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# Ellis Rivkin and the Problems of Pharisaic History: A Study in Historiography

DAVID ELLENSON

**T**HE work of Ellis Rivkin, Professor of Jewish History at the Hebrew Union College-Jewish Institute of Religion in Cincinnati, has attracted considerable attention during recent years. Commenting upon Rivkin's work on the thorny problem of Pharisaic origins, Jacob Neusner has written, "The new departures of Ellis Rivkin . . . are highly sophisticated and thoughtful."<sup>1</sup> Moreover, while Rivkin's most recent work, *The Shaping of Jewish History*,<sup>2</sup> is not the subject of this paper, it has drawn much comment from many academic critics as well as admirers and has pushed him into the spotlight of modern Jewish historiography.<sup>3</sup> None of Rivkin's reviewers has, however, deliberately and purposefully attempted to reconstruct the total methodological and conceptual framework which serves as the foundation of his work and, consequently, none has been able fully to illuminate Rivkin's efforts.

I propose to analyze and define Rivkin's methodological approach to history, as well as the conceptual framework within which he operates, in order to assess his scholarship more fruitfully. I have accordingly divided this essay into two major sections. The first section will be devoted to an explication of Rivkin's method and conceptual framework, while the second will analyze how Rivkin utilizes these methods and theoretical constructs in approaching the problem of Pharisaic origins. In this way, it is hoped, a model of historiography will be outlined which will serve as a guide to both the accomplished and the aspiring historian.

## I

Underlying Ellis Rivkin's approach to historiography is the belief that the historical continuum is not random and therefore unintelligible, but rather that it is an explicable process. Institutions do not arise, great events do not occur, and influential leaders do not emerge from the midst of a haphazard merging of time,

<sup>1</sup>Neusner, *The Rabbinic Traditions About the Pharisees Before 70*, Part III (Leiden: E. J. Brill, 1971), p. 327.

<sup>2</sup>Rivkin, *The Shaping of Jewish History* (New York: Charles Scribner's Sons, 1971).

<sup>3</sup>See Martin A. Cohen, "Review of Books in Jewish History," *CCAR Journal* (June 1972), p. 85.

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people, and events. History is neither accidental nor the result of fortuitous processes. Instead, history is the outcome of events and forces which are comprehensible and thus amenable to rational analysis and explanation.

So it is that Rivkin writes:

The surface appearance of the past is ultimately explained by intellectual constructs that are not seen at all. The past is an outcome of broad forces of an economic, political, social, and religious character.<sup>4</sup>

For Rivkin the issue is not whether conceptual frameworks should be employed. Without them the writing of history is impossible for, if they are lacking, the sources cannot be organized and no historical reconstruction can be made. The question is how deliberately the historian can construct a model which will illuminate the material he intends to study. This is the ultimate test of the historian, for his ability to clarify the knowledge and enrich the understanding of a given epoch or event depends, in the final analysis, upon how accurate and successful his model is when applied to the test of evidence. As Rivkin observes, the major task confronting the historian is "that of fashioning a conceptual model that will enable the sources to release the information locked within them." Further, "... only a greater awareness of the limits of the known can be the outcome of a conceptual model built with deliberation and care."<sup>5</sup>

Rivkin utilizes four categories as guidelines in his construction of such a conceptual model and claims that all historians must employ such categories if they are intelligibly to reconstruct the past. These four categories are: time, or periodization; structure, that is, relatively enduring interrelationships; process, or mode of change; and causality, principles of explanation.<sup>6</sup> These categories cannot be employed arbitrarily, however. Indeed, the test of a historian's skill is reflected in how he utilizes them. The historian has thus carefully to consider the framing of a conceptual framework whereby these categories will be permitted to interact and make intelligible the historical continuum.

Specifically, Rivkin states:

The historian can make this process (the historical one) intelligible by pursuing the interconnections of the continuum, by differentiating the structures within it, by relating these structures to each other, by following the processes whereby these differentiated and interacting structures are modified, changed, and transformed in time, and by being on the alert for the causal connections and the emergence of novel structural patterns.<sup>7</sup>

The concepts are intertwined and indivisible. Time is significant only if it defines an epoch when significant structural changes take place. Similarly, if the historical epoch which bears witness to these changes cannot be determined and the specific structures and institutions which are in the process of change cannot be identified, then no causal explanation can possibly be offered. Historical time is therefore the period when a structure is in the process of transformation, while causality is the means, the conceptual framework, whereby the transformation is explained. On

<sup>4</sup>Rivkin, "Solomon Zeitlin's Contribution to the Historiography of the Inter-Testamental Period," *Judaism* (1965), p. 356. Hereafter cited as "Zeitlin."

<sup>5</sup>*Ibid.*

<sup>6</sup>Rivkin, "The Writing of Jewish History," *The Reconstructionist* (June 15, 26, 1959), p. 15.

<sup>7</sup>*Ibid.*, p. 16.

this view, the conceptual framework ultimately serves to make the whole epoch intelligible and permits the historian to shed light upon the shaping of institutions and processes during specific times. Consequently, these categories are interdependent and necessarily involve one another.

In addition, the historian is able to make use of several aids in his attempt to define and identify these categories in a given historical situation. The first of these aids evidenced in Rivkin's methodological essays is that of the significance of language. Words reflect the time and society in which they were written. One must logically assume that when a writer composes a document his primary aim is to communicate with others. He must thus conform to standard usage as well as to accepted syntactical patterns in order to accomplish this goal. The writer's use of language is thus circumscribed and, consequently, the historian has a valuable tool for reconstructing the past.

Languages do evolve, syntactical patterns do change, and new words are coined. By being sensitive to such changes, the historian is able more clearly to delineate a particular historical epoch as well as new institutions and structures which emerge during them, for common syntactical patterns and uniform language will serve to mark a given era while the creation of new vocabulary will reflect societal changes and, possibly, the emergence of new institutions. As Rivkin states:

By a careful analysis of change in vocabulary, in usage, in structure of language, he (the historian) can set up controls limiting subjective and arbitrary reconstructions, and he can have some assurance that his own reconstructions have an objective underpinning.<sup>8</sup>

An analysis of language thus aids the historian in his utilization of the category of time (periodization) and the category of structure, for language reflects stability as well as change in the historical continuum.

