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BY

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THE DIADOCHE OF THE RABBIS; 
OR, JUDAH THE PATRIARCH AT YAVNEH* 

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In his reconstruction of the earliest stages of Christian heresiology, Alain Le Boulluec argues that the notion of apostolic succession, so crucial to the discourse of heresiology — at least in its early, Justinian and Irenaeus form, in which the question of institutional authority is so central 1 — is indebted to "the Jewish, i.e., rabbinic tradition of divinely inspired oral transmission." 2 As Le Boulluec writes,

"C'est dans cette entreprise, très probablement, qu'il pouvait, à l'imitation du rabinisme palestinien qui avait réussi à assurer autour de lui l'unité du judaïsme après la ruine du Temple, dresser une liste de «succession» capable de garantir l'autorité et la validité d'un courant ecclésiastique." 3

* I wish to thank Richard Kalmin and Seth Schwartz for their comments on a draft of this essay, comments which were very helpful indeed.

1 In his second volume, Le Boulluec argues for a somewhat different notion of heresy among the Christian Platonists of Alexandria, Clement and Origen, namely not that which violates scriptural or apostolic authority, or which stands outside the institutional ecclesia, but that which is illogical or philosophically contradictory to the "pattern of Christian truth."


3 "Very probably through this enterprise they were able, by imitating Palestinian Rabbinism, which succeeded in securing around itself the unity of Judaism after the destruction of the Temple, to draw a list of 'succession' capable of guaranteeing the authority and validity of an ecclesiastical current," A. Le Boulluec, La notion d'hérésie dans la littérature grecque Ier-IIIe siècles (Paris: Études Augustiniennes, 1985), 96, and sec also: "Dans le mesure même où le Dialogue exploite un thème juif pour le détourner au bénéfice du christianisme, on est en droit de considérer que c'est à travers l'emprunt au judaïsme qu'un tel motif a chez Justin des traits grecs. Ce n'est pas le modèle des écoles philosophiques qui gouverne sa conception de la validité de la tradition. Son influence n'est qu'indirecte et passe par l'adaptation antérieure en milieu juif" [to the extent where indeed The Dialogue utilizes a Jewish theme in order to turn it to the advantage of Christianity, one has the right
Le Boulluec can hardly be faulted, of course, for depending on what seems to have been the consensus of scholarship in rabbinic history, for most Jewish scholarship until today has assumed that the patterns of Jewish ecclesiology, including the notion of a succession of holders of office that guarantees the authority of the dominant ecclesiastical current, the rabbis, goes back to the first century, well before Justin. That consensus, whatever its internal differentiation, assumes that rabbinic literature is basically reliable in its ascription of its founding moment to the council at Yavnėh, taken as "really" to have taken place in the first century and at which the central institutions of rabbinic Judaism came into being.4

The problem of dating of new developments within rabbinic Judaism remains very fraught with difficulty.5 First occurrence in the literature, even when we can reasonably project a date for that first occurrence constitutes, of course, only a *terminus ante quem* for the

to consider that it is through a loan from Judaism that such a motif in Justin has Greek characteristics. It is not the model of the philosophical schools which rule his conception of the validity of the tradition. The influence of this model is but indirect and passes through the earlier adaptation via the Jewish milieu, Le Boulluec, *La notion*, 86; and, "L’existence de cette diadoche de l’erreur dans l’hérésiologie de Justin conduit à penser qu’il devait lui opposer une diadoche de vérité. Nous avons vu que celle-ci dérivait comme une conséquence logique du modèle d’origine juive que Justin retournait contre le judaïsme pour garantir l’autenticité de la tradition chrétienne." [The existence of this diadoche of error in the heresiology of Justin leads us to think that we ought oppose to it a diadoche of truth. We saw that this one was derived as a logical consequence from the model of the Jewish origin which Justin turned against Judaism in order to guarantee the authenticity of the Christian tradition], Le Boulluec, *La notion*, 89.


ideologeme at issue; the question is, of course, to what extent the silence of prior sources when one might expect the term or concept to appear constitutes a *terminus post quem*. Of course, any given statement in the Mishnah might very well reflect any earlier tradition, however, in spite of the advances of recent research strategies, we cannot ever be certain that a given text existed in the precise form in which we find in the Mishnah prior (or much prior) to the redaction of that text. On the other hand, we can be certain, of course, that the passage was current and deemed relevant at the time of the editing of the Mishnah. In any case, what should be clear is that we can hardly credit the semi-mythical narratives of Yavneh that we find in the Mishnah (*a fortiori* in the later texts) of bearing any positivist probative weight. We are searching for the historicist background of a narrative now, not for the historical reality that it is deemed to convey in its content. I would not dare to write a “canonical history of ideas” based on this method, but I would hold that the burden of proof, at least, is on those who wish to assert the utility of late legends and texts in the reconstruction of much earlier events. Rather, assuming that which we can know, namely that the traditions in question were in existence at the presumed time of the redaction of the rabbinic texts and that they were presumably significant at that time, we can hypothesize connections and nexuses. For a good-sense approach to dating of traditions within rabbinic texts in the postneusnerian era, see Alan Segal, “Since we are dealing with a culture which distinguished various levels of antiquity of traditions in order to formulate legal precedents and valued older traditions more highly, we must

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6 "Materials designated 'traditional' are... always a selection from those that could be so designated. The ones selected are those that figure centrally in the organization of Christian materials favored by the party that puts them forward; therefore, what is labeled 'tradition' always has links to a preferred course of Christian behaviors now," K. Tanner, *Theories of Culture a New Agenda for Theology* (Guides to Theological Inquiry; Minneapolis: Fortress Press, 1997), 165. This does not necessarily mean, with respect to the Mishnah, for instance, that every statement included or story told represented literally the halakhic practice of the redactors, but it does mean that these statements and their meanings were deemed a significant part of the discursive practice of their time and place and thus are relevant for the description of the religious discourse thereof.

7 *Pace Neusner, Canonical History.*
rule out the earlier dating by methodological premise unless and until other evidence warrants it.\(^8\)

Once we shift our historiographical methodologies very different pictures of early relations between non-Christian Jews and Christians will emerge as possibilities. Where once (indeed quite recently) it was common to find in the literature statements such as, "Certainly Jewish Christianity after 135 separated from Judaism, which had by that time become entirely rabbinic. By then Christians had almost entirely lost connection with the Jewish congregations,"\(^9\) we are finding more and more scholarship these days that insists that Judaism did not become entirely rabbinic for centuries after 135 (if ever), and that many Christians did not “lose connection with the Jewish congregations” until virtually forced to by imperial legislation — and, even then, we can hardly be sure that the legislation (the Theodosian Code) achieved what it aimed for. This new perspective has enormous consequence for understanding the histories of both of the new Judaisms of late antiquity.

It was on the basis of the older Jewish historiography that Le Boullee could imagine that Justin’s claim for the apostolic succession as the central institution of Christian orthodoxy, is significantly dependent on, in competition with, or in imitation of, an already existing rabbinic Jewish institution of orthodoxy: “à l’imitation du rabbinisme palestinien qui avait réussi à assurer autour de lui l’unité du judaïsme après la ruine du Temple.”\(^10\) The chronological context within which

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\(^8\) A. F. Segal, *Two Powers in Heaven: Early Rabbinic Reports About Christianity and Gnosticism* (Studies in Judaism in Late Antiquity 25; Leiden: Brill, 1977), 27.


\(^10\) Cf. "Tout cela fut une innovation à Jérusalem, et serait une révolution ailleurs. Lois et traditions non écrites, *opiniones quas a majoribus accepimus de diis immortaliibus*, étaient partout le fondement de la foi" [All of this was an innovation from Jerusalem. It was a revolution there. Law and non-written traditions, *opiniones quas a majoribus accepimus de diis immortaliibus* were everywhere the basis of the religion], E. Bickerman [= E. Bickerman], “La chaîne de la tradition pharisiennne,” *RB* 59 (1952): 52. If I am understanding Bickerman’s somewhat cryptic comment correctly, he, like Le Boullee, locates the Christian revolution in a “Jewish”
virtually all historians of Judaism discuss the crystallization of rabbinic Judaism is the period immediately following the destruction of the Temple, however they characterize that upshot. This way of thinking, of course, contextualizes the Gospels and the writings of Paul chronologically with the founding moments of rabbinic Judaism.

A pair of examples of the ways that the older way of thinking is misleading may be helpful: Robert Hayward assumes that the statement in the Apocalypse that “I am the Alpha and the Omega” must have been traditional [among Jews] in the first century AD,” although we only know parallels to it from rabbinic texts three centuries later than that, because, “it is unthinkable that Jews would have borrowed such an exegesis of the divine Name from the Christians.” On my theoretical assumptions, virtually all of the terms of this statement have to be rethought. If there were no hard and fast distinctions between Christians and Jews, or even better if “Christians” certainly in the first century when the Apocalypse was produced were simply another kind of Jews, then there is no reason in the world not to think the unthinkable, namely that such exegesis was shared by Christian and non-Christian Jews, and it is from this shared treasury that we find it appearing in much later rabbinic literature as well. We don’t know, and probably never will, within precisely which “Jewish” circles it originated, but it could very well have been within the circles that produced the Apocalypse, a text, after all, that if we did not know it as Christian would hardly be difficult to read as “Jewish”! Finally, since the Jewish Christians who produced the Apocalypse seem to have been law-abiding and, therefore, close to other non-Christian Jews in many ways, it is not “unthinkable” that later Jews adopted the exegesis from them.12

innovation, not surprisingly since even this otherwise highly critical scholar simply “believes” the historical reports on the rabbinic literature and locates aspects of the tradition in high antiquity accordingly, Bikerman [= Bickerman], “La Chaîne,” 53.


