

DEFINING THE PHARISEES: THE TANNAITIC SOURCES*

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THE Pharisees played a decisive role in the history of the Jews and in the development of Judaism. All contemporary sources — Josephus, the New Testament, and the tannaitic literature — attest to this fact. Yet an objective definition still eludes us because the sources, in one way or another, are unclear. Josephus is both explicit *and* hazy; the New Testament, hostile *and* blurring; the tannaitic literature, tantalizingly obscure. When, therefore, scholars seek to construct a definition built out of all these sources, the amalgam tends to be a compound of highly selective ingredients which do not necessarily yield an objective definition — Josephus will be drawn on for this element, the New Testament for that, and the tannaitic literature for still another.

I shall propose in this paper an alternative methodology. Instead of drawing on all the sources indiscriminately, I shall concentrate on a single corpus, the tannaitic literature, and build a definition of the Pharisees from that corpus, as though it were the only body of sources that had survived. The definition will be constructed out of the tannaitic literature itself, utilizing controls that are self-validating. Only after this definition has been built independently of Josephus and the New Testament will it then be compared with the definitions that each independently has revealed.'

Most scholars, both Jewish and non-Jewish, construct their definition of the Pharisees from the following text in Mishnah Hagiga:

The garments of an *am ha-arets* are a source of *midras*-uncleanness for *prusim*; the garments of *prusim* are a source of *midras-uncleanness* for those who eat *truma* [i. e., the priests]; the garments of those who eat *truma* are a source of *midras*-uncleanness for [those who eat of] *qodasim*; the garments of those that eat of *qodasim* are a source of *midras-uncleanness* for those [who are in charge of] the water of purification. Joseph ben Joezer was the most pious in the priesthood, yet his apron was a source of *midras* uncleanness for those who ate *qodasim*. Johanan son of Gudgada all his life used to eat [common food] as though it were *qodasim*, yet his apron was a source of *midras*-uncleanness for [those who were in charge of] the waters of purification] (Hagiga 2:7).

There can be no question that *prusim* is in the text; that the *prusim* are contrasted with the *am ha-arets*, the mass, as being in a higher state of cleanness- Scholars thus seem to be merely following the source when they declare that the *prusim* are indeed Pharisees; and these *prusim*, as is evident from the text itself, are a sect-like grouping whose differentiating feature is a concern for ritual purity, a feature which separates them both from the *am ha-arets* — who are on a lower rung — and the priests who eat *truma* — who are on a higher rung.

This definition of the Pharisees, drawn from the Hagiga text has been for most scholars, the tannaitic definition. So much so in fact, that the *prusim* of the Hagiga text

have been regarded as synonymous with *haverim*, since, like the *prusim*, the *iiaverim* are a sect-like grouping differentiated from the *am ha-arets*.

The methodology followed by these scholars is clear: First the word *prusim* is detected and translated “Pharisees”; secondly, the context is read in the light of the translation of the word; thirdly, the content of the text is utilized to define the word *prusim*; fourthly, the definition, having been secured via the word, is then freely used to determine its meaning in other texts.

Is such a procedure legitimate? On what grounds do scholars determine that the word *prusim* must mean Pharisees in the Hagiga text? Is such a rendering a necessity or a choice? If necessity then it can be invoked *only* if the word *prusim* is *never* used to mean anything else but Pharisees. If *prusim* is used, even in a single instance, to mean something other than Pharisees, then choice and not necessity is operative. Only possibility remains. And the moment possibility takes over, the scholar must justify his translation by stating his grounds. The appeal must be to something other than the word itself. Yet the word itself is the only ground for the meaning Pharisees in the Hagiga text.

An adequate methodology must therefore abandon the verbal approach to the definition of the Pharisees. It must determine the meaning of the word *prusim* by criteria that cannot be challenged; by a standard that remains fixed, firm, and independent of the individual scholar’s wish, whim, or need. But such a standard and such criteria are not easily come by when the tannaitic literature is the source! This literature does not make its own demarcations. It never distinguishes explicitly between the term *prusim*, Pharisees, and the term *prusim*, not Pharisees. The spelling in all texts is identical, no explanatory glosses are provided. The Mishnah no more warns the reader that the *prusim* in Hagiga does *not* mean Pharisees than it reassures him that it *does*. The criteria and the standard must therefore be built without explicit support from the tannaitic texts, even though the implicit support is not only there, but presupposes the criteria and the standard itself.

The method that is proposed in this study appeals to such internal criteria and to such an internal standard. It turns away from the word itself because it cannot be definitive. It seeks out, instead, some other measuring instrument for determining when *prusim* does, and when it does not, mean Pharisees. It begins with the assumption that only in those texts where the term *prusim* is used in juxtaposition to *sduqim* (Sadducees) does it *necessarily* mean Pharisees. These texts and only these texts can, at the outset, be called upon to furnish a definition. And only a definition so constructed can be regarded as the tannaitic image of the Pharisees.

I therefore propose the following methodological steps: (1) All texts containing the term *pruSim* in juxtaposition and opposition to the *sduqim*, i. e., Sadducees, should be collated and the definition that they yield extracted. (2) All texts where the term *prusim* is conceded by scholars to mean something other than Pharisees should likewise be collated. This corpus will serve as a control, since it consists of texts demonstrating that the term *prusim* need not mean Pharisees. (3) All the ambiguous texts should then be collated to form a third corpus, consisting of those texts where *prusim* is not found juxtaposed and in opposition to *sduqim*, but which the overwhelming majority of scholars have regarded as utilizing the term *prusim* to mean Pharisees. These ambiguous texts should then be analyzed as to their usage of *pruSim* without reference to either the first corpus of texts or to the control texts, i. e., they should be analyzed as if no knowledge of

the Pharisees existed independently of these texts. The definition extracted from the ambiguous texts by this method should then be compared with the definition derived from the first corpus of texts to determine whether there is identity or difference. If there is identity, they should be assimilated into the first corpus. If there is difference, then it must be objectively affirmed that the *prusim* of the ambiguous texts of the third corpus are not the Pharisees at all. They thus must be assimilated with the control texts.

In order to facilitate the analysis, each corpus will be designated by a symbol. The texts wherein *prusim* is in juxtaposition and in opposition to the *sduqim* will be designated the Ph., i. e., Pharisees texts; the control texts will be designated the C texts; while the ambiguous texts will be designated the Amb, i. e., Ambiguous texts.

A final word is in order before beginning the task of collating. The texts that are to be analyzed are difficult texts, i. e., they deal with fine points of law and ritual. These texts presuppose a thorough knowledge of tannaitic law and doctrine. Some of these texts deal with such problems as to whether Holy Scriptures renders the hands unclean, problems of great importance at the turn of the Christian era. Other texts deal with Temple rituals, the proper burning of the incense, the proper procedure to be carried out in the burning of the red heifer. For the purpose of establishing the definition, however, the full and detailed understanding of these laws and rituals is not necessary. In fact, an attempt to explain the details adequately would divert the reader from the crucial issue: the determination when *prusim* means Pharisees, and when not.

II

The Ph. texts constitute the first corpus. These texts fall into several distinct categories. The first of these may be called the formula texts, since the Mishnah records several controversies between the *prusim* and the *sduqim* that are couched in the following formula: “The *sduqim* say, ‘We complain against you *prusim* because . . .; the *prusim* say, ‘We complain against you *sduqim* because . . .’ “ The texts exhibit-ing this formula read as follows:

PH₁
A

The *sduqim* say, “We complain against you *prusim*, for you say that Holy Scriptures (*kitve haqodes*) render the hands un-clean, but the writings of *homeros* (sic) do not render the hands unclean.”

R. Johanan ben Zakkai said, “Have we nothing but this against the *prusim*? For they [the Sadducees] say, ‘The bones of an ass are clean, but the bones of Johanan the High Priest are unclean.’ “ They [the Sadducees] said to him, “As in our love for them so is their uncleanness, so that no man may make spoons of the bones of his father and his mother.”

He [R. Johanan ben Zakkai] said to them, “Even so the Holy Scriptures: as is our love for them so is their uncleanness;

whereas the writings of *homeros* (sic) which we do not love, do not render the hands unclean” (Yadayim 4:6).

PH₁

B

The *sduqim* say, “We complain against you *prusim* because you assert that the *nisoq* is clean. The *prusim* say, “We complain against you *sduqim* because you declare clean a stream of water that comes from a cemetery” (ibid., 7).

PH₁

C

The *sduqim* say, “We complain against you *prusim* because you say that if my ox or ass has done damage, the owners are responsible, yet if my bondman or bondwoman have done damage, the owners are free of responsibility. If in the case of my ox and ass where I have no obligation of fulfilling divine commandments with respect to them, I nonetheless am responsible for the damage they do, how much more in the case of my bondman and bondwoman, concerning whom certain divine commandments are imposed upon me must I be responsible for the damage that they do.” They [the *prusim*] said to them, “No! Can you say concerning my ox and ass which have no understanding what you could say concerning my bondman and bondwoman who have understanding? If I anger them [i. e., the slaves], one [of them] may go and set fire to another’s stack of corn, and it is I who would have to make restitution” (ibid.).

These are the only controversies between the Sadducees and the Pharisees recorded in the Mishnah utilizing this dialogue formula. However, the Tosefta employs this formula, but substitutes the Boethusians for the Sadducees. The term may nonetheless be considered synonymous, for the identical position taken by the Boethusians in the Tosefta texts is that attributed elsewhere in the tannaitic literature to the Sadducees. The Tosefta text reads as follows:

PH₁

D

The Boethusians say, “We complain against you *prusim* [because you argue that] if the daughter of my son who comes from the strength of my son who came from my strength does indeed inherit me, is it then not logical that my daughter who comes directly from my own strength should inherit me?” The *prusim* say, “Not at all. For if you refer to the daughter of the son, she takes a share with her brothers, whereas the daughter of the father does not share with her brothers. [You thus recognize that there are inheritance rights for the grand-daughter, but not for the daughter]” (Tosefta Yadayim 2:20).

The formula is likewise used in two other tannaitic texts. However in these the *prusim* appear, but their antagonists are not the Sadducees. These texts are nonetheless included; for they clearly portray the *prusim* as holding a well-defined position on the Law. The Mishnah text reads:

PH₁

E

Sadok of Galilee said,² “I complain against you *prusim* because you write [the name of] the [secular] ruler together with the name of Moses in a bill of divorce.” The *prusim* say, “We cry out against you, Sadok of Galilee, for you write the name of the [secular] ruler together with the name [of God] on the same page. Furthermore, you write the name of the [secular] ruler above, and the name [of God] below; for it is written in

Holy Scriptures, [Exod. 5:2], ‘And Pharaoh said, “Who is the Lord that I should hearken unto His voice to let Israel go?” ‘ And when he smote him what did he say? ‘The Lord is the righteous one’ “ (Yadayim 4:8).

The other Tosefta formula text reads as follows:

PH₁
F

The *tove Sahar* [sic] say, “We complain against you *prusim* because you mention the name of God from the body which has impurity in it” (Tosefta Yadayim 2:20).³

An analysis of the formula texts permits the following conclusions:

(1) *Prusim* is a name assigned to a group that champions a definite position on the Law and is differentiable from the Sadducees, from Sadoc [sic] of Galilee, and from the *tovie* ‘*sahar* who challenge the legal stance of the *prusim*. It is to be noted that *prusim* in these texts are not the subjects of a *law* differentiating them from their antagonists. We are not confronted with a legal demarcation of status or class. Rather do we witness groups contending with each other over legal principles as independent protagonists.

(2) The *prusim* hold to a differentiated position with respect to the Law in several areas: (a) the status of Holy Scripture and its relationship to “uncleanness of the hands”; (b) the purity status of the *nisoq*; (c) the responsibility of slaves for damage; (d) the laws of inheritance; (e) the status of the secular state with respect to the validity of a writ of divorce; (f) the spiritual evaluation of man’s corporeal being.

(3) The *prusim* are not differentiated from the *am ha-arets* but only from groups or individuals representing a contrasting approach to the Law.