The emphasis which Rivkin places upon the principle "that silence is never positive evidence of anything"<sup>9</sup> serves as a corollary to the stress he lays upon language as a tool in enriching man's understanding of history. This principle is not identical with the importance he attaches to analysis of language as a historical tool, since it is far broader in that it states that the historian must have some type of evidence before he can legitimately posit the existence of an institution or event. On the other hand, it is related as a tool to the analysis of language because, taken in concert with it, it reveals when new linguistic forms appear and thus aids the historian in determining when new categories of institutions and times arise.

A third aid which Rivkin employs is that of framing a methodology appropriate to analyzing texts. This, perhaps, is the most crucial of his methodological aids for if an adequate theoretical approach to the problem of interpreting and authenticating texts cannot be discovered, then the writing of history becomes an impossibility. Rivkin is therefore very careful to design a methodology whereby information relevant to the historian can be extracted from the texts.

First, Rivkin posits that all available and relevant sources must be analyzed by the historian and that the historian, when he confronts the sources, must be as

<sup>8</sup>"Zeitlin," p. 358.

<sup>9</sup>Ibid., p. 366.

open as possible to the sources which he investigates.<sup>10</sup> This means that he should not approach the text with preconceived notions as to what the texts will reveal. Neither should he refuse to check the information which he derives from one source against the information which a separate source reveals.<sup>11</sup> Indeed, if the historian fails to check one source off against another, his approach must be suspect.

Secondly, Rivkin recommends that the historian analyze each source independently. Such a method grants the historian the right, if the sources yield compatible information, to construct objective and scientific definitions of structures, times, places, groups, people, and events. However, if such a method yields the conclusion that the texts contradict and thereby mutually exclude one another, then a new conceptual framework or new procedures must be adopted in order to solve the problem or the historian must recognize that the problem is insoluble and acknowledge that any historical reconstruction he may attempt of such an era is a highly conjectural one.

Finally, Rivkin argues that a source must "give internal evidence of its right to be heard."<sup>12</sup> That is, the source must, in a direct manner, demonstrate that it is relevant to the matter being investigated. While this may seem to be a rather simple and straightforward criterion, it is essential to remember that Rivkin is dealing primarily with documents which are very ancient and which are religiously oriented. The documents are thus often highly in question because their authorship and time of composition cannot always be determined and therefore their authenticity and "right to be heard" cannot always be confirmed. This forces the historian to question the purpose of a particular narrative and compels him to ask why the narrator tells such a story.

The very fact, however, that Rivkin's approach to texts makes him aware of their tenuousness causes him to recognize that the historian must employ additional aids if he hopes to make intelligible the historical continuum by means of the categories of time, structure, process, and causality. These additional aids are afforded by the concepts of analogy and internalization. They aid the historian in filling in lacunae in the sources and in reconstructing an era and its structures as well as providing him with adequate causal explanations as to the processes of change which occur in institutions during particular ages. Furthermore, the employment of such concepts will stimulate further conceptual refinement on the part of other historians and allow for the possibility of more advanced insights into the texts and more skillful ways of handling them.<sup>13</sup> In order to understand how Rivkin can make such a claim, it is necessary to analyze his definition of the concepts of analogy and internalization and how he utilizes them in his work.

Rivkin maintains that the historian must employ analogies in his studies if he is to explain the processes of change evidenced in the historical continuum and if he is to offer arguments on behalf of causal explanations regarding the period under his consideration. Moreover, he argues that even those historians who claim that no recurrent patterns can be identified in history resort to analogy, for their claim

<sup>10</sup>Rivkin, "The Pharisaic Revolution," in *Perspectives in Jewish Learning*, ed. Moses A. Shulvass (Chicago, 1966), p. 30.

<sup>11</sup>*Ibid.*

<sup>12</sup>*Ibid.*, p. 31.

<sup>13</sup>Rivkin, "Prolegomenon to *Judaism and Christianity*," ed. Osterley and Loewe (New York: KTAV Reprint, 1969), p. lxii. Hereafter cited as "Prolegomenon."

that each period of history and each institution is unique is based upon their observations of different periods and the disparate structural elements they feel each period reveals. Analogy can be very helpful or, if it is haphazardly constructed, distorting. As Rivkin observes:

Precisely because no analogy can be identical, its effectiveness is dependent on the validity of the principles being invoked. Thus an analogy drawn from highly disparate economic, social, and political systems is much more suspect than that drawn from systems having significant structural elements in common. Similarity *per se* may be meaningless for purposes of clarification.<sup>14</sup>

The historian is compelled to search for a meaningful historical analogy, one which has major elements in common with the period he wishes to study. For, if he does this, then the value of an analogy is very great in that "it clarifies a distorted phenomenon by offering an intelligible alternative."<sup>15</sup>

Analogies permit the historian to "compare comparables." Their employment allows the historian to compare an era in which the facts are revealed in the sources and in which an intelligible reconstruction has been made to an era in which not all the facts have been revealed, but in which enough are manifest to permit the historian to deduce that the analogy he chooses is a fruitful one. The historian, of course, has to demonstrate why he believes a certain analogy is fitting in a given case, but if he does this with the utmost care, he can logically apply it to his own particular case. In this way, an intelligible historical reconstruction can be offered even if some of the sources are contingent and some of the facts are missing.

