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Judaea between the Revolts: Trends in Research Scholarship

With the express permission of the conference organizers I have chosen to depart from the chronological framework indicated by the phrase From Schürer to the Revised Schürer. Instead I shall take the Revised Schürer as my point of departure, and survey scholarly trends since the appearance of the latter book. Volume I, the historical volume, appeared in 1973¹. So we are fast closing in on the twenty-fifth anniversary of its publication. Surely this is an appropriate point to consider the state of scholarship on a topic treated in that book. The topic in question is Judaea from the suppression of the revolt of 66–70 to the outbreak of the Bar Kokhva revolt of 132–135. This period is something of an “orphan” in recent scholarship. Certainly it has received nothing near the amount of scholarly attention devoted to the two revolts between which it is sandwiched. In part, this is because people (including historians) tend to be drawn to dramatic events such as wars and revolts. In part, this is the result of the availability and the nature of the sources. For the revolt of 66–70 we have, of course, Josephus’ *Bellum Judaicum* and his *Vita*. For a variety of reasons the past two generations have seen an explosive growth in Josephan studies. Reinforcing this with regard to the revolt was the much publicized archaeological expedition at Masada. The result has been that over the past quarter century the revolt of 66 and its causes have been the subject of innumerable articles and several important monographs. As to the Bar Kokhva revolt, if it had a Josephus his work has not survived. But here too there were factors which stimulated scholarly interest. Above all, as if to make up for the paucity of literary sources, the archaeologists uncovered abundant written materials at Wadi Murabba’at and Naḥal Ḥever. These included legal documents dated to the era of the revolt, including some issued by the rebel government. Even more dramatic was the discovery of letters from Bar Kokhva himself. Nothing similar has been uncovered so far from the revolt of 66. In addition, there was the exploration in the 1980’s of underground installations, many datable to the period of Bar Kokhva, which call to mind the account of Cassius Dio (*Historia Romana* LXIX, 12:3).

¹ *Emil Schürer*, *The History of the Jewish People in the Age of Jesus Christ (175 B.C.-A.D. 135)*, A New English Version Revised and Edited by *G. Vermes* and *F. Millar*, vol. 1 (Edinburgh 1973).

Also of note is the intensive study of the coinage of the second revolt by the numismatists. All of this has resulted in an impressive scholarly harvest over the past generation². In contrast to the two revolts, the years between them have received minimal attention. Since the appearance of Volume I of the Revised Schürer, I am aware of only one monographic work devoted to this era: the third and final volume of Solomon Zeitlin's *The Rise and Fall of the Judaean State*, published posthumously in 1978. And even this book, which treats the years 66–120 C.E., devotes almost half of its contents to the revolt. Still, I believe that scholarship concerning the interwar period has advanced on several fronts. The discussion which follows will focus on the question of Jewish self-government between the revolts in the light of both the new documentary evidence and the revolution in the treatment of rabbinic sources.

My point of departure is the treatment of the interwar era in the Revised Schürer. As in the original version, Section 21 surveys the period "From the Destruction of Jerusalem to the Downfall of Bar Kokhba". This section is divided into three parts. We may immediately set aside the third and longest of these since it concerns "The Great Revolt under Hadrian". The second part also is only minimally relevant. It treats "The Wars under Trajan". Most of our data on the revolt of 115–117 concern Cyrene, Egypt, Cyprus and Mesopotamia. What transpired in Iudaea in these years is unclear, and the Revised Schürer deals with this issue in one paragraph (pp. 533–534). Thus only the first part of Section 21, entitled "Conditions in Palestine from Vespasian to Hadrian" (pp. 514–528), really treats the era between the revolts. About a half of the discussion is devoted to "external" or Roman matters. These include the status and names of Roman governors of the province of Iudaea (pp. 514–519), and the Roman foundations in the province: Caesarea and Shechem/Flavia Neapolis (pp. 520–521). The other half focusses on internal Judean affairs (pp. 521–528). Here the aftermath of the destruction of Jerusalem is described as "a violent upheaval in the inner life of the Jewish people" (p. 521). The two main factors in this upheaval were the suspension of the sacrificial cult and the disappearance of the Sanhedrin. The latter was "the aristocratic senate of Iudaea" composed of the Sadducean nobility. The suspension of the sacrificial cult resulted *inter alia* in "the gradual withdrawal of the priesthood from public life". (See p. 523.) Since the Sadducean nobility is generally assumed to be the priestly aristocracy, these two developments (the withdrawal of priesthood from public life and the disappearance of Sanhedrin) were in fact two sides of the same coin. The place of the priestly aristocracy was taken over, after 70, by "the Pharisees and the rabbis", with a "college of scholars" replacing the old Sanhedrin as "the supreme law-court of Israel". This "tribunal of Yavneh" may have enjoyed Roman authorization in civil matters, though not in criminal affairs (see pp. 524–

² For literature on the two revolts through the beginning of the 1990's see the bibliographies in *Jonathan J. Price, Jerusalem Under Siege. The Collapse of the Jewish State 66–70 C.E.* (Leiden, New York, Köln 1992) 300–331 and *Menachem Mor, The Bar-Kochba Revolt. Its Extent and Effect* (Jerusalem 1991) 251–266.

527). The account concludes with a discussion of responses to the destruction in two pseudepigraphical works, the Apocalypse of Baruch and IV Ezra, and a skeptical evaluation of scattered reports on persecutions and disturbances in Iudaea during the concluding decades of the first century.

The creation or reorganization of a “national” leadership in post-revolt Iudaea is thus a major theme in the brief account by Schürer. It is also central to the surveys of this era which appeared after the Revised Schürer, including those by Zeitlin, Smallwood, Safrai, myself and, most recently, Grabbe³. And this will be the focus of my discussion here. Precisely how did “the Pharisees and the rabbis” replace the pre-70 priestly aristocracy? What was the nature of the “college of scholars” or “tribunal” at Yavneh? Are these developments related to the seeming disappearance after the revolt of the sects attested in the pre-70 era⁴? I begin, however, with the new sources which have come to light concerning the interwar era. Since these will be the subject of the talk by Professor Cotton, I will limit myself to the following question. Do these documents provide any new information concerning the issues just raised? Actually, fresh evidence from the period between the revolts began to appear even before the publication of the Revised Schürer. I refer to documents from Wadi Murabba‘at, Naḥal Şe‘elim (allegedly) and Naḥal Ḥever. Those from the first locale were published by Milik in 1961 in Volume II of *Discoveries in the Judean Desert*, and summaries of the Ḥever materials appeared in the *Israel Exploration Journal* in 1961 and 1962. But final publication of the Greek papyri from Ḥever did not occur until 1989, while the Semitic documents alleged to come from Şe‘elim did not appear in full until 1995. Final publication of the Semitic language documents from Ḥever and the Greek documents supposedly from Şe‘elim is still anticipated, although several have appeared separately over the past few years⁵. Some of these documents date to the revolt of 132–135,

