

ABSTRACT

THE INTERNAL ADMINISTRATION OF THE SECOND TEMPLE AT JERUSALEM by Daniel Tropper

This thesis is an attempt to present a composite picture of the internal priestly administration of the Second Temple in Jerusalem in its manifold aspects. After briefly surveying the status and establishing the centrality of the Temple in the Second Commonwealth society, the paper turns to an in-depth examination of the Temple's officers, the direction of its ritual and the involvement of the non-priestly Sanhedrin in its administrative complex.

The following is a list of the significant conclusions and contributions of the thesis:

- 1) High priest succession during the Persian-early Greek and Hasmonean eras followed the biblical law of inheritance, i.e. son, brother, uncle.
- 2) In the Herodian-Roman period, though succession by inheritance was abrogated, the special position of the high priest's brother was preserved as he often served as the back-up to the high priest.
- 3) Beginning by the late Greek era (ca. 175 B.C.E.) the interest of the high priests shifted from the ritual to the political arena and control over the daily worship was gradually transferred to the hands of subordinate officers and other priestly institutions.

4) To prevent the establishment of a politically dangerous dynastic high priesthood, Herod and his followers banned the direct succession of a father by his son to the high priesthood.

5) The bnai kohanim gedolim is the rabbinic analogue of archiereis and was a group composed solely of former high priests (including kohanim sheavar).

6) The segan ha-kohanim was the private ritual assistant of the high priest.

7) The strategos of the Temple is not to be identified with the segan. He had absolutely no relation to ritual but was a security officer in the Temple.

8) The kohen ha-mishneh and nagid bet ha-Elokim of the late first and early second Temple eras, may be recognized as precursors of the segan and strategos respectively.

9) There were a number of priestly institutions or committees governing various aspects of the Temple and the priests. Each was called a bet din shel kohanim.

10) Although a bet din shel kohanim was charged with ultimate responsibility for the proper performance of Temple ritual, a number of officers, memunim, acted as actual directors of ritual. The memunim provided the strand of continuity in the face of the constantly changing mishmarot, and originated during the Hasmonean period.

11) The memunim listed in Mishnah Shekalim are standard names for the officers occupying these positions in every gen-

eration. They had far more tasks and broader authority than the limited duties indicated by the mishnah.

12) The hazan was a menial aide in Temple procedural activities. The Ish Har ha-Bayit and Baal ha-Pul were low-ranking police officials.

13) A delicate détente was reached between the priests and Sanhedrin in their duel to win jurisdiction over the Temple. Though the priests maintained actual control, the Sanhedrin involved itself in Temple affairs in a variety of ways:

a. Zikeinim were dispatched by the Sanhedrin to oversee rituals (usually involving Sadducee-Pharisee differences) such as the Day of Atonement and red heifer ceremonials.

b. The Sanhedrin instituted a number of ceremonies involving their participation and deemed the practices prerequisites for the performance of various Temple ceremonials.

c. The priests conducted certain judicial processes but the formal approval of the Sanhedrin was required to validate their decisions.

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by

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Bibliography

Introduction

This thesis, a study of the administrative complex of the Second Temple at Jerusalem, encompasses a period of close to six centuries (ca. 516 B.C.E. - 70 C.E.). It commences at the reconstruction of the Temple under the hegemony of the Persians and terminates at its destruction by the legions of Rome.

The first Temple - the Temple of Solomon - is not examined in this paper. However, on various occasions reference is made to it in an attempt to shed light on the Second Temple. For the sources of the early period of the Second Temple are extremely limited; besides the latter prophets, Ezra, Nehemiah, a few papyri and possibly some isolated apocryphal works we have nothing to draw from for information. However, we can attempt to fill some of the gaps of its early administration by focusing upon its predecessor and projecting from it. There can be no doubt that the intensely nationalistic returning exiles, with fond memories of the Temple of King Solomon, son of King David, modeled their Temple after Solomon's in whatever ways they could, both architecturally and administratively. The role played by tradition and nationalism in such a situation dare not be underestimated.

