This rendering is the least acceptable, since nowhere in Scripture do we find a ritual dependent on a specific day of the week.
- (b) A day of rest. This interpretation is also questionable since the initial and final days of a festival are referred to as שבתות if the concept of a day of rest is implied (2) and the formula for Passover in Lev. 23. 7 certainly would fall within the description formulated in Lev. 23. 29.
- (c) The final and most plausible possibility is that the word שבת indicates the completion of a seven-day period irrespective of the day of the week with which it fortuitously coincided (3). If this final interpretation is valid, Passover week could be regarded as such a period comprising a unit of seven days, and the sheaf-waving would follow the last day of Passover and be independent of the significance of this festival. Indeed, nowhere in the Bible is the sheaf-waving tied up with the Festival of Passover. Hence, Segal contends, initially the Omer was offered on the day after the last day of Passover, and this interpretation lends a rational rendering of all the relevant Biblical texts.

Indeed, the celebration of this ceremony within the Passover week involves certain irregularities. For this event was the signal that the new produce could be eaten, whereas the matzoth eaten at Passover were to be prepared from the crop of the preceding year (4). Hence it would be reasonable to suppose that the use of the new crop should be delayed until after Passover. Another suggestive feature in the celebration is that a wine oblation accompanied the celebration of the waving of the sheaf (5) and yet no wine offering was stipulated as part of the Passover ritual, although it is prescribed for every other festival.

The Book of Jubilees supports the theory that originally the counting of the Omer commenced after Passover. The Festival of Weeks features prominently in this book, where the date for its celebration is given as the 15th of Sivan. If the counting commenced 50 days earlier this would mean that the Omer was offered at a date outside the Passover week

To the author of the Book of Jubilees the Festival of Weeks was one of particular importance and was associated with the celebration of the first fruits (6). Indeed it is frequently referred to as the Festival of the First Fruits without any association with the Festival of Passover (7) and is never referred to as the Festival of Weeks without some reference to its significance as the Festival of First Fruits. It is clear that the author of Jubilees was intent on divorcing the Festival of Weeks from Passover, an approach opposed to that of the Pentateuch. Indeed no festival is mentioned in Jubilees associated with the Exodus or with Passover. Segal attributes this omission to the fact that Passover was the pivot of the orthodox luni-solar calendar and could thus not be accommodated within a schematic solar calendar.

Segal suggests that the move to bring the ritual of the sheaf-waving within the Passover week was initiated originally by the Sadducees with the approval of the Pharisees, so as to permit the utilisation of the new harvest earlier. Apparently the harvest in the area of Jericho and Jerusalem matured earlier and the general impatience for its speedy use can be appreciated.

The Pharisees therefore applied the word יָבֵשׁ to denote the first day of Passover even though this involved straining of the original meaning of the term. The Sadducees could not accept this rendering of the word יָבֵשׁ . For the Sabbath had a special significance for the priests - it was a day of solemn assembly and also the basis of the time-table for the priestly watches.

On the other hand the Passover constituted a veritable anathema to the priesthood. The presence of vast hordes of people conducting their own offerings, in which the priests did not share, must have caused resentment. Hence while the Sadducees were keen on bringing the Day of the Omer forward, they were not prepared to denigrate the use of the term יָבֵשׁ to denote the first day of Passover. They would have preferred to accept the term יָבֵשׁ to denote a day of the week (Saturday) even though this connotation was logically less acceptable than the Pharisaic interpretation.

The present writer is prepared to accept the possibility that the day of the Omer had been brought forward, but cannot agree with the reason advanced by Segal to account for the dispute. The first objection is that the dispute primarily centres around the celebration of Pentecost $\text{עֲצוּת אֵחָד שָׁבוֹת}$. Admittedly the offering of the Omer is of basic importance in the calculation of the date of Pentecost (namely 50 days later) but this does not minimise the fact that the initial cause of the dispute pivoted on the date of the celebration of Pentecost, and not primarily the day of the sheaf offering.

Secondly, Pentecost is described by a significant term, not used in any other place in Scripture to denote Pentecost, namely חַצֵּר . Now, the word חַצֵּר has a specific meaning, namely a closure, and hence the final day of a festival. It was regarded, historically, as a most solemn and awe-inspiring day (8) binding on the whole community including women and children (9).

Hence the present writer suggests that the aim of the Pharisees was to regard Pentecost, the traditional day of the acceptance of the Torah, as the culmination of Passover and the Exodus. Traditionally this event took place on the 50th day after the first day of Passover, which was described as חַבֵּר . However, the Sadducees insisted that the word חַבֵּר should be interpreted not only literally but to a certain degree irrationally. For Segal admits (supra) that no Scriptural ritual ever depended on a specific day of the week. The purpose, then, was to deride the Pharisaic determination of the date of Pentecost.

Ref.INTRODUCTION pp 1 - 4

- 1 Chapter IV
- 2 T.B. Ket. 105a
- 3 1 K. II, 35
- 4 Antt. XIII, 5.9; II Wars, 8.14
- 5 Infra p. 48 ff.
- 6 T.B. Sabbath 88a, cf. comment by Sancino editor ad loc.
- 7 e.g. M.S.M. reading on T.B. Ber. 7a, ibid 10a, T.B. Rosh Hash. 22b, T.B. Yoma 40b.

CHAPTER I pp 5 - 15

- 1 T.B. Erub 68b.
- 2 Antt. XIII, 10.6
- 3 J.E. Art. Sadducees
- 4 The Pharisees p.40
- 5 Rabbinic Essays, p.24 ff
- 6 Daily Life in Palestine during the life of Christ, p.81.
- 7 History of the Jewish People, p.81.
- 8 Jewish world in the time of Jesus, p.162.
- 9 Antt. XVIII, 1.4
- 10 J.Q.R. XLV, No. 2, p.84
- 11 Ibid p.86
- 12 דור דור ודור אין I, p.95
- 13 מורה נבוכי הדגן p.63
- 14 Op cit Appendix 3, note 12.
- 15 Ibid p.99
- 16 Op cit. p.63
- 17 Ibid. p.61
- 18 Antt. XIII, 5.9
- 19 Ibid. p. 64
- 20 Wars II, 8.14
- 21 Ibid. op. cit. p. 365
- 22 Ibid. p. 96

Ref.

- 23 Antt. XIII, 10.6
- 24 Antt. XIII, 5.9
- 25 Infra p.11 ff; p.118 ff
- 26 Ex. XXI, v. 23 ff
- 27 Deut. XIX, v. 19 ff
- 28 Numb. XXVII, v. 8ff
- 29 Infra p. 62 ff
- 30 Infra p. 59 ff
- 31 The more exact term for such preventative measures would be סיג, literally a hedge or a fence (cf. M. Orlah 1.1 לסיג or Abot. 1.1 לסיג). Although the term פקנה is used extensively in the same context, instances are to be found where a פקנה was not promulgated for this purpose, cf. שבועה היטת. פרוגבול.
- 32 Infra p.118 ff
- 33 Abot. 1.3
- 34 Urschrift pp. 100 and 104
- 35 Loc. cit. p. 96
- 36 Ezek. XLIV, v. 15 ff
- 37 Op. cit. p.374
- 38 I Macc. 7, v. 10-15
- 39 II Macc. 6, 1
- 40 Antt. XIII, 10.5

CHAPTER II pp 16 - 18

- 1 Ibid pp 359 ff
- 2 Ibid p 63
- 3 II Wars 8.2
- 4 Antt. XIII, 10.6
- 5 Antt. XVIII, 1.4
- 6 Op cit. v. 1, p. 270
- 7 Op cit. v. 11, pp 416, 417
- 8 The Pharisees, p. 28

CHAPTER III pp 19 - 36

- 1 Supra, p. 6
- 2 cf. Rabbinic Essays, p. XV

Ref.

- 3 Ibid.
- 4 Ibid.
- 5 Montefiore Hibbert Lectures 1892, p. 291 ff
- 6 Driver - Introd. to Lit. of O.T., p. 148 ff
- 7 Ez. VII, 14.25
- 8 Driver ibid, pp 118-128; 8,10 ff
- 9 Reuss: History of the Holy Scriptures of the O.T., p. 489.
- 10 Neh. VIII, v. 1-4
- 11 Antt. XIII, 10.6; Antt XVIII, 1.4
- 12 T.B. Sanh., 33b (Rashi); T.B. Hor. 4a; T.B. Succ. 43b; T.B. Erub. 68b
- 13 Ibid p. 23
- 14 Sadducæer v. Phariseæer, p. 15, Breslau 1863; Urschrift, p.134
- 15 Ibid p. 24
- 16 Infra p. 118 ff
- 17 Infra p. 40 ff
- 18 Urschrift, p. 134
- 19 Infra 148 ff
- 20 Meg. Taanit, Chap. IV
- 21 Neh. X, 30
- 22 Hag. II, 11; Mal. II, 7.
- 23 Deut. XVII, v. 8-11
- 24 T.B. Sanh. 90b
- 25a T.B. Men. 65b; T.B. B. Bathra 116a
- 25b T.B. Succ. 44b
- 26 Ex. XXI, v. 24 ff
- 27 Supra p. 19
- 28 Infra p. 40 ff
- 29 Ibid p. 40
- 30 T.B. Sanh. 46a
- 31 T.B. B.M. 5b; T.B. B. Shevuot 41a, 46a
- 32 K. Kagan: 'Three systems of Jurisprudence', pp. 101-105
- 33 Supra p.21 ff
- 34 Rabbinic Essays, 'The Pharisees and their Teachings', pp 96,97
- 35 Ibid p. 96

Ref.