Similarly, even as subtle and erudite a scholar as David Winston can occasionally be slightly derailed by these oppositions (and this is only more true, of course, of my own work in its earlier manifestations). Thus in describing Philo, Winston remarks his apparent passion for sports, describes the rabbinic opposition to these activities, and then writes:

“In any case, there is a great cultural divide between the rabbinic attitude which barely tolerated sports and Philo’s deep and completely uninhibited passion for them. There can be little doubt that a Jewish intellectual of the Philonic stamp would have been a great embarrassment to the Palestinian religious leadership, nor is it likely that a Palestinian Jewish community would foster the growth of such a personality type in the first place.”

The problem in this formulation, in my necessarily humble opinion, is that it conflates the “rabbinic attitude” with the “Palestinian religious leadership” and even with the “Palestinian Jewish community.” However, from the perspective of my current work, the “rabbinic attitude” is the much later product of a complicated set of historical relays that involve inter alia response to and reaction

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14 For a brilliant restatement of the latest thought on this issue, see H. Lapin, “Hegemony and Its Discontents: Rabbis as a Late Antiqque Provincial Population,” in the present volume, 338-39, who writes: “To return to Palestine, the description of tetrastyle temple facades with images of a god or goddess on the coins of Sepphoris and Tiberias during the reigns of Antoninus Pius and Septimius Severus, and of Hadrian respectively do not necessarily mean that the cities were at this time controlled by their ‘gentile’ inhabitants, as Jones and Avi-Yonah argued. Nor would the actual building of the temples, or of the Hadrianon mentioned by Epiphanius, assuming that these were built. They do, however, imply the creation of a ruling stratum in the cities, whether ‘gentile’ or ‘Jewish,’ for whom these were the appropriate forms of public architecture and of civic promotion on coins. Power and ‘taste,’ not surprisingly, went hand in hand. More significantly, particularly if members of this ruling population would have identified themselves as ‘Jews’ … we have here an example of how the demands of Romanization worked to undermine a widely attested feature of the indigenous culture (the resistance to worshiping ‘other gods’ and to physical representations of the deity), while at the same time constituting an arena in which the boundaries of appropriate local practice might be reimagined or contested.” And there were even rabbis, as Lapin pointed out, for which these boundaries were being contested, so why not, then, Jewish “religious” leaders who loved football?
against earlier forms of Jewish religiosity, so it is not to be excluded by any means that in the first century there were Palestinian Jewish communities and even religious leaders whose attitudes, not only to sports, were more similar to Philo’s than might appear if we allow the optical illusion of reading back from the rabbis to the first century or assuming that their attitudes were never entirely hegemonic even in later times. The rabbinic/midrashic discourse on Moses’s celibacy presents an interesting case-study. This tradition, known well to us from Philo, is cited in Palestinian rabbinic texts only to displace it or marginalize it by stating strongly that celibacy was only for Moses in all of history. The rabbis, accordingly, cannot deny this Philo-like tradition but at the same time are seeking to thoroughly displace its leverage over Jewish lives. This is taking place clearly within the Palestinian context; why, therefore, should we not assume at least as a possibility that among the various forms of “legitimate” Palestinian Jews, Jewish intellectuals, Jewish leaders, and Jewish communities were folks more of a “Philonic” type? Paul is perhaps an example of such as well. The type of Judaism portrayed for first-century Palestine via the legends of Yavneh is on the hypothesis being advanced in this study the product of centuries later.

YAVNEH REVISITED

Martin Goodman, like Shaye Cohen to whose view he is otherwise so deeply opposed, yet reads the rabbinic sources that treat of Yavneh as being, indeed, about the first century. Only thus could he write: “The question I want to tackle in this paper is why some of Josephus’s contemporaries in the nascent rabbinic schools of the land of Israel failed

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16 See L. W. Hurtado, One God, One Lord: Early Christian Devotion and Ancient Jewish Monotheism (2nd ed.; Edinburgh: T & T Clark, 1998), 3-5 for this point. As Hurtado elegantly argues, we cannot ascribe the divinization of Christ to later and gentile influences on the Church, since Paul the quintessential (if sometimes idiosyncratic) Jewish Christian of the earliest generations already manifests such views. They must, therefore, be part of some kind of Judaism.
to take the same liberal stance as, in general, he did. 17 This stricture
needs to be qualified: Both Cohen and Goodman are well aware, of
course, that the evidence for Yavneh is much later and, therefore, ipso
facto problematic. As Cohen writes: "All that is known of the 'synod'
of Yavneh is based on the disjecta membra of the Mishnah and later
works, all of which were redacted at least a century after the event." 18
Nevertheless, in his very next sentence, Cohen writes of the "actual
contribution of Yavneh to Jewish history: the creation of a society
which tolerates disputes without producing sects." The assumption
underlying my work is rather different. Rather than attempting to
reconstruct an obscure period out of the centuries-later legends that
attest to it, I attempt to historicize the texts of a very well attested
period, namely the period(s) in which those legends about Yavneh
and its consequences were produced. 19 The first of these periods was
the moment of the redaction/canonization of the Mishnah as the ini-
tial formative text of rabbinic Judaism. The first Yavneh that we
encounter chronologically (and the subject of this paper), is, there-
fore, the "Yavneh" of the late second and early third century.

On my reading, it appears that at almost precisely the same time
that Justin was producing his notion of apostolic succession, that
development was taking place within the institutional formation of

17 Goodman, "Minim," 502, emphasis added. Oddly, Goodman here con-
trasts his own explicit methodological stricture in a much earlier work in which he
wrote: "I shall follow the lead of Neusner in confining my use of the rabbinic texts
to those that are contemporary. The Jerusalem Talmud... and the Babyloni-
ian Talmud... may well contain trustworthy traditions about the tannaitic period, but it
has been shown that even those stories and laws that appear most reliable —
because they are ascribed in the texts to tannaim and are couched in tannaitic
Hebrew and Mishnaic formulas — are likely to be either misremembered in the
light of subsequent changes in rabbinic thought or even deliberately falsified to aid
such changes," M. Goodman, State and Society in Roman Galilee, A.D. 132-212
(Totowa, N.J.; Rowman and Allanheld, 1983), 8, and see also p. 11 where
Goodman explicitly allows that "Yavnean" legal rulings very likely represent the
assumptions of the Galilee of the late second century, and stories a fortiori, so how,
then can we know anything of Josephus's contemporaries from rabbinic texts?
18 Cohen, "Yavneh," 29.

19 More in the spirit of Cohen's own indication that what he learns from the
Mishnaic texts on Yavneh is that the tannaim (i.e., the rabbis of the second century)
refused to see themselves as Pharisees (although I draw different conclusions from
this refusal).
the Rabbis as well. The two processes are, I would conjecture, somehow connected, and seemingly intimately so, but it is not at all obvious how, and certainly one cannot, on my hypothesis, simply ascribe the development within "Christianity" to influence from a putatively early "Jewish" history.

The crucial rabbinic text for this discussion is the famous introductory passage of the Tractate "Fathers" (hereafter Avot\textsuperscript{20}) of the Mishnah, which has been insufficiently mined, I think, for the history of rabbinic ecclesiology.\textsuperscript{21} A new look at this text will illustrate my point of view. The first chapter of Avot opens with the following text:\textsuperscript{22}

Moses received the Law at Sinai and handed it down to Joshua, and Joshua to the Elders, and the Elders to the Prophets, and the Prophets to the men of the Great Assembly. They said three things: be deliberate in judgement, raise up many disciples, and make a fence around the Torah.

At this point, we are told that the tradition was passed on to the last of the survivors of the "Great Assembly," Rabbi Shim'on Hassadiq, who passed it on to his disciple Antigonus of Sokho. Each of these latter two also are quoted as having left behind precisely three aphorisms. This is then followed by the description of the transmission of the "tradition" via five pairs of leaders in each generation. Each of the

\textsuperscript{20} Frequently called in English, the "Ethics of the Fathers," a highly misleading designation.

\textsuperscript{21} The one exception seems to be S. J. D. Cohen, "A Virgin Defiled: Some Rabbinic and Christian Views on the Origins of Heresy," USQR 36 (1980): 1-11, who, while arguing a position similar to the one in his later Cohen, "Yavneh," seems to sense the difficulty that the Avot passage presents for his approach. See there especially, "Thus this chain of tradition clearly asserts that rabbinic Judaism stand in a direct line with Moses 'our Rabbi,' i.e., that rabbinic authority is of Mosaic origin and character... This is unfortunate for our purposes, since the idea that Moses received at Sinai an eternal regula fidei or set of principles but otherwise left no binding legacy on future generations is very close to the Christian theory analyzed above" Cohen, "Virgin," 3. See also G. Stemberger, "Die sogennante 'Synode von Jabne' und das frühe Christentum," Kairo 19 (1977): 21.