³ See Solomon Zeitlin, *The Rise and Fall of the Judean State. A Political, Social and Religious History of the Second Commonwealth*, vol. 3 66 C.E. – 120 C.E. (Philadelphia 1978); E. Mary Smallwood, *The Jews under Roman Rule. From Pompey to Diocletian* (Leiden 1976) 331–355, 421–427; Menahem Stern, *Hamishtar haromi beprovinşia “iudaea” min haḥurban ve‘ad lemered bar-kokhva*, and Samuel Safrai, *Hit’osheshut hayishuv hayehudi bedor yavneh*, in: *Eretz Israel from the Destruction of the Second Temple to the Muslim Conquest*, vol. 1, ed. Sevi Baras et al. (Jerusalem 1982) 1–17 and 18–39 respectively; David Goodblatt, *Yehude eres yisrael bashanim 70–132*, in: *Judea and Rome – The Jewish Revolts*, ed. Uri Rappaport (Jerusalem 1974) 155–184, 365–377; Lester Grabbe, *Judaism from Cyrus to Herod*, vol. 2 (Minneapolis 1992) 555–605 (this section also treats the Bar Kokhva revolt).

⁴ This subject is not discussed in the context of Schürer’s historical survey. But see vol. II of the Revised Schürer, ed. Geza Vermes, Fergus Millar and Matthew Black (Edinburgh 1979) 402–403, 414, and 588.

⁵ In the interests of simplicity I shall use the following abbreviated citation system. “Hev” refers to materials found at Naḥal Ḥever. The numbers are those of Naphtali Lewis, *The Documents from the Bar Kokhba Period in the Cave of Letters. Greek Papyri* (Jerusalem 1989). For texts still not fully published I use the numbers in Yigael Yadin, *Expedition D*, in: IEJ 11 (1961) 36–52 and *idem*, *Expedition D–The Cave of Letters*, in: IEJ 12 (1962) 227–257. Subsequent full publication has resulted in some number changes. Thus documents 6 and 7 in Yadin’s preliminary publication, *Expedition D–The Cave of Letters*, 241–245, are now num-

and I shall ignore them here. Others come from the interwar period, but originate outside the province of Iudaea. The extent to which this material is relevant to the question of self-government in Iudaea will be discussed below. Finally, and most directly relevant, are the documents which originated in Iudaea itself between 70–132. I shall briefly review the latter two sets of materials.

The survey of Cotton, Cockle and Millar lists 28 documents attributable to Iudaea in the era “Between the Two Revolts”⁶. Many are dated only on the basis of paleography. And even when the documents bear dates, some of the latter are incomplete or ambiguous. Still, for our purposes we can accept the datings proposed in this survey. To these 28 we can add as many as 43 documents, assigned by Cotton, Cockle and Millar to the same period, which originated outside of Iudaea. Most relate to people of Judean origin who lived in Nabatea/*provincia Arabia*. Almost all come from the village of Maḥoza⁷. The result is an impressive corpus of 70 or so documents. Most of them concern the personal affairs of private individuals: real estate, marriage, divorce and inheritance. Thus their greatest value is for research on social history⁸. And here the argument of Cotton that the materials

bered Hēv 7 and 10 respectively. For the former see *Yigael Yadin, Jonas C. Greenfield, and Ada Yardeni, A Deed of Gift in Aramaic Found in Naḥal Hever: Papyrus Yadin 7*, in: *EI* 25 (1996) 383–403. For the latter see *idem, Babatha's Ketubba*, in: *IEJ* 44 (1994) 75–101. “Mur” refers to documents from Wadi Murabba’at with the numbers used in *P. Benoit, J. T. Milik, and Roland. De Vaux, Les Grottes De Murabba’at (Discoveries in the Judaean Desert 2, Oxford 1961)*. “Sel” refers to documents allegedly found at Naḥal Se’elim, with the numbers used in *Ada Yardeni, 'Naḥal Se’elim' Documents (Jerusalem 1995)* and in the following individual publications of the documents. See *Hannah M. Cotton, The Archive of Salome Komaïse Daughter of Levi: Another Archive from the 'Cave of Letters'*, in: *ZPE* 105 (1995) 171–208 for Sel 1 and 5; *eadem, Another Fragment of the Declaration of Landed Property from the Province of Arabia*, in: *ZPE* 99 (1993) 115–124, for Sel ??? from 127 or 128; *eadem, A Cancelled Marriage Contract from the Judaean Desert (XHēv/Se Gr. 2)*, in: *JRS* 84 (1994) 64–86, for Sel 2 from 130; *eadem, Loan with Hypothec: Another Papyrus from the Cave of Letters?*, in: *ZPE* 101 (1994) 53–60, for Sel 3 from 99 or 109; *eadem, Rent or Tax Receipt from Maoza*, in: *ZPE* 100 (1994) 547–553, for Sel 5. Final publication of these materials will appear in *Hannah Cotton and Ada Yardeni, Aramaic, Hebrew and Greek Texts from Naḥal Hever and Other Sites, with an Appendix containing alleged Qumran Texts. The Seiyāl Collection II (Discoveries in the Judaean Desert 27, Oxford, 1997)*. In the final publication there will be further changes in numbering. For example, my Sel 2, 3 and 5 will appear as [XHēv/Se] 69, 66, and 61 respectively. I am grateful to Professor Cotton for this information.

⁶ *Hannah M. Cotton, W. E. H. Cockle and Fergus G. B. Millar, The Papyrology of the Roman Near East: A Survey*, in: *JRS* 85 (1995) 227–228, ## 265–292.

⁷ *Cockle, Cotton, and Millar, Survey 223–225, ##175, 177–218. Compare the chart in Lewis, Documents 29.*

⁸ See inter alia *Naphtali Lewis, Ranan Katzoff and Jonas C. Greenfield, Papyrus Yadin 18*, in: *IEJ* 37 (1987) 236–247; *Abraham Wasserstein, A Marriage Contract from the Province of Arabia Nova: Notes on Papyrus Yadin 18*, in: *JQR* 80 (1989–90) 93–130; *Ranan Katzoff, Papyrus Yadin 18 Again. A Rejoinder*, in: *JQR* 82 (1991–92) 171–176; *Tal Ilan, Premarital Cohabitation in Ancient Judea: The Evidence of the Babatha Archive and the Mishnah (Ketubbot 1:4)*, in: *HTR* 86 (1993) 247–264; *eadem, Notes and Observations on a Newly Published Divorce Bill from the Judaean Desert*, in: *HTR* 89 (1996) 195–202; *Hannah M. Cotton, Deeds of Gift and the Law of Succession in the Papyri from the Judean Desert*, in: *EI* 25 (1996) 410–415.

from Iudaea and Arabia need not be treated separately is completely convincing. However, regarding questions of politics and administration – especially the subject of Jewish self-government – the issue is less clear⁹. Hence I shall focus first on the Judean material and then discuss to what extent the Arabian documents are relevant.