- 36 'The Rise and Fall of the Judean State', p.
- 37 Adam Welch 'Post Exilic Judaism', p. 245 ff
- 38 Jer. XXIX, 7.
- 39 Adam Welch 'Priest & Prophet in Ancient Israel', p. 73
- 40 Neh. X, v. 30 - 40 ff
- 41 Finkelstein 'Men of the Great Synagogue', chap. 6.
- 42 Neh. Chap. IX
- 43 Finkelstein 'Harvard Quarterly Rev.', vol. 43, 1943, p.1
- 44 Finkelstein 'Men of the Great Synagogue', pp. 8 ff
- 45 T.B. Sanh. 105a. R'Josiah emphasizes the difference between סגולות and ה' אלהים occurring in Ps. IX,18. His obvious intention was to imply that righteous Gentiles would also enjoy eternal bliss in the hereafter.
- 46 Infra p. 147
- 47 The Pharisees, vols. 1 and 2; Jewish publication Soc. 1940.
- 48 Infra pp. 62, 67, 70
- 49 Loc. cit. p. 102
- 50 Loc. cit. p. 130
- 51 Loc. cit. p. 135
- 52 Die Sadducaer, Berlin, 1912.
- 53 J.Q.R. vol. 7, 1916-1917, p. 429

CHAPTER IV pp. 37 - 39

- 1 Ibid p. 406
- 2 Antt. XVIII, 1.4
- 3 T.B. Yoma. 19b
- 4 Meg. Taanit, Chap. I; T.B. Men. 65b
- 5 T.B. Yoma. 19b and 53a
- 6 Mishna Parah III, 7; Tosephta Parah III, 128
- 7 Meg. Taanit, Chap. III
- 8 Antt. XIII, 13.5; T.B. Succ. 48b
- 9 Meg. Taanit. Chap. I; T.B. Men. 65a
- 10 Meg. Taanit, Chap. IV; T.B. Baba Kama, 84a
- 11 M. Mak. I.6
- 12 Meg. Taanit, Chap. V; T.B. Baba Bathra 115b.

Ref.

- 13 Meg. Taanit, IV; M. Yeb. XIIb
- 14 Meg. Taanit, Chap. IV; Deut. XXII, 17
- 15 M. Yadaim IV, 7
- 16 M. Sanh. 7.2; T.B. Sanh. 52b
- 17 Supra, p. 11
- 18 Infra, p. 48 ff
- 19 Loc. cit. p. 432
- 20 M. Sanh. 7.2; B. Sanh. 52b. Rashi's comment on בית דין של צדיקים is שדורשין מקרא ככתבו. O. Bertinara comments on the Mishna similarly. The present writer does not support this view.
- 21 Halevi, ibid. p. 432.

CHAPTER V pp 40 - 42

- 1 Op. cit. p. 111
- 2 Op. cit. p. 407
- 3 T.B. Sanh. 33b; T.B. Horayot. 4a
- 4 T.B. Sanh. 32a (Mishna)
- 5 T.B. Sanh. 33b
- 6 T.B. Horayot 4a
- 7 Op. cit. III, p. 695
- 8 Deut. XVII, v. 8 ff
- 9 Op. cit. III, 695
- 10 Ibid.
- 11 T.B. Sanh. 88b
- 12 T.B. Sanh. 88b
- 13 Deut. XVII, v. 8 ff
- 14 T.B. Sanh. 86b

CHAPTER VI pp 43 - 46

- 1 J.E. Art. Sadducees
- 2 Numb. XXVIII, 2
- 3 Halevi, p. 447 ff
- 4 T.B. Men. p. 65a
- 5 Meg. Taanit, Chap. I

Ref.

- 6 Antt. XIV 7.2 and XVIII 9.1
- 7 II Macc. 3.20 and 3.12
- 8 Infra p. 79-80
- 9 Infra p. 95
- 10 M. Shek. Chap. III, 1
- 11 Maimon. Shek, 2.5
- 12 Infra p. 115
- 13 Antt. XIII 9.2
- 14 Antt. XIII 8.4
- 15 Antt. XIII 13.5
- 16 I Macc. 15.32
- 17 I Macc. 16.11
- 18 T.B. Men. 65a
- 19 Op. cit. p. 568

CHAPTER VII pp 47 -

- 1 Infra p. 187
- 2 Mishna Yadaim 4.7
- 3 Ex. XXI, 36.

CHAPTER VIII pp 48 - 52.

- 1 Urschrift, p. 134
- 2 Meg. Taanit, Chap. IV
- 3 Meg. Taanit, Chap. I
- 4 Supra, p. 43
- 5 Infra, p. 59; Lev. XXIII, v. 15
- 6 Infra. p. 154 ff
- 7 Deut. XXII, v. 13-22
- 8 Talmudic Encyc. p. 182, vol. I
- 9 Op. cit. p. 117
- 10 Op. cit. p. 693
- 11 Supra, p. 41
- 12 T.B. Ket. 46a

Ref.

CHAPTER IX pp 53 - 58

- 1 Ex. XXI, 24; Lev. XXIV, 19
- 2 Meg. Taanit, Chap. IV
- 3 Commentary on Ex. XXI, 24
- 4 Lev. XXIV, 19
- 5 Commentary on Ex. p. 191 ff
- 6 Ex. XXI, 23
- 7 Ibid, XXI, 13
- 8 Deut. XIX, 21
- 9 Daube 'Biblical Law', p. 105
- 10 Ibid
- 11 Numb. XXXV, 31
- 12 T.B. Baba Kama, p. 83b
- 13 Numb. XXXV, v. 25 ff; Deut. XIX, v. 3 ff; Deut. IV, v. 41
- 14 הלכות חובל ומזיק פ"א ה"ג
- 15 Commentary on Ex. XXI, 24.
- 16 Ex. XXI, 29 ff
- 17 Commentary on Ex. p. 193 ff
- 18 Paragraph 209 f
- 19 Paragraph 229 f
- 20 Deut. XXV, 9
- 21 Ezek. XLII, 12, VI, 9, XX, 43, XXXVI, 31;
Deut. VII, 24, XI, 25
Jos. X, 8, XXI, 42, XXIII, 9
Est. IX, 2
- 22 Op. cit. p. 132
- 23 Meg. Taanit, Chap. IV
- 24 Ibid. 424

CHAPTER X pp 59 - 61

- 1 Lev. XXIII, 15
- 2 T.B. Men. 65a
- 3 Supra p. 43
- 4 Quoting Kalisch on Lev. XXIII, 15

Ref.

- 5 Meg. Taanit, Chap. I; T.B. Men. 65a
- 6 T.B. Rosh. Hash. 22b; M. Rosh Hash. 2.1
- 7 Op. cit. p.119
- 8 Infra p. 155

CHAPTER XI pp 62 - 65

- 1 Antt. XIII, 10.6
- 2 Finkelstein 'The Pharisees', vol. I, chap. 7
- 3 Ezek. XLVI, 23; M. Rosh Hash. 1.2
- 4 M. Succ. 5.1
- 5 Zech. XIV, 16
- 6 I Maccc. X, 21
- 7 Antt. XIII, 11.1
- 8 Antt. XV, 3.3
- 9 Antt. XII, 14.2
- 10 I Wars, 4.3; Antt. XII, 13.5
- 11 B. Succ. 48b
- 12 Infra p. 118
- 13 I Sam. VII, 6; II Sam. XXIII, 16;
Judges VI, 19) These two excerpts can be
I Kings XVIII, 32) interpreted similarly.

CHAPTER XII pp 66-68

- 1 Ex. XXXI, 3
- 2 Hechalutz, vol. VI, p. 13
- 3 Ibid p. 16
- 4 Ex. XII, 16
- 5 T.B. Sabb. 39b; T.B. Betz. 21b
- 6 Loc. cit. p. 435
- 7 T.B. Pes. 5a
- 8 Ibid

CHAPTER XIII pp 69 - 72

- 1 Ibid Hechalutz, p. 15 ff
- 2 Ex. XVI, 29

Ref.