\textsuperscript{22} I am using the translation here of M. Kline, "The Art of Writing the Oral Tradition: Leo Strauss, the Maharal of Prague, and Rabbi Judah the Prince" (Jerusalem, 1998). www.chaver.com/Torah/Articles/The+Art+H.HTM. I have found his formalist analysis of this pericope illuminating as well, as the following discussion should demonstrate.
"pairs" of the tradition from the ones who came before them. Each of these figures is also presented as uttering apophthegms. There are various themes that run through this text and its aphorisms. Moshe Kline has demonstrated compellingly that the text is tightly edited, and the aphorisms are not presented randomly, nor do they have the random thematic contents that one would expect to find were a simple collection of traditional materials before us, but rather form a carefully constructed and composed "philosophical" tract, which culminates in the "pairship" of Hillel and Shammai, the disciples of Shema'ia and Avtalion.

For the nonce, the important observation from my point of view is that the theme of study of Torah and the centrality of Torah and Sages is a virtual constant in this text, appearing already in the maxims of the first pair:

Yose ben Yo'ezar said: Let your house be a meeting place for the wise; sit in the dust of their feet, and drink in their words thirstily.

Yose ben Yohanan of Jerusalem said: Let your house be open wide; let the needy be part of your household. Do not speak too much with women. They said this of one's own wife; how much more is it true of another man's wife. Hence the Sages said: when a man speaks too much with women he brings evil upon himself, neglects the study of the Law and in the end will come to perdition.

It is important to emphasize that already "men of the Great Assembly" are taken to have made a characteristically "Pharisaic" or even rabbinic statement, namely, to "make a fence around the Torah," that is, to make human additions to the laws of the Torah, in order that people will not come to inadvertently violate the strictures of the Law. This is one of the major issues between the Pharisees and other Jews, as well attested in Matthew 12 and 15 and Josephus Antiquities 13 and 18. Just as the statements of the first pair, the "Yoses," also emphasize Pharisaic themes, so do the words of the final pair further emphasize Torah, the Oral tradition, as the essential content of the transmission:

Hillel said: Be of the students of Aaron, loving peace, pursuing peace, loving one's fellowmen and drawing them close to the Torah...

Shammai said: Make regular your [study of the] Torah; say little and do much; and greet everyone cheerfully.

The discourses of both Hillel and Shammai are centered on the notion of Torah and the study of Torah. Indeed, one might easily suggest that the dominant theme of all of Tractate “Fathers” is the production of this very theological and institutional notion. Kline concludes: “The reader has been empowered. He is no longer the student of an ancient tradition but a participant in the process of revelation. With the collapse of the institutions associated with the Temple, a new Man emerges, Rabbinic Man.”

I will suggest that it is not so much a “new Man” who appears nor a reader who is empowered but that rather a new leadership is emerging in this text and a new form of power, including one that sharply excludes, among others, the discourse of women, as implied, inter alia by the dictum not to speak with women – rabbinic “Man” indeed.

The chapter completes itself with three more Sages and their apophthegms. These last three Sages are ancestors of Rabbi Yehuda, the Patriarch or Prince, editor of the Mishnah, known as “Rabbi,” namely Rabbi Gamaliel the Great, his son Shim’on, and his grandson, also Shim’on, who happens to be “Rabbi’s” father. Indeed the very next chapter of the text begins with an aphorism of this same “Rabbi” and then his son, Gamaliel III. The overall impression is, of course, of an unbroken tradition of authority from Moses at Mt. Sinai to the Patriarchate and unbroken connection between the text of the Written Torah given to Moses and the Oral Torah, about to be

24 Kline, “Art of Writing,” 12.

25 In other words, I am suggesting that rather than mere misogyny, the statement of Yose Ben Yohanan has to do with a power struggle in which rabbinic authority — that is whatever rabbinic authority was actually won — is won at the expense of traditional sources of religious knowledge, including that of women. Galiel Hasen Rekem has contributed the insight that the insistence of the Rabbis on resurrection of the dead was not disconnected from the production of the particular “utopian thinking” embodied in the diadoche of the rabbis. G. Hasen-Rekem, The Web of Life — Folklore in Rabbinic Literature: The Palestinian Agadic Midrash Eikha Rabba (trans. by B. Stein, Contraversions: Jews and Other Differences; Stanford; Stanford University Press, 2000), 180-81.

presented in the Mishnah. The repeated theme of the study of Torah, the central religious innovation of the rabbinic movement itself, further enhances the impression of an unbroken chain of authority and authorization for this type of Judaism as the only legitimate one. Kline concludes after careful analysis:

“It is clear that we are dealing with an extraordinarily complex composition. In light of the clear rules of organization which we have seen so far, it is impossible to view our text as a chance collection or historical accretion. Someone put a great deal of effort into constructing this literary document.”

Scholars have noted, however, that the formal and literary continuation of the discourse of the *Pairs* is to be found in chapter 2, following the aphorism of Rabbi, when the text jumps back to Hillel and then continues with Rabbi Yohanan ben Zakkai who “received” from Hillel and Shamai. The list from Gamaliel I to Gamaliel III thus breaks the chronological order of the text and also does not include the formal markers, the verbs “transmitted” and “received.” It is thus apparent on purely formal grounds that two texts have been combined here, one that was marked by a chronological succession including the verbs “receive” and “transmit,” and one, of the Gamalielite succession from Hillel that did not include these formal markets.

In his study of the succession and authority in the late academy, John Glucker has contributed an analysis of this “succession list,” one to which, however, I shall offer some amending glosses. Because he was reading it as a much earlier “document,” he did not connect it to the historical development of the notion of apostolic succession among Christians. Glucker holds that “the whole point of the succession, from the Great Assembly onwards, is that the Law was handed down through recognized holders of office. Only such a succession of recognized holders of office would constitute an answer to the Sadducees, who had a near monopoly on the office of the High Priest.”

This statement seems to me not quite right. “Torah” in *Avot* means

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27 Following the reasonable conjecture that this text originally stood at the beginning of the Mishnah as its “introduction.”
28 Kline, “Art of Writing,” 6.
the Oral Torah, the vaunted paradosis of the Pharisees, and it is the legitimation of this institution as orthodoxy that is at question, not primarily the competition for a particular kind of political, institutional power, which was in any case probably fictive. To be sure, the claim for the legitimacy of “oral Torah” was a power-grab as I will yet further develop, but it was not, I think, expressed in institutional control.

Glueck’s assumption that we have here a succession list of “recognized holders of office” is highly questionable. Although Glueck grants that “it is generally agreed that the tractate in form we have it is already a conflation of a number of earlier versions, put together and rearranged by R. Judah,” Glueck does not take seriously enough, in my opinion, the late second-century context of the production of this text. Thus, Glueck accepts the historiographical practice of Gedaliah Alon, according to which we can reconstruct actual events

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31 Thus also as in the first mishnah of the tenth chapter of Tractate Sanhedrin which reads: “{All Israel have a place in the next world}, and these are they who have no place in the next world: One who denies that the resurrection of the dead is a dogma of the Torah; one who denies that the [oral] Torah is from heaven, and [Jewish] Epicureans” [the phrase in curly braces is not found in virtually all manuscripts of the Mishnah]. See also A. I. Baumgarten, “The Pharisaic Paradosis,” HTR 80 (1987): 63-77. Salarini seems to me simply mistaken when he writes that, “Josephus’ characterization of the Sadducees, that they accept no observance apart from the laws, serves to contrast them with the Pharisees. Thus it means simply that they observed the Biblical laws as they interpreted them and that they rejected the Pharisaic interpretation.” A. Salarini, Pharisees, Scribes, and Sadducees in Palestinian Society (Edinburgh: T & T Clark, 1989), 305. Surely what Josephus means is that the Pharisees had a body of law in addition to the written text, and that the Sadducees rejected anything but the written text. Of course, this does not mean that they interpreted the text more literally than the Pharisees or anything of the sort. But only that the Pharisees held a matter of creed that there was a paradosis that was supplementary to the written text, and the Sadducees disagreed with them. It is this “Torah” that is at issue, both in the “Pharisaic Creed,” better the Pharisaic rule of faith (regula fidei), and in the diadoche of Avot. Cf. Baumgarten, “Paradosis,” 54-65, 70-72. See now also D. Boyarin, “Justin Martyr Invents Judaism,” Church History 70:3 (2001): 427-461.