One attempt to learn about political conditions in Iudaea was tentatively made by Applebaum in an article published in 1977. Commenting on Mur 19 from “year six”, for which he accepted the date of 111 suggested by Milik, Applebaum wrote,

The period in which the Jewish population was officially deprived of all legal institutions and powers of registration is perhaps reflected in the wellknown bill of divorce from the Murabba’at cave, dated at Masada (apparently) in the year AD 111. . . . the document may well have been drawn up by a Jewish scribe under the eye of the camp commander exercising his authority as a military governor. Were this conclusion possible (and I emphasize that it is tentative), it would be graphic evidence that the status of *deditici* was still in force for the Jews of Iudaea in the year 111. . . .¹⁰

However, nothing in the text itself hints at this. Applebaum himself believed that the Jewish population of Iudaea was reduced to the status of *deditici* on the basis of other evidence. At most, he suggests that Mur 19 may reflect this situation. But the text is simply a standard Jewish divorce document. And even if the era cited is of a Roman emperor or province, this proves nothing. After all, it was a “heretic” who attacked the Pharisees for dating documents by “the ruler” – according to the concluding section of Mishnah Yadayim. This shows that the rabbis saw nothing objectionable in using an imperial era. On the other hand, Milik speculated that the failure to specify the era may reflect Jewish religious scruples. But even so, this would show that no one forced the Jews to name the emperor or the Roman province on their documents.

Were Applebaum writing today, he might cite the Babatha archive as evidence for Roman control of the indigenous population. Scholars were struck by the involvement of Roman officials in the affairs of Babatha. But as soon became clear, most of that involvement resulted from the initiative of the natives themselves. It was the native litigants who appealed to the Roman governor, rather than the Roman governor who interfered in native affairs. As Goodman put it,

One has the impression that, far from feeling oppressed by an internal security force, people in the local group of which Babatha was a member enjoyed extracting all possible benefits

⁹ Cotton, Cancelled Marriage Contract 65, 85–86. With regard to administrative matters see the cautionary remarks of *Naphtali Lewis*, In the World of P. Yadin: Where did Judah’s Wives Live?, in: IEJ 46 (1996) 256–257.

¹⁰ See *Simeon Applebaum*, Judea as a Roman Province: The Countryside as a Political and Economic Factor, in: ANRW II, 8 (Berlin, New York 1977) 395. For Milik’s suggestion regarding the date formula, alluded to in the continuation of the text, see his note Grottes, 106 *ad* Mur 19, ll. 1 and 12.

from the density of the Roman presence in their country... most of the evidence of the archive concerns manipulation of the [Roman] judicial system...¹¹

One might also be tempted to point to the shift from use of Aramaic (including Nabatean) to use of Greek on documents. While most of the Babatha evidence concerns Arabia, the language shift seems to be documented in Iudaea itself. One can contrast the Aramaic marriage contracts Mur 20 and 21 with the Greek marriage contracts from the same province such as Mur 115 (from 124 C.E.) and Şel 2 (from 130). Unfortunately, the Aramaic texts cannot be definitively dated. And Ȥev 10, the Aramaic marriage contract of Babatha, is roughly contemporaneous with the Greek Mur 115 and Şel 2. Since we cannot date the language shift in Iudaea, it is difficult to assert a political cause. In any case, there is no evidence that anyone forced the natives to use Greek. Rather the natives themselves may have chosen to use a language which would allow their documents to be enforced by Roman provincial authorities¹². In sum, I find the view expressed almost thirty years ago by Koffmahn still convincing. She argued that the Murabba'at materials demonstrate the continuity of Jewish self-government between 70 and 132¹³. If by "self-government" we mean the ability of the natives to marry and divorce, borrow and lend, buy and sell – all without (uninvited) Roman interference, then the evidence from Naḥal Ȥever and Şe'elim appears to reinforce her conclusion. However, if by "self-government" we refer to institutions of supra-local influence, to national or pan-Iudaeian bodies, then the documents from the Judean Desert appear to offer no evidence. The question then is, is the absence of evidence evidence of absence? I shall return to this below.

The materials from the Judean Desert provide the only really new sources on the interwar period. No new literary documents have surfaced, so far as I am aware. Thus our most important witness for the history of organized Jewish life in this era, including what was referred to above as the replacement of the priestly aristocracy by the "Pharisees and rabbis", remains rabbinic literature. The latter includes anecdotes about the lives and careers of masters who were active in the interwar period, as well as legal opinions and decisions attributable to that time. When the Revised Schürer was published, rabbinic scholarship was on the threshold of a major transformation. As early as the nineteenth century there had been some skepticism concerning the historicity of rabbinic materials, but application was sporadic. By the 1960's a more thoroughgoing skepticism began to appear with the work of Henry Fischel and E. E. Halevi. By the 1970's the work of Neusner, Schäfer, and Fraenkel was transforming the field. Today, even most of the conservative historians admit that the rabbinic anecdotes are first and foremost "literary artifacts" informing us about the *mentalité* of their authors and

¹¹ Goodman, Babatha's Story, in: JRS 81 (1991) 171.

¹² See the comments of Hannah Cotton, The Guardianship of Jesus Son of Babatha: Roman and Local Courts in the Province of Arabia, in: JRS 83 (1993) 101–102; *eadem*, Cancelled Marriage Contract 77, 84.

¹³ Elisabeth Koffmahn, Die Doppelurkunden aus der Wüste Juda (Leiden 1968) 5.

tradents. And the extent to which even the earliest of the legal documents, the Mishnah, can teach us anything about the era before 200 C.E. is now debated. The methodological transformation can be illustrated by the case of Yohanan son of Zakkai. The famous story about his flight from Jerusalem and parley with the Roman commander was long taken as a historical account of the “reconstruction” of Judean self-government after 70. But already in 1938 G. Alon had demonstrated the fictional character of this story, and subsequent studies which appeared in the 1970’s went even farther in their skepticism. This revolution in the historiographical exploitation of rabbinic literature has had an impact on attempts to trace Jewish history in Iudaea after 70 as we shall now see¹⁴.