- 3 M. Erub. 3.2
- 4 T.B. Erub. 31b
- 5 M. Erub. 6.2
- 6 T.B. Erub. 61b; *ibid* 68b
- 7 *Op. cit.* p. 135
- 8 'The Pharisees and the Teacher of Nazareth', p. 76
- 9 *Loc. cit.* p. 21
- 10 T.B. Erub. 68b
- 11 Antt. XIII, 10.6
- 12 T.B. Sotah. p. 27b
- 13 Numb. XXXV, 4
- 14 *Loc. cit.*

CHAPTER XIV pp 73 - 78

- 1 *Loc. cit.* 361 ff
- 2 L.E. Brown, Babylon to Bethlehem, p. 91
- 3 Montefiore, Hibbert Lectures, p. 375
- 4 Hellenistic Religion XXIII
- 5 Grant, *ibid.*
- 6 Hellenism, p. 55
- 7 Bentwich, *ibid.*
- 7b Montefiore, *ibid*, p. 369
- 8 Hellenistische Studien, p. 128
- 9 Psalter, p. 295
- 10 Montefiore, *ibid*, p. 369
- 11 ben Sirach, 19.20 ff
- 12 T.B. B. Kama 83a
- 13 M. Megilla 1.8; M. Megilla 2.1
- 14 T.B. Megilla 18a
- 15 T.B. Sotah 49b; T.B. B. Kama 82b; T.B. Men. 64b
- 16 II Macc. IV, 9-15
- 17 T.B. Sotah 49b
- 17b S. Lieberman, *op. cit.* 105ff; A.M. Honeyman, JQR XXXVIII, 1947, p.151; R. Gordis, *ibid*, 1948, p. 359.
- 18 Yer. San. X, I, 28a
- 19 T.B. Hulin 60b; Midrash Tehillim, ed. Buber p. 5
- 20 Schürer, vol. I, p. 147
- 21 *Loc. cit.* p. 383
- 22 *Loc. cit.* p. 28
- 23 Classical Philology, XXIX, p. 117
- 24 Hellenistic Culture, p. 43
- 25 Lieberman, *loc. cit.* p. 148 - 152

Ref.

CHAPTER XV pp 79 - 83

- 1 Geschicht~~te~~, vol. 2, p. 278
- 2 Eddy, op. cit. p. 294
- 3 Antt. XII, Chap. IV; I Wars I, 1
- 4 Wellhausen, 'Israel u jud. Gesch,' 7th Ed. p. 236;
Schürer, I, p. 195, note 28.
- 5 Tcherikover, op. cit. p. 154
- 6 Antt. XIV, 7.2
- 7 I Wars VI, 282; II Macc. III, 10
- 8 Antt. XII, 4.11
- 9 II Macc. III, 2
- 10 Zeitlin, p. 8, Commentary on II Macc.
- 11 Tcherikover, op. cit. p. 156
- 12 Supra, p. 79
- 13 History of the Jewish Church, vol. 3, p. 292
- 14 II Macc. III, 4
- 15 ARAST, 67, 1931-1932, 188 ff
- 16 Neh. XI, 11
- 17 Tcherikover, loc. cit. p 465
- 18 II Macc. IV, 23
- 19 Finkelstein 'Men of the Great Synagogue', p. 68;
Rowley 'The Zadokite Document'. p. 67
- 20 Neh. XII, X, 8, XII, 5; I Chron. XXIV, 9
- 21 Tcherikover, op. cit. p. 404
- 22 Neh. XII, 5, XII, 18
- 23 A.H.M. Jones 'The Greek City', p. 215
- 24 D. Bevan 'A History of Egypt under Ptolemaic Dynasty' p. 295

Ref.

- 25 II Macc. III, 5-6
- 26 II Macc. IV, 5-6
- 27 Ezra VIII; Neh. VII
- 28 Tcherikover, p. 159

CHAPTER XVI pp 84 - 89

- 1 Tcherikover, loc. cit. p. 160
- 2 II Macc. IV, 8
- 3 II Macc. IV, 9
- 4 Tcherikover, p. 27; Sinclair 'History of Greek Political Thought', pp 216-219; Radin 'The Jews amongst the Greeks and Romans', p. 106
- 5 In Philo's day the following groups were prominent in Alexandria:
Astoi (Greek citizens)
Politai - members of special communities e.g. Jews and Macedonians
Various aliens
Autochthones.
(M. Smallwood - Commentary on Philonis Legatio ad Gaium, 1961, introd.)
- 6 Lev. XXIV, v. 22
- 7 Deut. X, 18
- 8 Lev. XIX, 34
- 9 Butcher 'Harvard Lectures on Greek Subjects', p. 34
- 10 Tcherikover, p. 162
- 11 II Macc. 440
- 12 II Macc. IV, 12-14
- 13 Jason's innovations probably received support (Antt. XII, 5.1 and II Macc. IV, 39 ff) because of their popular appeal, viz. games and all the trappings of citizenship. The creation of an elite was probably a submerged part of the plan, cf. the reforms of Solon, Peisistratus and Cleisthenes.
- 14 Tcherikover, p. 467, note 23.
- 15 The excesses reported in II Macc. IV, 11-17 are liable to have been exaggerated since the author, writing under Pharisaic influence at a later age obviously projected back his antipathies. His hostility to Jason is apparent in dealing with the uprising ('infra. p. 97).
- 16 Hirsch 'Rabbinic Psychology', p. 14
- 17 Lieberman, op. cit, p. 144
- 18 Antt. XII, 5.1.
- 19 A.H.M. Jones 'The Greek City from Alexander to Justinian', vol. I, p.50; Hadas 'Hellenistic Culture', p. 27
- 20 II Macc. IV, 19

Ref.

CHAPTER XVII pp 90 - 92

- 1 Tcherikover, p. 170
- 2 Josephus Antt. XII, 5.1; II Macc. IV, 25
- 3 Supra. p.14

CHAPTER XVIII pp 93 - 100

- 1 Livy XLI, 20
- 2 Antt. XII, 5.1
- 3 II Macc. VI, 9
- 4 Hadas, loc. cit. p.17
- 5 I Macc. I, 41
- 6 Daniel XI, 36
- 7 Bouché-Leclercq (Histoire des Séleucides, vol. I, 262ff)
- 8 Tcherikover, p. 186
- 9 I Macc. I, 2
- 10 II Macc. V, 11
- 11 Daniel, XI, 28
- 12 Ibid, XI, 30
- 13 Contra Apionem II, 83
- 14 I Macc. I, 20
- 15 Polybius, Skabo, Nicholas of Damascus - vide Tcherikover p. 474
- 16 II Macc. V, 6 and I, 8
- 17 II Macc. V
- 18 Tcherikover, loc. cit. p. 187
- 19 II Macc. V, 29
- 20 Infra, p. 118
- 21 I Macc. II, 44
- 22 The original name of the book was 'Book of the House of the Hasmoneans', and its purpose was clearly to dramatise the part of the Hasmoneans in saving Jewry. The absence of any views on the belief in immortality or the resurrection has prompted some scholars to deduce that its author was a Sadducee. This assumption is unsupported. cf. Waxman 'History of Jewish Literature' vol. I, p.10; Zeitlin, Commentary on I Macc. p. 247 ff; B. Niese 'Kritik den beiden Makkabaerbucher', p. 46
- 23 Supra, p. 93
- 24 Hadas, op. cit. p. 43

Ref.

- 25 Halevi, op. cit. p. 357 ff
- 26 Op. cit. p. 28
- 27 Antt. XII, 4.1
- 28 I Macc. III, 37
- 29 I Macc. I, 38 and III, 48
- 30 II Macc. VI, 4
- 31 Bickerman 'Gott der Maccabaer', p. 111 ff
- 32 II Macc. I, 44
- 33 Tcherikover p. 191
- 34 I Macc. VII, 12

CHAPTER XIX pp101 - 107

- 1 Hadas op. cit, p. 43
- 2 Klausner 'History of the Second Commonwealth' (Heb.) III, 14, ascribes the omission of Matthias from the Second Book of the Maccabees to the fact that he permitted a defensive war on the Sabbath. The explanation is unconvincing since the author could have glossed over this episode in the same way as he has omitted any reference to Judah in connection with that episode. It is more likely that the Epitomator had not been aware of Matthias, a plausible possibility if he was not directly concerned with the Hasmonean family.
- 3 I Macc. II, 40
- 4 History of the Second Commonwealth, III, p. 14
- 5 Tcherikover, loc. cit. p. 18
- 6 Ibid p. 19
- 7 I Macc. III, 41; II Macc. VIII, 11; II Macc. VIII, 25; II Macc. VIII, 34
- 8 II Macc. ~~VI, 28~~
- 9 II Macc. XII, 3; II Macc. XII, 28; I Macc. V, 14; I Macc. V, 21; I Macc. V, 9; I Macc. V, 19; I Macc. V, 13
- 10 I Macc. III, 36
- 11 II Macc. VIII, 10
- 12 II Macc. XI, 12
- 13 I Macc. III, 15
- 14 I Macc. VI, 2
- 15 E. Bickerman 'Un Document Relatif a la persecution d'Antioches IV', Revue de la histoire des religions, 115, 1937, 188-223

Ref.

