

LEE I. LEVINE

The Rabbinic Class
of Roman Palestine
in Late Antiquity



YAD IZHAK BEN-ZVI
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THE JEWISH THEOLOGICAL SEMINARY
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To my mother

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Foreword

An in-depth analysis is always the work of a master and the present volume is no exception. Lee I. Levine, Professor of Jewish History and Archeology at the Hebrew University, has ordered a bewildering mass of scholarship in many fields and languages into a comprehensive study of the rabbinic culture of Palestine in its period of ascent to national religious leadership. Never before has the rabbinic elite of the third and fourth centuries been so fully drawn and so fully yield a portrait graced by the majestic blend of all available sources—primary and secondary, literary and archeological, Jewish and non-Jewish. The simplicity and incisiveness of the text conceal the end result: a process of distillation. This blend will undoubtedly become the reference point for the generation of scholars to come.

The Jewish Theological Seminary of America is delighted to join hands with Yad Izhak Ben-Zvi, one of Israel's leading institutions for research in the history of Eretz Israel, bringing this revised and updated volume to the English-reading public only four years after its first appearance in Hebrew. The translation of the best of Israeli scholarship into English contributes handsomely to the cross-fertilization so vital to the burgeoning field of Jewish studies in America. Beyond that, the Seminary has long been in the forefront of the scholarly effort to "disenchant" the study of rabbinics. The practice of undogmatic scholarship lies at the core of its quest for truth and piety.

And finally, Professor Levine is "vintage Seminary." A 1965 graduate of its rabbinic school, he learned the philological and comparative approach to rabbinic texts and institutions from the late Professor Saul Lieberman; from Chancellor Emeritus Gerson D. Cohen. Onto that solid trunk of textual competence, he later grafted a deep knowledge of Israeli archeology and Greco-Roman history to become the model of a well-rounded scholar of ancient Judaism. Today he serves as the Seminary's Vice Chancellor for Israel Affairs and the Dean of its Seminary of Judaic Studies in Jerusalem. Yet his integrative scholarship continues apace, shedding ever new light on the elusive contours of rabbinic Judaism. The end result is a truly dimensional career of bracing productivity and admirable balance.

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maintained such a central body in the third century is unknown. After R. Judah I (or perhaps his son, Rabban Gamaliel III), there is no mention of such convocations; either the Nasi did not convene his colleagues or rabbinic literature simply omitted all such references, perhaps because the sages no longer played a dominant role in them. The latter alternative is possible, but we cannot be sure.

IX. WAS THERE A SANHEDRIN IN PALESTINE DURING THE TALMUDIC ERA?

It has generally been assumed that during the talmudic period there was a central council of sages that met on a regular basis and wielded significant authority on a countrywide scale. Mantel, for example, presents this view in the following manner:

After the destruction of the Temple, the religious Sanhedrin was reconvened in Jabneh, and under the presidency of the *nasi* it also became the supreme political instrument for all the Jews of the Roman Empire. When Judaea was destroyed as a result of the failure of Bar Kochba, the Sanhedrin moved to Galilee. At first it met in Usha, then in nearby Shefaram, subsequently in Judah ha-Nasi's time in Bet She'arim and Sepphoris, and in the end in Tiberias. The Romans apparently withdrew their recognition of the Sanhedrin when they dissolved the patriarchate.¹⁶⁵

However, in contrast to the pre-70 era, for which there is a wealth of material regarding an institution called the Sanhedrin in Jerusalem,¹⁶⁶ data concerning such a body in the post-Bar-Kokhba era is virtually non-existent. The name "Sanhedrin" almost never appears in accounts of this later period. Terms which may conceivably reflect such an institution are rare, and even then are limited to the late first or early second centuries, i.e., the