The brief account in the Revised Schürer implies that the end of the sacrificial cult entailed the end of the political dominance of the priestly aristocracy. The resultant power vacuum was filled by the “college” of Torah scholars (=“rabbis”) meeting at Yavneh in the years after the revolt. This summary represents the consensus view developed long ago by Alon and repeated more recently by S. Safrai and others, including most of the post-1973 surveys listed in note 3 above. On the consensus view, the Jews on their own developed the institutions which replaced those which existed before 70, and the Roman authorities eventually had no choice but to accept and recognize them. This reconstruction clearly depends on rabbinic sources, for only the latter describe a politically powerful “college” of Torah scholars. There was an alternative, but decidedly minority, position which goes back to Derenbourg and Juster. This alternative attributes a greater role to Roman initiative. The more critical approach to the rabbinic materials has encouraged a revisiting of the minority view during the past generation. The result has been a revision of the consensus position by myself and others. Allow me briefly to summarize my argument. The Roman authorities had consistently intervened in Judean ethnic leadership disputes from 63 B.C.E. onward. It seemed unlikely that precisely after suppressing a Judean ethnic revolt they would adopt a hands off policy. Further, it seemed to me that the normal activities of community life, the kind attested in the Murabba’at and Hēver documents, continued unabated during and after the revolt without (uninvited) Roman interference. It followed that the real question was the existence of supra-local leadership, rather than what must have been decentralized, day to day self-government. I also found the evidence for a leading role by a national council before and especially after 70 very uncertain. On the other hand, the leadership role of Gamaliel II and his entourage seemed the best explanation for what the rabbinic sources related about national

¹⁴ For literature through 1980 on the story of the flight of the son of Zakkai see the references in *Goodblatt*, *Yehude eres yisrael*, 370, notes 78 and 79. On the methodological issues see *ibid.* 369–370, notes 75a and 76. See further *idem*, *Towards the Rehabilitation of Talmudic History*, in: *History of Judaism. The Next Ten Years* ed. B. Bokser (Chico 1980) 31–44. Representative of more recent treatments are *Daniel Boyarin*, *Hamidrash vehama’aseh – ‘al ha-heqer hahistori shel sifrut hazal*, and *Shamma Y. Friedman*, *La’aggadah hahistorit batal mud habavli*, in: *Saul Lieberman Memorial Volume* ed. *Shamma Friedman* (New York, Jerusalem 1993) 105–117 and 119–164 respectively.

leadership in “the period of Yavneh”¹⁵. This lead me to focus on the figure of Gamaliel. I argued that the Roman authorities decided not to allow the high priestly families to continue as “leaders of the nation”, a role they had filled in the pre-revolt province of Iudaea. Consequently, the Romans sought someone else to fill this essentially diplomatic and symbolic role. My conclusion, in conformity with the views of Derenbourg and Juster, was that the Gamalielian patriarchy was created by the Romans.

A similar view was argued by S. Schwartz in his *Josephus and Judaeen Politics* (1990), part of which is devoted to the period after 70. Schwartz recognized that the pre-70 leadership did not magically disappear after the revolt, nor can we assume that they voluntarily went into retirement. He writes,

Though the high priesthood was decimated and in part discredited by its participation in and support of the revolt, it continued to exist after 70. There is no reason to suppose that the survivors... simply gave up their claims on the leadership of the Judaeen aristocracy, dominance in the council of Jerusalem (wherever it may have been relocated) and in many judicial and legislative functions, and potential control over the Temple and cult... This supposition is confirmed by Josephus’ treatment of the high priesthood in B[ellum] J[udaicum]; side-by-side with priestly doctrine, Josephus promotes the high priests themselves¹⁶.

In sum, Schwartz concludes, “Promotion of the interests of the old Judaeen aristocracy was a major concern for Josephus when he wrote B[ellum] J[udaicum]; the Herodians and high priests were still the most powerful people in Jewish Palestine...”¹⁷ However, “By the time he wrote A[ntiquitates] J[udaicae], ... he was no longer an apologist for the old regime...” Instead, this work contains “constant propaganda” for a new “political leadership”.

The new leadership, Schwarz argues,

had many of the characteristics of the Pharisees, but did not claim to be members of the sect. This was in all probability exactly the main characteristic of the early rabbinic movement – the identity of which with Josephus’ new leadership is confirmed by the unexpected praise in V[ita] 191–2 of Simon b. Gamaliel, Josephus’ former enemy and father of the Rabbinic leader Gamaliel II. In sum, AJ promotes acceptance of the Rabbis, or some group much like the Rabbis... [who] were already a leading factor in Judaeen politics by about 85...¹⁸

He finds important confirmation in the rabbinic sources.

... the Rabbinic depiction of Gamaliel II, especially in legal contexts, its acknowledgment of his association with a wide variety of teachers and judges, and its description of his judicial and self-promotional activities are presumably partial and inaccurate in many details; yet, if essentially true, Gamaliel’s rise as described *would* [emphasis in original] explain Josephus’ sudden switch in ideologies and allegiances – and the character of Josephus’ new ideology,

¹⁵ David Goodblatt, *The Monarchic Principle. Studies on Jewish Self-government in Antiquity* (Tübingen 1994) 176–231.

¹⁶ Seth Schwartz, *Josephus and Judaeen Politics* (Leiden, New York, København, Köln 1990) 210–211.

¹⁷ Ibid. 214.

¹⁸ Ibid. 214–216, with the quotations coming respectively from the first and last of the pages cited. Cf. 199–200.

with its close approximation to the priestly variety of Rabbinism, tends to confirm the essential truth of the Rabbinic reports about Gamaliel¹⁹.

Schwartz is thus careful to distinguish between the beneficiaries of Josephus' propaganda in the *Antiquities* and the pre-70 Pharisees. In effect, he describes those beneficiaries as the circle around Gamaliel II. He also stresses that the leadership group Josephus supported in the *Antiquities* was "already in place, presumably *already* [emphasis in original] with imperial support; in the first few decades after the Revolt, no Jewish leadership could conceivably have existed without the knowledge and therefore at least the implicit approval of the emperor. So, Josephus' address to the emperor and the senate is chiefly to exhort them to continue their support of the new leadership"²⁰. Thus Schwartz' reading of Josephus is compatible with my view. However, he does not go as far as to assert that the Romans actually created or appointed the new leadership. In fact, as we shall see, he presents an alternative suggestion as to who appointed Gamaliel II.