32 D. N. Myers, Re-Inventing the Jewish Past: European Jewish Intellectuals and the Zionist Return to History (Studies in Jewish History; New York: Oxford University Press, 1995). The most important of the scholars of the “Jerusalem School” about which Myers writes is, arguably, Gedaliah Alon, upon whom Gluecker relies. See G. Alon, “The Patriarchate of Rabbi Yohanan ben Zakkai,” in Studies in Jewish History in the Times of the Second Temple, the Mishna and the Talmud (Tel Aviv:
at Yavneh: its founding by Rabbi Yohanan ben Zakkai while the Gamalielites (true successors to Hillel!) remained in Jerusalem to fight the Romans,\textsuperscript{33} the execution of Shim'on ben Gamaliel by the Romans, the transfer to Yavneh of Gamaliel II, Shim'on's son, after the final defeat and the ousting of Rabbi Yohanan ben Zakkai by popular acclaim:\textsuperscript{34} "But attempts were still made by his followers – and they included many, if not most, of the greatest sages of those generations – to oust out [sic] the Gamalielic Patriarch. It was only Rabbi Judah [that is Rabbi Yehudah the editor of the Mishnah] who finally succeeded in overcoming all opposition and uniting the conflicting parties by the sheer force of his personality, which combined learning and sanctity with authority and a knowledge of the ways of the world and its rules."\textsuperscript{35}

The oddest thing about Alon's reconstruction, as adopted nearly whole cloth by Glucker, is that it interprets the Yohanan ben Zakkai line as the "usurper," as it were, swallowing entire the Patriarchal power-play of Rabbi Yehuda. Here is Glucker's formulation:

"The original succession was, one assumes, from Moses to Hillel and Shamai – they, after all, represent the last generation of sages of Temple times proper, when the dispute with the Sadducees was still going on. To this, the name of Rabbi Yochanan was added as the sole

Hakibbutz Hameuchad, 1967), 253-73 (Hebrew). See recently, S. Schwartz, Imperialism and Jewish Society from 200 BCE to 640 CE (Princeton: Princeton University Press, 2001), part II, chapter 1: "G. Alon, who always ascribed to the rabbis absolutely as much power and popularity as the most romantically sentimental reading of rabbinic literature would allow." The point is not that Alon was a naive scholar; he wasn't that, but he certainly had a very different set of assumptions about the relationship of rabbinic legends to historical realities than most scholars would now subscribe to.

\textsuperscript{33} But it should be carefully noted that Alon himself was not condemnatory of Rabban Yohanan ben Zakkai. Gedaliahu Alon, "Patriarchate," 260.

\textsuperscript{34} Alon, "Patriarchate," 267-73.

\textsuperscript{35} Glucker, Antinoebus, 361. Glucker's reliance on the half-century old work of Gedaliah Alon would be roughly analogous to a historian of Judaism using Harnack as his latest source for the history of Christianity. However brilliant, Alon's positivism and naïve reliance on the texts as reflections of reality have been long superseded within the field. See for instance Stemberger, "Synode," and literature cited there. For work that is still being written in this mold, see e.g. E. (Rubin) Habas, "Rabban Gamaliel of Yavneh and His Sons: The Patriarchate Before and After the Bar Kokhba Revolt," JJS 50 (1999): 21-37.
successor of this pair by members of Yochanan's school, thus disputing the rival claim of Gamaliel, and the succession in this extended form – Moses to Yochanan – was incorporated in the earlier versions of the Mishna, stemming from followers of the same school. When Rabbi Judah came to edit what was to become the final (and now the only extant) version of the Mishna, he found this succession as part of that version of Abath which he included, with his own additions, in his Mishna. Being a man of peace, who strove to end the controversy between the two factions, he did nothing to change this list, including Rabban Yochanan's succession to both Hillel and Shammai. This was his concession to the other party."

The implication of this is, therefore, that it is the text that Rabbi Yehuda found before him that represents an attempt at usurpation of the claims of an existing and legitimate Gamalielic Patriarchate, as the successor to Hillel, also taken as Patriarch. Rabbi Yehuda, however, in his almost Aaronic irenicism, chose not to challenge this usurpation and restore the "original" text and political situation, within which his family and only his are the legitimate successors to the paradox and the patriarchate.

However, when we look at the text, it is clear that it is the Gamaliel to Yehuda line, the Patriarchal succession list, that is the textual addendum in a natural succession list (that is, natural from the point of view of its literary form) from Hillel and Shammai to Rabbi Yohanan ben Zakkai. Glucker reads this as "a very delicate and tactful compromise, which reveals Rabbi Judah at his best, quietly and peacefully – but not meekly – asserting his own authority and claims, without obliterating the tradition of the other side."

In other words, Rabbi Yehuda's forcible introduction of his own genealogy into someone else's is glossed as a quiet and peaceful compromise, rather than a preemption and appropriation. The reason for this counterintuitive interpretation is, once more, that Glucker (like Alon and most historians of rabbinic Judaism) has assumed that the Patriarchate is an

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36 Glucker, Antiochus, 361.
37 Explicitly so according to Alon, "Patriarchate," 273: "And even here the mainstay of the usupers of the family of the Patriarchs was Rabban Yohanan ben Zakkai."
39 Glucker, Antiochus, 362.
ancient institution going back to Yavneh itself, to the "real" Yavneh, in fact even before, to Jerusalem under the siege. Rabban Gamaliel and his line are, therefore, the "authentic" Patriarchs, perhaps even the literal descendants of Hillel,40 and the whole meaning of the text has to be contorted in order to make sense of this putative history. The second assumption that drives this reading is that Rabbi Yehuda succeeded, in Glueck's words, in unifying the two striving power-sources, "through the force of his personality," as well as his vaunted "sainthood." However, on the conservative methodological principle that I have adopted, following Lieberman, that the texts are to be read in the context of their redaction, there is little reason to assume the institution of the Patriarchate as such before Rabbi Yehuda himself.41


41 "In all probability, many of the privileges and the extensive authority of the Patriarchate reflected in later, non-Jewish sources (especially Codex Theodosianus, Libanius and several of the Church fathers) were first granted to R. Judah," L. D. Levine, The Rabbinic Class of Roman Palestine in Late Antiquity (New York: Jewish Theological Seminary, 1989), 34. Moreover, Levine grants that while Rabbi Yehuda's grandfather, Rabban Gamaliel II, may have had contacts with Roman authorities, "it is difficult to assess his official position and the extent of his authority within the Jewish community," so on what grounds, I ask, does one speak of a "decline" in the status of the office of the Patriarch in the days of Rabbi Yehuda's father, Rabbi Shim'on? (pace Levine, Rabbinic Class, 34). J. Juster, Les Juifs dans l'Empire Romain: leur condition juridique, économique et sociale (Paris: Geuthner, 1914), 1:393, followed by M. Avi-Yonah, The Jews of Palestine: A Political History from the Bar Kokhba War to the Arab Conquest (New York: Schocken Books, 1976), 56 ff hold also that the Patriarch was a typical Roman client-king, established as such after the Bar-Kokhba rebellion by Antoninus Pius in order to have a puppet government to control the Jews, and that Rabbi Yehuda was, therefore, the first. This puts, of course, something of a different spin on the legends of the great friendship between Antoninus and Rabbi Yehuda in the Talmuds. See meanwhile S. Krauss, Antoninus and Rabbi (Frankfurt a. M.: Sanger & Friedberg, 1910); L. Wallach, "The Colloquy of Marcus Aurelius with the Patriarch Judah 1," JQR 31 (1940-41): 259-86. Indeed, given the paucity of references to even Rabbi Yehuda I as "Patriarch," in even the rabbinic texts as well as the fact that the earliest external references to the office are from the mid third century (Origen), it seems not impossible that it was only his son or grandson who was fully established in this office. The reference in Origen is fascinating, for it indicates that the Jews called the Patriarch a king as part of a propaganda effort against Christians who cited the verse of Gen.
The purpose of much of the Yehudan literary production would be precisely to give a genealogy and legitimization to his line, over-against the counter-line of the Pharisaic (or Scribal! [see below]) teachers whose own diadoche ran from Moses to Rabbi Yohanan.\footnote{Aqot could then be seen as an instance of the genre of literature Ἰερικὸν δοκητικὸν, on which see W. von Kienle, Die Berichte über die Sukzessionen der Philosophen in der hellenistischen und späthellenistischen Literatur (Ph.D. diss. Berlin, 1961), cited in D. T. Runia, "Philo of Alexandria and the Greek Haeresis-Mêdel," <i>VC</i> 53 (1999): 123 [unexamined] and R. G. Andria, <i>I frammenti delle successioni dei filosofi</i> (Naples, 1989). This is essentially the point of Bickerman [= Bickerman], "La Chaîne," except that I would hesitatingly suggest that it characterizes the whole tractate, not merely its introductory section.} The intruder or usurper here is the Patriarch, almost iconically symbolized by the intrusion in the text. The reason for the highly unusual (for the Mishnah) inclusion of Rabbi Yehuda's son is also now clear, for it is in the transmission of authority from the founder to the first son that the true existence of a dynasty is established. On the other hand, Rabbi Yehuda could hardly expunge Rabban Yohanan from the diadoche, since virtually the whole Mishnah is based on the statements of his disciples, so his "delicate compromise" alone hardly establishes him as a man of peace.