- 16 Tcherikover, loc. cit. p. 214
- 17 Tarbitz, vol. I, 1930, 31 ff; Tcherikover, Laquer Hist. Zeitschr. 136
- 18 Abel 'Les Livres des Maccabees' ad loc;
H. Bevanot 'Die Beiden Makkabae Bucher' ad loc.
- 19 Tarbitz, vol. I, 1930, 31 ff
- 20 E. Meyer, op. cit. 11, 213
- 21 E. Bickerman 'Gott der Maccabaer' p. 82
- 22 Tcherikover, loc. cit. p. 483
- 23 M.B. Dagut, 72, 1953, p. 151, cited by Tcherikover loc. cit. p. 483.
- 24 Tcherikover, loc. cit. p. 483
- 25 Zeitlin 'Commentary on II Macc.' ad loc
- 26 S. Hoening 'The Great Sanhedrin' pp 11 and 48
- 27 II Macc. XIV, 20
- 28 Zeitlin ibid
- 29 Infra p. 106
- 30 II Macc. XI, 22-26
- 31 II Macc. XIII, 1-4
- 32 Antt. XII, 387; Antt. XX, 235
- 33 II Macc. XIV, 3; Zeitlin on relative passage
- 34 I K. II, 26

CHAPTER XX pp 108 - 110

- 1 Antt. XII, 9.7; supra p. 106
- 2 Zadokite Document - Z.D. - V, 5; IV, 1
- 3 Z.D. II, 2; VI, 11, 19; VII, 1, 21; X, 6; XIX, 13f, 33f; XX, 12
- 4 Z.D. IX, 39ff; XX, 13ff
- 5 Rowley, op. cit, p.65
- 6 Z.D. I, 11; VI, 11; XX, 32
- 7 Habakkuk Commentary - H.C. - I, 13; II, 2; V, 10; VII, 4;
VIII, 3; IX 9f; XI, 5
- 8 Z.D. II, 2; VI, 11, 19; VIII, 1, 21, X, 10
- 9 Manual of Discipline - M.D - I, 8, 16, 18, 20, 24;
II, 10, 12, 13, 16, 18; IV, 22; V, 5, 8, 9, 10, 20, 22;
VI, 15, 19; VIII, 9, 10.
- 10 H.C. II, 3
- 11 Z.D. I, 19ff; V, 20f; VI, 1; XX, 10ff

Ref.

- 12 M.D. I,9; III, 13, 25; I, 10
- 13 H.C. VIII, 9; IX, 9; XI, 4; XII, 2,8
- 14 Z.D. VIII, 13; I, 14; VI, 1; XX, 15
- 15 H.C. X, 9; II, 1f
- 16 Z.D. I, 14; XX, 11
- 17 Z.D. VIII, 11; XIX, 23 f
- 18 H.C. II, 12, 14; III, 4,9; IV, 5,10; VI, 1, 10; IX, 7
- 19 Sukenik Megillot Genuzoth, p.18
- 20 H.C. XII, 8f
- 21 H.C. XI, 5
- 22 H.C. XI, 5; Z.D. XIX, 35; XX, 1, 13
- 23 H.C. III, 1, 10; IV, 5ff; VI, 1, 10f
- 24 H.C. IX, 9ff
- 25 H.C. V, 9ff
- 26 Rowley, *ibid*, p. 35
- 27 Z.D. IV, 2f; VI, 5
- 28 Z.D. VII, 19
- 29 Z.D. IV, 19, VIII, 12; XIX, 24f
- 30 Rowley, *op. cit.* p. 67
- 31 H.C. IX, 10f
- 32 II Macc. XIII, 13ff
- 33 *Ibid*, p. 75
- 34 Rowley, *ibid*, p. 39
- 35 J.Q.R. III, 1912-1913, p. 301 ff
- 36 Rowley, *ibid*, p. 43
- 37 Antt. XIII, 10.5
- 38 Z.D. X, 14ff; XI, 4f
- 39 Z.D. IX, 16ff; X, 3f; M.D. Vf
- 40 M.D. V,13 to VII, 7
- 41 Rowley, *ibid.* p. 35

Note: In the case of Z.D. the Roman numeral indicates the page,
the Arabic numeral the line. In the case of H.C. and M.D.
the Roman numeral indicates the column.

Ref.

CHAPTER XXI pp 111 - 113

- 1 I Macc. Chap. XII
- 2 'A History of Israel', vol. II, p. 256
- 3 'The King is Dead', p. 225
- 4 'Catholic Encyc.', XVI, p. 209
- 5 'Classical Philology', vol. 29, p. 117
- 6 II Macc. 5,9
- 7 I Macc. 15, 16-23
- 8 Antt. XII, 225
- 9 T.B. Succ. 55b
- 10 A.H.M. Jones 'The Greek City from Alexander to Justinian, p. 50
- 11 Hadas, op cit. p. 34
- 12 T.A. Sinclair 'The History of Greek Political Thought', p. 289.
- 13 Hadas, ibid, p. 92

CHAPTER XXII pp. 114 - 117

- 1 I Macc. XVI, 16
- 2 I Macc. X, 65
- 3 I Macc. XV, 32
- 4 I Macc. XIII, 27
- 5 I Macc. XIV, 43
- 6 I Macc, XIV, 32
- 7 Polyb. VI, 56.9
- 8 Cicero's Laws, 2. 7. 15
- 9 Meg. IIA, Targum Jonathan on II Sam. II, 4; Same commentator Song of Songs, VI, 7.
- 10 T.B. Sabb. 21b
- 11 Commentary by Zeitlin on I Macc. p. 61
- 12 Maccabean Revolt, T.B. Meg. 3a
- 13 The Pharisees, p. 28
- 14 Classical Philology, XXIX, p. 117

Ref.

CHAPTER XXIII pp 118 - 124

- 1 Halevi, op. cit. p. 391
- 2 Antt. XIII, 10.5
- 3 Wars I, 2.8
- 4 Supra, p. 62 f
- 5a T.B. Ber. p. 29a 5b. Hadas, op cit. p. 281
- 6 Antt. XII, 249
- 7 *G.T. GRIFFITH - 'The Mercenaries of the Hellenistic World'*
H.W. PARKE - 'Greek Mercenary Soldiers'
- 8 Antt. XIII, 8.4
- 9 Supra, p. 43 f
- 10 Antt. XIII, 10.5
- 11 T.B. Kid, 66A
- 12 T.B. ibid
- 13 T.B. Ber. 29
- 14 J.E. Art. Pharisees
- 15 Loc. cit. p. 40, note 2
- 16 Hook 'Myth Ritual and Kingship', p. 204 ff
- 17 T.B. Sabb. p. 14b
- 18 Ibid, note by Editor (Soncino edition)
- 19 Supra, p. 11
- 20 Supra, p. 12
- 21 T.B. Sabb. 137 b

CHAPTER XXIV pp 125 - 126

- 1 Wars VII, 3.3
- 2 Schurer, op cit. II, p. 357
- 3 Ibid, p. 411
- 4 Supra, p. 40 ff
- 5 Supra, p. 40 ff

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- 1 Wars II, 8.1
- 2 Antt. XIII, 5.9
- 3 T.B. Yeb. 63b

Ref.

- 4 Psalms 14, 1
- 5 E. Levine 'The Jewish Heritage', p. 4
- 6 Op. cit. p. 20
- 7 Hadas 'Humanism', Chap. VI
- 8 Hadas, *ibid*, p. 80
- 9 Guthrie 'The Greeks and their Gods', p. 117
- 10 *Ibid*
- 11 'History of the Greek Religion', p. 153
- 12 Il. XVI, 384 ff
- 13A Guthrie, *ibid*, p. 126
- 14A 'Companion to Homer', p. 448 ff
- 13B D.C. Victor 1.11
- 14B Diels Kranz, 44A, 2.353
- 15 T.B. Shab. 88a
- 16 *Ibid*, *ad loc*
- 17 *Infra* chap. XXXV
- 18 Job, X, 7
- 19 *Ibid*, X, 3
- 20 *Ibid*, XVI, 7 - 16
- 21 *Ibid*, XVI, 19
- 22 De Finibus, II, 15.49
- 23 De Vita et Moribus Epicuri bk. III, ch. VI
- 23a C. Bailey, *Epicurus - The extant remains*. 23b *Oxyrhynchus Papyri* Vol 2 Nr 215 189
- 24 Chr Jensen Ein never Brief Epikurs, Weidman, 1933
- 25 Book 5, 1161 - 1240
- 26 'On the Gods', dated A.D. 363
- 27 Chapter IV

CHAPTER XXVI pp 134 - 147

- 1 Antt. XVIII, 1-4
- 2 Lucien Dialogue Mort. X, 10
- 3 Orat. VIII, vol. I, 145
- 4 Wars II, 8.14
- 5 Wars II, 8 - 14
- 6 Antt. XVIII, 1 - 4

Ref.