Before proceeding, we should address the impact of S. Mason's critique of the approach adopted by Schwartz from his teacher Morton Smith. Smith's famous – or infamous – article on Palestine in the first century argued that a new, more positive evaluation of the Pharisees in the *Antiquities* reflected political struggles in Iudaea after the suppression of the revolt. However, Smith's main interest in this article was pre-70 Iudaea. Even regarding the Pharisees, his emphasis was on their status before 70. And this was the aspect of his argument that was developed by two of his students in the 1970's, Jacob Neusner and Lee Levine²¹. It remained for Schwartz to develop the post-70 side of Smith's argument. But Mason denies that the *Antiquities* shows Josephus moving closer to the Pharisees²². My own view is that the reconstruction of Smith is not dependant on determining the personal biases of Josephus – which are not always clear. Enough evidence exists, independent of any biases, to show that the Pharisees did not control the Jews of Iudaea before 70, and that the scion of a Pharisaic family, Gamaliel II, achieved prominence in postwar Iudaea²³. The upshot of this is that while analysis of Josephus' attitudes can be suggestive, any detailed reconstruction of what transpired in post-70 Iudaea must rely on other evidence. In any case, an innovative part of Schwartz' account goes beyond the question of Josephus' attitude(s) towards the

¹⁹ Ibid. 221.

²⁰ Ibid. 199.

²¹ Morton Smith, Palestinian Judaism in the First Century, in: Israel: Its Role in Civilization, ed. Moshe Davis (New York 1956) 67–81. Jacob Neusner, Josephus' Pharisees, in: Studia Geo Widengren Oblata, vol. 1 (Leiden 1972) 224–244; *idem*, From Politics to Piety (Englewood Cliffs 1973); Lee I. Levine, On the Political Involvement of the Pharisees under Herod and the Procurators, in: Cathedra 8 (1978) 12–28.

²² Steve Mason, Flavius Josephus on the Pharisees (Leiden, New York, København, Köln 1991).

²³ See the discussion of Smith's position in David Goodblatt, The Place of the Pharisees in First Century Judaism: the State of the Debate, in: JSJ 20 (1989) 12–30.

Pharisees. This is the suggestion attributing a major role in Judean affairs after 70 to King Agrippa II. To this I now turn.

Based on an analysis of Josephus' treatment of Agrippa II and a review of what can be known of the king's activities after 70, Schwartz argues that Agrippa II remained an important figure in "Jewish Palestine" until the late eighties. In the *Bellum Judaicum* King Agrippa II and Queen Berenice "are represented not only as completely loyal Romans but also as completely loyal Jews". This portrayal of the Herodians suggests to Schwartz that they still cared about their reputation among the Jews. Consequently, "they may well have wished to restore something of the influence they had enjoyed before 66 among the Jews of Palestine..."²⁴ In particular, Agrippa was willing to patronize "sympathetic Jewish aristocrats even if they had revolutionary associations. Furthermore, the king had long successfully cultivated the support of the Pharisees, and was held in high regard by some of the early Rabbis". Consequently, after favoring the high priestly families in the 70's, Agrippa shifted his support in the eighties.

It may have been the king who initiated the reconstitution of the Jerusalem council in Yavneh, where one of the most successful post-70 pretenders [= Yohanan son of Zakkai] had had his court, and where an agent of the emperor could keep his eye on the proceedings. The king had always appointed the head of the council (who had been the high priest) and did so now, choosing an aristocratic Pharisee loyal to him and Rome. ... the council contained upper priests [= priestly aristocrats not from the high priestly families], but also many Pharisaic associates of Gamaliel and supporters of the king, and some regional judges, who remained primarily regional judges... but now received their authority from, and occasionally participated in sessions at, the central council. This arrangement, like the old *Boule* of Jerusalem, would technically have been under the authority of the king; the silence of Rabbinic tradition is not surprising: the king's control lasted a short time, may have been embarrassing to some of the Rabbis, and was conveniently forgotten. With the king's decline, Gamaliel's importance grew. By 96, he may have enjoyed authority comparable to that of the pre-Hasmonean *prostatai tou ethnous*...²⁵

While an intriguing suggestion, there is no direct evidence to support the main points of this reconstruction. Schwartz himself admits that rabbinic sources are silent on the role of the king. This holds both for any role in "reconstituting the council" and for appointing Gamaliel. Josephus also is silent. All we can learn from the latter, following Schwartz, is that Agrippa desired to play a role in Jewish affairs in Iudaea after 70. It is not clear how successful he was in fulfilling that desire, or precisely what role he may have played in the province neighboring his kingdom. Nor do I know on what basis Schwartz asserts that "the king had always appointed the head of the council" before 70. He had appointed high priests, to be sure. But the exact nature of the pre-70 Jerusalem *boule* is much debated.

²⁴ Schwartz, Josephus 213.

²⁵ Ibid. 207–208. And see 114–119, 131–153, 158–169, for the evidence regarding Agrippa II. That Agrippa II served as "the representative official spokesman" of the Jews in Iudaea after 70 was also argued by *Dalya Trifon*, Qeta' mimishnah ke'edut lema'amado shel hamelekh Agrippas hasheni, in: *Cathedra* 53 (1989) 27–48.

And the existence of a “central council” after 70 is even more debatable²⁶. Moreover, Schwartz’ claim that Agrippa II had “long cultivated the support of the Pharisees” has been questioned. Both D. R. Schwartz and I have concluded that neither the Josephan material nor the rabbinic sources on “King Agrippas” attest an affinity of Agrippa I or II with the Pharisees²⁷. What the (rabbinic) sources attest, as Schwartz agrees, is the rise of Gamaliel II to a position of prominence in Judean society at some point probably in the eighties. He also agrees in this book that the prominence of Gamaliel and his entourage had the support of the Roman authorities. Anything beyond this is speculation. The conclusion most cleanly shaven by Occam’s razor is that the Roman authorities appointed Gamaliel to his position, as I have argued.

While my own position may assume less, Schwartz finds grounds to criticize it. In his book he makes two criticisms. First, he attributes to me the view that the Roman emperor personally appointed Gamaliel. This is a claim I never made. He himself, as we saw, involved the emperor (and the senate) in the support or approval – if not the appointment – of Gamaliel. In any case, since the sources are not explicit, I limited myself to speaking of “the authorities” or “the Romans”. Second, Schwartz argues that my view does not take into account Agrippa’s “continuing authority”²⁸. However, as already argued, we know nothing of Agrippa’s authority – if any!! – over the Jewish population of Iudaea after 70. So it is not clear what needs to be reconciled with an assumed Roman appointment of Gamaliel. Then, in a recent review, Schwartz raises another, much more fundamental objection. He argues,

... the Jewish patriarchate is inexplicable in terms of Roman administrative practice. The Romans did not require intermediaries, and appointed them for no other annexed nation – not even the Nabataeans of the province of Arabia... Indeed, the very point of annexation was that it *restructured* [emphasis in the original] political life in the new province by entrusting fiscal and judicial power to the governor, his staff and the city councils. Why annex a province only to grant autonomy to the largest component of its population?