39:10 indicating that the Messiah would come after "rulers shall fail from Judah and the leaders from his thighs, when he shall come for whom it [the kingdom] is reserved," as indicating that the Christ had come. As Origen writes, "For it is abundantly clear from history and from what we see at the present day that after the times of Christ kings have not existed among the Jews," Origen, <i>On First Principles</i> (trans. & introd. G. W. Buttreworth, with an introduction by H. de Labac; Gloucester, Mass.: Peter Smith, 1973), 259. To this charge, Jews apparently rebutted that "what is said by Jacob in Genesis is said of Judah, and who declare that there remains to this day a ruler who comes from the tribe of Judah, that is to say, that person who is the ruler of the Jewish nation and whom they call the Patriarch, and, they add, men of his seed cannot fail to continue until the advent of that Christ whom they picture to themselves;" Origen, <i>On First Principles</i>, 260. (Cf. also the passage in Origen's <i>Ep. ad Africanum</i> 14 [PG. 11, 82 ff.]). Justin Martyr, tellingly, cites the same Christian argument against the Jews, and knows of some Jewish answers to the charge, referring to High Priests and prophets but none referring to the Patriarch as ruler and king of the Jews. A. L. Williams, ed. and trans., <i>Justin Martyr: The Dialogue with Trypho</i> (Translations of Christian Literature; London: SPCK, 1930), 103-4. It is also possible indeed that the Patriarch did not, in fact, have any real power until the fourth century with some prestige, however, accruing to the office by the mid-third (as we cannot ignore the evidence of Origen).
An important point that Glucke did not take cognizance of is that the very identification of the pairs as being composed of a Patriarch, a נשי, and a president of the court, i.e., as the "office-holders," so important to his reading, is also only an artefact, apparently, of the latest editing of the Mishnah. It does not appear here in Avoq at all, and in the only place where it does occur, it is tacked on as a glossing coda to a text that makes no mention of it otherwise (Haggiga 2:2). It seems most plausible to assume, therefore, that it is an addition at the redactional stage of the Mishnah, i.e., from Rabbi's time, towards the end of the second century or even early in the third. It cannot be accounted for, therefore, as Glucke does, as providing the requisite institutional counter-claim to the Temple power-base of the Sadducees. The most plausible inference would seem to be that, far from the House of Gamaliel, as it were, being the legitimate successors to an institutionalized Patriarchate that goes back to Hillel if not further than that, it is a relatively new power-source within Jewish society — empowered by its connection with the Principate — that joining itself, not without struggle as we shall see, to the prestigious, if not hegemonic, Yohananine school tradition, was finally able to launch the ultimate establishment of rabbinic Judaism as the orthodoxy of the Jewish people, an establishment that was, nevertheless, to take centuries in the formation. As Shaye Cohen has noted, "[T]he

43 It is simply not the case, then, contra Glucke, that "By the time the succession-list was formulated, it was already conceived as a succession to two offices" Glucke, Antiochus, 359, n. 84. Alon had already noted that this is an anachronism, Alon, "Patriarchate," 254, n. 4. See also Levine, Rabbinic Class, 75. See also נתניאי, 2:1 All other sources are even later than this.

44 Glucke, Antiochus, 358, n. 83.

45 This position is, of course, consistent with the most current views on the Patriarchate that see it as growing in power through the fourth century, as summed up by Levine, "Status." Seth Schwartz has proposed an elegant hypothesis to account for the beginnings of patriarchal power in the early third century, arguing that since Jewish communities both in Palestine and the Diaspora had lost much of their power after the various revolts (115, Diaspora; 135, Palestine), they needed some form of semi-official representation if any petitions of theirs were to be heard in the imperial court: "If the patriarchs now assumed the role of Herodian-style advocates for diaspora communities, they would have acquired political leverage — and enhanced fund-raising potential — there, not to mention visibility in the imperial court (is this the reality behind the fictional tales of the meetings of 'Antoninus and Rabbi?'), and renown at home." Schwartz, Jewish Society, Part II, chapter 1.
connection between the patriarchate and kingship was not made until the time of Rabbi himself."\(^\text{46}\) Prior to that the Gamalielites were apparently simply leaders of a school, no more, no less so than the disciples of Rabbi Yohanan ben Zakkai.\(^\text{47}\) This new institution is striving in the text to provide itself with a double genealogy. First of all, Rabbi Yehuda provides himself with a chain of succession going back several generations in his family, with the inscription, at least, that they are, moreover, direct descendants of Hillel (swallowed whole-hog by Alon and a fortiori by the lesser historians of his time and before), and secondly, this Patriarchal line has been grafted into the paradosis of the Yohanite teachers and Rabbis. The glossing of these “pairs” as office-holders is thus a distinct anachronism, the product of a much later period in which the Patriarchate existed as a political entity. This narrative of Yavneh is, thus, about Rabbi Yehuda and his claims to power, hence the title of this paper.

My reading is, therefore, almost the direct contrary of Glucker’s Alon-based interpretation.\(^\text{48}\) Where he sees the Yohanines as the usurpers in a legitimate political succession of office-holders, I see the Gamalielites as interlopers in the dominant school tradition of the Yohanines, including the leading figures of later rabbinic Judaism and especially Rabbi Akiva.\(^\text{49}\) Both of the terms used in the Avoi text, namely “received” (= קבלא) and “transmitted” (= תל.eye) have precise equivalents in the Greek Jewish literature of the first century, including various documents in the Gospels and Paul. As Albert Baumgarten has perspicaciously noted,

\(^{46}\) S. J. D. Cohen, “Patriarchs and Scholarchs,” PAAJR 48 (1981): 74. This is a very important paper, which I am sure Cohen would today modify such that his talmudic texts about Yavneh and the patriarchate would be read as parallels to the fourth-century neoplatonic and neuplatonic texts that he cites and not be referred to the second or the first century, but there is vision, yet, for another day!


\(^{48}\) Alon had argued that Rabban Yohanan ben Zakkai was a patriarch because he iscalled “Rabban” as the patriarchs are and not “Rabbi.” The texts, however, are all hundreds of years later and could easily reflect this grafted and not some historical “reality.” From my perspective the latter explanation is almost certainly preferable. “Rabban,” moreover, itself, may have simply been the name of the leader of a school and only later taken as the title of the Patriarch. The references to Gamaliel in Acts hardly seem to be representing him as other than the dominant Pharisee teacher and head of a Pharisaic school as well.

"the term paradosis and paralambanein are counterparts depicting the process of transmission from two different perspectives. The terms discussed thus far are from Greek sources, but the Semitic originals behind the Greek translations are readily recovered. Paradosis must reflect a form of the root mir, paralambanein of the root qbl."

or in other words, the precise two verb forms that we find in the Mishnah in Avoth, but not, as has been noted before, in the list running from Gamaliel I to Gamaliel III, the son of Rabbi Yehuda. Without the Gamaliel to Gamaliel pericope, we have the diadoche of the paradosis from Moses to Rabbi Yohanan ben Zakkaei the post-Destruction "receiver" of the tradition. Given that the text is intruded upon by a succession list, beginning with Gamaliel and culminating in Rabbi’s successful transmission to his son, everything points to him, the redactor, after all, of the Mishnah, as the composer of this text, the one who forcibly incorporated the Patriarchal institution into the Yohananine succession of teachers, and the one who sought, thereby, to "project himself as in the line of the Diadoche." I conjecture that it


51 Language adopted from E. S. Gruen, Heritage and Hellenism: The Reinvocation of Jewish Tradition (Hellenistic Culture and Society 30; Berkeley: University of California Press, 1998), 263, with reference to a different text and a different figure but a similar discursive and political move. Interestingly, Kline’s analysis, building on that of the sixteenth-century Rabbi Loew of Prague, demonstrates as well that thematically the discourse of the Pairs begins with aphorisms about home life and proceeds through ever expanding rungs of authority, student, judge, teacher, until Hillel and Shammay are effectively giving rules for leaders of the entire People. This could be taken as a covert recognition that the leadership of the rabbinic movement is, indeed, a recent acquisition, or even (must likely) just wishful thinking. See also Baumgarten, who writes: "Note that the core of m. Avoth is Pharisaic, but literary analysis has shown that the core underwent substantial revision before becoming the text of m. Avoth as we know it now," Baumgarten, “Paradosis,” 67. This reconstruction can be supported by reference to the A version of Avoth d’Rabbi Nathan (a later commentary on Avoth, based, however, on an earlier recension), in which indeed Yohanan ben Zakkaei comes immediately after Hillel and Shammay, as remarked by A. Saldarini, Scholastic Rabbinism: A Literary Study of the Fathers According to Rabbi Nathan (Chico, CA: Scholars Press, 1982), 11. Saldarini comes closest to the position articulated here, Saldarini, Scholastic, 16, without, however, I think taking into consideration the full implications of the point. As conveniently summarized by Saldarini, Scholastic, 15, it is easy to see how the present hypothesis differs from previous ones (of such major authorities as J. N. Epstein, Introductions to the Literature of the Tannaim [Jerusalem: Magnes/Dvir, 1957], 232 [Hebrew], L. Finkel-
is in that insertion, which presumably took place at the time of the editing and promulgation of the Mishnah by Rabbi Yehuda, that the paradosis and the paralambanein of the earlier tradition became combined with the political institution of the Patriarchate, thus producing for the first time the notion of only one and single legitimate source of Torah for the Jews, and thus the discourse of rabbinic Jewish orthodoxy was invented (which is not to suggest that at that time it became hegemonic, any more than Justin's discourse of orthodoxy or even Irenaeus's became hegemonic in their time). This would put the production of the discourse of apostolic succession in rabbinic Judaism later than it is to be found in Christian circles, beginning with Justin.