(4) The *prusim* are not characterized by their adherence to the laws of ritual purity, even though these laws are at issue in two instances. What is revealed is a debate on the applicability of these laws, not on the greater or lesser purity of the antagonists. In one case, the *prusim* seem to be more stringent — in the matter of whether Holy Scriptures renders the hands unclean — whereas in the other, the issue of *nisoq* — the Sadducees. It is indeed evident that as far as the *tove safiar* were concerned, the *prusim* were actually sponsors of impurity.

To draw more far-reaching conclusions at this time would be premature, for they depend on texts as yet unanalyzed. The inferences drawn above do no more than make the texts explicit, and great care has been exercised lest any difference on interpretation of content contaminate the conclusions.

The texts that have been cited above have been designated the Ph₁ texts.

We now turn to a second group of texts that fall within the corpus Ph. because these record controversies between the *prusim* and the Sadducees. Since, however, they do not make use of a formula, they will be designated the Ph₂ texts.

PH₂
A

Our rabbis have taught: “It is related of a Sadducee [High Priest] that he prepared [the incense] outside [the Holy of Holies] and then entered. When he came out he was extremely happy. His father met him and said to him, ‘My son, although we are Sadducees we fear the *prusim*.’ He replied to him, ‘My whole life I was troubled by the scriptural verse, “For

in the cloud I shall appear on the *kaporet*” (Lev. 16:13). I said, “When will I have the opportunity to fulfill the command of this verse?” And now that the opportunity arose, should I not fulfill the biblical verse?” “

They said, “Not many days went by before he died, and he was tossed in the refuse, and worms came forth from his nose.” And some say, that no sooner did he come forth [from the Holy of Holies] than he was stricken, for Rabbi Hiya taught, “A sort of voice was heard in the *azara* [outer court], for an angel came and beat him on his face, and his fellow priests entered and found something like the heel of a ram between his shoulders; for-Scripture says (Ezek. I :y): ‘Their legs were straight and the soles of their feet were like the sole of a calf’s foot’ “ (Yoma19b; cf. Y. Yoma 1:5).

PH₂

B

One time [following the festival], they [the *prusim*] purified the lamp, and the Sadducees said, “Come and see the *prusim* immersing the orb of the sun” (Tosefta Hagiga 3:35; cf. Y. Hagiga 79:1).

These two texts convey the following data with respect to the *prusim*:

(1) They are a group concerned with the Law and hold to a view of the Law contrary to that of the Sadducees.

(2) They demand that the Temple ritual be carried out in accordance with their prescriptions.

(3) They exercise great power, striking fear in the hearts of the High Priestly families, and they are depicted as those who have control of the Temple.

(4) They are antagonists of the Sadducees, not of the *am ha-arets*.

A third category of texts belonging to corpus Ph. juxtaposes *pruSim* to Sadducees in part of the text, but employs a synonym for *prusim* in another part. This category is to be designated Phs.

PH₃

A

Our Rabbis have taught: “It is related of a Sadducee who was speaking to the High Priest in the street and spittle fell on the garments of the High Priest. The face of the High Priest turned pale, and he came to his wife and told her what had happened. She said to him, ‘The wives of the Sadducees are afraid of the *prusim* and they therefore show their [menstrual] blood to the *hakamim* [the sages], with the exception of one woman who was in our neighborhood who did not show the blood to the *hakamim* and she died.’” (Nidda 33b).

The synonym for *prusim* in this text is *hakamim*, sages.

PH₃

B

And why did they consider it necessary to make him [the High Priest] swear? For [the reason that] there had already occurred an instance involving a Boethusian [High Priest] who had prepared the incense on the outside [of the Holy of Holies] and the cloud of incense went forth and shook the entire Temple. [He had done this] because the Boethusians say, “He shall prepare the incense on the outside, for Scripture says: ‘And the cloud of incense shall cover the *kaporet* which is above the ark so that he die not’ “ (Lev. 16:13). The Sages said to them, “Is it not already stated in Scripture: ‘And he shall put the incense on the fire before the Lord’ (Lev. 16:4-5)? [The meaning is that] whoever prepares the incense is to prepare it only within [the Holy of Holies].” If this be so, why is it stated in Scripture: “For in the cloud will I appear on the *kaporet*”? This [verse] teaches that he puts on it [the *kaporet*] a pillar of cloud, but if he did not put on it a pillar of cloud he is subject to the death penalty.

When he [the Boethusian High Priest] went forth [from the Holy of Holies], he said to his father, “Your whole life you [and your fellow Boethusians] used to interpret the verse [to mean that the High Priest prepares the incense outside the Holy of Holies] but you never followed through in action until I stood up and performed it [as the verse demands].” His father said to him, “Although we interpret, we do not carry out the interpretation in practice but we listen to words of the sages. I would be truly amazed if you will live [much longer].” Three days had not gone by when they set him in his grave (Tosefta Yoma 1:8).

In this text, too, *hakamim*, “sages,” is used as a synonym for *prusim*.

We have now exhausted the Ph. texts. They are, as is evident, very few in number. It is little less than astonishing that in the entire tannaitic literature no more than a half-dozen or so texts utilize *prusim* unambiguously to mean Pharisees; for all scholars concede that the tannaitic literature in some way reflects the teachings of the Pharisees themselves.

The sparse usage of *prusim* to mean Pharisees may derive from the fact that some other term or terms are preferred. The clue for unravelling possible synonyms lies in the Pha texts. These texts met the most rigorous standards for rendering *prusim* Pharisees, for they utilize the word in juxtaposition to Sadducees. At the same time, *since these texts make use of a synonym for the Pharisees, the synonym could conceivably be used in other texts instead of prusim*. The synonym thus far attested to is *hakamim* or “sages.”

It is now proposed that all texts be collated in which *hakamim*, but not *prusim*, is used in juxtaposition to the Sadducees. These texts will be designated Ph-S-H; i. e., Pharisee texts established as such because of the assumption that the *hakamim* is a synonymous term.

PH-S-H

A

False witnesses are not put to death until after judgment has been rendered; for the Sadducees used to say, “Only after he has been put to death [are the false witnesses to be executed], for it is written in Scripture:

‘Life for life.’ “ The *hakamim* said to them, “Is it not written: ‘Then you shall do to him, as he had thought to do to his brother?’ Hence his brother must still be alive [when the false witness is executed].” [They objected,] “If so, why does Scripture say, ‘Life for life?’ “ [They replied,] “One might have thought that the false witness should be put to death as soon as they accepted their testimony. Scripture therefore teaches: ‘Life for life’ — the witnesses are not put to death until the judgment of death has been given [against the defendant who has been falsely accused]” (Makkot 1:6; cf. Sifre *Shoftim* 190).

The *hakamim* are here juxtaposed to the Sadducees. They engage in a controversy over the Law as it applies to testimony in a capital case. Indeed, the text differs from the formulae texts Phi only in the lack of the formula, though such a formula is nonetheless implied;

namely, “The Sadducees say, ‘We complain against you *hakamim* because you say, “False witnesses are put to death only after judgment is given ... I” “ It is also to be noted that the Mishnah first states the law anonymously, i. e., as a *halaka*, and then identifies this anonymous law with the *hakamim*. This usage opens up the possibility, to be discussed later, that the anonymous *halaka*, wherever it occurs, pre-supposes the authority of the *hakamim*. And should it emerge that *hakamim* and *pruSim* are absolutely synonymous, then all anonymous laws recorded in the Mishnah could potentially be assignable to the Pharisees. For the moment, however, the affinity between the text cited above and the texts of the Ph. corpus is evident.

PH-S-H

B

Judah ben Tabbar said, “May [never see consolation if I did not kill a single false witness in order to root out from the heart of the Boethusians [their false notion], for they used to say that the witness is not to be put to death until the convicted person has been executed.”

Simon ben Shetah said to him, “May I never see consolation if you did not spill innocent blood; for Scripture says: ‘By the testimony of two or three witnesses shall the guilty one be put to death.’ (Deut. 17:6). Just as two witnesses [are required for the death penalty], so must both witnesses be proven false, before either can be executed.”

At that moment Judah ben Tabbar took it upon himself not to teach the *halaka* except in accordance with [the point of view] of Simon ben Shetab (Tosefta Sanhedrin 6:6).

The following data may be extricated from this text: (1) Both Judah ben Tabbar and Simon ben Shetah support the *halaka* cited in the Mishnah Makkoth. (2) Both would side with the *hakamim* against the Sadducees. (3) The Boethusians hold the identical position as do the Sadducees on the issue of false witnesses. (4) The power to pronounce the death sentence by those following the *hakamim* is taken for granted. The law bearing on false witnesses is thus viewed as operative and not academic. (5) Both Judah ben Tabbar and

Simon ben Shetah accept the authority of the *halaka*. The only point at issue is which of the two *halakic* points of view should be operative with respect to the putting to death of a *single* false witness. Judah ben Tabbai acknowledges the cogency of Simon ben Shetah's reasoning and recognizes the primacy of Simon ben Shetah in matters of *halaka*. (6) The controversy between Judah ben Tabbai and Simon ben Shetah is of lesser gravity than the controversy between the *hakamim* (Judah ben Tabbai and Simon ben Shetah concurring) and the Sadducees/Boethusians. The latter dispute involved a basic irreconcilable principled conflict over the Law, whereas the former concerned merely a disagreement on the validity of a single *halaka*, not of the *halaka* system.

But we know more than this Tosefta records. Judah ben Tabbai and Simon ben Shetah appear elsewhere in tannaitic literature as the greatest legal authorities of their day, for one was the *nasi* of the *bet din*, the other the *av bet din* (Hagiga 2:2). As such, they were one of the so-called *zugot* "pairs," as those who held the title of *nasi* and *av bet din* at that time were called. Since the total number of *zugot* from approximately 160 B. C. E. till Hillel and Shammai at the turn of the era was only six, and since during this century and a half, only the names of the *zugot* are specifically associated with the *halaka*, it is apparent that Judah ben Tabbai and Simon ben Shetah were legal scholars of great renown and authority.

PH-S-H

C

At first [the *bet din*] would accept testimony concerning the New Moon from anyone. It once occurred that the Boethusians hired two witnesses to mislead the *hakamim*; for the Boethusians do not admit that 'aseret can fall after the Sabbath (Tosefta Ros ha-Sanah 1:15).

The system of calendation and its operation through eyewitness testimony is rejected by the Boethusians and they seek to thwart the *hakamim*. The latter appear in this text as the ultimate authorities for setting the dates of the festivals. They determine the *halaka* and see to its proper administration. Are we to believe that alongside the *hakamim* was another class, the Pharisees, who were vested with the identical authority over the calendar and stirred up the same opposition from the Boethusians?

The following line of reasoning would thus seem to be legitimate:

(1) The *prusim* are Pharisees when juxtaposed to Sadducees. (2) The *prusim* are identical with the *hakamim* in passages where such juxtaposition occurs. (3) *Hakamim* in texts juxtaposed to Sadducees are identical with the *prusim-Pharisees*. (4) The *hakamim-Pharisees* support the anonymous *halaka*. (5) Judah ben Tabbai and Simon ben Shetah underwrite the anonymous *halaka* and the principled opposition of the *hakamim* to the Sadducees. (6) Judah ben Tabbai and Simon ben Shetah advocate the *halaka* of the *hakamim* in their controversy with the Boethusians. (7) They acknowledge the *halaka* as the normative law, binding on each of them. (8) They are known from the tannaitic literature to have been *zugot*, "pairs," *nasi* and *av bet din*, hence the authoritative teachers of the *halaka*. (9) But the *halaka* is the Oral Law and not the literal written law. They are thus champions of the *halaka* which the Sadducees-Boethusians negate. (10) The *hakamim-Pharisees* likewise recognize the authority of the *halaka* in contradistinction to the Sadducees-Boethusians. (n) Judah ben Tab-bai and Simon ben Shetah must therefore

be individuals who are members of a larger class called *hakamim-Phansees*. Indeed, as *zugot* they could have been none other than the leaders of the *hakamim-Pharisees* of their generation. (12) The *hakamim-Pharisees* are concerned with the Law. (13) The Law they are concerned with is the twofold Law, proof: (a) appeal to Scriptures as authoritative, (b) affirmation of the *halaka*, the unwritten law, as authoritative, (c) rejection of the latter by the Sadducees-Boethusians. (14) The *hakamim-Phansees* must be a scholar class, dedicated to the authority of the twofold Law and having as their spokesmen the *nasi* and the *av bet din*. (15) The *hakamim-Pharisees* and the *zugot* Judah ben Tabbai and Simon ben Shetah are juxtaposed only to the Sadducees-Boethusians and not to the *am ha-arets*. The controversies always involve law and never the degree of levitical purity of the contending groups. (16) The *hakamim-Pharisees* as well as Judah ben Tabbai and Simon ben Shetah assume the *halaka* to be operative and not merely academic. The proof that it was operative is Judah ben Tabbai's boast that he had ordered the execution of a false witness to confute publicly the Boethusians.