It follows that the Romans did not appoint the patriarch. It was the Jews themselves – or some of them – who felt the need for a *religious* [emphasis in the original] authority comparable to the old high priests, and the Romans merely recognized Gamaliel II as such, or failed to interfere with him... the patriarchs acquired authority gradually and with great effort.²⁹

Schwartz’ argument here represents a partial return to the view of Alon and others that the Jews themselves created their own “national” institutions, to which the Romans eventually granted *de facto* recognition. I have already indicated that I

²⁶ See the discussion on “the problem of the council” both before and after 70 in Goodblatt, *Monarchic Principle* 77–130, 232–276.

²⁷ Daniel R. Schwartz, Agrippa I. The Last King of Judaea (Jerusalem 1987) 130–143, 171–184; English edition (Tübingen 1990) 116–130, 157–171. David Goodblatt, Agrippa I and Palestinian Judaism in the First Century, in: JH 2 (1987) 7–32. The Hebrew edition of the former book appears in S. Schwartz’ bibliography, but not the latter article.

²⁸ Schwartz, Josephus 206–207.

²⁹ Seth Schwartz, Review of Goodblatt and Pomykala, in: JJS 47 (1996) 168.

find such a scenario improbable. However, I shall respond to the specific criticisms of my view. To begin at the end, I expressly stated that the original role of the Gamalielians as “leader of the nation” was circumscribed and informal, and that they had to struggle to achieve more direct influence over public affairs among the Judeans³⁰. So I agree that the enhancement of their power was gradual and involved struggles. Second, restricting the patriarch, and the office of “the old high priests”, to purely religious affairs seems anachronistic. In ancient Judaism religious affairs were never divorced from social and political issues. The fact that the Romans controlled the appointment of the high priest, either directly through the governors or indirectly through Herodian “client kings”, shows they were perfectly aware of the political potential of the office. Roman destruction of the temple to the God of Israel and refusal to permit its reconstruction, as well as suppression of the high priestly aristocracy, also show that the Roman authorities were acutely aware that the high priesthood was more than just a religious office. And similar connections between religion and politics can be documented elsewhere in the Roman world³¹.

The main issue is whether any form of the patriarchate is “inexplicable” in Roman administrative practice. This claim seems to represent a departure from what Schwartz wrote in his 1990 book. There he had no trouble imagining a role supported by the Roman authorities for Agrippa II, Gamaliel II, the rabbis and a central council. In any case, I would argue that a national/ethnic leadership is not unparalleled in Roman provincial administration. In the quote brought above, Schwartz had compared the office of Gamaliel to the pre-Hasmonean *prostasia tou ethnous*. But the latter office was not limited to pre-Hasmonean times. Josephus, *Antiquities* 20:251, uses precisely this phrase to refer to the position of the high priests after the deposition of Archelaus and the reorganization of the latter’s territories as *provincia Iudaea* in 6 C.E. Surely the latter event involved at least as much restructuring of political life as what happened after 70, when the provincial regime continued rather than being established in the first place. Thus the same question Schwartz asked of me can be asked of Josephus, who has an advantage over modern historians in that he actually lived in *provincia Iudaea*. Why would the Romans annex the territories of Archelaus only to grant autonomy to the largest component of its population? And why would they establish an “intermediary” between the indigenous population and the Roman provincial authorities? The answer to these questions is that Rome ruled by co-opting the native aristocracies and, where they existed, the *polis* leadership³². Schwartz himself alludes to the role of city councils, and in a sense that role was one of an intermediary. But

³⁰ Goodblatt, *Monarchic Principle* 230.

³¹ For one example among many, see Glenn W. Bowersock, *The Mechanics of Subversion in the Roman Provinces*, in: *Opposition Et Résistances A L’Empire D’Auguste A Trajan* (Fondation Hardt Entretiens 33, Genève 1987) 291–317.

³² See for example Peter Garnsey and Richard Saller, *The Roman Empire. Economy, Society and Culture* (Berkeley, Los Angeles 1987) 20–40; Andrew Lintott, *Imperium Romanum. Politics and Administration* (London and New York 1993) 54, 129, 132.

Judah in the narrow, territorial sense – as opposed to Samaria, Galilee and the coastal strip (=“Phoenicia”)³³ – had no *poleis*. Hence there was room for a different intermediary, viz., the “leadership of the nation” provided by the high priestly establishment. And this is exactly what Josephus reports. Now it is possible that during the course of the first century Jerusalem came to be perceived as a *polis* by the Roman authorities, and that the city and its *boule* came to play a role analogous to that of *poleis* in other provinces (or in other parts of Iudaea)³⁴. But even if this happened, the destruction of Jerusalem in 70 changed the situation again. And while Caesarea on the coast and Shechem in Samaria were elevated to the status of *colonia*, there was no *polis* in Judah until the founding of Aelia Capitolina. Thus the need for some institution to do what city councils and native aristocracies did in other provinces arose again. As Schwartz himself and others have argued, the high priestly families were too tainted by the revolt to be trusted by the Romans after 70. So some other aristocratic group had to be located. This was where Gamaliel came in.

The case of Arabia, illuminated in the new documents and alluded to by Schwartz, does not contradict my thesis. Granted, scholars have remarked on the absence of “intermediary” institutions in the Babatha archive. As Goodman notes, “Strikingly absent from the documents is evidence for an effective local ruling class interposed between ordinary provincials and the machinery of the Roman state”. Isaac similarly observes that “The absence of any reference to Jewish courts or local officials who might have settled financial disputes between Jews is striking. Indeed, Jewish institutions are not mentioned anywhere in the Babatha archive”³⁵. But local, non-Roman institutions in fact do appear. I refer to “the *boule* of Petra the metropolis” which appointed guardians for Babatha’s son, orphaned from his father. And the village of Maḥoza where Babatha resided is described as being in the administrative district of Petra³⁶. In Judah (again in the narrow sense) there was no analogue to Petra in the interwar years. And it seems unlikely that issues raised by Semitic documents such as Mur 19, 20 and 21 would find their way to the governor and his staff in Caesarea or to the city council of Flavia Neapolis (= Shechem). A further question is whether we can draw parallels

³³ For evidence that the coastal strip was considered Phoenician territory in the late first and early second centuries, see the evidence cited in David Goodblatt, *Medinat Hayam*, The Coastal Plain, in: Tarbiz 63 (1994–95) 33–34.