The final concept which Rivkin employs in order to illuminate the historical continuum is that of internalization. This concept is derived from functionalist writings in the sociology of religion in general and from the works of Max Weber in particular.<sup>16</sup> While the term internalization is often used by functionalist theorists to refer to the internalizing of important aspects and beliefs of a given culture by an individual living within that culture, thus aiding the individual in maintaining personal stability within a social context,<sup>17</sup> Rivkin modifies this emphasis and, instead, concentrates upon how doctrine and cultural beliefs must constantly change in response to alterations in the social environment if they are to provide means whereby man can adjust to his social environment. That is, inasmuch as cultural beliefs and meaning systems provide a framework within which "man's total experience and behavior can fit together coherently,"<sup>18</sup> they must be in flux whenever social conditions are altered, for only then can they present to man intelligibility, order, and meaning in what would otherwise be a chaotic and bewildering universe. So it is that Max Weber writes, ". . . religious doctrines are adjusted to *religious needs*,"<sup>19</sup> for religion, in that it attempts to relate to man a comprehensive schematization of reality so that he can understand the world and

<sup>14</sup>"Zeitlin," p. 361.

<sup>15</sup>Ibid.

<sup>16</sup>For a general discussion of functionalist theory in the sociology of religion see Thomas F. O'Dea, *The Sociology of Religion* (Englewood Cliffs: Prentice-Hall, 1966), chap. 1.

<sup>17</sup>Thus, Peter Berger, *The Sacred Canopy* (Garden City: Anchor Books, 1969), p. 17, writes, "Internalization implies that the objective facticity of the social world become a subjective facticity as well."

<sup>18</sup>David Little, *Religion, Order, and Law* (New York: Harper Torchbooks, 1969), p. 8.

<sup>19</sup>Weber, "Social Psychology of the World Religions," in *From Max Weber*, ed. Gerth and Mills (New York, 1946), p. 270.

his place in it, must be, as Joseph Blau puts it, "flexible enough to be an adequate guide to living in multifarious situations,"<sup>20</sup> or else it must run the risk of obsolescence. Religion thus often adapts its doctrines to changing social situations.

Rivkin realizes the fruitfulness of such an insight to the writing of history and articulates it through the concept of internalization. He holds that men desire order and comprehensibility in their lives and that they seek answers to the questions, "Who are we, and why are we, and what are we?"<sup>21</sup> Men are, by their very nature, meaning-seeking, and when social conditions change and their sense of identity and social equilibrium is upset, they seek to internalize new standards which will aid them in resolving these questions. The significance of such questions and the importance of such a social-scientific approach to the historian are that they permit him to investigate how a society handles such problems and how it provides answers to these crucial questions of personal worth and dignity. Such an analysis of doctrine and ideas, considered in consonance with knowledge the historian has of economic and social conditions of the society under consideration, can signal changes in the structure of society and thus aid the historian in explaining the processes of change which are present in the society, as well as permitting the identification of the time span when such a doctrine emerges or declines.

The real test for Rivkin, however, is how he applies all these theoretical concerns to the writing of history. For the ultimate test is whether his theoretical considerations will be confirmed or disproven when confronted by the relevant evidence, whether his categories and conceptual aids illuminate or obscure a given historical epoch and problem. The next section will thus investigate Rivkin's work on the problems of Pharisaic origins to determine how rigorously Rivkin follows his own standards in his research, as well as to judge how practical these theories are in the writing and illumination of history.

## II

The attempt to reconstruct the history and nature of the Pharisaic movement has plagued historians for over a century. Who these people were, when they arose, the nature and significance of their doctrines, the reasons for their emergence — all these remain burning issues in the field of Inter-Testamental and Judaic scholarship.<sup>22</sup> Thus, in tackling these problems and attempting to provide answers to them, Ellis Rivkin is testing the adequacy of the conceptual models outlined above as well as attempting further to refine his methodological and theoretical frameworks so as to shed new light on this controversial era of Jewish history.<sup>23</sup>

There are four major sources which are relevant to a reconstruction of Pharisaic history. These are 1) the rabbinic materials, 2) Josephus, 3) the New

<sup>20</sup>Blau, "Alternatives Within Contemporary American Jewry," in *Religion in America*, ed. McLoughlin and Bellah, p. 299.

<sup>21</sup>Rivkin, "The Internal City," *Journal for the Scientific Study of Religion* 5 (Spring 1966), p. 228. Also see his "Pharisaism and the Crisis of the Individual in the Greco-Roman World," *The Jewish Quarterly Review* 61 (1970), pp. 27-53, for further comments on internalization. Hereafter cited as "Pharisaism."

<sup>22</sup>"Prolegomenon," p. xii.

<sup>23</sup>*Ibid.*, p. xlii.

Testament, and 4) the Apocryphal and Pseudepigraphical works. As Rivkin recognizes, the major problem in writing a history of the Pharisees lies in the nature of these sources.<sup>24</sup> That is, they are either silent in regard to the whole issue of Pharisaic development and origin, or they are highly polemical and partisan. Furthermore, it is difficult to determine whether accounts of the Pharisees which are found in the texts are contemporaneous with the events they describe or the projections of another age. The historian thus finds it almost impossible to ascertain whether a source is reliable or apologetic, legendary or historically accurate.

Nevertheless, as these sources are the only ones extant which bear on the questions of Pharisaic origins, they must be utilized if a reputable history is to be written. Rivkin is confronted by the task, then, of framing a method suitable to extracting relevant and authentic information from the texts. Further, once this information is garnered, an adequate history must be written which will connect these facts and present a coherent picture of the Pharisees.

Rivkin attempts to accomplish this by utilizing two distinctive approaches. The first, as outlined in the preceding section of the paper, is primarily literary and philological. It attempts to employ literary and philological principles to authenticate the texts, test them for internal consistency, and analyze them to reveal clues regarding the emergence of new literary forms and vocabulary. Such an approach aids in determining when the Pharisees emerged as a distinctive sect, and what the nature and ambience of their distinctive doctrines were, because it helps in establishing which texts are relevant to such a study and in identifying new doctrines and institutions. This approach makes the historical continuum intelligible by allowing the categories of time and structure to be filled.