Now that a connection between *hakamim* and *prusim-Pharisees* has been established, and now that Simon ben Shetah's identification as one of the two major spokesmen of this class in his generation has been secured, we can include the following text into the corpus of Ph-S-H:

PH-S-H

D

It was taught: "It once happened that King Yannai went to Kohalit in the wilderness and conquered sixty towns there. When he returned he was extremely happy and he called all the *hakme yisrael* [Sages of Israel]. He said to them, 'Our forefathers used to eat salt plants when they were engaged in building the Temple; let us also eat salt plants in memory of our fore-fathers.' So they brought up salt plants [and set them] on golden tables and they ate.

"Now there was there a good-for-nothing evil-hearted and worthless man, named Eleazar ben Poirah. Eleazar ben Poirah said to King Yannai, 'O King Yannai, the hearts of the *prusim* are against you.' 'Then what shall I do?' 'Make them swear by the front plate [the symbol of priestly authority] between your eyes.' So he made them swear by the front plate between his eyes.

"Now there was there an elder (*zaqen*) named Judah son of Gedidyah. Judah the son of Gedidyah said to King Yannai, 'O King, the royal crown is enough for you. Let the priestly crown go to the seed of Aaron.' For they used to say that his mother had been taken captive in Modim [and therefore the legitimacy of his birth was in question]. Accordingly the matter was investigated and found to be without substance. [Whereupon] the *hakme yisrael* separated in anger.

"Then Eleazar ben Poirah said to King Yannai, 'King Yannai, this is the law for even the most common (*hediof*) in Israel; but as to you, a king and a High Priest, shall that be your law too?' 'Then what shall I do?' 'If you will listen to my advice, trample them down.' 'But what will happen

to the Torah?’ ‘It is rolled up and lying in a corner; whoever wishes to study, let him go and study.’

“Said R. Nahman ben Isaac, ‘Immediately the spirit of heresy was instilled into him, for he should have replied: “That is well for the Written Law, but what of the Oral Law?”’

“Immediately the evil burst forth through Eleazar ben Poirah, and all the Sages of Israel (*hakme yisrael*) were killed, and the world was desolate until Simon ben Shetah came and restored the Torah to its former glory” (Qiddushin 66a).

The account of King Yannai’s break with the *pnisim-hakamim* may presuppose the Sadducees, but they are not specifically mentioned. The close resemblance of this account to that of Josephus’ chronicle of the split between John Hyrcanus and the Pharisees must not be permitted to violate the methodological procedures that have been set up for the analysis of the tannaitic texts. Since the account of King Yannai’s conflict with the *prusim* quoted above does *not* specifically mention the Sadducees, it does not meet the criterion for inclusion into the Ph corpus. Rather must we approach this passage via the Ph-S-H route. But this can be achieved only indirectly, for although the *hakamim* are identified with the *prusim*, neither is placed in direct juxtaposition to the Sadducees. The link, therefore, in this instance must be Simon ben Shetah.

It has already been demonstrated that Simon ben Shetah held to the same legal position as did the *hakamim-prusim* in their controversy with the Sadducees. Consequently, since Simon ben Shetah is identified with the *hakamim-prusim* in the story of King Yannai’s break with the Pharisees, indeed he is pictured as their chief, the *hakamim-prusim* of this text must be identical with the *hakamim-prusim* with whom Simon ben Shetah was linked in the Tosefta. The *prusim*, therefore, of this passage must indeed be the Pharisees.

What data with respect to the *hakamim*-Pharisees does this story reveal?

(1) Simon ben Shetah is identified with the *hakamim*. (2) The *Hakamim* are identified with the *hakme* [Sages of] *yisrael*. (3) The *hakamim* and the *hakme yisrael* are identified with the *prusim*. (4) King Yannai was at first so favorably disposed to the *hakamim-prusim-hakme yisrael* that he could think of no better way to celebrate his military victories than to throw a sumptuous party for the *hakamim-prusim-hakme yisrael*. The latter must have been a distinguished and honorific scholar class to be accorded such recognition by the Hasmonean king. (5) The *prusim-hakamim-hakme yisrael* are accused of disloyalty to the king in such a manner as to convey the notion that the king and everyone else had assumed the very opposite. (6) The *hakamim-prusim-hakme yisrael* are recognized as having the Torah in their charge, for King Yannai sees a threat to the Torah if the *prusim* are trampled. (7) The *hakamim-prusim-hakme yisrael* must therefore have been a scholar class that possessed great power and influence, a class of legislators who determined the law. Indeed, the nub of the story is that the Torah of the *hakamim-prusim-hakme yisrael* had been operative and binding even on the king; he had broken with it; and it was restored to operation by Simon ben Shetah. Since we know that Simon ben Shetah was the champion of the *halaka*, the unwritten Law, and since we know that he opposed the Boethusians-Sadducees who rejected the *halaka*, and since we know that Simon ben Shetah was one of- the *hakamim-prusim* who likewise affirmed the authority

of the *halaka* and opposed the Sadducees-Boethusians, the *hakamim-prusim-hakme yisrael* of this text must have been likewise champions of the *halaka* and opponents of the Sadducees. Hence in rejecting the *hakamim-prusim-hakme yisrael* without abandoning concern for the Torah completely, King Yannai must have adopted the Sadducean concept of the single, written Law.

Still another link connects the Phi texts to the other texts where the Pharisees are implied by synonymity. In the controversy between the *prusim* and the Sadducees over whether Holy Scriptures renders the hands unclean, Johanan ben Zakkai is found championing the view of the Pharisees. In the texts that follow Johanan ben Zakkai confronts the Sadducees, even though the *prusim* are not mentioned:

PH-S-J

A

It was taught in a baraita . . . :

From the eighth day [of Nisan] to the end of the holiday [of Passover] it is forbidden to mourn since [these days com-memorate] the establishment of [the proper dating of] the festival of Shevuot. For the Boethusians used to say that the festival is to be celebrated on a Sunday [and not on the forty-ninth day following the first day of Passover].

Rabbi Johanan ben Zakkai engaged them in discussion, and said to them, “Fools, whence [your scriptural support]?” No one was able to answer him except an old man who babbled in opposition to him and said, “Moses our teacher was a lover of Israel and he knew that the festival [of Shevuot] is a single day. He therefore ordained that it should be on the day following the Sabbath so that Israel might rejoice two days.” He [R. Johanan ben Zakkai] quoted the following verse [in rejoinder]:

“ ‘It is an eleven-day journey from Horeb by way of Seir’ (Deut. 1:2). If Moses our teacher was a lover of Israel, why did he cause them to tarry in the wilderness forty years?” He replied, “With such as this you brush me off?” He answered, “Fool! Is not our perfect Torah a match for your frivolous talk? One scriptural verse says: ‘You shall count fifty days’ (Lev. 23:16) while another scriptural verse says: ‘Seven complete Sabbaths shall be’ [between Passover and Shevuot] (vs. 15). How can these texts be [reconciled]? The first verse refers to the festival falling on the Sabbath, while the other verse refers to the festival falling during the week” (Menahot 65a-b; see also Taanit 17b).

PH-S-J

B

As it was taught: “On the 24th of Tebeth we returned to our Law, for the Sadducees used to say that a daughter should in-herit with the daughter of the son. But R. Johanan ben Zakkai engaged them in discussion. He said to them, ‘Fools, whence [your scriptural support]?’ No one was able to answer him, except an old man who babbled in opposition and said: ‘If the daughter of his son who comes from the strength of his son inherits from him, how much more so his daughter who comes from his own

strength?’ He [R. Johanan ben Zakkai] brought the following verse [as refutation]: ‘ “These are the sons of Seir the Horite, the inhabitants of the land: Lotan and Shobal and Zibeon and Anah” (Gen. 36:20), whereas [farther down] it is written: “And these are the children of Zibeon: Aiah and Anah,”—which teaches that Zibeon had intercourse with his mother and begat Anah.’ . . . He said unto him. ‘Teacher, with such as this you brush me off?’ He [R. Johanan ben Zakkai] said to him: ‘Fool! Is not our perfect Torah a match for your frivolous talk? [Your reasoning is faulty, for one should argue as follows:] If the inheritance goes to the daughter of his son it is because her claim is superior to that of his [surviving] brothers, whereas you must admit that the claim of his own daughter is inferior to that of his surviving brothers.’

“They [the Sadducees] *were* defeated. And they made that day a holiday” (Bava Batra 115b-116a).

Johanan ben Zakkai appears in both of these texts as the strident opponent of the Boethusians-Sadducees, even as in the controversy between the Sadducees and the Pharisees over Holy Scriptures rendering the hands unclean (Ph.1-A). His identity with the *prusim* is thus confirmed, for he appears as the champion of the anti-Sadducean legal position in both sets of texts. This identity, however, is made even more secure when it is noted that he stoutly defends a principle that was espoused by the *prusim* (Ph. 1-D), namely, that the daughter of the son (of the deceased father) inherits along with her brothers, even though the daughter of the father does not inherit along with *her* brothers. We are thus justified in labeling Johanan ben Zakkai a Pharisee.

And Johanan ben Zakkai’s orientation is shown to be identical with that of the Pharisees: (i) He is an opponent of the Boethusians-Sadducees. (2) He collides with them on legal issues. (3) He refutes their mode of exegesis. (4) His hallmark is not ritual purity but his approach to the Law. The two legal questions here have nothing what-ever to do with ritual purity, but with the proper date for the counting of the seven weeks to Pentecost and with the laws of inheritance. (5) He is juxtaposed to the Boethusians and Sadducees and not to the *am ha-arets*.

The texts involving Johanan ben Zakkai have been designated Ph-S-J; that is, the Pharisaic stance of these texts is underwritten by virtue of synonymity and his support of the Pharisaic dictum found in Ph_{1-D}.

Still another type of text confronts us, namely, where the Sadducees or Boethusians are found to be in opposition to the anonymous *halaka*. Although neither the *prusim* nor the *hakamim* are mentioned, the anonymous *halaka* can be considered Pharisaic (1) because of the juxtaposition of the anonymous *halaka* to the Sadducees-Boethusians, and (2) because the anonymous *halaka* has proved to be identical with the Pharisaic position in those texts where *prusim* occurs along with the anonymous *halaka*. The texts that follow will therefore be designated Ph-S-Hal; i.e., they are deemed Pharisaic by virtue of a synonymity derived from texts wherein the anonymous *halaka* and the *prusim* are pitted against the Sadducees-Boethusians.

PH-S-HAL

A

How did they use to do it [i.e., prepare for the cutting of the omer.]? The messengers of the *bet din* (*sluhe bet din*) used to go out on the eve of the festival and make bunches while still attached to the soil, so that it would be easier to reap; and [all the inhabitants of] the towns nearby assembled there in order that it might be reaped in great pomp.

When it grew dark, he [the reaper] would say, "Is the sun set?" They [the people] would reply, "Yes." "Is the sun set?" and they would [again] answer, "Yes." "With this sickle?" They would answer, "Yes." "With this sickle?", and they would answer, "Yes." "With this basket?" and they would answer "Yes." "With this basket?", and they would answer, "Yes." On a Sabbath he would say to them, "On this Sabbath?" and they would [again] answer, "Yes." "On this Sabbath?", and they would answer, "Yes." "Shall I reap?" They would answer "Reap." "Shall I reap?" and they would answer "Reap." He used to call out three times for each of these [questions] and they would [thrice] answer, "Yea! Yea! Yea!"