- 8 McGregor & Purdy 'Jew and Greek', p. 98;
Neusner 'Life of Rabbi Johanan ben Zakkai', p. 13
- 9 Op cit. vol. I, p. 149
- 10 'Die Griechische Quelle de Weishert Salomos' - Yearbook of the
Jewish Theological Seminary, Breslau, 1920.
- 11 Rabbinic Psychology, p. 186
- 12 Wars II, 8.11
- 13 T.B. Hag, 12B
- 14 Guthrie 'The Greeks and their Gods', p. 279
- 15 Is. XXV, 8
- 16 Is. XXXVIII, 11 and Psalm 116, 9
- 17 G.A. Smith
- 18 Guthrie, ibid, p. 180
- 19 Herod, IV, 79
- 20 Plato's Republic, 608d
- 21 Diog. Zaertius 1.24
- 22 Kirk & Raven 'Pre-Socratic Philosophers', p.95
- 23 Hirsch, op cit. p. 40
- 24 Kirk & Raven, ibid, p. 351 ff
- 25 Odes, 11, 58 ff
- 26 Frag. 133
- 27 Frag. 129
- 28 Guthrie, ibid, 317
- 29 Porphyry's 'Life of Pythag', 19
- 30 Kirk & Raven, ibid, p. 223
- 32 Plato, Phaedrus, 64
- 32 Charmides, 156b
- 33 Gorgias, 507d
- 34 Meno, 81 a - b
- 35 Ibid, 81c
- 36 Phaedo 66b
- 37 Ibid, 72b
- 38 Ibid, 78 - 80
- 39 Republic, pp 608 - 611
- 40 Phaedrus, 246a

Ref.

- 41 Ol. ii, 55f, Threm Frag.
- 42 Phaedrus 248 f, Republic, 614 f, Gorg. 523
- 43 Phaedo, 107, 113
- 44 Aeshsuppl. 218 f
- 45 Hadas 'Hellenistic Culture', p. 73
- 46 G.F. Moore 'Judaism', II, p. 388 ff
Kaufman Kohler 'Heaven and Hell in Comparative Religion'
Solomon Schechter 'Doctrine of Divine Retribution in Studies
in Judaism', vol. VI
M. Higger 'The Jewish Utopia'
H. Spencer 'Principles of Sociology', vol. I, p. 159
W. Hirsch 'Rabbinic Psychology'
- 47 Op cit. p. 73
- 48 Lev. XX, 6 and 27; Isiah VIII, 19
- 49 I Sam. XXXIII
- 50 Job XIX, 25-27
- 51 Moore, op cit. vol. II, p. 291
- 52 M. San. 10.1
- 53 Hag. 13a; Yeb 63b; B.B. 146a; Sanh. 100b
- 54 Moore, ibid, vol. II, 388 - 389
- 55 Moore, vol. I, 271; vol. II, 378
- 56 Higger 'The Jewish Utopia', Quoted by I. Leventhal in 'Judaism' p.144
- 57 Genesis II, 8-9
- 58 Jos. XV, 8; II Kings XXIII, 10; Jer. VII, 31
- 59 Yer. Rosh Hash. chap. I, col. 56d;
Midrash, Gen. R. chap XL, section 9.
- 60 T.B. 93a; T.B. Hallin 91b
- 61 Kohler's Theology, p. 186
- 62 Moore, ibid, vol. I, p.404
- 63 Ecclesiasticus III, 21 f, quoted in T.B. Hag 13a
- 64 Hag. 11.1
- 65 T.B. Ber. 17 oc.
- 66 Abot. IV, 16
- 67 Ibid, 17
- 68 B. Bath 75a; Lev. Rabbah II, 8-9
- 69 T.B. Avodah Zara 17b
- 70 Wars II, 8.14

Ref.

- 71 Wars III, 8.5
- 72 Supra, p. 133
- 73 Supra, p. 135
- 74 Supra, p. 133
- 75 Zeitlin 'Rise and Fall of the Second Jewish Commonwealth', p. 176 ff
- 76 Lauterbach 'Rabbinic Essays', supra, 23 ff
- 77 Lewis Campbell, op cit. p. 301
- 78 Hastings 'Encyc. of Religion & Ethics', Art. Priesthood - Greek.
- 79 Nilsson 'History of Greek Religion', p. 247

CHAPTER XXVII pp 148 - 159

- 1 Supra, p. 53 ff
- 2 Exodus XXI, 24
- 3 Deut. XXII, 17
- 4 Deut, XXV, 9
- 5 Lev. XXIII, 15
- 6 Meg. Taanit, Chaps. I and IV
- 7 Supra, 53 ff
- 8 חקת וזמנא דבבא, p. 14
- 9 Urschrift, p. 148
- 10 Sadducaer u Pharisaer, p. 61
- 11 Hatch Hibbert Lectures, 1882, p. 50
- 12 Hor. A.P. 403
- 13 Pindar frag. 127
- 14 Dio Chryst. Orat. I, vol. I p.12, Dind. Ed.
- 15 Ibid Oratio 36, vol II, p. 59
- 16 Phaedr. 245
- 17 G. Croesus Dordraci 1704
- 18 Strab. I, 2.8
- 19 Strab. I, 2.3
- 20 Dio Chrys. Orat. 2, vol. I, pp 19-20
- 21 Dio Chrys. Orat. 1, vol. I, p. 3
- 22 Phato Theaet. 9 p. 152d

Ref.

- 23 Celsus In Origen C. Celsus, 6.42
- 24 Cic. N.D. 1.15
- 25 Xen. Sympos. 4.6, 3.5
- 25a Ps-Plutarch. de vita et poesi Homer. pp 1056ff. chs. 148, 164 182 ed. F Dubner.
- 26 Adv. Gramm 1.288; Adv. Phys. 1.193
- 27 Plat. Phaedr. p. 229 C - E
- 28 Plat. Rep. p. 378d
- 29 Laws, V. 1, 776i
- 30 Rep. X, 595c
- 31 Rep. II, 377 d - e
- 32 Rep. X, 606 a-d
- 33 Abot. V, 27 ?
- 34 M. Yadaim, 4.6
- 35 Life of R' Johanan ben Zakkai, p. 49
- 36 Loc. cit. 279
- 37 The purpose for introducing this measure was to discourage
(a) unnecessary handling of the Books of Scripture and
(b) storage of such books in places where food is normally kept.
- 37a Heracleidae 1030 ff
- 38 Supra, p. 48 ff
- 39 Supra, ibid ff
- 40 Meg. Taanit, Chap. I
- 41 M. Men. 10.3
- 42 Supra, p. 59
- 43 Lev. XXIII, 15
- 44 Joshua, V, 11
- 45 Finkelstein, loc cit.
- 46 Supra, p. 60 f
- 47 T.B. Rosh Hash. p. 22
- 48 Ibid
- 49 Supra, p. 60 f
- 50 T.B. Sabb. 108a
- 51 Deut. XIV, 21
- 52 Leszynsky, loc cit. p. 46
- 53 It is noteworthy that the Sadducees are reported to have violated
the dietary laws (T.B. Hor. 11a)
- 54 Porph. ap. Euseb. H.E. 6.19. 5

Ref.