³⁴ The possibility that the Jerusalem *boule* claimed authority throughout the province was raised by Goodblatt, Monarchic Principle 118 – *pace* Schwartz, Review 168.

³⁵ Goodman, Babatha’s Story 172; Benjamin Isaac, The Babatha Archive: A Review Article, in: IEJ 42 (1992) 65.

³⁶ See Hev. 12, 14 and 27, Lewis, Documents 47–50, 54–57, 116–117, for the guardians. And see Hannah M. Cotton and Jonas C. Greenfield, Babatha’s *Patria*: Maḥoza, Maḥoz ’Eglatain and Zo’ar, in: ZPE 107 (1995) 131, n. 32 for references to the assignment of Maḥoza to the administrative region of Petra. The argument of Goodman, loc. cit., that the Petra city council used Roman forms does not detract from its role as an intermediary, neither does the fact that Babatha appealed its ruling to the governor. On the legal issues raised in this case see Isaac, Babatha 64 and Cotton, Guardianship of Jesus 94–108.

from the situation in Arabia to that in Judah. We must recall that the Babatha archive reflects the first twenty-five years of *provincia Arabia*. Goodman had suggested that "One reason for (over-)enthusiastic use by provincials of the provincial judicial system may have been the hope that the Roman administration might clear up once and for all longstanding disputes over property rights and the tenure and status of land"³⁷. Iudaea's first quarter century as a Roman province had been reached in 31 C.E. Presumably, whatever role the Roman administration might have had in clearing up similar disputes in Iudaea was long over.

Moreover, one must allow for differences among provinces. In the case before us, Cotton has suggested that the deep involvement of the Roman governor of Arabia in the litigation of the indigenous population may be a reflex of the earlier role of the Nabatean king. She notes there is evidence that royal authority had been involved in Nabatean private contracts. After the establishment of the province, the governor may have stepped into the role previously filled by the king³⁸. If this is the case, then the situation in Arabia could have been unique, and a parallel archive from Iudaea would presumably look different from that of Babatha. We should not forget that the interwar documents from Iudaea do not attest involvement of Roman authorities. To be sure, the use of Greek in such marriage contracts as Şel 2 and Mur 115 and 116 might suggest the anticipation of such a possibility. But it remains a possibility, not a fact. In sum, if there was place for a native "leadership of the nation" in the Iudaea of 6 C.E., then surely there was room for one in the Iudaea of 74. What did change was that the incumbents appointed by the Romans in 6 were no longer acceptable to the Romans 68 years later. Hence their replacement by another type of aristocrat. While nothing in the new documents attests the existence of supra-local Jewish institutions, nothing there contradicts the assumption that such institutions existed. On the contrary, the role of such institutions may be compared to that of the city council of Petra in the affairs of the villagers of Maḥoza. So even after looking up from my rabbinic texts, I fail to see why what Schwartz himself wrote in 1990 is no longer acceptable.

Whatever the details, all modern accounts agree that the leadership which emerged after 70 had some connection with the Pharisees. The pre-70 priestly aristocracy, by contrast, is universally assumed to have Sadducean connections. Consequently, the issues discussed above have some relevance to the fate of the Jewish "sects". In his description of pre-70 Judah/Iudaea, Josephus mentions three veteran sects and one new one: Sadducees, Pharisees, Essenes and "the fourth philosophy". The first two are also mentioned in the New Testament, and the third by Philo. After 70, these sects seem to disappear. Yet it is simply impossible that on the morning after the Jerusalem temple burned, people awoke to find that the Sadducees, Essenes and the fourth philosophy had vanished into thin air. In fact, Josephus himself reports that *sicarii*, i.e., adherents of the fourth philos-

³⁷ Goodman, Babatha's Story 171.

³⁸ Cotton, Guardianship 107.

ophy, survived the war and escaped to North Africa (*War* 7:409–419, 437–453). Some might have survived in Iudaea itself. Even if we assume that the residents of Qumran were Essenes and were all killed by Roman troops, Josephus had reported that Essenes also could be found in the towns (*War* 2:124). So some of them could still have been alive after 70. S. Schwartz documented how the priestly aristocracy survived the war. On the assumption that they were generally Sadducean in orientation, then Sadducees could also be found. Thus there are grounds for believing that adherents of the various sects survived the war³⁹. Then how and why did these parties disappear? Further, exactly what is the relationship between the Pharisees and the rabbis of the post-70 era?

An influential answer to these questions was proposed by Shaye Cohen in an article which came out in 1984⁴⁰. He begins by establishing the two essential facts which create the problems alluded to here. First, he reviews the evidence which indicates that the sects as organized groups did in fact disappear after the revolt. Second, he adduces evidence to show that “in all likelihood there was some close connection between the post-70 rabbis and the pre-70 Pharisees”. But the same evidence suggests that “the rabbis were latter-day Pharisees who had no desire to publicize this connection”⁴¹. Cohen then proceeds to explain these developments. He argues that the phenomenon of Jewish sectarianism was intimately connected to the Jerusalem temple. The disputes among the sects were primarily halakhic in nature. And “the specific halakhot which always stood at the heart of Jewish sectarianism were the laws related to the temple: purity, cult and priestly offerings”. Further, the notion of “one temple for the one God” engendered an exclusivistic and monistic turn of mind typical of sectarianism. In sum, the temple and its cult were the “focal point” of Jewish sectarianism. With that focal point gone, that which it produced and nurtured also disappeared. Following the destruction of the temple the legal issues became academic rather than pressing, and “the institutional basis for monism is removed”⁴². This explains why the sects disappeared. But why did the rabbis mute their connection to the Pharisees? Cohen suggests that the rabbis learned a lesson from the failed revolt, namely the dangers of “internal divisiveness”. Consequently, they decided to downplay their sectarian origins. Cohen asserts that “the tannaim refused to see themselves as Pharisees or to adopt an exclusivistic ethic”. And he adds, “As a result of this effort to minimize sectarian self-identification, the rabbis did not see themselves as Pharisees and showed little interest in their sectarian roots”⁴³.

³⁹ Schwartz, Josephus 72–109. Compare *Martin Goodman*, Sadducees and Essenes After 70 CE, in: *Crossing the Boundaries. Essays in Biblical Interpretation in Honour of Michael D. Goulder*, ed. *Stanley E. Porter, Paul Joyce and David E. Orton* (Leiden, New York, Köln 1994) 347–356.

⁴⁰ *Shaye J. D. Cohen*, The significance of Yavneh: Pharisees, Rabbis, and the End of Sectarianism, in: *HUCA* 55 (1984) 27–53.

⁴¹ *Ibid.* 31–42. The quotations are from 38 and 40–41 respectively.