Why such concern? Because of the Boethusians, who used to say: "The cutting of the omer is not to take place on the day following the festival" [but only on the morrow of the Sabbath, i. e., on a Sunday] (M. Menahot 10:3).

The *halaka* for the procedures to be followed in the cutting of the omer is pitted against the Boethusian claim that the omer is to be reaped only on a Sunday. The *halaka*, in this instance, substitutes for the *prusim-Pharisees* in the controversy, since the anonymous *halaka* must have had authoritative exponents. The *halaka*, after all, could not have been self-enunciating, and self-promulgating. Behind the anonymous *halaka* must have been the legal leadership that framed it, proclaimed it, and saw to its execution. Although anonymity testi-fies to the *halaka's* claim to universal authority, it could have had its source only in a differentiated scholar class whose hallmark was the authority to determine the *halaka*. The Boethusians or Sadducees are never the source of the anonymous *halaka*, whereas the *prusim-Pharisees* are identified with the anonymous *halaka*. The Pharisees therefore must be the source of the *halaka* here as well, for whereas the anonymous *halaka* implies a source but does not articulate it, the *prusim-Pharisees* are manifestly made up of individuals who could be, and often explicitly are, the source of the anonymous *halaka*.

The text just cited not only transmits the anonymous *halaka*, but reveals that the procedure it describes was carried out in such a manner as to publicly expose the Boethusian error. The concrete nature of this Mishnah therefore permits the following conclusions enriching the content of the tannaitic definition of the Pharisees:

- (1) The authority for the procedures and their execution rests with the *bet din*.
- (2) The *bet din* invests its authority in the emissaries of the *bet din* (the *sluhe bet din*).
- (3) The *sluhe bet din* do the actual preparation; they tied the unreaped corn in bunches so that the reaping would be easier.
- (4) Every effort was made to encourage broad public participation.
- (5) The *sluhe bet din* took charge of the ceremonies which called for public response to a series of questions which called attention to the deliberate act of cutting the sheaf on the second day of the Festival of Passover, even though this day was not a Sunday.

(6) The crucial importance of the second day of Passover for the cutting of the sheaf was especially emphasized when the second day chanced to be on a Sabbath. Not only was the authority of the *halaka* proclaimed with respect to the proper day, but it was forcefully under-written by the act of reaping on the Sabbath — an act normally forbidden, on pain of death, to be carried out on the Sabbath.

(7) The *halaka* testifies to the role of dramatization in underscoring its authority. It demanded a display of public approval annually for the *halaka* and its promulgators, for the *bet din* and its emissaries. It called for a yearly rejection of the Boethusian-Sadducean approach to the Law. It triumphantly exposes the impotence of the literal Written Law which enjoins that the reaping of the omer shall take place “on the morrow of the Sabbath,” even as it highlighted the potency of the non-Written Law, the *halaka*, which takes “Sabbath” in the text to mean the first day of the Festival of Passover, and not the seventh day of the week.

(8) The *prusim-Pharisees* as the living antagonists of the Boethusians-Sadducees must therefore have been the authorities for the anonymous *halaka* that called for the public exposure of the Boethusians-Sadducees. They thus must have constituted the *bet din* that sent forth the emissaries who performed the concrete acts of public demonstration. The Boethusians-Sadducees could not have been members of the *bet din*, since the latter are committed to the public exposure of the Boethusians-Sadducees as falsifiers of the true meaning of the Law. The *bet din* must therefore be a body that consists of anti-Boethusian-Sadducees, hence of *prusim-Pharisees*, i.e., *hakamim* (sages) committed to the twofold Law.

(9) Since the procedure was actually carried out, the *bet din* must have had the power to execute the laws it promulgated. But since the *Pharisees-hakamim* constituted the *bet din*, it is they who must have carried out the laws that they sanctioned. The *Pharisees-hakamim* therefore could not have been a passive class of academicians, but must have been active legislators with a flair for dramatizing their supremacy.

PH-S-HAL

B

From the first of the month of Nisan until the eighth day [thereof] the *tamid* was instituted, and it is not permitted to mourn [on these days] because the Sadducees used to say that a single individual may donate and bring the *tamid*.

What were the grounds for their claims? Scripture states:

“The one lamb which you [sing.] shall offer in the morning, and the second lamb you shall offer at twilight” [Num. 38:4].

What did they [the Sages] reply to them? [They quoted the following scriptural verse:] “‘My sacrifice, my food, for burnt offerings you [plural] shall observe’ [Num. 38:2]. [The use of the plural indicates] that all [the cost of the sacrifice] are to come from the Temple treasury” (Menahot 65a).

Here again we have the anonymous *halaka* juxtaposed to the Sadducees. The anonymous *halaka* must have had as its source scholars exercising legal authority. These scholars must have been opposed to the Sadducees. But the *Pharisees-hakamim* are known to have been champions of the anonymous *halaka* against the Sadducees. The

Pharisees must therefore be assumed to have been the scholars who authenticated the *halaka* in this instance as well.

The issue in question is the proper functioning of the sacrificial cult; hence a concrete problem. In practice, both procedures could not have functioned simultaneously. Hence, unless the question was merely academic, it involved the power to determine the procedures to be carried out daily in the Temple. If the *halaka* did determine the practice, then its supremacy over the Sadducean claims was proclaimed daily. But behind the anonymous *halaka* are the *Pharisees-hakamim*. Hence the *Pharisees-hakamim* must have been a scholar class who sought the concrete implementation of their *halaka* for the regulation of the cult and who benefitted from the daily confirmation of authority assured by this procedure.

This text further reveals that the Sadducees were committed to a literal reading of the pentateuchal law. They point to the unambiguous use of the singular pronoun with reference to the actual offer of the sacrifice: “The one lamb which you [singular] shall offer in the morning and the second lamb which you [singular] shall offer at twilight.” By contrast, the anonymous *halaka* cites a verse that can be linked to the morning and evening sacrifice only by resort to a complex line of reasoning: since the verse “My sacrifice, my food which is presented to me for burnt offerings, you [plural] shall observe,” does not specifically mention the morning and evening sacrifice. The anonymous *halaka* thus presupposes the Oral Law as the authority for determining the meaning of the Written Law, in contrast to the Sadducees who appeal to the clear meaning of the literal text of the Pentateuch. The *Pharisees-hakamim* are thus once again, through an anonymous *halaka* opposing the Sadducees, shown to be the protagonists of the twofold Law.

It is to be noted that neither in Ph-S-Hal., nor in the text just cited do we find any juxtaposition to *am ha-arets*, nor does it involve the rules of ritual purity.

PH-S-HAL

C

The lulav takes precedence over the Sabbath at the beginning [of the festival], while [the beating of] the willows [takes precedence over the Sabbath] at the conclusion of the festival.

It is related that the Boethusians covered them [the willows] over with large stones on the eve of the Sabbath. The *ame ha-arets* found out about this and dug them out and removed them from under the stones on the Sabbath, because the Boethusians do not admit that the beating of the willows takes precedence over the Sabbath.

[The *halaka* that the beating of] the willows [takes precedence over the Sabbath] is a *halaka* that goes back to Moses from Sinai (Tosefta Sukkah 3:1; cf. Sukkah 43b).

Once again the anonymous *halaka* confronts the legal position of the Boethusians. Once again we can link this *halaka* to the *Pharisees-hakamim* by virtue of their antagonism to the Boethusians. But beyond this, these texts convey the following additional information:

(1) The ruling that the beating of the willows takes precedence over the Sabbath is specifically referred to as a *halaka*, i.e., an unwritten law, that does not derive its authority from the Written Law, the Pentateuch, but from an orally transmitted law originating with Moses himself. The *prusim-fiakamim* thus underwrite the authority of the unwritten laws as ultimately derivative from the very same Moses who was responsible for revealing the Written Law.

(2) The *ame ha-arets* are so loyal to the *halaka* — hence to the *Pharisees-fiakamim* — that they not only made provision on Friday eve for the beating of the willows on the Sabbath, but they took pains to dig them out from under the stones where the Boethusians had hidden them. The *ame ha-arets* are thus shown to be determined supporters of the *halaka* and its champions, the *Pharisees-hakamim*, against the Boethusians-Sadducees.

(3) The *halaka* was operative, not academic.

PH-S-HAL

D

The elders of Israel used to proceed on foot to the *har hamisha*. There was a place of immersion and they [the elders] used to render unclean the priest who was to burn the [red] heifer, because of the Sadducees, so that they should not be able to say, “It was performed [i.e., the red heifer was burnt] after sunset” [i.e., the priest burning the red heifer is regarded by the Sadducees as clean only if he has waited for the sun to set before immersing. If the sun has not set, then according to the Sadducees, immersion alone does not render him clean and he may not burn the red heifer] (Parah 3:7).

PH-S-HAL

E

It is related of a Sadducee [priest] that the sun set upon him, and he came to burn the red heifer. R. Johanan ben Zakkai learned about this and he came and placed his two hands upon him and said, “My lord, the High Priest. How fit you are to be High Priest! Go down and immerse.” Whereupon he went down and immersed himself [in accordance with the demand of R. Johanan ben Zakkai] . . . (Tosefta Parah 3:8; see also 3:6; Mishna *ibid.* 3:5).

The anonymous *halaka* sets hard and fast stipulations for the burning of the red heifer by the priest, stipulations which run contrary to those advocated by the Sadducees. The issue, be it noted, is not the act of burning, but the ritual status of the priest who is to do the burning. Both the anonymous *halaka* and the Sadducees are in agreement that the priest must be in a state of ritual purity. The Sadducees, however, demand two procedures before uncleanness is removed: immersion and the setting of the sun. One without the other is insufficient. They thus rely on a literal reading of Scripture, “And he [the priest] shall wash himself in water and shall become clean when the sun sets” (Lev. 22:6 f.).

The anonymous *halaka*, however, distinguishes between the two requirements: Immersion renders the individual clean with respect to everything but *truma*, “heave

offering.” Only the permission to eat *truma* must await the setting of the sun. The burning of the red heifer does not involve *truma*; hence, the unclean priest need only immerse, and not wait for the setting of the sun, to be ritually fit to make the offering.

The significance attached to the difference in viewpoint between that of the *halaka* and that of the Sadducees is confirmed by the public defiling of the priest, his immersion in a pool set aside for this purpose in the area where the burning is to take place, and his actual performing of the act of burning while the sun was still high in the sky — a dramatic exposure of Sadducean impotency and error.

The tenacity with which this *halaka* was applied to life is thus manifest in the Ph.-S-Hal_E. In this instance Johanan ben Zakkai — already identified as a Pharisee — firmly insisted that the High Priest redo the ceremony since he had defied the *halaka*, and the High Priest seemed to have no alternative but to knuckle under and conform to the *halaka* after attempting to defy it.

That the *Pharisees-hakamim* are the authority for the anonymous *halaka* pertaining to the red heifer follows from the same line of reasoning that has been adduced in other instances. The *halaka* set rules rejected by the Sadducees. Behind the *halaka* must be *halaka* makers, legislators. These *halaka* makers must have been opponents of the Sadducees. But the only opponents of the Sadducees, who are not cloaked with anonymity, are the *Pharisees-hakamim*. These *Pharisees-hakamim* have already been identified with the anonymous *halaka* in other texts; hence they may be assumed to be the authorities who determined the procedures for burning the red heifer. This line of reasoning is confirmed by the specific mention of Johanan ben Zakkai, whom we already know to be a champion of the Pharisaic *halaka*, compelling the High Priest to redo the burning ceremony. To posit a scholar class who legislate the *halaka*, functioning alongside the *prusim-hakamim*, who likewise legislate the *halaka*, and who simultaneously share the identical antipathy towards the Sadducees is to posit a healthy improbability — if not an impossibility.