- 55 Origen, C. Celsus, 4. 48-50
- 56 Origen, in Gen. Hom. 13.3, vol. II, p. 94; Migne Patrol. Graec.
in Joann. Hom. 10.13, vol. IV, p. 178 " " "
- 57 Author: Rt. Rev. John William Colenso, D.D., Bishop of Natal,
London - Longmans.
- 58 Deut. XXIII, 12-14

CHAPTER XXVIII pp 159 - 162

- 1 Supra. p. 126
- 2 Supra, p. 45 ff
- 3 Numb. XIX, 1-11
- 4 Numb. X, 11 ff
- 5 Lev. XI, 28
- 6 Lev. XV, 7
- 7 Lev. XV, 16
- 8 M. Zabim, 5.12
- 9 M. Para, 3.5, 7 and 8
- 10 Ibid.
- 11 Tos. Para. 3.8
- 12 Loc. cit. p. 123
- 13 Mishna para. 3.5
- 14 Op cit. p. 44
- 15 Paus. V, 13.3
- 16 Numb. XIX, 1-11

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- 1 Gen. IV, 3-5
- 2 Lev. II, 14-16
- 3 Lev. II, 1-3; Ibid II, 4-11, Ibid VI, 14-18
- 4 Numb. XV, 1-11
- 5 Meg. Taanit, Chap. VIII
- 6 M. Men. 6.2
- 7 Loc. cit. p. 56
- 8 Lev. II, 4-11; Lev. VI, 14-18
- 9 Frisk Griech. etymologisches Worterbuch does not give 'smoke' as one of the root meanings. But Liddell and Scott Gk. English Lexicon link with θυω (I sacrifice) Lat. fumus (smoke), and give as a possible

Ref.

- 10 Yerkes 'Sacrifice in Greek & Roman Religions and Early Judaism', p.93
- 11 Od. III, 7,8,59; Il. XXIII, 147; Il. VI, 93, 115
- 12 Il. I, 457-473; Il. II, 421ff; Od. III, 447ff; Od. XII, 359ff
- 13 Il. I, 447-473
- 14 Yerkes, *ibid*, p. 101
- 15 Numb. XV, 2
- 16 Il. I, 317
- 17 Prolegomena, p. 55
- 18 Il. I, 63
- 19 Meg. Taanit, Chap. 8

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- 1 T.B. Yoma 19b; Tosephta *ibid*, 1.8, p.181; Yer. Yoma 1.5, 39a
- 2 M. Yoma 1.5
- 3 T.B. Yoma 19a
- 4 Lev. XVI, 12
- 5 Loc. cit. p. 62
- 6 Loc. cit. 668
- 7 M. Yoma 5.1
- 8 Loc. cit. p. 119
- 9 T.B. Yoma 19a
- 10 Loc. cit. p. 129
- 11 *Ibid*. p. 143
- 12 Cumont 'Les Relig. Orientalis' pp. 45-69
- 13 G.E. Mylonas 'Eleusis and Eleusinian Mysteries'
- 14 Fraser - Golden Bough, 3rd ed.
Attis Adonis and Osiris
- 15 Halliday 'Pagan Background of Christianity', p. 241
- 16 Lobeck Aglaophamus, p. 39ff
- 17 Philostratus, Vita Apoll. 4.18 p. 387
- 18 Cheetham - The Mysteries, p. 51
- 19a Mylonas, loc. cit. p. 273
- 19b Plutarch - Alcibiades 22
Lobeck Aglaophamus, p. 48ff

Ref.

- 20 Clem Alex Strom bk. 5.4
- 21 Ibid 5.11
- 22 Lobeck Aglaoph. p. 189-197
- 23 Les Myteres
- 24 Tert. adv. Valent. Cl
- 25 The Myteries III, 4-6, quoted by Grant 'Hellenistic Religions, p.173
- 26 T.B. Rosh Hash. 17a
- 27 T.B. Hag. 15a
- 28 Lev. Chap. XVI: 6, 11, 18, 24, 30, 32, 33 and 34
- 29 Lev. XVI, 30
- 30 Lev. XVI, 6
- 31 Numb. XXIX, 7
- 32 Lev. XVI, 5
- 33 Ibid, v.11
- 34 Ibid, v. 12
- 35 Lev. XVI, 16; Numb. XXIX, 13 (Rashi ad loc)
- 36 Lev. XVI, 17
- 37 Lev. XVI, 21
- 38 Numb. XXIX, 11, 24 and 25
- 39 M. Yoma, 7.1
- 40 Ibid, 3.8; 4.2 and 6.2
- 41 Lev. XVI, 4, 24, 26 and 28
- 42 Clem Alex Strom bk. 5.4
- 43 Ibid, 5.11; supra, p. 172
- 44 Lev. XVI, 29, 31
- 45 Lobeck, ibid, p. 189-199
- 46 Supra, p. 167
- 47 M. Yoma, 1.5
- 48 Michel - Recueil de inscriptions grecques 694
- 49 Guthrie 'The Greeks and their Gods', p. 289
- 50 Lev. XVI, 2

Ref.

CHAPTER XXXI pp 176 - 182

- 1 Deut. XIX, 19
- 2 M. Makkot, 1.6
- 3 Deut. XIX, 21
- 4 Finkelstein, Pharisees, p.143
- 5 Zeitlin, J.Q.R. XIX, 1928-1929, 268 ff
- 6 M. Makkot, 1.7
- 7 Mekilta Mishpatim, Ch. 20; Tosephta Sanh. 6.6;
Yer. ibid 6.5, 23.6; T.B. Makkot. 5b.

The present writer accepts the version of persons according to the Mekilta account. Geiger and Finkelstein also accept this version.

- 8 Loc. cit. vol. II, p. 671, 672.
- 9 Vol. I, p. 144
- 10 T.B. B. Mez. 91a
- 11 ibid.
- 12 Antiphon, I, 29-30
- 13 Lys. 13, 41-42
- 14 Antiphon 2a, 3
- 15 Antiphon 2c, 11
- 16 Antiphon 6,2
- 17 Restored from D. 43-57
- 18 D. 47, 68-73
- 19 McDowell 'Athenian Homicide Law', p. 94
- 20 D. 37.59
- 21 A.S. Diamond, Primitive Law, p. 304
- 22 T.B. Bathra. 43a
- 23 T.B. Sanh. 27b
- 24 Lofberg, Classical Philology XV, p. 61, 1920
- 25 Yer. Sanh. 6.5, 23c
- 26 Abot. 1.9
- 27 Charles, Apocr. vol. I, 638.
- 28 M. Makkot, 1.4

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- 1A T.B. B. Bathra, p. 115b
- 1B Meg. Taanit, 5
- 2 Numb. XXVII, 8-11
- 3 Ibid. loc. cit. p. 55
- 4 Loc. cit. pp. 140 - 141ff

Ref.

- 5 Gen. XXXVI, 20
- 6 T.B. B. Bathra, p. 115b
- 7 Gen. XXXVI, 20
- 8 Gen. XXXVI, 14; *ibid*, v. 24, 20
- 9 Cited by Neusner, *loc cit.* p. 56
- 10 אומר נחמך III, 1 ff, cited in Soncino text *ad loc*, B.B. p. 476
- 11 *Loc cit.* p. 86
- 12 תולדות ההלכה I, p. 327
- 13 J.Q.R. VIII, 1896, p. 691 ff
- 14 Encyc. Relig. & Ethics, vol. 7, p. 309
- 15 *Loc. cit.* p. 670
- 16 Laws, 757c
- 17 Eth. Nic. v. 10, 1137b, cf. Rhet 1.13
- 18 Numb. XXVII, 8-11

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- 1 M. Yadaim, 4.7
- 2 T.B. B. Kama, 21, et seq.
- 3 *Loc cit.* p. 285
- 4 *Loc cit.* p. 412
- 5 *Supra*, p. 47
- 6 M. Kama, 1.2
- 7 Ex. XXI, 2 ff
- 8 T.B. Kid. 20a
- 9 *Op cit.* vol. I, p. 267 ff
- 10 De Spec. Leg. II, 1881
- 11 Plato, *nom*, VII, 808d

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- 1 M. Sanh. 7.2
- 2 T.B. Sanh. 52b
- 3 *Loc. cit.* p. 242
- 4 *Loc cit.* p. 641
- 5 Rhode Psyche, p. 187
- 6 M. Yadaim 4, 6-7

Ref.

- 7 Supra, p. 153, 187.
- 8 Ibid, p. 637
- 9 M. Makshirin, 5-9
- 10 Eine Unbekannte Juedische Sekte, p. 77 - cited by Finkelstein
op cit. p. 638
- 11 Urschrift, p. 147
- 12 Op cit. p. 38 ff
- 13 J.Q.R. 1916-17, vol. 7, p. 429 ff
- 14 תולדות הלכה II, p. 289
- 15 Seneca Epist. 117.2
- 16 De Anima 5
- 17 De Liturgia Gallicana Libri Tres, p. 382
- 18 T.B. Git. 49b; T.B. Kid. 68b; T.B. Sanh. 21a
- 19 Tosephta Hag. 3.35, p. 238; Jer. ibid, 3. 879d
- 20 Lev. XI, 32; Numb. XIX, 14; Numb. XXXI, 20-23
- 21 Yer. Ket. 8, 11, 32c; T.B. Shab. 15b

CHAPTER XXXV p 193

- 1 Jaeger 'Early Christianity and Greek Paideia'
- 2 Supra p. 191
- 3 Il. 2.204
- 4 Ps. Justin C.17 p. 304 Ante-Nicene Christian Library Vol. II
- 5 Ps. Justin C.28 p. 315 " " " " "
- 6 Hom. Il. 14.206; Clem. Alex. Stromb. 5.14, p. 708
- 7 Il. 22.8
- 8 Supra p. 4

Ref.