165. H. Mantel, "Sanhedrin," *EJ*, XIV, p. 839. See also Alon, *The Jews in Their Land*, I, pp. 119-131, 206-322; II, pp. 663-672, 725-730; J. Juster, *Les juifs dans l'empire romain* (2 vols.; Paris, 1914), I, pp. 400-402; A.M. Rabello, "The Legal Condition of the Jews in the Roman Empire," in: *ANRW*, II, 13, eds. H. Temporini and W. Haase (Berlin and New York, 1980), pp. 716-717.
166. See L.I. Levine, "The Political and Social Leadership of the Jews under Roman Rule," in: *The History of Eretz Israel*, ed. M. Stern, vol. 4 (Jerusalem, 1984), pp. 199-203 (Hebrew).

period of Yavneh. Under Rabban Gamaliel, Yavneh was clearly a center of rabbinic and Patriarchal activity, although the scope and degree of authority wielded there are far from clear.¹⁶⁷ In the post-Bar-Kokhba era, we read of conclaves held at Usha and Beth Rimmon, but these were apparently emergency meetings only and the authority of those assembled was at most of a moral and religious nature. Contrary to what is often maintained in scholarly literature, such gatherings and a supposed national institution representing the entire Jewish community have little in common.

With regard to the talmudic period, our sources make no mention of any kind of supreme political, religious or judicial (rabbinic) body. Terms such as *va'ad*, *bet ha-va'ad*, *metivta*, *yeshiva*, *bet midrash*, or even *pirqa* and *havura* (and its many derivatives) are often understood as synonymous with such an amoraic institution.¹⁶⁸ In fact, they appear to be nothing more than terms referring to local academies, courts or study groups.¹⁶⁹ In his will, R. Judah I referred to a Patriarchal council. The judiciary appointments mentioned in several sources were either on the local level or were connected with the Patriarch. They had nothing to do with an all-encompassing political-

167. See Alon, *Jews, Judaism*, pp. 314-343; J. Neusner, "The Formation of Rabbinic Judaism: Yavneh (Jamnia) from A.D. 70-100," in: *ANRW*, II, 19.2, eds. H. Temporini and W. Haase (Berlin and New York, 1979), pp. 35-42; M.D. Herr, "Leadership and Political History," in: *The History of Eretz Israel*, ed. M. Stern, vol. 4 (Jerusalem, 1984), pp. 320-345 (Hebrew).
168. See Mantel, *Studies*, pp. 180-181, n. 34: "We have noted above that in every other respect the authority of the Sanhedrin remained intact in Jabneh, and, no doubt, in Usha, and elsewhere, until the death of the last Nasi of the House of Hillel, and even afterwards, as long as there were ordained rabbis and the Sanhedrin survived, even under other names, such as *yeshibah*, *pirka* and *havurah*...." See also Schwartz, "Appeals," pp. 189-193, 196-197.
169. Cf., for example, the use of *bet ha-va'ad* in Palestinian sources (Lamentations Rabba—Proem. 25, ed. Buber, p. 15a) with that of *yeshiva* in the Babylonian Talmud (Bava Qamma 16b-17a). See also Genesis Rabba 95, eds. Theodor-Albeck, p. 1232; J. Rosh Hashana 2, 6, 58b; J. Sanhedrin 1, 2, 18c; Lieberman, "Emendations," p. 378. Cf. also A. Kohut, *Aruch Completum* (9 vols.; New York, 1955), II, p. 68 (Hebrew); J. Levy, *Wörterbuch über die Talmudim und Midraschim*² (4 vols.; Berlin, 1924), I, p. 504, as well as D. Goodblatt, "The Story of the Plot against R. Simeon b. Gamaliel II," *Zion* 49 (1984), 357, n. 25 (Hebrew). See also B. Sanhedrin 31b; J. Sanhedrin 3, 2, 21a; and the comments of the Tosafot in B. Bava Qamma 112b, beginning טע"י טע"י. The use of the terms *bet din gadol* and *bet din qatan* by R. Yose regarding Tiberias proves that the reference is to two local institutions and his preference for one over the other, the reason for which is not at all clear. See also Sh. Albeck, *Law Courts in Talmudic Times* (Ramat Gan, 1980), pp. 117-122, esp. p. 118 (Hebrew).

judicial rabbinic institution. Throughout the third and fourth centuries, there is no allusion either to a convocation of leading sages or to any kind of officially recognized body. In short, there is simply no evidence of a countrywide rabbinic framework with a recognized leadership, a clearly defined organizational structure or authoritative prerogatives.