The information that can be gleaned from these last two texts for the tannaitic image of the Pharisees represents data hitherto unavailable. The *Pharisees-hakamim* are clearly involved in a dispute with the Sadducees involving ritual impurity. But it is to be noted that the anonymous *halaka* takes a casual attitude towards unclean-ness, not the Sadducees. The *halakic* procedure demands that a clean priest deliberately be rendered unclean. This unclean priest is then compelled to immerse himself while the sun is still high in the sky to demonstrate that he becomes clean for the red heifer ceremony immediately following his immersion. The *halaka* is thus seen to be ameliorating the laws of ritual purity, rather than making them more rigorous and demanding. The Sadducees, not the *halaka-makers*, emerge as the purists. It is the Sadducees who insist that uncleanness persists, even after immersion, until the sun has set. The *halaka*, on the other hand, considers immersion alone to be sufficient to attain cleanness, unless the touching and the eating of *truma*, “heave offering,” which affects only the priests and their specific interests, is involved. Nonpriests as well as priests thus become ritually clean for all other purposes, including cultic events, by immersion alone. The *halaka* thus sought to mitigate for nonpriests the rigorous purity laws of the Pentateuch. But behind the *halaka* are the *Pharisees-hakamim*. Hence they must have framed the ameliorating *halaka*. Hence their hallmark could scarcely have been the rigorous observance of the laws of purity, when to all intents and purposes they were modifying these laws for

nonpriests, who were not permitted to eat truma; i.e., the rigorous features were applicable to the priests exclusively.

As for the other information revealed by these texts, it confirms what was extracted from the others: the *Pharisees-hakamim*, presupposed by the *halaka*, are a scholar class vitally involved in the functioning of society. They have a flair for dramatizing their authority at the expense of their Sadducean challengers. They bend pentateuchal literahty to their *halaka*. They do not shrink from applying power when their authority is ignored; and once again, we miss the *am ha-arets*, as their antagonists.

Thus far we have analyzed a series of texts that are linked to the *Pharisees-hakamim* by a common element, namely, juxtaposition in controversy with the Sadducees-Boethusians. One more linkage is yet to be demonstrated. It has been left for last because of its crucial and compelling character.

The basic methodological principle that has been invoked for determining when *prusim* must mean Pharisees has been simple: juxtaposition and opposition to *sduqim*, Sadducees, is *prima facie* evidence that *prusim* in such a relationship can only mean Pharisees. The most decisive texts therefore are those which reveal most strikingly this juxtaposition, namely, the texts that utilize the formula, "The Sadducees say. . . .," "The *prusim* say. . . ." If then one of the texts in the Mishnah utilizing this form contains a dictum of the *prusim*-Pharisees which is identical to a dictum found elsewhere in the Mishnah, but not attributed to the *prusim* but to the *sofrim*, are we to posit two distinct scholar classes or synonymity? Are we not con-fronted with the likelihood that *prusim* was used only when juxta-posed to Sadducees because only in such confrontation was the term appropriate?

The Ph_{1A} text, it will be recalled, reads as follows: "The Sadducees say, 'We complain against you *prusim*-Pharisees because you say that Holy Scriptures renders the hands unclean.' " The dictum is clear: if Holy Scriptures is touched by an individual, the latter's hands become unclean. The Pharisees thus enunciate here a law that has no literal basis in any scriptural text. If it is a law not explicitly spelled out in the Pentateuch, it must perforce be an un-written law, a *halaka*. The Pharisees thus appear as the spokesmen of an unwritten law.

Is this unwritten *\aw* of the Pharisees to be found elsewhere in tannaitic literature? Indeed, it is. It appears as an anonymous *halaka*:

PH-S-HAL

F

All Holy Scriptures render the hands unclean. The Song of Songs and Ecclesiastes render the hands unclean. R. Judah says, "The Song of Songs renders the hands unclean, but with respect to Ecclesiastes there is controversy." R. Jose says, "Ecclesiastes does not render the hands unclean, but it is with respect to the Song of Songs that there is controversy." R. Simon says, "Ecclesiastes [as to rendering the hands unclean] is one of the instances where the school of Shammai was more lenient and the school of Hillel more rigorous." R. Simon ben Azzai says, "I have received a tradition from the seventy-two elders on the day that they elevated R. Eleazar ben Azariah [to the position of *nasi*] in the academy that both the Song of Songs and Ecclesiastes render the hands

unclean.” R. Akiba says, “God forbid! No one of Israel ever quarreled over whether the Song of Songs renders the hands unclean ... If they quarreled at all, it could only have been over Ecclesiastes” (Yadayim 3:5).

I have quoted this passage at length so as to preclude any doubt that the anonymous *halaka* affirms that Holy Scriptures renders the hands unclean. Four distinguished sages debated whether Ecclesiastes or the Song of Songs render the hands unclean, but they are in complete agreement that Holy Scriptures render the hands unclean.

A dictum of the *prusim-Pharisees* thus appears as an anonymous *halaka*, when the Sadducees are not involved. The *prusim-Pharisees* must therefore have been the authorities responsible for this *halaka*.

Yet we find this very same anonymous *halaka* attributed to a class who are not called *prusim*. These texts will be designated Ph-S-Sof; i.e., Pharisaic by virtue of synonymity with *sofrim*.

PH-S-SOF

A

“Everything which renders *truma* unfit, renders the hands unclean so as to be in the second degree of uncleanness. One hand can render the other hand unclean”—these are the words of R. Joshua. The *hakamim*, however, say, “That which is in the second degree of uncleanness cannot make anything else unclean in the second degree.” He [R. Joshua] said to them, “But do not Holy Scriptures which are (unclean) in the second degree, render the hands unclean?” They said to him: “We do not deduce the words of the Torah from the words of the *sofrim* [the Scribes]; nor the words of the *sofrim* from the words of the Torah; nor the words of the *sofrim* from the words of the *sofrim*” (Yadayim 3:2).

The anonymous *halaka* “Holy Scriptures renders the hands unclean” thus turns out to be “the words of the *sofrim*.” But this very same *halaka* is identified as a dictum that distinguished the Pharisees from the Sadducees in Yadayim 4:6. Hence the *prusim* must be identical with the *sofrim*. If identical with the *sofrim*, then entitled to all the rights and privileges pertaining to that honorific class. And these are considerable: The *sofrim* have the right to make law that is not deducible from Scripture; they can make law that is not dependent on a logical connection with any other law that they themselves have made; they can make law that has no connection with Scriptures whatsoever. The *Pharisees-sofrim* are thus the source of the unwritten laws, irrespective of whether or not they are scripturally grounded. But these unwritten laws are the *halaka*. The *Pharisees-sofrim* must therefore be the legislators of the *halaka*.

But the *hakamim* are also the source of the *halaka*. They have also been found to be synonymous with the *prusim-Pharisees*; and these, in turn, are now seen to be identical with the *sofrim*. The *sofrim* therefore must be identical with the *hakamim*. Hence, *prusim-Pharisees*, *hakamim*, and *sofrim* are one and the same, with only this distinction: *whereas hakamim and sofrim appear in the tannaitic literature without the Sadducees, the prusim-Pharisees never do*. We may therefore conclude that there must have been a deliberate avoidance of the term *prusim* as the normal or preferred usage. Such avoidance

may have its roots in a negative resonance inherent in the term *prusim* (“separatists, deviants, heretics”) as a denial of the right to the honorifics *sofrim* and *hakamim*. Hence *prusim* was appropriate in the mouth of the Sadducees, but inappropriate as the name for the legislators of the *halaka*.

The identification of the Pharisees with the *sofrim* thus gives us a scholar class whose hallmark is the championship of the authority of the twofold Law, the Written and the Oral. But this hallmark is not dependent on an identification with the *sofrim*. It exists implicitly in every single text where *prusim* is juxtaposed to Sadducees; for the controversies have meaning only insofar as a basic cleavage existed on the relationship of the Pentateuch to the Oral Law.

The identification with the *sofrim* does, however, permit an elaboration of content and an explicit support for the assumption that the Pharisees exercised hegemony over the Law. For in tractate Sanhedrin, we find the following testimony to the authority of the *sofrim*:

PH-S-SOF

B

There is a greater rigor applied to the words of the *sofrim* than to the words of the Pentateuch. One who says, “There is no need to wear phylacteries,” in order to transgress the words of the Pentateuch is free of guilt. [One, however, who says,] “Five *totafot* are required rather than four,” in order to transgress by adding to the number prescribed by the words of *sofrim*, is guilty (Sanhedrin 11:3).

The *sofrim-Pharisees* ‘are thus accorded ultimate authority, for their unwritten laws carry more weight than the Written Law. But are not these unwritten laws, the *halakot*, the very ones which are recorded anonymously throughout the tannaitic literature? Are we then not bound to acknowledge that every anonymous *halaka* antedating 70 C. E. must have been the legislation of the *sofrim-hakamim-prusim* (Pharisees)? And are we not to assume, on the basis of the documented instances, that the *halaka* was operative in all realms: cultus, festivals, property, ritual purity, calendar, criminal and civil law, etc.? It is regrettably true that we cannot date every *halaka* with precision. In most instances the anonymous *halaka* is unrevealing as to when it was introduced. Yet the principle that the *halaka* system was operative, and that the architects of this system were the *sofrim-hakamim-prusim*, a scholar class of legislators of unwritten law and upholders of the twofold Law concept, is in no way affected by our limitations.

And now a word about ritual purity. The *sofrim-Pharisees* affirm that Holy Scriptures render the hands unclean. They thus show concern over matters of ritual purity. But what is striking in this instance is not their efforts to avoid ritual uncleanness, but to make it inescapable for truma-eating priests. The Holy Scriptures which the *sofrim-Pharisees* recognize as divinely revealed becomes the source of uncleanness in the second degree. This would mean that whenever Holy Scriptures, the Pentateuch included, was so much as touched, uncleanness in the second degree, i. e., uncleanness of the hands, was the inevitable consequence. The only exception (Kelim 15:6) was made for the scroll of the Torah that was kept in the inner part of the Temple from which the High Priest had to read on the Day of Atonement. But even this scroll generated second degree uncleanness

when taken out of the inner sanctum (Tosefta Kelim 11:5:8).’ The Pharisees-*sofrim* by this *halaka*, to which they attached great significance, reveal that they welcomed uncleanness, and were not at all affrighted by the prospect of uncleanness every time they touched the Pentateuch.

The reasons for this *halaka* need be dealt with only briefly, for they presuppose knowledge which is not explicitly set forth in the text. Nevertheless, it can be pointed out that the uncleanness of hands was a pseudo-uncleanness, i.e., it had no practical consequences for the individual unless he were a priest. It did not interfere with his comings and goings and involved no inconvenience. Uncleanness of the hands had one, and only one, generative effect: it rendered truma “heave offering” unfit for consumption. Thus a priest who had come into contact with Holy Scriptures could not touch or eat truma until after he had undergone immersion and after the sun had set. The *sofrim*-Pharisees were thus, it seems, using the technicalities of the laws of ritual purity to discourage priestly handling of Holy Scriptures; for such handling carried with it stringent penalties. *The Pharisees thus did not make the laws of ritual purity rigorous for themselves but for the priests.* They were seeking, so it seems, to exclude priestly control of the Law and not devising a means for separating themselves from the *am ha-arets*.

The building of the Ph corpus is now complete. It consists of the following categories: (1) Texts where *prusim* is juxtaposed to Sadducees — the Ph texts. (2) Texts where synonymity is established by virtue of juxtaposition of *hakamim*, of individual sages, of the anonymous *halaka* to Sadducees-Boethusians. (3) Texts where synonymity is established by virtue of a dictum that is affirmed by the *prusim* in the Ph. texts, yet the same dictum is attributed either to the anonymous *halaka* or to the *sofrim* in texts, where the Sadducees-Boethusians do not appear — the Ph-S-Sof texts. Each of these categories is not only separable from each other, but the subdivisions in each can be clearly distinguished. The tannaitic image of the Pharisees may thus, in the interests of the most rigorous criteria, be restricted to the Phi texts alone, or it may draw on all subdivisions of Ph., or on all the other categories and subdivisions. Whatever the decision, the outcome is identical: the image that emerges from the most rigorously determined corpus is identical with that drawn from the other subdivisions and categories. The Pharisees are in all texts the champions of the twofold Law, the Oral and the Written, and are the opponents of the Sadducees-Boethusians who adhere to the Written Law alone. Indeed, if only the controversy over Holy Scriptures rendering the hands unclean had remained extant, this conclusion would follow from the structure and content of the text; for nowhere in Scriptures is there even a hint of such a concept as Holy Scriptures rendering the hands unclean. *It is thus unscriptural law.* Hence the Pharisees must be the proponents of the authority of the twofold Law. The other subdivisions and categories thus merely confirm that which can be deduced from the most rigorously constructed category. They provide content; they permit elaboration; they do not, however, affect the core definition, but merely reiterate it. The other categories thus appear as extensions of the first; indeed, hypothetically deducible from it, as it, in turn, follows directly from them.