The later period of the Temple, particularly the post-Maccabean, is far better documented. There is abundance of references to the Temple and its bureaucratic structure in

rabbinic, apocryphal, Christian, papyri, and Greek and Roman sources. Together they provide a vast amount of information, though the validity and accuracy of each source vary considerably.

Rabbinic literature, particularly the Mishnah, Tosefta, Targumim, and Sifra, forms the bulk of the source material for our study. While stress will be concentrated on the older and contemporary sources, the later Tannaitic and Amoraic material will not be ignored. However, when they are cited their contents will be proved to ascertain the sources knowledgeability and thus historical viability.

Utilizing the non-rabbinic Jewish sources (Apocrypha and Pseudepigrapha) in our study presents two difficulties. Firstly, the dating of most of these works is still a much debated topic among scholars and without a definite dating their use is greatly limited. But even more important is the fact that the authorship of the works is also in question, and without knowing the author's orientation and religious inclination, we might miss an entire slant in the work.¹ What makes this

1. For a summary and analysis of the various opinions on the dating and authorship of the apocryphal works see, R. H. Pfeiffer, History of the New Testament Times, New York - London, 1941, which is, to a large extent, an introduction to the apocrypha and pseudepigrapha; J. Klausner, Historia shel ha-Bayit ha-Sheni, Jerusalem, 1952, vol. 3, 194-213; S. Zeitlin, The Rise and Fall of the Judean State, vol. 1, Philadelphia: JPSA, 1964, 292-301, vol. 2, 1967, 346-353.

difficulty particularly pronounced is the combination which we are dealing with: the Temple and the possibility that many of the works are the products of sectarians. Second Commonwealth sects, having such varying attitudes vis a vis the Temple, its priests and ritual,² allow a source to be easily misinterpreted unless the attitudes of the author are known in advance.

Philo and Josephus were contemporaries of the Temple and as such merit careful analysis. Josephus in particular deserves special consideration in view of the fact that he was a priest who, according to his own testimony, served in and was an expert on Temple ritual. However, Philo was a commoner, a resident of distant Alexandria and but an infrequent visitor to Jerusalem. Consequently, the thoroughness of his knowledge of internal Temple conduct is questionable.

In the gospels and church fathers we have the advantage of knowing the negative slant quite well. Even the post-Temple sources are valuable for many of the early church fathers, having studied under Jewish scholars or themselves of Jewish extraction, often preserve ancient traditions absent in our rabbinic writings.

2. E.g. Josephus informs us that the Essenes, in view of their different form of ritual purifications not recognized by the priests, were barred from the Temple precincts. (Ant. 18.1. 5,19). We would not expect a work of theirs to relate favorably toward the Temple.

In the view of the multiplicity and variety of these sources - a factor which is lacking in the early period - the major part of our study will, of necessity, concentrate on the later period. By "later period" we mean the post-Maccabean era, from about 142 B.C.E. till 70 C.E. It is this factor which acts as the fundamental distinguishing mark differentiating our study from that of the eminent scholar Adolf Büchler.

The classic scholarly study of the Temple administration is Büchler's work Die Priester und der Cultus im letzten Jahrzehnt des Jerusalemuscher Tempels.³ As the name implies, Büchler's work is an analysis of the Temple administration in the final ten years of its existence only. In his work, Buchler traces an unusual amount of the Temple institutions discussed in rabbinic sources to the last decade of the Temple. Thus, he sees, for example, the initiation of the offices of segan (p.83), and zekainim (76), the celebration of simchat bet ha-shoevah (43), and the imposition of severe penalties for stealing Temple vessels (57)⁴ as products of the last decade only. According to Büchler virtually all rabbinic sources relating to the Temple refer only to this tiny period of its long six hundredyear history.

3. Vienna, 1902. The Hebrew translation is used in all citations. he-Kohanim va-Avodatan, translated from the German by Naftalie Ginton, Jerusalem: Mosad Harav Kook, 1966.