To supplement this approach, Rivkin turns to the social sciences, for only by constructing an adequate theoretical model based upon the concepts of analogy and internalization can he succeed in determining the precise modes of change which marked institutions during this era. Further, this approach alone permits him to make the causal connections which are necessary in establishing why the Pharisees arose and why a particular historical context occasioned their birth. The two approaches are thus complementary and, functioning together, Rivkin regards them as the methodological tools whereby these problems can be illuminated.

Rivkin begins his researches by attempting to determine the time in which the Pharisees arose. While such scholars as Zeitlin and Finkelstein claim that the Pharisees arose as a distinctive party in the earliest years of the Second Jewish Commonwealth, and such others as Herford and Moore trace their antecedents back before the Hasmonean Revolution, Rivkin contends that an analysis of the relevant texts does not permit such conclusions and that these scholars are, consequently, wrong in their attempted periodization.<sup>25</sup>

Utilizing the principle that silence is never proof of anything, Rivkin points to the fact that none of the post-Exilic biblical literature mentions the Pharisees by

<sup>24</sup>"Zeitlin," pp. 354-55.

<sup>25</sup>Cf. Solomon Zeitlin, *The Rise and Fall of the Judean State*, vol. 1 (Philadelphia: The Jewish Publication Society, 1962), "Prolegomena," and Finkelstein, *The Pharisees* (Philadelphia: The Jewish Publication Society, 1962), vol. 1, pp. 74-78, and vol. 2, p. 606, to G. F. Moore, *Judaism* (New York: Schocken, 1971), vol. 1, pp. 56-62, and R. Travers Herford, *The Pharisees* (New York: Macmillan, 1924), chap. 2. For Rivkin's criticisms see "Zeitlin," pp. 365-67 and "Pharisaism," p. 29.

name and that, further, all Apocryphal and Pseudepigraphical literature (composed in Palestine between 400 and 200 B.C.E.) is silent in regard to them. Instead, Rivkin claims that the Pharisees must have arisen during or shortly after the Hasmonean Revolution (circa 168 B.C.E.) because the first literary reference to them is in connection with Jonathan the Hasmonean, who came to power around 160 B.C.E.<sup>26</sup> Rivkin therefore concludes that since this is the first literary reference to the Pharisees, and inasmuch as all Apocryphal literature, including *Ecclesiasticus* which gives a detailed description of Palestine during the third or fourth century B.C.E. (depending upon its dating), does not mention the Pharisees, the Pharisees may have emerged during this time and not centuries earlier as other scholars would hold.<sup>27</sup>

Rivkin's claim, that non-mention of the Pharisees in the vast post-Exilic and Apocryphal literature indicates their non-existence prior to the Hasmonean Revolution, seems logical and quite plausible. While silence may not prove non-existence, it surely cannot be used to affirm their presence during this era. Indeed, the burden of proof lies on Rivkin's opponents, for if they are to substantiate their belief that the Pharisees did exist during this era, they must be able logically to explain why the Pharisees are not explicitly mentioned in these sources. Indeed, arguments such as Zeitlin's, which hold that the absence of references to the Pharisees can be explained by the "tendentious nature" of the authors of these post-Exilic and Apocryphal works,<sup>28</sup> are weak ones which might be more persuasive if only one or two books were involved. The fact, however, that there is a far broader literature and that the hiatus between the alleged time of Ezra (circa 400 B.C.E.) and the time of the Maccabean Revolution is over two hundred years, makes the claim of Rivkin's opponents highly suspect for it seems odd, if the Pharisees did exist prior to the Hasmoneans, that not a single source is extant which confirms or attests to their existence at this time.

Further, even the more modest claims of scholars such as Ralph Marcus, who claim that Pharisaic doctrines are evidenced in the Apocryphal literature in spite of the fact that they are not specifically mentioned, are wrong on two accounts.<sup>29</sup> The first is that the identification of Pharisaic doctrine with Apocryphal doctrine is based on the belief that rabbinic documents are written by the spiritual heirs of the Pharisees and accurately portray early Pharisaic doctrines. Yet, in terms of identifying the Pharisees and the distinctive nature of their doctrines, this glosses over the major problem of authenticating the historical accuracy of rabbinic accounts of the Pharisees, which were not collected and written down for over a hundred years after the Pharisaic sect disappeared. Marcus is thus grounding his conclusions about the identity of Pharisaic and Apocryphal doctrine on later rabbinic accounts about Pharisaic doctrine, and inasmuch as he fails to demonstrate the authenticity of these accounts, his method is quite suspect. The second fault with Marcus' contention is that it assumes the identity of rabbinic and Pharisaic doctrine<sup>30</sup> and, on this basis, reads this doctrine into Apocryphal

<sup>26</sup>Josephus, *Antiquities* XIII, 171-73, in Rivkin, "The Pharisaic Revolution," p. 43.

<sup>27</sup>Ibid., p. 44, and "Pharisaism," pp. 31-35.

<sup>28</sup>Zeitlin, *The Rise and Fall of the Judean State*, p. 11.

<sup>29</sup>Marcus, *Law in the Apocrypha* (New York: Columbia University Press, 1927), p. 114.

<sup>30</sup>Marcus, "The Pharisees in the Light of Modern Scholarship," *The Journal of Religion* (July 1952), p. 154. Marcus writes, "It is now generally recognized that Pharisaic Judaism is synonymous with normative Palestinian Judaism of the early rabbinic period."

literature by implication. Thus, in spite of the fact that Marcus admits “Definite references to the teaching of *Halakah* (the rabbinic term which refers to Jewish Law) are not to be found in the Apocryphal literature,”<sup>31</sup> he concludes that many *halakot* found in the *Mishna* are identical with those found in the Apocryphal literature.<sup>32</sup> While this may be the case, it is more logical to assume that if Marcus had no preconceptions about such identity, it would not have been discovered, and, in addition, some superficial similarities hardly prove that Pharisaic doctrine is already found in the Apocrypha. Indeed, Marcus’ error is that he pays no attention to the historical category of periodization and, consequently, confuses documents from two distinctively different periods of time without supplying any valid methodological grounds for so doing.