III

The search for the Pharisaic identity in the tannaitic literature is hazardous, for its success is dependent on finding some objective means for determining when the word *prusim* means Pharisees, when not. One such objective standard was constructed in the previous section. It enables the scholar to affirm with certainty that *prusim* means Pharisees whenever it is juxtaposed to Sadducees. It justifies the exclusion of those instances of *prusim* that do not display the criteria for inclusion. Sufficient grounds thus exist for building the tannaitic definition solely from these texts and for excluding all others. The validity of this method is reinforced by the existence of texts that confirm its basic presupposition, namely, that a proper noun does not cancel out a common noun: Democrat does not annihilate democrat, nor Republican, republican. These texts, henceforth designated the Control Texts (CT), contain a usage of *prusim* that precludes the meaning of Pharisees. This non-Pharisees meaning is attested to by scholars who otherwise do translate the *prusim* of the Hagigah text as Pharisees. The choice of these control texts therefore do not follow from the thesis that I am advancing, but from scholars who have put forward the prevailing definitions.⁵

CT

A

Our Rabbis taught: When the Temple was destroyed for the second time, *prusim* multiplied in Israel who took it upon themselves not to eat meat and drink wine.

R. Joshua engaged them in discussion. He said to them, “My sons, why do you not eat meat nor drink wine?” They replied, “Shall we eat flesh from which one used to offer sacrifices on the altar, but now is done away with? Shall we drink wine which one used to pour as a libation on the altar, but now is done away with?” He said to them, “If so, we should not eat bread, for the meal offering has been done away with.” [They answered him] “It is possible to survive on fruits.” [He said unto them] “We should not eat fruits either because the offering of the first fruits is no more.” [They replied], “We can get along with other fruits.” [He then said], “We should not drink water, because the libation of water is no more ...” They were silent.

He said to them, “My sons, come and I shall tell you [what to do]. Not to mourn at all is impossible, because the decree is irrevocable. To mourn overmuch is also impossible, because we do not impose a decree on the community unless the majority are able to endure it; for it is written: ‘You are cursed with a curse, yet you rob me (of the tithe), even this whole nation’ (Mal. 3:9). The Sages have therefore said as follows, ‘A man may stucco his house, but leave a little bare....’ “ (Tosefta Sota 15:11-12, Bava Batra 60b).

Prusim in this passage has been given the following renderings by scholars: (1) Marcus Jastrow, *Dictionary of the Talmud and Midrash*, s. v. *parus*, “abstemious.” (2) Ben Yehuda, *Dictionary*, s. v. *parus*, “one who separates himself and keeps himself away, especially from the sensual desires and transgressions.” (3) Krupnik and Silberman, *A Dictionary of the Talmud, Midrash and Targum*, s. v. *parus*, “ascetic.” (4)

Goldschmidt, *Der babylonische Talmud*, ad loc., “enthaltssam.” (5) The Soncino translation of the Talmud, ad loc., “ascetics.”

Schurer, Herford, Moore, Finkelstein, etc., do not cite the above text in building their definition of the Pharisees. Thus CT_A can be called upon for proof that *prusim* need not mean Pharisees.

Before leaving this text, however, let us note some of its other characteristics, (1) The *prusim* here are not juxtaposed to the Sadducees. (2) They do not seem to be scholars; indeed, they seem to be grieving individuals seeking some form of penance for the destruction of the Temple. (3) They deviate from the ordinance of the *hakamim* or sages; yet they do not offer alternate legislation, but merely choose to be “abstemious” for themselves.

CT
B

It was taught: Judah the son of Durtai *pyrs* from the *hakamim*, both he and his son Durtai, and they *went* and dwelt in the south. He said, “If Elijah should come and say to Israel, ‘Why did you not sacrifice the *hagiga* on the Sabbath?’ what can they answer him? I am amazed at the two outstanding men of the generation, Shemaiah and Abtalion, who are great *hakamim* and great interpreters of the Torah (*darsanim*), and yet have not said to Israel that the *hagiga* overrides the Sabbath.”

Rav said, “what is the reason of the son of Durtai?” [There then follows an attempt by Rav to give exegetical reasons.] Said Rav Ashi, “And are we to vindicate and explain the reasons of *prusim*?” (Pesahim 70b).

Scholars agree that *prusim* here does not mean Pharisees:

(i) Jastrow, “seceders.” (2) Krupnick and Silberman, “seceders.” (3) The Soncino translation of the Talmud, “schismatics.” (4) Goldschmidt, “die sich absondern.”

The text is instructive. *Prusim* is used to designate those who separated themselves from the *hakamim*. Both Durtai and his son had been associated with the *hakamim*, until the issue of the *hagiga* sacrifice taking precedence over the Sabbath arose. In rejecting the decision of the *hakamim*, he and his son became *prusim*, i. e., “deviants, heretics, separatists,” and *not* Pharisees. We are thus confronted with the stark paradox that the word *prusim* not only need not mean Pharisees, but may even mean “those who separate themselves from the Pharisees.” The word *prusim* thus emerges as a word used indis-criminately to designate a deviant, irrespective of what he might be deviating from. The substance of his heresy can be determined only by its usage in context.

Note also that this text shows no affinities to the texts of the Ph. corpus. There is no controversy with Sadducees-Boethusians. The *prusim* Durtai and his son do not advocate the anonymous *halaka*. They are not interchangeable with either the *hakamim* or the *sofrim*. They mention by name two *hakamim*, Shemaiah and Abtalion, who are known from other tannaitic sources to have been the *nasi* and the *av bet din*, respectively, and it is from the *halakic* decision of the latter that they are separating themselves; i.e., becoming *prusim*. Indeed they are viewed with such contempt by an outstanding amoraic

sage that he would not even give their exegesis a hearing, dismissing them with the epithet *prusim*.

CT
C

The eighteen benedictions referred to by the *hakamim* correspond to the eighteen *azkarot* of the Psalm that begins, “Ascribe unto the Lord, O sons of might” [Ps. 29:1]. The blessing which pertains to the *minim* (“heretics”) induces that against the *pruim*: that of the *gerim* includes the *gen m* (“elders”), and that of David includes Jerusalem. If one said these . . . , he has fulfilled his obligation (Tosefta Berakot 3:25).

Prusim is here a synonym for *minim* “heretics” — the text affirms this explicitly, and the scholars echo this affirmation: Jastrow, “Renegades”; Ben Yehuda and Lieberman (*Tosefta Kifsuta* I, p. 54) “People who are accustomed to separate from the ways of the collective group.”

This text thus confirms the paradox: *prusim* not only need not mean Pharisees, but can actually mean anti-Pharisees, i.e., heretics who have challenged the Pharisees. The *hakamim* are specifically referred to as the authorities responsible for the eighteen benedictions;

and yet the benediction that they formulated against the *minim*, calling on God to annihilate them, is deemed valid if *prusim* is substituted for *minim*. But the *prusim* in the Ph. texts are synonymous with *hakamim* and with the anonymous *halaka*. Are then the *hakamim* calling down curses upon themselves in the guise of *minim* and *prusim*?

Prusim therefore was used by the Sages to denote “heretics.” But this is not so shocking when it is recalled that *prusim* meant Pharisees in the Ph. texts only when juxtaposed to Sadducees, who, no doubt, looked upon the *hakamim-sofrim* as *prusim* “heretics.” In texts where no Sadducees-Boethusians are found the very same dictum is uttered by *hakamim-sofrim* or by the anonymous *halaka*, or by individual sages — never by *prusim*. Precisely because the *hakamim-sofrim* did not consider themselves to be “heretics,” they were scrupulous in proscribing this usage except when appropriate, i. e., in controversy with the Sadducees. Indeed, so free were they from an attachment to this name, that they used it without hesitancy to denounce those who deviated from the *halaka* and who challenged their authority. Those bearing the honorific title *hakamim-sofrim* presumably had no fear that their use of the term *prusim* would be ambiguous. Their fearlessness is boldly evident in the Tosefta text where *minim* and *prusim* are treated as synonyms.

These then are the control texts. That they are only three in number is irrelevant. What is crucial is that scholars who translate *prusim* as Pharisees in the Hagiga text do not translate *prusim* as Pharisees in the control texts just cited. In making this choice, they undercut any claim that *prusim* must mean Pharisees. If, then, in CT_{B-C}, *prusim* can mean anti-Pharisees, *anti-hakamim*, *anti-halaka*, anti-Shemaiah and Abtalion, indeed “heretics” rejected by the Sages, how can the term *prusim* be self-defining? If it means both Pharisees and anti-Pharisees, it surely leaves us in the lurch.

And, if by their own reasoning, scholars have seen the necessity of translating *prusim* in the CT_A texts as “ascetics,” why do they hesitate to translate *prusim* as “ascetics” in the Hagiga texts?

The existence of these controls thus precludes an invariable, single meaning for *prusim*. The meaning of *prusim* can be determined only by contextual criteria and not by the word itself. Surely if the same word can mean A, non-A, and anti-A, it cannot be self-defining.

IV THE AMBIGUOUS TEXTS (AMB)

The third corpus consists of the ambiguous texts. These are the texts where *prusim* is not juxtaposed to *sduqim*. Yet most scholars translate the term *prusim* in these texts as Pharisees.

AMB

A

The garments of an *am ha-arct*s are a source of *midras*-uncleanness for *prusim*; the garments of *prusim* are a source of *midras*-uncleanness for those who eat *trumo* [*i.e.*, the priests]; the garments of those who eat *truma* are a source of *midras*-uncleanness for [those who eat of] *qodasim*; the garments of those that eat of *qodasim* are a source of *midras*-uncleanness for those [who are in charge of] the water of purification. Joseph ben Joezer was the most pious in the priesthood, yet his apron was a source of *midras* uncleanness for those who are *qodasim*. Johanan son of Gudgada all his life used to eat [common food] as though it were *qodasim*, yet his apron was a source of *midras*-uncleanness for [those who were in charge of the waters of purification] (Hagiga 2:7).

We have already become familiar with this text as the proof-text par excellence for the definition of the Pharisees as scrupulous observers of the laws of ritual purity who separate themselves from the *am ha-arct*s. The scholars who translate *prusim* as Pharisees in this text are legion. Virtually every translator of this Mishnah, be it Danby or Goldschmidt or the translators for the Soncino Talmud, renders *prusim* as Pharisees; every lexicographer, be it Jastrow, Ben Yehuda, or Krupnick-Silberman, does likewise; virtually every student of the Pharisees, be it Schiirer, Finkelstein, or Herford, echoes this rendering.

And the grounds? Clearly not the juxtaposition of *prusim* to *sduqim*, nor a legal controversy with some other grouping, nor the affirming by the *prusim* of an *halaka*, nor synonymity with *hakamim-sofrim* or some individual sage. The Ph. texts, *without exception*, have the *prusim* stating a legal position; they are never themselves the subject of the law. In this text, however, the *prusim* are a grouping separated from other groupings by virtue of the *halaka*, and not, as in the Ph. texts, the source of the *halaka* itself. In this Hagiga text the *prusim* are distinguished from (1) the *am ha-arct*s, (2) the eaters of *truma*, (3) those who engage in certain cultic activities, indeed even (4) the sage, Joseph ben Joezer — known from other tannaitic sources to have been one of the *zugot* “pairs” and hence the leader of the *hakamim* in his day. The *prusim*, however, are not

distinguished from these others by virtue of a legal controversy, as in the Ph. texts, but by degrees of ritual purity.

Why then the compulsion to identify these *prusim* with the Pharisees? The word itself? But since these very same scholars agree that the word can also mean “heretic” or “ascetic,” why the rendering of *prusim* here as Pharisees? Perhaps because heretics would violate the context? Indeed it would! But would “ascetics?” The latter meaning surely is interchangeable with the *prusim* in this text.