⁴² *Ibid.* 31, 43–45, 47–48. The quote is from 43.

⁴³ *Ibid.* 29, 49.

Cohen emphasizes that the above is “an hypothesis, a conjectural reconstruction of an obscure period and an obscure process”. Yet it has stimulated considerable thought and discussion. The following comments are offered as a contribution to that discussion. First, one may grant that the temple and cult were the focal point of sectarian disputes. But this does not mean that they engendered sectarianism. The temple and its cult were the focal point of ancient Judaism in general. As a result, any party or sect would have a lot to say about these topics. One still needs to determine what “produced and nurtured” the phenomenon of sectarianism. For example, Morton Smith suggested that the text-centered character of Second Temple Judaism allowed anyone the possibility of claiming to possess the correct and therefore authoritative interpretation of the text⁴⁴. Second, and more important in the present context, Cohen does not indicate the social or institutional framework in which the decision was taken to reject sectarianism. In the conclusion he writes, “Yavneh was a grand coalition of different groups and parties, held together by the belief that sectarian self-identification was a thing of the past and that individuals may disagree with each other in matters of law while remaining friends”. In what framework did these “groups and parties” come together? How did they arrive at this decision? Cohen himself puts quotation marks around the word “synod” when discussing Yavneh, and prefers to speak of (groups of) individuals: tannaim, sages, rabbis⁴⁵. But how would disparate individuals all arrive at a decision to eschew sectarianism without some kind of institutional mechanism?

One solution was adumbrated by Schwartz. As already noted, in his version of the Smith hypothesis, Schwartz argues that Josephus was lobbying not for the Pharisees, but for the leadership group around Gamaliel II. To expand on this, perhaps the institution which chose to downplay its Pharisaic connections and adopt an ideology of pluralism was the Gamalielian patriarchate. I argued elsewhere that the best attested collective institution in what is commonly called the Yavnean era was the court/*consilium*/entourage of Gamaliel II⁴⁶. Be that as it may, Gamaliel II had good reasons to pursue precisely the policy Cohen attributes to “Yavneh”. To begin with, I know of no one who doubts the Pharisaic connection of Gamaliel II. Josephus attested this for his father, while the New Testament does so for his grandfather and namesake. The testimony of Acts 5 is especially convincing. As I. Lévi pointed out long ago, this passage does not assign to Gamaliel I any special status – which is what we would expect if the passage were a projection back in time of the position of Gamaliel II. To continue the main argument, if Gamaliel II had – or aspired to – a position of national leadership, it was to his benefit to downplay his Pharisaic roots. Otherwise he would have trouble attracting sup-

⁴⁴ Morton Smith, *The Dead Sea Sect in Relation to Ancient Judaism*, in: NTS 7 (1961) 347–360.

⁴⁵ Cohen, *Significance* 29, 50. He twice alludes to the Council of Nicea, on pp. 28 and 51, but for purposes of contrast.

⁴⁶ Goodblatt, *Monarchic Principle* 253–256.

port from opponents of the Pharisees and/or supporters of other parties. Historians of the patriarchate attribute such a pluralistic policy to later incumbents of the office⁴⁷. Perhaps it was a family tradition. Moreover, the Mishnah, which for Cohen enshrines the pluralistic approach which emerged after 70, is widely believed to have been produced under patriarchal auspices⁴⁸.

In fact, it is likely that pluralism was typical of Judean leadership in Second Temple times as well. Cohen's article by its very nature views ancient Judaism from the perspective of the sects. One is tempted to say that this is the perspective from the fringes, not from the center. Cohen himself calls attention to the view of Josephus who is our primary source for the ancient sects. The latter also proudly asserted the unanimity of the Judean people. Cohen explains, "Josephus presumably means that all the Jewish philosophies agree on the fundamentals but dispute among themselves various details. Unfortunately, the sects themselves did not see things as Josephus did, and as long as the temple stood it was very hard to see things that way."⁴⁹ I agree with everything but the last clause. The way Josephus saw things was the way the temple leadership and much of the people did. Morton Smith argued many years ago that the temple priesthood had an institutional interest in pluralism. They wanted to attract as many people as possible to support the Jerusalem cult. The result by the first century C.E. was an inclusive Judaism of "Torah and Temple", as suggested by several scholars. Nor was this limited to the priestly establishment at the temple. It shaped the public behaviour of Herod and Agrippa I⁵⁰. Gamaliel II, working to establish himself or enhance his position as leader of the nation, would have shared an analogous outlook. In sum, the position of "latter-day Pharisees who had no desire to publicize the connection" precisely describes the situation of Gamaliel II. I would suggest that the career of the latter is the cause and explanation of this phenomenon.

What about "the end of sectarianism"? Here I am less sure. As argued above, I am not convinced that sectarianism was engendered or even encouraged by the temple-centered nature of pre-70 Judaism. If it was not, then the destruction of the temple and cessation of the cult are not a sufficient explanation for the end of this phenomenon. Perhaps the change in the nature of Judean leadership, from priestly to lay, had something to do with it. That is, control of a concrete phenomenon, the temple and cult, and ascribed status established in the Torah may have allowed the priests to tolerate institutionalized dissent. The dissenters generally

⁴⁷ *Albert I. Baumgarten*, The Politics of Reconciliation: The Education of R. Judah the Prince, in: *Jewish and Christian Self-Definition, II: Aspects of Judaism in the Greco-Roman Period* ed. *E. P. Sanders* (London 1981) 213–225, 382–391. *Martin Goodman*, State and Society in Roman Galilee (Totowa 1983).

⁴⁸ *Dov Zlotnick*, The Iron Pillar-Mishnah. Redaction, Form and Intent (Jerusalem 1988) 20–21; *Abraham Goldberg*, The Mishna-A Study Book of Halakha, in: *The Literature of the Sages, I*, ed. *Samuel Safrai* (Assen, Philadelphia 1987) 215; *Hermann L. Strack* and *Günter Stemberger*, Introduction to the Talmud and Midrash (Minneapolis 1992) 140–141, 149–156.

⁴⁹ *Cohen*, Significance 50.

⁵⁰ *Morton Smith*, Palestinian Parties and Politics that Shaped the Old Testament (New York, London 1971) passim; *Goodblatt*, Agrippa I, 15–16.

did not question the value of the cult or the role of Aaronid priests. What was debated were details of cultic practice and which Aaronids were most deserving. By contrast, Gamaliel II controlled little that was concrete and depended on the consent of the governed. Thus he could not accept with equanimity the existence of sects which in principle denied his authority. Speculation will continue. But the role and status of Gamaliel II should help explain the transformations that occurred in post-70 Judaism as both I and Schwartz – at least in his book – have already argued.