One possible way of putting the known scraps of data together into a narrative would be to imagine that it was the group known as the "Scribes"—presumably tracing their own genealogy back to Ezra the Scribe who read the Torah, "translating it and giving the sense; so they understood the reading" [Nehemiah 8:8]—who introduced Torah-study as the central practice into Judaism, as Neusner has suggested—and they may, very speculatively, be identified with the Yoḥananite group.\(^{32}\) An issue that is potentially illuminated by this

stein, Introduction to Tractates Fathers and The Fathers of Rabbi Nathanael [New York: Jewish Theological Seminary, 1950] (Hebrew), and in another realm D. Geogr, "The Records of Jesus in the Light of Ancient Accounts of Reverted Men," in Proceedings of the Society of Biblical Literature [Chico, CA: Scholars Press, 1972], 538-39 in which the chain of tradition ends with Hillel and Shammua and the Rabbi Yoḥanan ben Zakai pericope is an entirely separate literary source. What all of these analyses have missed in my opinion is that the literary form of the Yoḥananite sayings themselves indicate that it was the original continuation and conclusion of the chain of tradition. Moreover, since, as Saltarini has seen, "The introduction [of the traditions] of Yoḥanan's disciples resembles that given the saying of the Men of the Great Assembly in ch. 1," and, therefore, "suggests that Yoḥanan's disciples are part of the chain of tradition." I would opine, against all the authorities cited above, we have one original source into which the Patriarchal chain has been interpolated by force and by Rabbi Yehuda the Patriarch. That original source consisted of the diadoche of the Rabbis up to the founding of the school by Rabbi Yoḥanan and then continued with "the listing and characterization of his disciples," which is, "common in the lives of Hellenistic philosophers," Saltarini, Scholastic, 12.

perspective is the problem of the dual inscription of the origins of the Passover Haggada as recorded in the tannaitic literature. On the one hand, the Haggada itself includes a story about Rabbi Aqiva and his fellows sitting in Bene Beraq and telling about the Exodus from Egypt for the entire night; on the other hand, the tosefta Pesahim 10:12, \(^{53}\) tells us that Rabban Gamaliel and his fellows spent the entire night discussing the laws of sacrifice of the Passover. The omission of any activity other than reciting the laws so amazed Saul Lieberman that he emended the text following a medieval testimonium.\(^{54}\) However, if we assume that the Gamalielic practice represented the Pharisaic tradition and the one of Aqiva and his associates the “scribal” one, this problem is obviated. For according to Josephus himself, the Pharisees precisely are characterized by a faithful, even slavish, devotion to tradition without discussion or debate:

“They follow the guidance of that which their doctrine has selected and transmitted as good, attaching the chief importance to the observance of those commandments which it has seen fit to dictate to them. They show respect and deference to their elders, nor do they rashly presume to contradict their proposals.”\(^{55}\)

This description is congruent at least with the passage in *Ant* that describes Rabbi Eleazar as a “limed cistern that never loses a drop” (2:8), as well as the declaration that that same Rabbi never said a word that he did not hear from his teachers. Justin Martyr still refers to the Pharisees as a Jewish sectarian group, a “hairesis.” According to my conjecture, the Pharisees, in Justin’s time, the mid second century, had not yet been fully integrated into the grand coalition of late antique rabbinic hegemony, even though, seemingly, their religiosity

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\(^{54}\) Lieberman, *Tosefta*, 655.

\(^{55}\) Josephus, *A.J.* 18.12 (Feldman, *JCL*, 11). Feldman’s comment adqu Josephus’s description of the Sadducees: “they reckon it a virtue to dispute with the teachers of the path of wisdom that they pursue,” Josephus, *A.J.* 18.15 that this means that the Sadducees are argumentative and boorish, because “even a cursory examination of the Talmaud will reveal that the Pharisees were no whit inferior to the Sadducees in skill of disputition.” Josephus, *A.J.* 18.14 is dependent on a pietistic conflation of Pharisees and later rabbis.
was not irreconcilable with that of the Scribes. Each group practiced the Passover according to their own custom.\textsuperscript{56}

I surmise, therefore, that precisely counter to the view of Gluecker et al.,\textsuperscript{57} it seems most likely that the earlier form of the text that appears in \textit{Avot} was simply a list of teachers and teachings, meant to authorize a community of teachers, a school, \textit{a haTresis}, by tracing their genealogy back to Moses and Sinai and down to Rabban Yohanan ben Zakkai, the putative founder of the academy at Yavneh. There is no warrant whatever for seeing “a succession of recognized holders of office” – producing the singularity of the legitimate apostolic line – being written into this text until the time of Rabbi and the redaction of the Mishnah, when the gloss in Tractate Hagiga was added.\textsuperscript{58} The institutional struggle implied by such an effort at legitimation, whether against Sadducees or within the nascent “rabbinic” orthodoxy itself, is best located, then, at that time, that is at the same time that the Gamalielic line was inserted into the \textit{diadoche} of the Yohananites. This point is supported as well by a tannaitic \textit{beritah} in the Babylonian Talmud which records at Ketubot 103b that when Rabbi Yehuda the Patriarch was about to die he avowed in an oral testament, inter alia: “Shim’on my son will be the Sage and Gamaliel my son will be the Patriarch.” Although the Babylonian Talmud itself seems not to understand the phrase, interpreting it as if it read “Shim’on my son is a sage,” it is clear from the context that two offices are being mentioned, particularly as the third clause also indicates an office-holder. In my view, this represents a memory of the


\textsuperscript{57} Gluecker, \textit{Antiochus}, 359, n. 83.

\textsuperscript{58} Note that on other grounds, I. I. Levine has denied the existence of permanent schools with \textit{diadoche} before the third century in Palestine. See Levine, \textit{Rabbinic Class}, 29 and passim. Note as well that this interpretation supports Gluecker’s general argument that a \textit{haTresis} was not a school in the sense of an organized institution but only in the import of a school of thought. The difference is that between the “Freudian school” of psychoanalysts in the U.S. and the \textit{École freudienne} of Paris. The former might very well invoke a \textit{diadoche} (as noted by Ramin, “Philos and Hairesis,” 123) but only the latter would require a succession list of recognized holders of office.
same institutionalization of double-leadership, scholarly and political, of the rabbinic corporation that is read backwards in the Yehudan gloss that indicates that of the two “pairs,” one was the Patriarch and one the President of the Court.  

Lee Levine writes: “The sages looked favorably upon R. Judah's standing. In addition to pride in their colleague's [sic] achievement, the status of the rabbinic class within Jewish society at large was undoubtedly enhanced.”  

I certainly agree with the latter proposition. I would only, therefore, slightly modify Levine's formulation in a somewhat more skeptical direction; not so much pride and collegiality but pragmatic recognition of the Prince's power was at stake. Our Mishnaic “apostolic succession list,” accordingly would stem, on this reconstruction — plausible, I think, but by no means “proven” — from the transformation of the chain of tradition of a Hellenistic philosophical school into the institution for the protection of the faith that the concurrently developed discourse within “orthodox” Christian circles originates from as well. Le Boulluec was thus correct to link the phenomena within the two “religions” as homologous, but the causal chain that he (and Bickerman) assumed seems at best unsubstantiated.

The overall hypothesis suggested by these considerations is that the rabbinic movement should, indeed, be essentially considered on the model of a Hellenistic philosophical school; the Rabbis, as they articulate their self-understanding in *Avot* so perceive and portray themselves. For a given time, this particular school was the dominant political force among Palestinian Jews as well, owing to its backing by the Roman administration. This political substance is iconically symbolized in *Avot* via the near-violent introjection of the patriarchal line into the chain of tradition of the rabbinic *hairesis*. There is no reason to imagine, however, that “rabbinic Judaism” ever became the popular hegemonic form of Jewish religiosity among the “People of the Land,” and, as I shall argue, elsewhere, indeed every reason to believe the opposite. In other words, it would seem that the best way

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59 As Yehoram Biton has remarked to me, another clause in “Rabbi’s Testament,” his command to Gamaliel III to “conduct your Patriarchate with severity, and strike fear into the hearts of the sages,” points in this direction as well (oral communication July 13, 1999).

to characterize the Rabbis is neither as church, nor sect, but as school, reflecting, indeed, the accuracy of Josephus’s sensibility and portrayal.  

TWO HYPOTHESES

Three major events constitute for the ultimate emergence of catholic Christianity take place in the second century: The emergence of the discourse of heresiology, the notion of the rule of faith, and the invention of the idea of the apostolic succession. Three threads in the fabric of rabbinic history that also seem to be woven together in the late second century, as evidenced by the literary product of that period, the Mishnah, parallel these: The invention of minait, the first Jewish term for “heresy,” the promulgation of the Pharisaic regula fidei as well as practices for the exclusion of the minim from the House of Israel, and the publication of a list of “apostolic succession” for rabbinic Judaism. Tractate Avot. By way of concluding this paper I will offer two hypotheses or models to account for the particular historical moment in which, on my reading, both the rabbis and Christian theology begin to develop “La notion d’hérésie.”

In the first hypothesis, the parallel developments that this discussion identifies within rabbinic Judaism and Justin’s Christianity are not necessarily connected with each other in a genetic or causal sense but are rather both instances of larger cultural processes within the world of Hellenistic philosophy. As L.W. Barnard has recently characterized this period: “A return to philosophic ‘orthodoxy’ is a characteristic of this phase and a great interest is taken in the founders of the schools, their lives, works and doctrines.”  