AMB

B

R. Joshua used to say, “A foolish saint and a cunning knave and an *isa prusa* and *makot prusim* — these wear out the world” (Sota 3:4).

Scholars with almost one accord render *isa prusa* as “Pharisaic woman” and *makot prusim* as “Pharisaic plagues.” The Soncino translation, “a female Pharisee; the plague of Pharisees.” Goldschmidt, “Eine pharisaische Frau; die Schlage der Pharisaeer”; Danby, “a hypocritical woman,” but “the wounds of the Pharisees.” Jastrow, “sanctimonious woman” but “the wounds inflicted by the Pharisees.”

AMB

C

Our Rabbis have taught: “There are seven types of *prusim*: the *sikmi parus*, the *niqpi parus*, the *qizai parus*, the *mdukia parus*, the *parus* [who constantly exclaims,] ‘What is my duty that I may perform it?’, the *parus me’ahava*, and the *parus miyir’a*” (Sota 22b; cf. J. Sota 5:7 f.).

All seven types of *prusim* as viewed by this baraita display a negative attitude toward these *prusim*. They are not exemplars held up for emulation. This is clear from the discussion which follows in the Talmud. Thus the *sikmi parus* is one who performs the action of Shechem; the *niqpi parus* is one who knocks his feet together; the *qizai parus* is one who in his ultra asceticism dashes his face against the wall; the *mdukia parus* is one whose head is bowed like a pestle in a mortar; the *parus* who constantly exclaims, ‘What is my duty that I may perform it?’ is one who gives the impression that he has already fulfilled all the commandments and is looking for more; the *parus* from love is one who loves the rewards of the commandments; the *parus* from fear is one who is afraid of the punishments that he may receive if he is not overscrupulous.

What does an analysis of texts Amb_{A-C} reveal? A complete lack of affinity to the Ph. texts! (1) There are no Sadducees or Boethusians. (2) The *prusim* are not the source of the *halaka*, but are subsumed under it. (3) The *prusim* are evaluated negatively, not honorifically. (4) The term is not interchangeable with *fiakamim-sofrim*. (5) The singular form is used for the *pnisa* woman and for the labelling of each of the seven classes of *pru’sim*; in the Ph. texts *prusim* is used only in the plural.

A careful examination of the dictum of R. Joshua throws light on what he meant by a *pruSa* woman and the *makot prusim*. He is listing those who deviate from the norm. Thus a foolish pietist is one who strays from the path of true piety; a cunning rogue one who forsakes the roguish mean. Similarly a *prusa* woman must be analogous; hence a woman

who is “ascetic” or “celibate,” one who abandons the *res media* of the *halaka*. *Makot prusim* represent some kind of a non-halakic practice, such as flagellation carried out for ascetic purposes. Hence the term would mean, “the lashings, or stripes, or flagellations of ascetics.” Surely a devotee of the *halaka*, such as R. Joshua, would not attribute the wasting away of the world to a Pharisaic woman, if the synonym *hakam* or *sofer* were in his mind. Nor would he be likely to have said “the plagues of *hakamim* or *sofrim* waste the world away.”

Similarly with the seven types of *prusim*. Every one represents a deviant from the halakic norm. Is one to believe that the *pru'sim* of the Ph texts, the stalwart opponents of the Sadducees, the legislators of the *halaka*, the champions of the twofold Law fall into seven classes of pious fools straying from the *halakic* norm that they themselves had established, and that they typed by themselves so negatively? But why even raise such a question? All that one need do is substitute *hakamim-sofrim* for *prusim* to see how ludicrous it all becomes.

What then prompted scholars to render *prusim* as Pharisees in these texts? Presumably the word. Yet these very scholars did not translate *prusim* Pharisees when they found it in the C. texts. Did not the translator of the Soncino Talmud translate it “ascetics” when confronted with the *pru'sim* that multiplied following the destruction of the Second Temple (CTA) ? Did not Goldschmidt utilize an equivalent German word, “Enthaltsame?” Did not Jastrow forego Pharisees for “abstemious?” Whence the necessity that it then mean Pharisees in the Amb._{A-E} texts when the translation “ascetic” is absolutely compatible with the structure and the context of these texts? No such necessity exists! When compared with the Ph. texts, they show themselves out of joint. When compared with CTA, they are absolutely assimilable.

Other texts containing the words *parus* or *prusim* have likewise been drawn upon for a definition of the Pharisees, despite the fact that they have nothing to offer as credentials other than a word that can mean Pharisees, anti-Pharisees, non-Pharisees.

AMB

D

Bet Shammai says, “A *zav* who is a *parus* should not eat with an *am ha-arets*,” but Bet Hillel permits him (Tosefta Shabbat 1:15).

The *parus* here is the same sort of individual we found, in the plural, in AmbA. He is no more a Pharisee here, than he is there. He is juxtaposed to the *am ha-arets*, not the Sadducees-Boethusians. He is being regulated by the *halaka*, not framing it. He is in the singular, not the plural. He is a man who has undertaken a vow to maintain a certain state of ritual purity which carries with it the separation from the *am ha-arets*. He thus falls under the provisions of the *halaka* because he has undertaken a voluntary obligation. No *halaka* exists anywhere that either defends or advocates becoming a *parus*. He is someone who has undertaken to separate himself from others, just as individuals separated themselves from the majority when they took it upon themselves to mourn for the loss of the Temple by refraining from eating meat and drinking wine. Amb._D is thus to be assimilated with the CT. texts, for it uses *parus* in an analogous fashion. It is rejected from inclusion into the Ph. corpus because it has none of the credentials necessary for entry.

AMB

E

“For I am the Lord your God. Hallow yourselves and be holy, for I the Lord your God am holy.” As I am holy, so be you also holy; as I am *parus*, so be you also *prusim* (Sifra to Lev. 11:44).

AMB

F

“You shall be holy, for I, the Lord your God, am holy.” Be you *prusim*” (ibid., Lev. 19:2).

AMB

G

“You shall be unto me a kingdom of priests and a holy nation.” Holy, holy, hallowed, *prusim* from the people of the world and their detestable things (Mekilta to Ex. 19:6).

Many scholars, such as Moore and Baeck, have not only translated *prusim* here as Pharisees, but have contended that the essential meaning of the term is derived from its usage here. *Prusim* is used as a synonym for *qdosim* “holy.” The Pharisees thus called themselves the *prusim* or “holy ones.”

But what are the grounds for insisting that *prusim* means Pharisees here? Do we find any Sadducees-Boethusians in controversy with them? Is *prusim* “holy” interchangeable with *hakamim-sofrim*? Do the *prusim* in these texts propound dicta or legislate *halaka*? Are the Israelites being called upon to be lawmakers or to lead a holy life in accordance with the *halaka*? Is God calling for the people to imitate him as lawmaker or as the model of holiness? Surely, when the people are enjoined to be a holy nation by separating from the peoples of the world and their detestable things, they are being called upon to keep the *halaka*, not formulate it.

The word *prusim* need not mean Pharisees; this has already been demonstrated. But neither must its meaning be circumscribed to “ascetics” or “heretics.” The root *prs* “to separate” can breed sub-stantives that run the whole gamut of possible separations including “holiness.” The evidence for such a usage is not difficult to find in the tannaitic literature. That it is not synonymous with Pharisaism the following texts will demonstrate:

AMB-PRISUT

A

A woman prefers one *qav* and lechery to nine *qabim* and *prisut* (Sota 3:4).

Prisut here surely means “abstinence,” “continence,” and not “Pharisaism!”

AMB-PRISUT

B

R. Phineas ben Jair used to say, "... purity leads to *prisut* and *prisut* leads to holiness" (ibid. 9:15).

The categories enumerated are gradations of purity, not religious groupings or schools of thought. No *halaka* confronts us here; only stages on the path to holiness. *Prisut*, i. e., "abstinence, restraint, continence, separation from sensuality," is a prerequisite for attaining holiness, not the quality of being a Pharisee.

AMB-PRISUT

C

When Rabban Gamaliel the Elder died the glory of the Law ceased and purity and *prisut* died (ibid.).

Are we to believe that the Mishnah is informing us that with the death of Rabban Gamaliel the Elder Pharisaism died? Is it not obvious that a personal attribute of an individual is being referred to, just as one might say that with the death of X goodness, or honesty, or beauty ceased? Yet this seemingly unambiguous non-Pharisaic meaning of *prisut* did not restrain Danby from translating it "the cleanness practiced by the Pharisees," although the text reads:

AMB-PRISUT

D

A condition of doubt about *hulin* concerns the cleanness of *prisut* (Tharot 4:12).

Why should not *prisut* here mean simply "self-restraint, abstinence, a state of separation from uncleanness?" Does it not, here as elsewhere, refer to a self-limitation, permitted and regulated by the *halaka*, but not required by it?

All the tannaitic texts utilizing *prusim* have now been collated. But before the tannaitic definition of the Pharisees can be spelled out, an additional group of texts involving the *haverim* must be analyzed, because most scholars consider the term *haverim* or "Associates" to be synonymous with, or inseparable from, *prusim*, Pharisees. Their reasoning is based on the fact that in the Hagiga passage (AMB_B) as well as in the text dealing with a *zav* who is a *parus* (AMB!), the *prusim* are juxtaposed to the *am ha-arets* as being more rigorous in matters of ritual purity. Since in the tractate of Demai, the *haverim* are likewise distinguished from the *am ha-arets* because they do not eat untithed produce and they are careful to eat even common food in a state of ritual purity it is postulated that the *prusim* and *haverim* are intimately interrelated. The *haverim* thus look very much like the *prusim* of AMB_{A-B}. By assuming synonymity, scholars draw on the more detailed information about the *haverim* to fill in the lacunae with respect to the *prusim*. We have no alternative therefore but to include the *haverim* texts in the Amb. corpus, designating them the AMB-HAV texts.

AMB-HAV

A

If a man has taken upon himself to become a *haver*, he may not sell to an *am ha-arets* either moist or dry [produce]; nor may he buy from him moist [produce]. He may not be a guest of an *am ha-arets*, nor may he receive as guest an *am ha-arets* who is wearing his own garment (Dmay 2:3).

AMB-HAV

B

It was taught: “One who pledges himself to accept *divre l’averut* must do so in the presence of three *haverim*. His children and household need not pledge before three *haverim*. . .”

It was taught: “. . . Even a *talmid hakam* must pledge himself before three *haverim*. . .” (*Bekorot* 30b; see also *Tosefta Dmay* 2:2 f.).

These two texts will suffice for analytical purposes. The other references to the *haverim* need not be cited, for their status differs in no wise from the two passages set forth above. If the *haverim* in AMB-HAV fail to meet the criteria for identification with the *prusim*-Pharisees of corpus Ph., they can gain no access through the texts that have not been cited in full. The *haverim*, unlike *prusim*, leave little doubt as to who they are in whatever text they may be found.

No close analysis of AMB-Hav_{A-B} is needed to recognize that they bear no resemblance to the Ph. texts. The *haverim* are juxtaposed to the *am ha-arets*, not to the Sadducees-Boethusians. They are the subjects of *halaka*, not its formulators. They utter no dicta; offer no legal opinion. They are not synonymous with *hakamim* or *sofrim*. The anonymous *halaka*, the legislation of *hakamim*, not *haverim*, is de-terminative, regulating, as in AMB-Hav_{A-B}, the conduct of *haverim*. They are not a scholar class, but individuals who have voluntarily undertaken to tithe doubtful produce. The *halaka* does not require one to be a *haver*, but it regulates the regimen of a *haver* once he undertakes this obligation. The eating of *dmay* (doubtful-if-tithed) produce is not a breach of the *halaka*, as eating pork would be; indeed we learn that it may be freely given to the poor and to passing guests: Rabban Gamliel even gave it to his laborers (*Mishnah Dmay* 3:1). The *halaka* no more requires one to be a *haver* than a nazirite, but once one undertakes the role, the *halaka* spells out the *halakic* consequences.