Terms such as *sanhedrin* or *bet din gadol* (supreme or high court) are never used with regard to a third- or fourth- century institution.¹⁷⁰ The only exceptions to this rule are two closely related sources which are invariably invoked to “confirm” the existence of such an institution. In reality, however, these sources are irrelevant and only serve to reinforce our assertion. Use of the term *sanhedrin* here is anachronistic and tendentious, and has no historical basis whatsoever in the third century:

אמר רב יהודה בר אידי א"ר יוחנן: עשר מסעות נסעה שכינה מקראי וכנגדן גלתה סנהדרין מגמרא... מלשכת הגזית לחנות ומחנות לירושלים ומירושלים ליבנה ומיבנה לאושא ומאושא ליבנה ומיבנה לאושא ומאושא לשפרעם ומשפרעם לבית שערים ומבית שערים לצפורי ומצפורי לטבריא וטבריא עמוקה מכולן, שנאמר “ושפלת מארץ תדברי” (ישעיהו כט, ד). רבי אלעזר אומר שש גלות, שנאמר “כי השח יושבי מרום קריה נשגבה ישפילנה, ישפילה עד ארץ גיענה עד עפר” (שם, כו, ה). א"ר יוחנן: ומשם עתידין ליגאל, שנאמר “התערי מעפר קומי שבי” (שם, נב, ב).

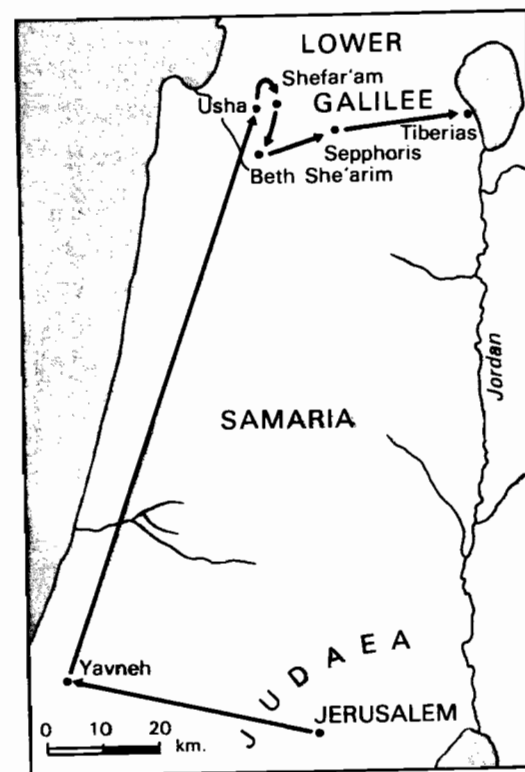
R. Judah b. Idi quoted R. Yoḥanan: “The Divine presence traveled ten journeys as learned from Scripture and corresponding to them the Sanhedrin was exiled (ten times) as learned from tradition¹⁷¹...

170. According to S. Hoenig, *The Great Sanhedrin* (Philadelphia, 1953), pp. 10-11; idem, “The Sanhedrin,” *JQR* 52 (1962), 339-340.

A possible exception to this rule is the statement of R. Abba referring to the existence of a *bet din* which made judiciary appointments together with the Nasi (J Sanhedrin 1, 2, 19a). However, it is unclear whether this body was an independent rabbinic group or, as appears more likely, a semi-autonomous court operating under Patriarchal auspices.