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- 1 The King is Dead, p. 203
- 2 Wars, II, 8.14
- 3 Sir. XVIII, 13,14
- 4 Ibid. XVIII, 11-12
- 5 Ibid. XXIII, 2ff
- 6 Ibid. XVII, 19ff
- 7 Ibid. XXXVIII, 13
- 8 Ibid. XXXV, 1-7
- 9 Adler, Day of Atonement, p. 166ff
- 10 Ibid. p. 167
- 11 Ibid. pp 159-168
- 12 Art. Sadducees
- 13 Charles, p. 282, vol. I
- 14 M. Sotah, 9.15
- 15 Kuenen, Hibbert Lectures, 1882, p. 160
- 16 Antt. 13.10.6 and T.B. Ked. 66A
- 17 Charles, loc. cit. p. 277
- 18 Charles, loc. cit. p.283
- 19 Antt. 13.10.6
- 20 Sir. 1.26
- 21 Ibid. VI, 37
- 22 Ibid. II, 15-16
- 23 Ibid. XV, 1-3
- 24 Ibid. XXI, 11
- 25 Ibid. XXXII, 23-24
- 26 Ibid. XIV, 5
- 27 Ibid. XIV, 17
- 28 Pirkei Aboth, 1.2
- 29 Ibid. end of each chapter
- 30 Ibid. II, 8
- 31 Ibid. II, 17

Ref.

- 32 Ibid. II, 19
- 33 Ibid. II, 21
- 34 Ibid. III, 3
- 35 Ibid. III, 4
- 36 Sir. VIII, 8-9
- 37 Loc. cit. p. 343
- 37a Driver, loc. cit. p. 121
- 38 Montefiore, Hibbert Lectures, p. 339
- 39 Ezra, 6.21; Neh. 9.2
- 40 Ezra, 9.1
- 41 T.B. Sanh. 100b.
- 42 Loc. cit. p. 356
- 42a Sir. III, 20-21
- 43 Ibid. III, 24
- 44 Ibid. XVIII, 27
- 45 Ibid. XIX, 22
- 46 Ibid. XIX, 24
- 47 Ibid. XIX, 20
- 48 Ibid. XXXIX, 1-5

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- 1 Loc. cit. p. 196
- 2 Lev. 23.39
- 3 Loc. cit. 47d
- 4 M. Pesach, II, 5
- 5 Lev. XXIII, 13
- 6 Jub. 6.17ff especially 21ff, 22.1
- 7 Jub. 15.1, 16.13, 44.4
- 8 2 Chron. 5.2, Neh. 8.18
- 9 Joel, 2.15, Jer. 9.1

B I B L I O G R A P H Y

- Abrahams, Israel, Studies in Pharisaism and the Gospels, First Series, Cambridge, 1917; Second Series, Cambridge, 1954.
- Alon, G., History of the Jews in Judea in the Time of the Mishna and Talmud (Hebrew), Tel Aviv, 1954.
- Baeck, Leo, The Pharisees, New York, 1947.
- Baron, Salo W., A Social History of the Jews, New York, 1937.
- Bennett, H.B., Jesus and the Law of Moses, New York, 1930.
- Bentwich, N., Hellenism, Philadelphia, 1920.
- Bevan, E.R., Jerusalem Under the High Priests, London, 1904.
- Bickerman, E., Der Gott den Maccabaer, Vienna, 1937.
- Bonner, Leah, Religious Separatism during the Second Temple, M.A. Thesis (Witwatersrand), 1962.
- Box, G.H., Judaism in the Greek Period (Clarendon Bible), Oxford, 1932.
- Browne, L.E., From Babel to Bethlehem, Cambridge, 1951.
- Buechler, Adolf, Review of Document of Jewish Sectaries by S. Shechter, J.Q.R. III, 1912-1913, p.429.
- Butcher, S.H., Harvard Lectures on Greek Subjects, London, 1904.
- Cassuto, Umberto, Commentary on the Book of Exodus (Hebrew), Jerusalem, 1953.
- Charles, R.H., Apocrypha and Pseudepigrapha of the Old Testament, Oxford, 1913.
- Cheyne, T.K., Jewish Religious Life after the Exile, New York & London, 1898.
- Cheyne, T.K., Origin and Religious Contents of the Psalter, Brampton Lectures 1889, London, 1891.
- Clement of Alexandria, Writings; Translated by William Wilson, T.T. Clark, Edinburgh, 1869.
- Cheetham, S., The Mysteries, Pagan & Christian (Halsean Lectures 1896-1897), 1897.
- Daube, D. Studies in Biblical Law, Cambridge, 1947.
- Diogenes Laertius, Lives of Eminent Philosophers, (Loeb) London, 1925.
- Dion Chrysostom, Orationes, Ludovicum Dindorfium, Leipsig, 1857.
- Dix, Dom Gregory, Jew and Greek, Westminster, 1953.
- Driver, S.R., An Introduction to the Literature of the Old Testament, Edinburgh, 1891.
- Diamond, A., Primitive Law, London, 1928.

Eddy, S.K., The King is Dead, Nebraska, 1961.

Epicurus, Translated, and Comments by C. Bailey, Oxford, 1926.

Epstein, Isadore, Judaism, London, 1959.

Euripides, Heracleidae, Edited by E.A. Beck, Cambridge University Press, 1882.

Eusebius Pamphilus, Ecclesiastical History, Translated by C.F. Cruse, London, 1917.

Farrington, B., Head and Hand in Ancient Greece, London, 1947.

Finkel, Asher, The Pharisees and the Teachers of Nazareth, London, 1964.

Finkelstein, L., The Pharisees (2 vols.), Philadelphia, 1940.

Frankel, Zecharia, דרכי החשנה, Tel Aviv, 1959.

Freudenthal, Jacob, Hellenistische Studien, Breslau, 1875.

Gaster, T.H., The Dead Sea Scriptures, London, 1957.

Gaster, Moses, The Samaritans: Their History, Doctrine & Literature, London, 1925.

Gedder, A.S., Introduction to the Hebrew Bible, Edinburgh, 1909.

Geiger, Abraham, Sadducaer und Pharisäer, Breslau, 1863.

Geiger, Abraham, Urschrift und Übersetzungen der Bibel in ihrer abhaengigkeit von der innern Entwicklung des Judenthums, Breslau, 1857.

Gilson, E., God and Philosophy, Yale University Press, Newhaven, 1941.

Glassen, T.F., Greek Influence on Jewish Eschatology, London, 1961.

Gordis, R., Sectional Rivalry in the Kindom of Judah, J.Q.R. XXV, 1934-1935, pp.223ff..

Graetz, H., Geschichte der Juden von den aeltester Zeiten bis auf die Gegenwart, Leipsig, 1899.

Greenstone, Julius H., The Messiah Idea in Jewish History, 1906.

Guiguebert, Ch., The Jewish World in the Time of Jesus, London, 1939.

Guthrie, W.K.C., The Greeks and their Gods, London, 1950.

Hadas, M., Hellenistic Culture, New York & London, 1959.

Hadas, M., Humanism: The Greek Idea and its Survival, London, 1960.

Halevi, Isaak, דורות הראשונים, Berlin, 1922.

- Halliday, W.R., Pagan Background of Early Christianity, Liverpool, 1925.
- Harrison, J.E., Prolegomena to the Study of Greek Religion, Cambridge, 1908.
- Hatch, Edwin, The Influence of Greek Ideas and Usages on the Christian Church,
Hibbert Lectures, 1888, London, 1891.
- Hippolytus, Refutation of all Heresies, Translated by J.H. MacHanon,
Edinburgh, 1868.
- Hirsh, W., Rabbinic Psychology, London, 1947.
- Hoening, S., The Great Sanhedrin, Philadelphia, 1953.
- Inge, W.R., The Philosophy of Plotinus, Gifford Lectures 1917-1918,
London, 1918.
- Jaeger, Werner, Early Christianity and the Greek Paideia, Harvard University
Press, Massachusetts, 1962.
- Jaeger, Werner, Theology of Early Greek Philosophers, Gifford Lectures 1936,
Oxford, 1947.
- James, E.O., Nature and Function of Priesthood, London, 1955.
- Jolowicz, H.F., Roman Foundations of Modern Law, Cambridge University Press,
1952.
- Josephus, Works, Translated by William Whiston, Waud Lock & Co, London,
New York & Melbourne,
- Jost, I.M., Geschichte des Judenthums und seine sekten, Leipzig, 1857.
- Judaism and the Beginning of Christianity (Course of lectures at Jews
College), London, 1923.
- Justin M & Athenagoras. Writings - Ante-Nicene Christian Library vol II Edin. 1867.
- Kagan, K.K., Three Great Systems of Jurisprudence, London, 1955.
- Katz, Ben Zion, כרושים צדוקים קנאים נוצרים, Tel Aviv, 1947.
- Kaufman, Y., תולדות האמונה הישראלית, Tel Aviv, 1955.
- Kirk and Raven, Pre-Socratic Philosophers, Cambridge University Press, 1957.
- Klausner, J., History of the Second Temple (5 vols.) (Hebrew), Jerusalem,
1945.
- Klausner, J., Jesus of Nazareth (Translated by Danby), New York, 1925.
- Knox, W.L., Pharisaism and Hellenism in Judaism and Christianity II,
Edited by H. Loewe, London, 1937.
- Kohler, Kaufman, Heaven and Hell in Comparative Religions, New York, 1923.
- Kohler, Kaufman, Jewish Theology Systematically and Historically examined.