But the Pharisees of the Ph texts are the very *hakamim* responsible for the legislation regulating the *haverim*. They determined the status of the *haver*, just as they determined the status of the nazirite, the priest, the levite. They do not separate themselves as a class by making laws applicable to themselves alone. There was not one *halaka* for the *Pharisees-hakamim-sofrim* and another for the people at large. The *halaka* was deemed to be universal, though, as in the case of a priest, not always universally applicable. The individual *Pharisee-hakam-sofer* might be affected by the *halaka* differently, but it was not because he was a *Pharisee-hakam-sofer*. He might have been born a priest, hence bound by the *halaka* applicable only to priests. He might choose to become a nazirite and thereby find himself regulated by the appropriate *halaka*. He might take a vow and thus come under the provisions of the *halaka* spelling out its implications. Similarly, he might choose to become a *haver* and find himself bound by the *halaka* regulating this freely-chosen status. As a *Pharisee-hakam-sofer*, he was an *halaka* maker and an authoritative

spokes-man for the twofold Law. His *bete noire* were the Sadducees, not the *am ha-arets*; his hallmark, mastery of the twofold Law, not ritual purity.

The *haverim* are not the Pharisees. They do not match the *prusim-hakamim-sofrim* of the Ph. texts. However, they do bear some resemblance to the *prusim* of the Amb. texts, a fact that is even more disqualifying. And finally we find that an Amoraic teacher, Abaye, in attempting to overcome a difficulty, explains that the individual in question was a Sadducean *haver* (Nidda 33b)! A Sadducean-Pharisee perhaps?!

V

Since all the tannaitic texts utilizing *prusim* have now been collated and, in addition, other texts pertaining to the problem have been investigated, we are now ready to construct the tannaitic definition of the Pharisees from the texts that have met the criteria of authenticity. Only those that have found their way into corpus Ph. can legitimately communicate information about the Pharisees. All other texts are excluded because they fail to meet the objective criteria. The word *prusim* is no longer sufficient. It has been disqualified because it was found in the control texts to mean both “ascetics” and “heretics”; i. e., to mean non-Pharisees and anti-Pharisees. Its usage in the Ambiguous texts offered no affinity to the Ph. corpus, at the same time that it typed out with AMB.A and analogous derivatives. The Hagiga proof text thus collapses as a source for the Pharisees, and with it all the *haverim* passages that were assimilated to it. We are left with the Ph. texts alone, and from these the definition of the Pharisees must be constructed.

The image of the Pharisees thus derived will come as no surprise. It has been prefigured in the analytical discussions of the texts themselves. Nevertheless, it must now be set down for the record, so that it can be compared with that drawn from Josephus and the New Testament.

The Pharisees were a scholar class dedicated to the supremacy of the two-fold Law, the Written and the Unwritten. They actively opposed the Sadducees who recognized only the Written Law as authoritative, and they sought dramatic means for proclaiming their overriding authority. Their unwritten laws, the *halaka*, were operative in all realms: cultus, property, judicial procedures, festivals, etc. The Pharisees were active leaders who carried out their laws with vigor and determination. They set the date for the cutting of the omer. They set up the procedures for the burning of the red heifer and compelled priestly conformance. They insisted that the High Priest carry through his most sacred act of the year in accordance with their regulations. They determined judicial procedure, the right-ful heirs to property, the responsibility of slaves for damages, the purity status of Holy Scriptures.⁶

The Pharisees utilized this name, only in controversies with the Sadducees. In all other texts, they appear as the *hakamim* “Sages,” as the *sofrim* “Scribes,” as the scholar class legislating the anonymous *halaka*, as individual spokesmen for the class, as the scholars who sit in the *bet din* “Legislature.” The shying away from the name Pharisees is thus clearly no accident, for never once does it find its way into a text without the Sadducees. They therefore must have viewed it as lacking in the honorific implications of such titles as *hakamim* and *sofrim*; indeed, it must have been a term that was not meant to be complimentary at all. Since the word has “heretics” as one of its meanings, and since it is used in the tannaitic literature only in juxtaposition to the Sadducees, who would have

viewed the concept of the twofold Law as heretical, it would seem that it must have been originally hurled at the *hakamim-sofrim* as a denial of their claim to authority over the Law. In the eyes of the Sadducees the *hakamim-sofrim* were indeed “*prusim-heretics*.”

The scrupulous avoidance of the name *prusim* by the *hakamim-sofrim* thus accounts for the paradox that the very literature that would be expected to give us the most information about the Pharisees hardly ever mentions them by this name at all. Little information is given about the Pharisees because only a few of the controversies with the Sadducees have been recorded. But the tannaitic literature is a vast repository of information concerning the *hakamim-sofrim*, and their *halaka-making* activity. Scarcely a paragraph of the Mishnah or the Tosefta or the Baraitot or the tannaitic midrash is without some reference to the *hakamim*. Every anonymous *halaka* that antedates the destruction of the Temple is their handiwork. And do not the distinguished leaders of the *hakamim-sofrim* — Simon ben Shetah, Shemaiah and Abtalion, Hillel and Shammai, Johanan ben Zakkai, Rabban Gamaliel — fill the pages of this literature? The Pharisees once liberated from the limited, circumscribed, and rare usage of *prusim* and identified as the *hakamim-sofrim* can reclaim their identity as that scholar class that created the concept of the twofold Law, carried it to triumphant victory over the Sadducees, and made it operative in society.

This definition of the Pharisees is not unfamiliar. It is identical with that set forth by Josephus in Antiquities XIII : 297, 408:

For the present I wish merely to explain that the Pharisees had transmitted to the people certain laws handed down from the Fathers (*paredosan . . . ek pateron*) which are not written down in the laws of Moses, and for this reason are rejected by the group of Sadducees, who say only the written laws are to be taught, whereas those handed down from the Fathers (*ek paradoseos ton pateron*) are not to be observed. And concerning these matters they came to have controversies and serious differences, the Sadducees having only the confidence of the wealthy, whereas the Pharisees had the support of the masses . . . and whatever of the laws introduced by the Pharisees in accordance with traditions of their Fathers [*kata ten patroan paradosin*] had been abrogated by Hyrcanus her [i. e., Salome Alexandra's] father-in-law, these she again restored.

It also resonates in Paul:

As to the Law, a Pharisee ... as to righteousness under the law blameless (Philippians 3:5, 6).

. . . And I advanced in Judaism beyond many of my own age among my people, so extremely zealous was I for the traditions of my fathers [*ton patrikon mou paradoseon*] (Galatians I :14).

Likewise in the Gospels:

The Scribes and Pharisees sit in Moses' seat, so practice and observe whatever they tell you (Matthew 23:2).

And the Pharisees and the Scribes asked him, “Why do your disciples not live according to the tradition [*paradosis*] of the elders? . . . and he [Jesus] said to them, “You have a fine way of rejecting the commandment of God in order to keep your tradition [*paradosis*]. . .” (Mark 7:5, 9).

The hitherto discordant sources are now seen to be in agreement. Joseph us, Paul, the Gospels and the tannaitic literature are in accord that the Pharisees were the scholar class of the twofold Law, nothing more, nothing less.

NOTES

* Whenever I use “It was taught” or “Our Rabbis have taught” in the translations, a tannaitic text is presupposed.

It should also be noted that in several of the texts that are cited below Hebrew words have been left untranslated. This was done intentionally, so as to avoid a debate over the meaning of a term even though it has no substantive relationship to the theme of this study.

I am grateful to Rabbi Mayer Selekman for the assistance he gave me in the preparation of this article, and to Rabbi Herbert Opaiek, Fellow in Talmudics at Dropsie University, for his checking out the tannaitic texts and their translations in the galley proofs.

‘ I have deliberately reduced to a minimum the footnotes to this paper, since the thesis stands or falls on the adequacy of the methodology. Since, to my knowledge, this methodology has not been used *explicitly* by any other scholar, the issue is one of competing methodologies, and not simply another variation of a basic conceptual paradigm. For the distinction in the natural sciences, see T. S. Kuhn, *The Structure of Scientific Revolutions* (Chicago, 1962).

For scholarly efforts at denning the Pharisees, see the comprehensive article and bibliography by A. Michel and J. Le Moyne “Pharisiens,” *Supplement au Dictionnaire de la Bible*, Fascicules 39-40 (1964), cols. 1022-1115. Note especially the utilization of tannaitic sources, cols. 1074—75. See also Ralph R. Marcus, “The Pharisees in the Light of Modern Scholarship,” *Journal of Religion* 23 (1952), pp. 153-164.

Although scholars are by no means in agreement as to the definition of the Pharisees, it is probably fair to say that Louis Finkelstein’s construction drawn from tannaitic sources is generally accepted as a good working definition; see his *The Pharisees* (Philadelphia, 1962), third edition, I, pp. 75-78; II, pp. 606-7. See also A. Finkel, *The Pharisees and the Teacher of Nazareth* (Leiden, 1964), pp. 42-57; and H. Mantel, “The Nature of the Great Synagogue,” *Harvard Theological Review* 60 (1967), pp. 75-83 for recent elaborations and modifications.

The methodology I set forth in this article was stimulated by Solomon Zeitlin’s seminal study “*Hasduqim we-haprusim*,” *Horev* 2 (1936), pp. 56—89, where it is *implicitly* utilized to differentiate between the tannaitic usage of the term *prusim*, to mean “Pharisees,” and *prusim*, to mean “separatists,” but not “Pharisees.” See also his *The History of the Second Commonwealth: Prolegomena* (Philadelphia, 1933), pp. 41-56, and more recently *The Rise and Fall of the Judean State I* (Philadelphia, 1962), pp. 178-187. Though close to Zeitlin in some respects, I differ radically with him on the problem of Pharisaic origins (see my “Solomon Zeitlin’s Contribution to the Historiography of the

Intertestamental Period,” *Judaism* 14 [1965], pp. 354-367). For my conceptualization of the Pharisees as a revolutionary scholar class, see “The Internal City,” *Journal of Scientific Study of Religion* 5, (1966), pp. 25-40; “The Pharisaic Revolution,” *Perspectives in Jewish Learning* II (1966), pp. 26-51; Pro-legomenon to Ktav reprinting of Oesterley and Loewe, *Judaism and Christianity* (New York, 1969), pp. vii-lxx. A brief statement of the methodology utilized in this article is set forth in the latter two studies.

² Although the Hebrew text reads *sduqi glili* and other versions read *min*, I have translated the text as “Sadok of Galilee” in line with Josephus’s reference to a Sadok who, along with Judas of Galilee, was a founder of the Fourth Philosophy (*Antiquities* XVIII:3-10).

³ Although I am aware that the Vienna Ms. of the Tosefta contains a variant reading (cf. Saul Lieberman, *Tosefet Rishonim*, IV, p. 610), it does not affect the structural distinction I am making.

⁴ Although the Tosefta reads “Ezra,” the context makes it clear that the issue centers on the removal of the scroll from the sanctuary.

⁵ The only scholar who has been consistent in translating *prusim* as Pharisees in all tannaitic texts is Alexander Guttman, “Pharisaism in Transition,” *Essays in Honor of Solomon B. Freehof* (Pittsburgh, 1964), pp. 202-219. But to maintain this consistency, he must postulate a deterioration in the meaning of the term.

⁶ I am well aware of the fact that during the latter part of the rule of John Hyrcanus and throughout the reign of Alexander Jannaeus an effort was made to suppress the Pharisees violently. Since, however, Salome Alexandra was compelled to reinstitute Pharisaic authority, it is evident that the Pharisees had succeeded in retaining the loyalty of the masses during the years of civil war. It seems clear that once the Grand Compromise was put into effect — Salome Alexandra recognizing Pharisaic hegemony over the Law and the Pharisees, in return, recognizing the legitimacy of the Hasmonean dynasty — there was never any subsequent effort on the part of the state to meddle in the realm of the Pharisaic *halaka*.

I am also aware that on the eve of the revolt against Rome, during the revolt, and following the revolt, the *am ha-arets* and the *hakamim*, for a time, mutually despised each other. This followed from the pro-Roman and neutralist policies advocated by such outstanding Pharisaic leaders as Johanan ben Zakkai. However, this antagonism was not operative earlier, and, in any event, never affected the Pharisaic claim that the *halaka* was equally binding on scholar and *am ha-arets* alike.