In the light of no evidence to the contrary, then, Rivkin’s argument — that silence of the sources concerning Pharisaic doctrines or institutions is proof of the non-existence of the Pharisees during the pre-Hasmonean era — is a persuasive one. Indeed, it forces the scholar to center his researches on the Hasmonean and post-Hasmonean time periods.

The second argument which Rivkin employs to indicate that the scholar must focus his attention on the Hasmonean and post-Hasmonean eras in order to discover the origins of the Pharisees is based upon an analysis of literary forms. Rivkin notes that the Pharisees themselves employed oral forms of teaching and that the literary forms employed by the rabbis, the descendants of the Pharisees, have no Biblical or Apocryphal prototypes.<sup>33</sup> They thus point to the fact that new influences were at work in the world of Hasmonean or post-Hasmonean Judea and indicate, Rivkin claims, that the Pharisees must have emerged sometime during the Hasmonean era.<sup>34</sup>

This last claim of Rivkin’s is a bit strange, inasmuch as he himself admits that the dating of these rabbinic literary forms is a “hazardous enterprise.”<sup>35</sup> As Rivkin has established no case for assuming that these literary forms or the oral form of transmission emerged during or shortly after the Hasmonean era, there is no compelling reason to assume they did. Indeed, such a fixing of time for the emergence of these literary forms seems quite arbitrary and, in light of Jacob Neusner’s demonstration that the origin of some of these forms cannot be determined at all,<sup>36</sup> quite unsubstantiated. Rivkin’s point must, therefore, be considered, at best, a moot one until he or someone else can demonstrate that these novel forms emerged during the Hasmonean period.

Rivkin’s argument on behalf of Pharisaic emergence during the time of the Hasmoneans does not rest solely upon the argument of silence in the earlier sources. Indeed, this argument only permits him to conclude that the Pharisees did not exist prior to the Hasmoneans. In order to construct a more positive analysis, one which will permit him to explain why and when the Pharisees arose, Rivkin analyzes those texts which do mention the Pharisees explicitly in order to discover

<sup>31</sup>Marcus, *Law in the Apocrypha*, p. 71.

<sup>32</sup>*Ibid.*, p. 114.

<sup>33</sup>“Pharisaism,” p. 31. Rivkin is supported on this point by Neusner, *The Rabbinic Traditions*, chap. 18. In particular see Neusner’s statements, “Rabbinic traditions about the Pharisees practically ignore all types and forms of Hebrew Scriptures” (p. 69), and “. . . the forms of Pharisaic-rabbinic traditions differ from the forms of biblical literature” (p. 73).

<sup>34</sup>“Zeitlin,” p. 366; “Pharisaism,” p. 31; and “Prolegomenon,” p. xxiv.

<sup>35</sup>See “Pharisaism,” p. 31; and “Prolegomenon,” p. xxiv.

<sup>36</sup>Neusner, *The Rabbinic Traditions*, p. 93.

their distinctive doctrines and institutions. The aim of such discovery is to permit construction of an objective definition of the Pharisees. Armed with such a definition, and relying upon Weber's observation that religious needs often shape religious doctrine, Rivkin will be able to determine the possible time context out of which such doctrines could have emerged. Historical reconstruction is thus made possible.<sup>37</sup>

Rivkin constructs his definition of the Pharisees by examining independently each of the pertinent sources — Josephus, the New Testament, and the rabbinic materials — to derive separate definitions of the Pharisees from each source. He then compares each definition in order to construct an overarching definition of the Pharisees and their distinctive doctrines and institutions.

Looking at Josephus, Rivkin notes that the Pharisees are defined as a "scholar class that championed the authority of the twofold Law, the written and unwritten, in principled opposition to the Sadducees who affirmed that only the written Law was authoritative."<sup>38</sup> Moreover, Rivkin claims Josephus described the Pharisees as a class deeply involved in the power struggle of Hasmonean and post-Hasmonean Judea and as a class which fought against both John Hyrcanus and Alexander Yannai when their authority was abrogated in favor of the Sadducees and their concept of the single, written Law.<sup>39</sup> Indeed, the Pharisees submitted to Hasmonean rule only when Salome Alexander, in 76 B.C.E., acquiesced to Pharisaic demands that the concept of the twofold Law be made supreme in the state.<sup>40</sup> Moreover, Rivkin notes that later characterizations of the Pharisees by Josephus are substantially in accord with this earlier picture of them as a politically active scholar class zealous for the operation of the twofold Law.<sup>41</sup>

While the New Testament is clearly hostile to the Pharisees, and accordingly difficult to evaluate, Rivkin is able to cull a definition of the Pharisees from it. Using Paul as a control, Rivkin shows that Paul labelled himself a Pharisee.<sup>42</sup> Thus, when Paul states in Galatians that he was extremely zealous "for the traditions of my fathers," he could only have intended that he was a champion of the twofold Law when he stated that he was "to the Law a Pharisee."<sup>43</sup> For, Rivkin claims, "traditions of my fathers," in a Pharisaic context, could only refer to the Oral Law. Further, Rivkin notes that the New Testament, as did Josephus, pictures the Pharisees as politically active.<sup>44</sup>

Rivkin turns, finally, to the rabbinic literature to establish a definition of the Pharisees. Initially, he notes that the rabbinic material has been utilized by scholars to undergird a definition of the Pharisees as a sect "separated organizationally from the masses because of their concern with the laws of ritual purity."<sup>45</sup> This definition, which according to Rivkin is incorrect,<sup>46</sup> springs from the passage in *Mishna Hagiga* which states that the garment of an *am haaretz*

<sup>37</sup>Rivkin, "Defining the Pharisees: The Tannaitic Sources," *Hebrew Union College Annual* 40-41 (1969-70), pp. 205-49; and "The Pharisaic Revolution," p. 27.

<sup>38</sup>*Ibid.*, p. 32.

<sup>39</sup>Josephus, *Antiquities* XIII, 296-98, in Rivkin, "The Pharisaic Revolution," p. 33.