4. M. San. 9.6.

Dr. Büchler's approach can be understood only when viewed from an historical perspective - the times and conditions under which he wrote. Die Priester und der Cultus is fundamentally a reaction against the Christian scholarship of his day, which brutally and uncompromisingly dismissed the value of all rabbinic sources. The crucial difficulty at the time revolved about coping with the blatant contradiction between the gospels and the mishnah over the function, orientation and, most important, leadership of the Sanhedrin. The gospels report that the high priest presided over this highest Jewish tribunal; the mishnah identifies its leader as the nasi. Christian scholars naturally accepted their tradition and, in an attempt to discredit the rabbinic tradition, ridiculed and denigrated all of rabbinic writings challenging their general authority.

Büchler, one of the leading Jewish scholars of his day and a great Talmudist, embarked on a campaign to defend his tradition and compel his Christian colleagues to adopt a more evenhanded approach to the sources. His sensitivity to the problem is sufficiently demonstrated by his book, Das Synhedrion in Jerusalem und das Grosse Beth-Din in der Quaderhammer des jerusalemischen Tempels, which is a bold attempt to reconcile the conflicting traditions by positing the existence of two Sanhedrins, one headed by the high priest and the other by the nasi. Die Priester und der Cultus must similarly be viewed from this perspective. In Die Priester und der Cultus

Büchler subjects his rabbinic sources to a meticulous and exacting analysis - we might say a supercritical analysis - in an appeal to his Christian colleagues to lend greater credence to them. In fact, the very first chapter (over one-fifth of the book) entitled "Rabbinic Sources for the History of the Priesthood" is an open challenge to the Christian position and a defense of Jewish sources. In this chapter Büchler writes:

It would seem to us that the lack of trust, even ridicule, of that which is related in the mishnah and Talmud concerning the incidents and relations in Jerusalem and the Temple is unjustified... Especially the fact that reputable scholars have chosen to completely and absolutely negate one tradition while totally accepting another... imposes upon us the responsibility to establish legitimate criteria based upon scholarly foundations.⁵

Büchler then proceeded to establish criteria for source analysis acceptable to all. These supercritical criteria, however, rigidly chained his analysis, denying him the freedom to use his historical sensitivity to attribute certain sources to very early times when necessary. Actually, a great deal of scholarly research published since Büchler's days, much based on the foundation which he laid, has demonstrated the great antiquity of many rabbinic statements. The great number of sources which Büchler condensed into a ten year period may in many cases, according to modern standards, be extended over

5. Büchler, op. cit., 9-10.

a far greater period.⁶

Our analysis of the Temple administration will differ from Büchler's for we will allow ourselves the freedom which Büchler lacked. We must remember that most sources are quite difficult to date, and even those which can be dated to a late period often reflect ancient traditions. There is another very important factor to consider. The Temple administrative complex was an established bureaucracy and, like all bureaucracies, it tended to be ultra-conservative, allowing few changes. There were critical points - such as the Hasmonean revolt - when major changes did indeed occur. But outside these points we must recognize the fundamentally conservative nature of the Temple. Thus, even a late source describing a particular institution need not imply that the institution itself is late. On the contrary, it may very well be indicative of an ancient institution which existed even at the late date when the source was written.

To cite just one illustration of a late source reflecting an ancient tradition we may point to the mishnah in Yoma⁷ which reports that on festivals the gates of the Temple

6. For example, Gedalia Alon traces the mishnaic report of severe penalties for stealing Temple vessels, not to the last ten years of the Temple, but to at least 240 years before its destruction! Mehkarim b'Toledot Yisroel, Jerusalem, 1957, vol. 1, 98-106.

7. M. Yoma 1.8.

were opened earlier so that by the time the cock crowed the precincts were thronged with worshippers. Mishnah Yoma, though a relatively early mishnah, nevertheless, dates from slightly after the destruction of the Temple.⁸ Yet this practice antedates the mishnaic report by at least seventy years. For Josephus reports that during the reign of the first procurator Coponius (6-9 C.E.), "when the Festival of Unleavened Bread, which we call Passover, was going on, the priests were accustomed to throw open the gates of the Temple after midnight."⁹ Thus Josephus reports that the practice of opening the Temple gates earlier on festivals was an ancient one.