Krochmal, N., מורה נבוכי הדור, Warsaw, 1894.

Kuenen, A., National Religions and Universal Religions, (Hibbert Lectures 1882), London, 1882.

Lauterbach, Jacob Z., Rabbinic Essays, Cincinnati, 1951.

Lauterbach, Jacob Z., A Significant Controversy Between the Sadducees and the Pharisees, HUCA VI, 1929, pp. 69ff.

Leszynsky, Von Rudolf, Die Sadducaer, Berlin, 1912.

Leventhal, I.H., Judaism - an Analysis and Interpretation, New York & London, 1936.

Lewis, Campbell, Religion in Greek Literature, London, 1898.

Lieberman, Saul, Hellenism in Jewish Palestine, New York, 1962.

Lightley, J.W., Jewish Sects and Parties in the Time of Christ, London, 1925.

Lobeck, C.A., Aglaophamus sive de Theologicae Mysticae Graecorum, Regiomantic Prussorum, 1829.

Lucien of Samosata, Works, Translated by Fowler and Fowler, Oxford, 1905.

MacDowell, D.M., Athenian Homicide Law, Manchester University Press, 1963.

Mann, J., Jesus and the Sadducean Priests, J.Q.R. VI, 1915-1916, pp. 415 ff.

Mantel, Hugo, Studies in the History of the Sanhedrin, Harvard Un. Pr. 1961.

Marcus, Ralph, Law in the Apocrypha, Columbia University Press, 1927.

Meek, T.J., Hebrew Origins, New York, 1960.

Migne, J.P., Patrologia Graeca, Paris, 1856.

Mitchell, H., Sparta, Cambridge University Press, 1952.

Montefiore, C., Ancient Hebrews (Hibbert Lectures, 1892), London & Edinburgh, 1893.

Montefiore, C., Old Testament: After, London, 1923.

Moore, C.H., Religious thought of the Greeks, Harvard University Press, 1925.

Mylonas, G.E., Eleusis and the Eleusinian Mysteries, Princeton, 1961.

Moore, G.F., Judaism in the first centuries of the Christian Era, Harvard U.P., 1927.

Neusner, J., A Life of Rabbi Johanan ben Zakkai, London, 1962.

Nilsson, M.P., History of the Greek Religion, Oxford, 1925.

Origen, Contra Celsum, Edited by Roberts & Donaldson, Edinburgh, 1872.

- Parkes, J. Rome, Pagan and Christian, in Judaism and Christianity II, Edited by H. Loewe, London, 1937.
- Philostratus, Life of Appolonius of Tyana, English Translation by Conybeare, (Loeb), London, 1912.
- Porphyry, Philosophi Platonica Opuscula Selecta, Augustus Nauck, Leipsiz, 1886.
- Rabin, C., Qumran Studies, Oxford University Press, 1957.
- Radin, Max, The Jews Amongst the Greeks and Romans, Philadelphia, 1915.
- Rappaport, S., דברי שלום ואמת, Frankfurt, 1914.
- Reuss, E.W.E., Die Geschichte der Heiligen Schriften Alter Testament (2nd Ed.), Braunschweiger, 1881.
- Rohde, Erwin, Psyche, London, 1950.
- Rops, Daniel, Daily Life in Palestine at the Time of Christ, London, 1962.
- Roth, Cecil, A Short History of the Jewish People, East & West Library, London, 1953.
- Rowley, H.H., The Zadokite Fragments and the Dead Sea Scrolls, Oxford, 1956.
- Schubert, Kurt, (Translated Duberstein), Dead Sea Community, London, 1959.
- Schürer, Emil, Geschichte des juedische Volkes im Zeithalter Jesu Christi, vols. I and II, Leipzig, 1901.
- Segal, J.B., The Hebrew Passover, Oxford University Press, London, 1963.
- Sinclair, T.A., History of Greek Political Thought, London, 1951.
- Smith, G.A., Jerusalem from the Earliest Times to 70 A.D., London, 1907.
- Stanley, A.P., History of the Jewish Church, London, 1877.
- Stern, M., התקדמות למד המאמרים, Tel Aviv, 1965.
- Sukenik, E.L., אוצר מגילות גנוזות, Jerusalem, 1955.
- Travers, Herford R., The Pharisees, London, 1924.
- Tcherikover, V., Hellenistic Civilisation and the Jews, Translated by S. Appelbaum, Philadelphia, 1961.
- Tschernowitz, H., תולדות ההלכה, vol. II, New York, 1936.

Wace, A.J.B. and Stubbings, F.H., A Companion to Homer, London, 1963.

Waxman, M., History of Jewish Literature, New York, 1930.

Weiss, I.H., הגורל והדור, Vilna, 1904.

Welch, A.C., Prophet and Priest in Old Israel, Oxford, 1953.

Welch, A.C., Post Exilic Judaism (Baird Lecture 1934), Edinburgh and London, 1935.

Wellhausen, Julius, Prolegomena Zur Geschichte Israels (English Translation by J.S. Black and Allen Menzies), Edinburgh, 1885.

Yerkes, R.K., Sacrifice in Greek and Roman Religions and Early Judaism, London, 1953.

Zeitlin, S., The Apocrypha, J.Q.R. XXXVI, pp.187 ff, 1945-1946.

Zeitlin, S., Commentary on First Book of Maccabees, New York, 1950.

Zeitlin, S., Commentary on Second Book of Maccabees, New York, 1954.

Zeitlin, S., The Essenes and Messianic Expectations, J.Q.R. XLV, pp.83ff, 1954.

Zeitlin, S., Jewish Apocryphal Literature, J.Q.R., XL, p. 223, 1949-1950.

Zeitlin, S., Rise and Fall of the Judean State, Philadelphia, 1962.

Zeitlin, S., The Zadokite Fragments, Philadelphia, 1952.

BIBLIOGRAPHY : ADDENDUM

- Abel, F.M., Les Livres des Maccabées, Paris, 1949.
- Bailey, C., Epicurus - The Extant Remains, Oxford, 1926.
- Brett, G.S., The Philosophy of Gassendi, McMillan, London, 1908.
- Cumont, F.V.M., Les Religions Orientales dans le Paganisme Romain, Paris, 1906.
- Dubner, F. Fragmenta et Spuria Plutarchi, Paris, 1876.
- Finkelstein, L., The Pharisees and the men of the Great Synagogue, Philadelphia, 1941.
- Garrucci, Raffaele, Les Mystères du Syncretisme Phrygien dans les Catacombes Romaines de Prétextat, Paris, 1854.
- Ginsburg, M.S., Sparta and Judea, Classical Philology, XXIX, 1934, p. 117.
- Hooke, S.H., Myth, Ritual and Kingship, Clarendon, Oxford, 1958.
- Levin, Ephraim, The Jewish Heritage, London, 1955.
- Lofberg, The Syncophant Parasite, Classical Philology XV, 1920, p 61.
- Mabillon, Jean, De Liturgia Galliciana Libri III in quibus veteris Missae ... Luteciae Parisorum, 1685.
- McGregor, C.H.C. and Purdy, A.C., Jew and Greek, Edinburgh, 1959.
- Meyer, Eduard, Ursprung und Anfänge des Christentums, Stuttgart, 1921.
- Momigliano, A., I Tobiadi nella preistoria del moto Maccabaico, Arast, vol. 67, 1931-1932, 176ff.
- Philo, Judaeus, Writings, (Loeb), London, 1929.
- Revel, B. , Review on Die Sadducaer by Leszynsky, J.Q.R. vol. 7, 1916-1917, p. 429.
- Tertullian, Q.S.F., Writings, vol. II, Ant-Nicene Christian Library, vol. XV, Edinburgh, 1870.