<sup>40</sup>Josephus, *Antiquities* XIII, 408-11, *ibid.*, p. 33.

<sup>41</sup>*Ibid.*, pp. 33-35.

<sup>42</sup>Phil 4:4b-6.

<sup>43</sup>Rivkin, "The Pharisaic Revolution," p. 36.

<sup>44</sup>*Ibid.*

<sup>45</sup>*Ibid.*, p. 37.

<sup>46</sup>Rivkin, "Defining the Pharisees," pp. 246-49.

(literally, “people of the land”) is a source of *midras* uncleanness for *perushim* (the Hebrew word which is commonly translated as “Pharisees,” but literally means “separatists”). Yet, as Hebrew has no capital letters, there is seemingly no way to determine whether the word *perushim* used in this *mishna*, or any other rabbinic source, means “separatists,” or “Separatists,” i.e. Pharisees. The problem, then, aside from authenticating the rabbinic texts, is to determine which ones are relevant in establishing a definition of the Pharisees.

Following the lead of Solomon Zeitlin, Rivkin shows that the word *perushim* can never be shown to mean Pharisees except when used in opposition to the Sadducees.<sup>47</sup> Moreover, in all cases where *perushim* is used in contradistinction to the Sadducees, the *perushim* serve as the source of the law. In many places where *perushim* is utilized independently, however, the term is used pejoratively by the rabbis and the *perushim* actually stand in opposition to the framers of the law, the *chakamim* (sages) and *soferim* (scribes).<sup>48</sup> Rivkin thus shows that the term *perushim* can be used to construct a definition of the Pharisees only when it is found in a text where the *perushim* are the promulgators of the law, standing in opposition to the Sadducees. In all other cases the texts must be ignored as contingent in constructing a definition of the Pharisees.

Rivkin's method, in addition to permitting him to identify the *perushim* as those people who frame the laws, allows him to explain their name, i.e. Separatists. Throughout history, he notes, opponents have often hurled terms at their rivals in order to brand them pejoratively. Thus, “Separatists” must have been a contemptuous term hurled at the Pharisees by the Sadducees. In relating arguments they had with the Sadducees, the Pharisees employed the term their rivals had cast ignominiously upon them. However, as the term was pejorative, they generally preferred to use terms such as sage or scribe when describing members of their own group or when enunciating law.

Rivkin is left to conclude:

The Pharisees of the Tannaic (early rabbinic) literature thus turn out to be that scholar class which promulgated and championed the twofold Law. . . . To the Sadducees they were “separatists” for in proclaiming the authority of the Twofold Law, they were deemed to be undermining God's verbal and immutable written revelation!<sup>49</sup>

Rivkin's methodological framework aids him in overcoming the contingency of his source materials. By examining each source independently and deriving separate definitions, he has determined that the distinctive Pharisaic doctrine is that of the twofold Law, of an Oral Law which stands alongside and sometimes even supersedes the Written Law.

Furthermore, such a procedure permits him to meet the criticism of Jacob Neusner, who claims that insofar as the rabbinic texts can neither be authenticated by non-Pharisaic sources<sup>50</sup> nor dated accurately, Rivkin's conclusion regarding the rabbinic materials must be considered a “summary viewpoint of a few later rabbis,” nor a “historical descriptive statement about the historical Pharisees.”<sup>51</sup> While there is some merit to Neusner's observation in that it reminds the reader of

<sup>47</sup>Ibid., p. 206.

<sup>48</sup>Rivkin, “The Pharisaic Revolution,” p. 40.

<sup>49</sup>Ibid., p. 41.

<sup>50</sup>Neusner, *The Rabbinic Traditions*, p. 3.

<sup>51</sup>Ibid., p. 5.

the tenuous nature of Rivkin's source materials, it seems unnecessarily exaggerated. Indeed, since Rivkin claims all three sources are unanimous in regard to certain aspects of Pharisaic doctrine, it seems logical to regard Rivkin's definition as far more than mere conjecture, even though it may not enjoy the status of established fact. Failing to demonstrate that Josephus, the New Testament, and the rabbinic sources all borrowed from one another, the critic must accept the fact that inasmuch as all three sources reveal the Pharisees as a group concerned with championing the legitimacy of the Oral Law, it is not incorrect to build a definition based upon such unanimity. To claim otherwise is to maintain that partisan sources, in the absence of non-partisan ones to provide a check upon them, cannot be used in historical investigation. Yet, as Rivkin has demonstrated, such a utilization is possible if a careful method is designed which permits the extraction of nuggets of truth from the materials.

A more serious criticism of Rivkin's definition of the Pharisees as "the champions of the twofold Law" can, however, be offered. Rivkin has read into the texts conclusions which the texts themselves do not warrant. That is, even though the texts make it clear that the Pharisees possessed traditions other than those of the written Law, and that they ascribed to these traditions the same authority that they did to the written Law itself, there is no specific mention of the concept of Oral Law in any of the literature Rivkin produces. Instead, both Josephus and the New Testament distinguish the Pharisees from the Sadducees by stating that the Pharisees adhered to the "traditions of the fathers." They nowhere mention that the Pharisees specifically upheld the doctrine of the Oral Law. Rivkin is therefore mistaken when he identifies these "traditions of the fathers" with the Oral Law and, while it may be that the rabbinic doctrine of the Oral Torah emerged from this earlier Pharisaic doctrine of "traditions of the fathers," there is no compelling reason to suppose that the doctrine of the Oral Law arose in Judaism until the first century C.E.

Indeed, utilizing Rivkin's own principle that silence is never proof of anything, it becomes apparent that the doctrine of the Oral Law is conspicuously absent from all sources prior to the first century C.E. Its initial appearance in the relevant literature is found in a rabbinic source, when Gamaliel II (circa 80 C.E.) explains to Agenitos that there are two Torahs, one oral and one written.<sup>52</sup> Rivkin, then, in reading this doctrine back into the Pharisaic notion of "tradition of the fathers," is perhaps guilty of the same type of error which characterizes those historians who attempt to read Pharisaic doctrine back into the Apocryphal literature.