We must also be aware of names and functions metamorphoses. Often the title of a functionary may be old, perhaps stretching throughout the entire six hundred year history of the Temple, but its implication different in the various periods. On the other hand, some officers may have functioned throughout the period under different titles. As an example of the former phenomenon we might point to the high priest who

8. T. B. Yoma 14b: "Rabbi Yochanan said: Which Tanna arranged Yoma? Rabbi Shimon Ish ha-Mizpa." Rabbi Shimon was a scholar who served in the final years of the Temple. (M. Peah 2.6) cf. ch. Albeck, Mavo Lamishnah, Jerusalem, 1959, 85f.

9. Ant. 18.2.2, 29.

began as a semi-independent leader with broad extra-Temple powers and ended as a subservient quisling of the rebel government.¹⁰ The nagid - prostrates - strategos is an illustration of the latter phenomenon.¹¹

An awareness of the bureaucratic nature of the administrative complex should alert us to one other phenomenon. There might be some late high-titled officers whose duties and obligations were virtually nil. The long and oscillating history of the Second Temple certainly allowed for the possibility of officers being stripped of power while retaining their titles. Vestigious titles must be looked for.

Besides Büchler the only other major effort to reconstruct the Temple administration was made by his older contemporary, Emil Schürer, in his monumental Geschichte des Jüdischen Volkes im Zeitalter Jesu Christis. Schurer's effort, through a great stride forward in the study, suffers from two great deficiencies. Unlike Buchler, Schurer was not at all well versed in rabbinic literature. But an even greater drawback to his analysis is that, to some extent, Schurer suffered from the general Christian attitude of his day of belittling this material. Thus, he omits many crucial sources without which a full and accurate picture of the dynamics of Temple administration cannot be reconstructed.

10. Supra, chapter 2.

11. Supra, chapter 7.

Part One

The Temple and its Leadership

Part One: Introduction

The Temple in Jerusalem was the spiritual center of the people in Judea as well as of the Jews in the Diaspora. It was to this shrine alone that Jews the world over looked for religious guidance and leadership. As such, this edifice also became the target of all political hostilities directed against Judea, the center of the Pharisee-Sadducee controversy and the arena about which the preaching, arrest and crucifixion of Jesus revolved. The Temple was Judea's first national shrine to which there was no real second, and nearly all the crucial political intrigues, social reformations and religious developments of the Second Commonwealth happened in and about this area.

It follows that a knowledge of the Temple administration is a desideratum for the clear understanding of the history of the Second Commonwealth. Internal ministerial difficulties and administrative debates are often reflections of broader social tensions beyond the walls of the Temple. Going one step further, the very structure of the administration, the metamorphosis of institutions and officials, and the nature of the appointees tells us a great deal about the general social and religious climate. Thus, besides the inherent importance of knowing the structure of the Temple administration there is the further value of using these conclusions to reconstruct much of the general social, religious and political history of the

Second Commonwealth.

It is impossible to commence a study of the Temple administration without first examining the Temple itself: its history, site, position and importance. Naturally, a complete and thorough analysis of all these aspects is beyond the scope of this paper. However, a review of some of the more salient points of the Temple must be made before entering into a study of its administration.

The Temple at Jerusalem was initially built by King Solomon 480 years after the exodus from Egypt.¹ This magnificent edifice which took seven years to build, with the aid of skilled Tyrian craftsmen,² served the Kingdom of Judah for over 400 years. At various times, such as during the reigns of Jehoshaphat³ and Josiah,⁴ the building fell into disrepair and had to be mended through the efforts of the high priests. However, no major architectural changes were made throughout this period, which came to a conclusion with the destruction of the Temple in 586 B.C.E. by Nebuchadnezzar of Babylon.⁵