64 This is the major argument of Saldañini, Scholastic, with whom I am in complete agreement.

62 For the first of these, see, of course, Le Boulluec, La notion; for the last, see also the very important A. Brent, “Diogenes Laertius and the Apostolic Succession.” JEH 44 (1993): 367-89. Brent apparently did not know the work of Bickerman on the “Chaine.”

63 Boyarin, “Justin Invents Judaism.”

discursive developments that this research has identified in Justin's text and in the Mishnah, the invention of heresy and the promulgation of the doctrine of apostolic succession would both be epiphenomena of a wider, general tendency of thought in the second century world of middle platonism.

My second hypothesis involves the Rabbis and Justin in a tighter web of mutual association and complicity in the process of the invention of orthodoxy and heresy. I conjecture a very specific model for thinking about the joint production of the notion of heresy among Christians like Justin and rabbinic texts at about the same time, namely the very discourse of the production of "Judaism" and "Christianity" as separate and distinct religions. From my point of view, this so-called "parting of the ways" is not simply a historical fact on the ground but a discursive project of certain elites within Christian and non-Christian Jewish circles. As Rowan Williams has put it:

"If we are not permitted to speak of 'essences,' how shall we define a religion at all? Perhaps we should begin by noting that the question itself is an odd one in many contexts. The 'religion' of classical Greece or Rome...is simply the totality of cultic practices, mythology and speculation about the gods current among the people of a specific area or ethnic-linguistic unit or network of such units. Religious definition is inseparable from definition as a people or a city or whatever; the de facto context in which a person lives is assumed to be the source for 'meaning,' the provider of a comprehensive pattern or map of the cosmos."55

This type of cultural situation is called, following Jonathan Z. Smith's evocative terminology, "locative." 66 Williams emphasizes the way in which the nascent Church transferred its imagined community from that of Israel via the techniques of diaspora: "Since the new genus is by definition not limited by geographical locality, continuities in


space need to be preserved between scattered groups.” This had certainly been true of old-fashioned “locative” Israelite religion for several hundred years before Christ, and the nascent Church adopts the modes of such diasporic organization, the exchange of letters, sharing of resources, raising of funds for Jerusalem, from the Jewish Diaspora. Williams, it could be said, gets the point: “[In 1 Peter] the imagery of the Jewish diaspora is deployed as a model for the self-understanding of Christian communities: common baptism, in which the ‘word’ of God’s eternal election is appropriated (1:23, 3:21-22), substitutes for common ancestry.” This “word” was finally to define itself in terms of creed, and The Church came into being, some time in the second century, probably towards its close. As Williams has articulated it, following Smith, “[t]he problem of strictly religious definition arises only when irresolvable crisis afflicts the ‘locative’ religious life of a society, when it is no longer clear or credible that the de facto environment, cosmic and social, does provide meaning and pattern.” Williams himself offers the following “causes” of the crisis as a typical if not exhaustive list: “the destruction of a shrine, or the end of a monarchy, or the slower erosion of belief in cultic efficacy if it is seen to be too nakedly allied with dominant ideology in a situation of acute injustice.” None of Williams’s causes alone need have triggered a crisis for Judaism. Judaism had survived the end of the monarchy and was developing “diasporic-locative” forms based on the locative force of memory that could have (and ultimately did, after the crisis) survived the destruction of the Temple as well. As Shaye Cohen has written,

67 Williams, “Pre-Nicene Orthodoxy,” 11-12. Williams, however, does not mark the discursive shift represented by Justin and Irenaeus at all (nor does he even refer to Le Boullec), so, in a sense, he does not address all the epistemic developments that are being discussed here. Nevertheless, his contribution is helpful in the ways that I have outlined.


69 Interestingly, if any of these is accepted (or a combination of them) as an account of the development within Judaic-Christianity, we are left with one version or another of a supersessionism, in which the “strictly religious definition,” Christianity, is a response to the destruction of the Temple, the end of Jewish sovereignty, or a response to one version or another of “Pharisaic” alliance with dominant ideology.

"The air of crisis which pervades the apocalypses of Baruch and Ezra is conspicuously absent from tannaitic [2nd and 3rd century rabbinic] literature, even those dicta ascribed to Yavnean figures. The point of the legend about Rabban Yohanan ben Zakkai and Vespasian is that rabbinic life ought to continue as before, the Jews subservient to foreign rule and occupied with the study of the law. No crises here. And even the apocalypses of Baruch and Ezra [are not] concerned with the cessation of the sacrificial cult per se."

Put another way, my point is that Judaism was well underway to redefining its locativity and, "transferring of shrine imagery to the new community," even before the Temple was destroyed, so we need something else to account for the crisis that produces "religion."

I substitute for the notion of crisis the speculation that the juncture that produced the religious definition within the Judaeo-Christian system was precisely the success of Judaism in attracting sufficient numbers of "others" (Gentile Christians) that the "locative" definition simply didn't work any more. Rather than the loss of the Temple in my view, it is the breaching of the locative definition of Israel engendered by figures like Justin that necessitates a "strictly religious definition," orthodoxy and heresy in their broadest sense as the boundary marker for both nascent Christianity and also, more surprisingly, for nascent rabbinic Judaism as well. Christian orthodoxy, I suggest, and its institutional and discursive trappings virtually force the production of a discourse of orthodoxy among the rabbinic would-be (perhaps in both senses) Jewish leaders as well. This is not to claim, of course, that the two discourses of orthodoxy are structurally or functionally exactly the same ("Judaism" could still, of course, call on literal genealogy for its legitimation), however in some aspects they seem very similar indeed, and the invention of the diadoche in both, the list of apostolic succession seems to me one of these instances.

After the time of Justin and his promulgation (if probably not invention) of Verum Israel, becoming a Christian (or follower of Christ) meant something different – it no longer entailed becoming a Jew –, and once becoming a Christian became identified with

73 In other words, after the relative ecclesiastical triumph of Paulinism over Petrine or early Jamesian Christianity.
"entering Israel," the whole semantic/social field shifted. The boundary between Greek and Jew, the definition of Jewishness as national or ethnic identity, was breached or gravely threatened by the self-definition of Gentile Christianity as "Israel" — precisely what Paul had called for, leading to a reconfiguration of the cultural features that signal the boundary, indeed the understanding of the substance of the boundary itself from the genealogical to the religious, hence orthodoxy and heresy as a boundary marker. The boundaries had indeed

74 For Paul’s attack as being on the traditional “boundary markers” of Jewishness, see J. D. G. Dunn, Jesus, Paul and the Law: Studies in Mark and Galatians (Louisville, Kentucky: Westminster/John Knox Press, 1990), 183-214. I do not mean to be ascribing only one cause to this breach. S. J. D. Cohen, The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties (Hellenistic Culture and Society 31; Berkeley: University of California Press, 1998), 70. argues that, “all occurrences of the term Ioudaion before the middle or end of the second century B.C.E. should be translated not as ‘Jew,’ a religious term, but as ‘Judean,’ an ethnic-geographic term. In the second half of the second century B.C.E. the term Ioudaion for the first time is applied even to people who are not ethnic or geographic Judeans but who either have come to believe in the God of the Judeans (i.e., they have become ‘Jews’) or have joined the Judean state as allies or citizens (i.e., they have become ‘Judeans’ in a political sense).” This semantic shift lies a significant development in the history of Judaism,” and see pp. 92-93 for an impressive bit of evidence for this claim. I am suggesting that this shift — huge to be sure — in the history of Judaism was necessary, but not sufficient, for precipitating the shift from a locative to a fully religious definition of “Jew” which was to take place only four centuries later in the second century A.D. (I prefer this usage to C.E., since I don’t hold with the notion of a Common Era. Converts can be understood as adopted members of a family or naturalized citizens, and there is no indication yet that Jews could ever cease to be Jews by believing or practicing in the wrong way. The ways that one leaves a collective (voluntary or not) are as significant for defining the nature of that collective as the ways that one joins it. As Cohen himself points out, in the Hasmonaean period, Jews could become “apostates,” but they did not, thereby and cease to be Jews, Cohen, Jewishness, 105. It seems telling that in his consideration of crossing of the boundary between Jew and Non-Jew, Cohen never considers the question of crossing out, transgressing yes (via intermarriage) but not actual crossing out of the community. This is because he is apparently accepting as a phenomenological given the theological principle articulated by the rabbis that “an Israelite, even one who has sinned, remains an Israelite,” but I am suggesting that this principle is itself a contingent piece of rabbinic ecclesiology (and even contingent within rabbinic ecclesiology) and not an essential principle of “Jewishness.” My interpretation of Cohen here is consistent with his position, explicitly held elsewhere, that dissidents from the rabbinic community were not excommunicated but merely denounced, Cohen, “Yavneh,” 49, a position that I contest n Boyarin, “Justin Invents Judaism.” Indeed, Cohen explicitly claims that the Rabbis never
been blurred. If my conjectures are plausible, Justin may have been closely tied with Jewish-Christians like the producers of the Pseudo-Clementine literature, and these, in turn, were closely allied, at least in their view, with the Rabbis. Where was the border, then, between Jew and non-Jew? If we don't assume, as I don't, that the non-Christian Jews were indifferent to the world-shaking events in the world around them, I find it plausible to posit that this boundary would have been reconfigured from its other side as well, hence Israelite and Sadducee/min as the rabbinic equivalent of orthodox and heretic, at least during the period within which the reconfiguration of the boundary was underway, the period under scrutiny in this discussion.75

I offer, then, a friendly (but pointed) amendment to Le Boulluec's conclusion that

"[i]l'[the apostolic succession] convient cependant de préciser que l'exemple juif a dû affirmer encore le thème de la succession véritable au moment où la difficulté cruciale a été celle des divisions à l'intérieur du christianisme et où Justin a mis en place le schéma hérésiologique ayant pour fin de les contrôler et de les réduire. Il est très vraisemblable en effet que l'effort de reconstitution et d'unification du judaïsme accompli par l'orthodoxie rabbinique ait été imité par l'Eglise, à la faveur de l'évolution stimulante que ce regain de vitalité du frère aîné, à supplanter de nouveau, n'a pu manquer de renforcer."76

considered the status of the apostate at all, leaving it for the rabbinic authorities of the Middle Ages to confront (Cohen, Jewishness, 333-34), while it is my hypothesis — hypothesis, not assertion — that the status of one kind of dissident or deviant, the "heretic," was an explicit concern of early rabbinic Judaism, just as it was of Christianity at that time, indeed because of it.