Nevertheless, it will be instructive to analyze how Rivkin utilizes social-scientific theory to untie the knotty problems regarding the reconstruction of Pharisaic origins, for such an analysis will reveal to the historian the way in which social-scientific theory can be utilized as an aid in the absence of sources. Having postulated the Pharisees as a scholar class which promulgated the concept of a twofold Law and having demonstrated that the sources are completely silent in regard to the Pharisees prior to the Hasmonean Revolution, Rivkin notes that the

<sup>52</sup>*Sifre* on Deut 33:10. While it is true that in b. *Shabbat* 30b-31a both Shammai and Hillel (circa 10 C.E.) are reported to have told converts that there were two Torahs, one oral and one written, no historical credence can be lent to these stories. On this point see the work of Henry A. Fischel, "Story and History: Observations on Greco-Roman Rhetoric and Pharisaism," in *American Oriental Society, Middle Western Branch, Semi-Centennial Volume*, ed. Denis Sinor (Bloomington, 1969), pp. 59-88.

range of historical experience which could have produced such a concept is severely circumscribed.<sup>53</sup> Rivkin attempts to determine what the implications of such a concept are, for by so doing he will be able to determine the likely crucible out of which such a doctrine could have emerged. He turns to Hasmonean Judea, then, to see if conditions in it were conducive to such a doctrine, for if they were, it is quite logical to assume the Pharisees arose at this time since they are first mentioned in connection with the period shortly following the Hasmonean Revolution.

Rivkin begins by noting that the picture of pre-Hasmonean society found in *Ecclesiasticus* is one of "triumphant Aaronidism!"<sup>54</sup> That is, Ben Sira's Judea is clearly a hierocratic society completely dominated by "Aaronide priests under the direction of a High Priest descended from Phineas and Zadok."<sup>55</sup> Not only is there no mention of an Oral Law, but sole authority over the Written Law is committed to the priests. Pre-Hasmonean Judea is thus depicted as a "society uncontaminated . . . by any anti-Aaronide tendency."<sup>56</sup> It is a society dedicated solely to the written Law, and, as Jacob Lauterbach has effectively argued, ". . . the written Torah actually favors the priestly authorities, no matter how liberally you interpret it."<sup>57</sup>

Having determined that pre-Hasmonean Judea was dominated by a priestly hierarchy dedicated to the single written Torah, and that the Pharisees ostensibly promulgated a concept of a twofold Law which held that laws given by God to Moses on Mt. Sinai had been preserved by oral "traditions of the fathers," Rivkin is able to conclude that such a concept is potentially disruptive to a society ruled by priestly authorities for it posits power in that class of people which can legitimately claim to have knowledge of these traditions, and not necessarily the priests. The problem which remains, then, is when and why such a concept could have arisen. That is, what sort of factors could have led to the creation of this doctrine, what events could have permitted it to supersede the already established one, and how can this process, once it is identified, be causally explained?

It is here that Rivkin turns to the concept of analogy and notes, "Revolutions generate institutional and conceptual novelty and . . . they elevate into power new classes even as they topple old."<sup>58</sup> Rivkin wants to compare the Hasmonean Revolution to other great revolutions in history and proclaim that the Pharisaic doctrine of Oral Law emerged from it for "it is precisely when a system is in crisis that the most radical concepts and institutions are born."<sup>59</sup> The fact that the concept of the twofold Law is nowhere in the pre-Hasmonean literature, and that such a doctrine is clearly revolutionary in that it provides a means whereby the authority of laymen can be established as superior to priests, makes Rivkin's utilization of the revolutionary model highly plausible and does not leave him open to the charge of arbitrarily superimposing a theoretical model upon historical events. Indeed, such a model has the advantage of making intelligible an event where many of the facts are missing.

<sup>53</sup>Rivkin, "The Pharisaic Revolution," p. 42.

<sup>54</sup>*Ibid.*, p. 44.

<sup>55</sup>*Ibid.*

<sup>56</sup>"Zeitlin," p. 365.

<sup>57</sup>Lauterbach, "The Pharisees and Their Teachings," *Hebrew Union College Annual* 6 (1929), pp. 69-140.

<sup>58</sup>"Prolegomenon," p. xxxiii.

<sup>59</sup>"Zeitlin," p. 366.

In order further to bolster his case and assert the correctness of his choice of a revolutionary model, Rivkin relies upon the work of Victor Tcherikover and Solomon Zeitlin.<sup>60</sup> Using their studies, he asserts that Palestinian Jewish life had become radically transformed and increasingly urbanized during the third century B.C.E. due to the influence of Hellenistic civilization. While the system of priestly authority had been constructed upon a simple, societal model of peasants and priests, the rapid urbanization of the ancient Near East in the years prior to the Hasmonean Revolution, the creation of an urban, non-landed middle class, transformed Palestine into a society with an urban, commercial instead of rural, agricultural orientation. The written Law, then, which was based upon a rural, agricultural order, became increasingly irrelevant to the lives of an urban people. Social conditions were thus sufficiently in turmoil to warrant the necessity for a reinterpretation of Torah which could meet the needs of citizens living in a rapidly changing world.