171. On the terms מקראי מגמרא, see W. Bacher, *Ereke Midrash* (Tel Aviv, 1923), p. 166 (Hebrew). They indicate two sources of authority for teachings, one based on Scripture, the other on oral traditions. The interrelationship of midrash and mishna is complex. See, for example, H. Albeck, *Introduction to the Mishna* (Jerusalem, 1959), pp. 40-115 (Hebrew); M. Elon, *Jewish Law* (3 vols.; Jerusalem, 1973), I, pp. 243-270; III, pp. 865-878 (Hebrew); Urbach, “The Derasha,” pp. 166-182; idem, *The Halakha—Its Origins and Development* (Givatayim, 1984), pp. 69-92, 171-191 (Hebrew); and now D. Weiss Halivni, *Midrash, Mishna and Gemara* (Cambridge, 1986).

from the Chamber of Hewn Stone to Ḥanut,¹⁷² from Ḥanut to Jerusalem, and from Jerusalem to Yavneh, and from Yavneh to Usha, and from Usha to Yavneh, and from Yavneh to Usha,¹⁷³ and from Usha to Shefar'am and from Shefar'am to Beth She'arim, and from Beth She'arim to Sepphoris, and from Sepphoris to Tiberias, Tiberias being the lowest-lying of them all, as it is written (Isaiah 29:4): ‘And you shall speak from lower than the ground.’” Rabbi Elazar says: “Six exiles, as it is written (Isaiah 26:5): ‘For he has brought low those who dwell high up. He has humbled the secure city, humbled it to the ground, levelled it with the dust.’” R.



The different “exiles” of the Sanhedrin on its way from Jerusalem to Tiberias

172. For a recent suggestion identifying “Ḥanut” with the basilica on the Temple Mount, see B. Mazar, “The Royal Stoa in the Southern Part of the Temple Mount,” *PAAJR* 46-47 (1979-80), 381-386.

173. See Mantel, *Studies*, pp. 140-174.

Yoḥanan says: “And thence they are destined to be redeemed, as it is written (Isaiah 52:2): ‘Arise, shake off the dust, sit (on your throne, Jerusalem).’”¹⁷⁴

Migrations of the Sanhedrin in the post-70 era are mentioned in a second source as well. In addressing the question as to why Zebulun was blessed before his older sibling Issachar, a tradition suggests that it was because the Sanhedrin was destined to be uprooted from Judah and reestablished in Zebulun:

“זבולון לחוף ימים ישכן” (בראשית מט, יג) בסחורתו, ויששכר בתורתו, זה עם זה שותפין בעולם הזה ובעולם הבא. ד”א “זבולון לחוף ימים”, מה ראה יעקב שבירך זבולון ואחר כך יששכר, והלא יששכר גדול ממנו ויששכר היה ראוי לברך תחילה, אלא צפה וראה בית המקדש שעתיד ליחרב ועתיד סנהדרי שתעקר משבטו של יהודה ולהיקבע בחלקו של זבולון. שבתחילה גלתה לה סנהדרי וישבה לה ביבנה, ומיבנה לאושה, ומאושה לשרפעם, ומשרפעם לבית שערים, ומבית שערים לציפורי, וציפורי היה בחלקו של זבולון, ואחר כך גלתה לטיבריה.

“Zebulun shall dwell by the seashore” (Genesis 49:13) in his commerce, and Issachar in his Torah. Together they are in partnership in this world and the next. Another interpretation: “Zebulun by the seashore,” why did Jacob first bless Zebulun and only afterwards Issachar? Was not Issachar older and thus worthy of being blessed first? Rather (God) foresaw that the Temple would be destroyed and the Sanhedrin would be uprooted from the tribe of Judah and would be relocated in that of Zebulun. At first when the Sanhedrin was exiled, it resided in Yavneh, and from Yavneh to Usha, and from Usha to Shefar‘am, and from Shefar‘am to Beth She‘arim, and from Beth She‘arim to Sepphoris, and Sepphoris was located in the portion of Zebulun. Only afterward did it move to Tiberias.¹⁷⁵