75 Cf. Cohen, Jewishness, 5. My thesis is not compromised, and perhaps it is enhanced by Dio Cassius, who, writing at about the same time as the redaction of the Mishnah, indicates, "I do not know the origin of this name [Jews], but it is applied to all men, even foreigners, who follow their customs. This race is found among Romans," Dio Cassius 37.17.1; See J. Gager, The Origins of Anti-Semitism: Attitudes Toward Judaism in Pagan and Christian Antiquity (New York: Oxford University Press, 1983), 81; Cohen, Jewishness, 60.

76 "The Jewish example [of apostolic succession] had once again to affirm the theme of the succession at the moment when the crucial difficulty was that of the divisions in the interior of Christianity, at the moment when Justin devised his hërésiologique scheme with the goal of controlling and limiting them [the divisions]. It is very likely that the effort of reconstituting and unifying Judaism accomplished by rabbinical orthodoxy was imitated by the Church, stimulated by the competitive
In a sense, one could say that the hypothesis that I am offering is almost the contrary. If anything, I suggest, the necessity for Judaism to constitute itself as an orthodoxy for the first time in its history, came from the challenge of the younger brother. In I won’t go so far as to claim that the rabbinic orthodoxy (and I appreciate Le Boulwée’s precision in not using the term “the Synagogue”) acted in imitation of the Church, but rather that a structural problem had been produced for both “brothers,” the problem of figuring out who was who. The anxieties about boundaries between the newly defined groups – anxieties that were evident from both sides of the boundary – were the immediate catalyst that produced, according to the hypothesis presented here, the invention of the category of heresy as a means of policing borders that were hitherto not problematic, because the categories that they define did not yet exist. Christian groups also had no need to define “heresy” as long as their own self-definition did not fundamentally challenge the notion of Jewish Peoplehood, i.e., as long as they understood themselves as Jews and not as a “new Israel.”

According to this hypothesis, then, the defense of orthodoxy through the propagation of the succession list was a mutual invention of both Christians and Jews at about the same time, without any clear possibility of assigning priorities and imitations.

In fine, I hypothesize, the nascent discourse of heresiology in second-century rabbinic Judaism may very well be fulfilling precisely the same function that it does in the Christianity of Justin. It is no accident that the term min first appears on the rabbinic textual scene at approximately the same time that the term “heresy” shifts in meaning from philosophical choice to demonize other in Justin. It is no accident that the narrative of an institutional orthodoxy guaranteed by

desire to supplant once more the elder brother, a desire that the renewed vitality [of the elder brother] could not help but reinforce.” Le Boulwée, La nation, 111.

77 Of course the paradoxes of younger (Jacob) and elder (Esau) here have been exciting interpretation since antiquity. See most recently G. D. Dunn, “Tertullian and Rebekah: A Re-Reading of an ‘Anti-Jewish’ Argument in Early Christian Literature,” VC 52 (1998): 119-45.

apostolic succession appears on the Christian scene at about the same time as the promulgation of the Mishnah with its own authorization of orthodoxy via the insertion of the patriarchal authority into what is otherwise an ordinary Hellenistic philosophical school’s chain of transmission.⁷⁹ Even this parallels fully developments within ecclesiastical history as articulated by Allen Brent that “Hippolytus’ extraneous idea of a specifically sacerdotal succession has been falsely imposed upon the essentially scholastic view of succession in these earlier writers.”⁸¹ It seems apparent, therefore, that neither did Justin “influence” the Jews, nor did the Rabbis “influence” Justin. Both Justin and the Mishnah are engaged in the construction of the borders of orthodoxy via the production of the others who are outside; these are the heretics, the minora, the gnostikoi.⁸² The difference between the two types of heresiological text

⁷⁹ Bikerman [= Bickerman], “La Chaîne.”

⁸⁰ This interpretation is strongly supported by Josephus AJ. 13.297, in which we find diadoche used simply to mean the succession of teachers who have passed on the Pharisaic paradosis and not particular holders of office: “For the present I wish merely to explain that the Pharisees had passed on to the people certain regulations handed down by the fathers [οἱ δὲ τῶν παράδοσεων τῆς διαδοχῆς καὶ πατρῴων διαδόσεως] and not recorded in the Laws of Moses, for which reason they are rejected by the Sadducean group, who hold that only those regulations should be considered valid which were written down (in Scripture), and that those which had been handed down by the fathers need not be observed” (Josephus, AJ. 7 [Marcus, LCL], 377). This would most likely have been the import of the diadoche of the Fathers in its original Sitz im Leben, transformed only into a genuine “episcopal” succession list at the (relatively) late date of the final redaction of the Mishnah, i.e., either contemporaneous with or even slightly later than Justin. (For this passage in Josephus as representative of non-Josephan general usage, see the impressive arguments of S. Mason, Flavius Josephus on the Pharisees: A Compositio-Critical Study [Studia Post-Biblica 39; Leiden, New York: Brill, 1991], 231-40).

⁸¹ Brent, “Apostolic Succession,” 368.

⁸² The argument here is thus in direct contradiction to Goodman’s earlier held opinion that “precisely [in] the period in which Christian self-definition was achieved through the exclusion of theological concepts defined by patristic writers as heretical, the rabbis were not interested in doing the same thing,” Goodman, State and Society, 105. I imagine that Goodman would change this view now in light of Goodman, “Minim.” In a later essay, I will return to the “two powers in heaven” heresy that so exercises the Rabbis, arguing that far from a deviation from “Judaism,” it represented a common Jewish theological view, prior to the rabbinic intervention.
would be no more than the general difference between the modes of rabinic and of Christian textuality, say, for instance, between the rabinic discourse on idolatry and the *de Idololatria* of Terullian. For that matter, it would be no more different than the modes of discourse of Greek-writing Judaism and the semitic Judaism of Palestine-Babylonia in general. The histories of power, orthodoxy, and heresiology are not as different as the regnant view would have them be, although finally by the end of late antiquity significantly different sets of textual practices will emerge as definitive of Catholic Christianity and rabinic Judaism.

The first hypothesis has the evident virtue of locating the developments within both Christianity and Judaism within a wide historical context, and it does not require us to go beyond our evidence and posit an actual mutual “influence” between west-Asian Christianity and Palestinian Judaism. The second has the virtue of giving a tight (and I think elegant) account of why precisely these shifts make their appearance at about the same moment within Justin’s and the rabinic texts. There is, however, a way, perhaps, that we might synthesize these two hypotheses. If we assume that it was the redefinition of Christianity as a new Israel that we find so manifested in the last part of Justin’s *Dialogue* that presented Justin and his fellows with a crisis of locativity, then we might also imagine that the notion of orthodoxy, developing in the philosophical schools of the day, provided the answer to the evident question that arose: Who is a new Israelite? The apostolic succession provided the answer. This new answer would have been, according to my extrapolation, the catalyst, in turn, for a similar redefinition of who was in and who out of the Old Israel as well.

On the model being developed here, Rabinic Judaism is initially the establishment of an orthodoxy out of a sect via the borrowed and reflected power of the Roman administration. According to this hypothesis, it was precisely the appropriation of the *diadoche* by the newly appointed [“Herodian style”] Roman client-rulers, the Patriarchs, over much opposition on the part of the transmitters of that *paradosis,* that, perhaps paradoxically, led to the establishment of

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83 Segal, *Powers,* has also made the point that the forms of rabinic textuality have misled many into thinking that they had no doctrine, no sense of “orthodoxy,” even in the broadest acceptation of the term.

84 Baumgarten, “The Akivan Opposition.”
Rabbinism as the orthodoxy of Judaism and thus the ultimate acceptance of the Patriarchs by the Rabbis (in addition to the extent, of course, to which it was an offer that they couldn’t refuse). The appropriation of the *paradosis* and the *diadoche* and their promotion to an apostolic succession list of office-holders, culminating in the Patriarchal dynasty, at the time of the redaction of the Mishnah, is the Jewish parallel to the intervention of Justin at the same time. As Gedaliah Alon put it, in one of his more felicitous formulations, the Patriarchs ruled by "might, appeasement, and co-optation."85