As Rivkin phrases it:

The penetration of the *polis* form into the Near East had set in motion economic, social, political, and cultural forces that radically altered the structural configuration of Judean society . . . it was clearly evident that the old hierocratic system was inadequate to cope with the needs of a society so radically altered from that presupposed by the literal Pentateuch.<sup>61</sup>

The *polis* revolution compelled the Jews to create new forms of Judaism. Drowning in a whirlpool of turmoil, the individual Jew living during this period faced a crisis of anomie. Unsure of his identity in a world marked by rapid change and frequent economic dislocation, the Jew of this time sought answers to the questions, "What is the individual, the separate person, the one severed from the many? Who is to be mindful of him and take him into account?"<sup>62</sup> Rivkin contends that Pentateuchal Judaism could not provide a solution to this problem because, with its emphasis upon the priest and cultic mediation, it was unsuited to an urban world which presented to the individual an increasing sense of his own individuality and personal worth. Thus Rivkin argues that only a religious ideology which enhanced the individual's sense of personal worth could function satisfactorily in a world whose previous external character was rapidly disintegrating.<sup>63</sup>

Rivkin's belief that Pharisaism constituted such a satisfactory religious ideology is reflected in his statement that "the concept of the twofold Law permitted the Pharisees to reconstruct and refashion Judaism so that it could function meaningfully in a polis world."<sup>64</sup> He supports this characterization of Pharisaism by acknowledging that though the notion of a monotheistic God was borrowed from the Bible, man's relationship to this God was radically altered by emphasizing that relationship with God was effected by means of an *internalized* twofold Law and not by means of the cult.<sup>65</sup> This twofold Law, in that it directed man daily in all his activities and allowed him direct mediation with God, solved

<sup>60</sup>Tcherikover, *Hellenistic Civilization and the Jews* (Philadelphia: The Jewish Publication Society, 1959); and Zeitlin, *The Rise and Fall of the Judean State*, vol. 1, pp. 1-93.

<sup>61</sup>Rivkin, "The Pharisaic Revolution," p. 46.

<sup>62</sup>Rivkin, "The Internal City," p. 227.

<sup>63</sup>"Pharisaism," p. 45.

<sup>64</sup>Rivkin, "The Internal City," p. 232.

<sup>65</sup>"Pharisaism," p. 45.

the problem of anomie for the Jew living in the Near East at this time and provided a solution to the problem of disorder with which urbanization confronted him. Rivkin thus concludes that Pharisaism was "the Judaism of a reality within,"<sup>66</sup> a reality sufficient to bestow meaning upon the lives of people living in an increasingly chaotic world.

Yet, Rivkin has still not produced a document which points to the emergence of a doctrine of Oral Law between the years 170-140 B.C.E. While he has marshalled considerable evidence to demonstrate the probability of the emergence of such a doctrine at this time, he has failed to consider alternatives. Thus, in light of the fact that the first mention of the concept of Oral Law appears in a document which can confidently be ascribed to around the year 80 C.E., it seems odd that he did not consider the possibility that the Pharisaic doctrine of Oral Law emerged at this time instead of two centuries earlier. Indeed, inasmuch as Rivkin has pointed out that Josephus first mentions the Pharisees in connection with Jonathan the Hasmonean, and that both Josephus and Paul speak of the centrality of the concept of "traditions of the fathers" to Pharisaic thought, it seems more logical to see this doctrine as distinct from the doctrine of the Oral Law, to view it as a precursor to the doctrine of the Oral Law. Utilizing Rivkin's own methodological framework, there are strong reasons for maintaining this position.

First, as Rivkin has demonstrated, it is likely that the concept of a twofold Law was born out of a historical crisis because it has the capacity to function meaningfully in a world beset by chaos and bewilderment. As the Second Temple was actually destroyed by the Romans in 70 C.E., the chaos confronting the Jew living in this era was surely comparable to the disorder threatening the Jew in Hasmonean times. Further, the physical destruction of the temple precluded once and for all the role of the priests in the Jewish religion, thus absolutely necessitating a form of religiosity which could substitute for that of the literal Pentateuch. It is also clear that rabbinic Judaism was, in effect, born at this time at Yavneh, the academy founded by Yochanan ben Zakkai which served as the power base for the rabbis following the destruction of Jerusalem. As other revolutionary changes were instituted by the rabbis at Yavneh (prayer was fixed, the last part of the Bible was canonized, and a new calendar was established), it seems logical to assume that the concept of Oral Law was promulgated by the rabbis at this time as a response to the radical changes which came upon Judea as a result of the Romans' crushing of the Jewish rebellion. Such a concept would not only have legitimated the rabbis' authority to act decisively at this moment in Jewish history, but would have permitted the creation of religious forms which would meet the religious needs of individuals following the catastrophic destruction of the temple.

This conceptualization has the further advantage of making the historical continuum more intelligible because it is more faithful to the extant sources. That is, by placing the time of emergence for the doctrine of the Oral Law at Yavneh, the historian need not account for the fact that the term Oral Law is not specifically mentioned prior to Gamaliel II. Second, it permits one to see the doctrine of "traditions of the fathers" as a natural precursor to the concept of Oral Law for, as Rivkin has shown, it had many of the same attributes. Indeed, it seems plausible to hypothesize that the only difference between the two doctrines is a qualitative one, the concept of Oral Law being a fuller crystallization of the implications inherent

<sup>66</sup>Ibid., p. 47.

in “traditions of the fathers.” In addition, while Rivkin is correct that revolutions do create new institutions and conceptual novelties, if one can posit, as is done here, that there were intellectual antecedents to a particular doctrine, it explains how the rabbis, in a time of revolution and social chaos, could have successfully promoted such a doctrine. Of course, such a theoretical construction is hardly more than mere conjecture at this point, but the conceptual framework which Rivkin has established would seem to point historians’ researches into Pharisaism and rabbinic doctrines in this direction in order to judge whether or not these last suggestions have real merit.<sup>67</sup>

<sup>67</sup>As this study is conceived primarily as a study of historiography, and not an investigation of the problem of Pharisaic origins, doctrines, and history per se, it is beyond its task to verify the theory about Pharisaic origins and the doctrine of the Oral Law suggested at the conclusion. However, this does not mean that I do not recognize that a thorough study would have to be undertaken in order to document this hypothesis. Yet, as this study focuses on historical method, it seems legitimate to offer a suggestion as to the type of theory which could logically be constructed on the methodological considerations and frameworks Rivkin establishes. Indeed, it is my hope that someone will take up this suggestion and test it in order to see whether any real credence can be ascribed to it. In any event, it clearly demonstrates the utility of Rivkin’s methods to the historian because it supplies him with new angles of vision from which to view the problems.