Thus, our only evidence for the existence of a third-century Sanhedrin comes from the above sources and from two contemporary Tiberian sages who claimed that such an institution currently existed in their city. Despite

the fact that these lists of centers and of the seats of the Patriarch are significant and precise, the use of the title *sanhedrin* to describe such institutional frameworks is historically worthless and should be viewed as a polemical assertion regarding the superiority of the local Tiberian academy. Such a conclusion is based on the following considerations:

- (1) The two traditions disagree with respect to the number of “exiles” (six or ten).¹⁷⁶
- (2) The numbers six and ten are suspect; in point of fact, they are typological and midrashic and, as such, appear extensively throughout ancient Jewish literature.¹⁷⁷
- (3) R. Yoḥanan’s statement is distinctly homiletical: the journeys of the Sanhedrin are intentionally parallel to those of the *Shekhina* (Divine presence) in the desert.
- (4) The locales mentioned are more indicative of the seats of the Patriarch than of any specific rabbinic body. Rabbis may have gathered in these places from time to time, but usually only at the behest of the Patriarch.¹⁷⁸
- (5) In the absence of other references to a *sanhedrin* in the talmudic period, it would appear likely that both R. Yoḥanan and R. Elazar were not arguing that there was in fact a “Sanhedrin” in Tiberias in their day, but rather that the authority of the Sanhedrin of old was now transferred effectively to their academy in Tiberias.¹⁷⁹ In fact, they saw themselves as the legitimate successors of the religious leadership among the Jews in the post-70 period and that the Tiberian academy is the continuation and rightful heir of the

176. Moreover, even the number “10” in the B Rosh Hashana tradition is problematic. In the Munich ms. as well as in Yalqut, the phrase “from Usha to Yavneh and from Yavneh to Usha” is omitted; cf. *DS*, IV, p. 88. Epstein (*Introduction to the Mishnah*, II, p. 1198), following *Aggadot ha-Talmud*, suggests adding two other stages for the pre-70 period—Hammat and Hel—a suggestion not without its own difficulties. See Mantel’s proposed reconstruction, *Studies*, p. 144.

177. I. Abrahams, “Numbers, Typical and Important,” *EJ*, XII, pp. 1257-1258; M Avot 5; ARN A, 31ff., ed. Schechter, pp. 45b ff.; L. Ginzberg, *Legends of the Jews* (reprint; 7 vols.; Philadelphia, 1954), index.

178. The notable exception to this rule was Usha, important since it was the home of R. Judah b. Ilai (Song of Songs Rabba 2, 5). The Nasi’s move to Tiberias in the mid-third century was probably due to political and communal considerations and not to a preference for one academy over another. On this issue, see Y. Cohen, “The Time and Cause of the Transfer of the Patriarchate to Tiberias,” *Zion* 39 (1974), 114-122 (Hebrew).

179. On possible Tiberian polemics against other rabbinic centers, see Levine, “R. Simeon b. Yoḥai,” pp. 173-179.

174. B Rosh Hashana 31a-b.

175. Genesis Rabba 97, eds. Theodor-Albeck, pp. 1220-1221.

Jerusalem Sanhedrin. More than this cannot be derived from what is, in actuality, a single isolated tradition preserved in two versions.

(6) Finally, several sources originating in the late second-early third centuries make very explicit reference to the termination of the Sanhedrin in 70. The Mishna states: "When the Sanhedrin disappeared, singing ceased at wedding feasts" (משבטלה סנהדרין, בטל השיר מבית המשתאות).¹⁸⁰ Here the Mishna speaks neither of migration nor of banishment, but of cessation. No less explicit is the comment of R. Ḥiyya:

מיום שחרב בית המקדש אף על פי שבטלו סנהדרין, ארבע מיתות לא בטלו.

Since the Temple was destroyed, even though the Sanhedrin was abolished, the four types of death penalties remained in force.¹⁸¹

These sources clearly attest to the fact that the Sanhedrin was no longer functional, not even in an altered form, in the second and third centuries.

One other, later source ought to be noted in this regard. *The Theodosian Code* (16, 8, 29, dated May 30, 429) preserves the following decree:

The same Augustuses to Johannes, Count of the Sacred Imperial Largesses.

The primates of the Jews, who are appointed in the sanhedrins of the two Palestines or who live in the other provinces, shall be compelled to pay what they have received as tribute after the extinction of the patriarchate. But in the future, annual tribute shall be collected at the peril of the primates from all synagogues, under compulsion of the palatines and in the amount that the patriarchs formerly demanded in the name of crown gold. By skillful inquiry you shall ascertain what that amount is, and whatever was accustomed to be contributed to the patriarchs in the western part of the Empire shall now be paid to Our largesses.¹⁸²

Clearly, two institutions called *sanhedrin* existed in mid-fifth century Palestine, however their nature and connection with earlier institutions of the same name are unclear. Even if there had been some sort of rabbinic sanhedrin earlier, its functions would have been far different from those

180. M Sota 9, 11; T Sota 15, 7, ed. Lieberman, p. 241.

181. B Ketubot 30a.

182. *The Theodosian Code*, trans. C. Pharr (Princeton, 1952), p. 471.

described in our fifth-century source. The appointment of a community administrator by the sages, for example, would have been almost inconceivable before (see below), as this prerogative belonged to the Patriarch from the second or third to the fifth centuries. Now, with the disappearance of the office, this responsibility was transferred to the local sanhedrins, which ought not be associated with any presumed convocation of sages.¹⁸³

X. PLURALISM AND TENSION AMONG THE SAGES

The talmudic period is generally characterized by the emergence of a number of foci of rabbinic activity. The main centers were located in four of the larger cities of Roman Palestine—Tiberias, Sepphoris, Caesarea, and Lydda (Diospolis).¹⁸⁴ Most of the known sages were associated with one of these cities, as are various groups of rabbis known by a generic name, e.g., the Rabbis of Caesarea¹⁸⁵ or the Elders of the South (i.e., Lydda).¹⁸⁶ Even groups of sages in smaller communities might be similarly designated, as, for example, the Rabbis of Naveh,¹⁸⁷ or Those of the Academy of R. Yannai.¹⁸⁸ Such designations were unknown in tannaitic times. It would appear that following the death of R. Judah I, a number of his disciples-colleagues established permanent academies in various locales: R. Ḥanina b. Ḥama

183. See Linder, *Jews and Judaism*, pp. 233-234; idem, "Roman Imperial Government," pp. 118-126. The reference to a sixth-century *sanhedrin* in the medieval tract *Seder 'Olam Zutta* is likewise of little value to our discussion. In this source (as opposed to the Theodosian Code) it is not even clear whether such an institution existed in the late Byzantine period; the use of the term *sanhedrin* in medieval Babylonian and Palestinian academies is well known, and these terms may very well be anachronistic. See S. Poznanski, "Éphraïm ben Schemaria de Fostat et l'académie Palestinienne," *REJ* 48 (1904), 148. Finally, some have interpreted the reference to *bet din* in R. Abba's reconstruction of the history of appointments (J Sanhedrin I, 19a) as a *sanhedrin*. It is more likely that this is a reference to a court under Patriarchal auspices with significant rabbinic participation. Cf. below, Levine, "The Jewish Patriarch," pp. 666-668.

184. Oppenheimer, "Batei Midrash in Eretz Israel," pp. 80-89.

185. Levine, *Caesarea*, pp. 95-97.

186. See J. Schwartz, *Jewish Settlement in Judaea* (Jerusalem, 1986), pp. 227-239.

187. S. Klein, "The Estates of R. Judah Ha-Nasi and the Jewish Community in the Trans-Jordanic Region," *JQR* 2 (1911-12), 550-556; Y. Sussmann, "A Halakhic Inscription from the Beth-Shean Valley," *Tarbiz* 43 (1974), 102, n. 81 (Hebrew).

188. I. Halevy, *Dorot Harischoanim* (Frankfurt, 1901; reprint 1974), V, pp. 273ff. (Hebrew).