The construction of the Second Temple, the subject of

1. Kings 6:1.

2. Ibid. chapter 6.

3. II Kings 12:7-18.

4. Ibid. 22:3-8.

5. Ibid. 25. cf. Jeremiah 52.

our study, was begun under the leadership of Zerubbabel ben Shaltiel and Jehoshua ben Jehozadak⁶ on the authority of the famous edict of Cyrus.⁷ The harsh social and economic conditions of the returning exiles were reflected in their new edifice, which, while maintaining the dimensions of its predecessor, lacked its architectural grandeur.⁸ Though mean in appearance the building served the people well for most of the Second Commonwealth. It was only near the end of the period that King Herod tore down the ancient edifice and replaced it with what was reputed to be one of the most magnificent structures of his age. Of Herod's Temple it was said: "He who did not see the Temple of Herod, has not seen a magnificent edifice in his life."⁹

Herod was anything but religious. However, he suffered from an ailment common to many tyrants: a severe and uncontrollable passion, almost a mania, for building. During his long

6. Ezra 2:68. cf. Haggai 1.

7. Ibid. 1:1-4; II Chron. 36:22-23.

8. Ezra 3:12. Jos. Ant. 11.4.2,81. In his speech to the people announcing reconstruction of the Temple (infra), Herod claims that Zerubbabel's Temple was identical to Solomon's in breadth and width only, not in height. Thus he suggests raising it to the original height. (Ant. 15.11.1,385-386). What may have actually happened was that Herod wished to raise the Temple's height and sought to legitimize this action by claiming that he was restoring it to its pristine dimension.

9. Baba Batra 4a. cf. Sukka 51b.

and brutal career he constructed scores of cities, fortresses, theatres, baths and palaces. And realizing that the old and war-scarred Temple of Zerubbabel did not do him nor the people he ruled honor, he ordered it razed and grandly reconstructed.¹⁰

There is an interesting sidelight to this reconstruction. Though not the person to be respectful of religious tradition and practice, with regard to the Temple, Herod scrupulously followed Pharisaic law, even to the extent of curtailing his building passion. Only priests participated in its construction.¹¹ The complex sandfill enlargements of the Temple precincts affected only the outer court, while the dimensions of the Temple proper remained exactly as they had been since the days of Solomon. This provides an excellent indication of the centrality of the Temple in the eyes of the people. Herod was neither afraid to murder leaders, nor wipe out the most respected families, nor juggle high priests, but, he would not dare to tamper with the Sanctuary. Obviously, he judged that this particular act was one which the people would under no circumstances tolerate.¹²

Herod's judgement was quite correct. To the people of Judea the land of Judea was holy, the city of Jerusalem holier still, and the Temple of Jerusalem the most sacred of all.¹³

10. Ant. 15.11.1,380

11. Ibid. 15.11.6,421.

12. The Judean supersensitivity to tampering with Temple

Its site, they believed, had been selected from the time of Abraham,¹⁴ indeed consecrated at the moment of Creation.¹⁵

It was neither the fall of Judea nor Jerusalem which was mourned and memorialized by the Jews afterward, but the destruction of the Temple. The Temple was their dearest love during its existence, and most profound hope after its destruction. In the terms of the midrash written after the fall of Jerusalem, "The prayers of the Jews concern only the Temple: When shall the Temple be rebuilt?"¹⁶

The people's tremendous reverence for the Temple as well as their abhorrence for tampering with it may also be gauged by their reaction to the unauthorized entry of aliens.

dimensions is, perhaps, best illustrated by a post-Temple incident. The midrash tells that a Roman emperor (Hadrian) once permitted reconstruction of the Temple providing that its measurements be increased or decreased by but five amot. This action provoked a sharp reaction and it was only through conciliatory efforts of R. Yehoshua ben Chananya that an open revolt was prevented (BR. 64). On the historicity of this event see Gedalia Alon, Toledot Haverudim, vol. 1, 270-280.

13. M. Kelim 1.6-9.

14. B. R. 58.3

15. Jub. 4:26; 8:19.

16. B. R. 13.2

The Judeans exacted from their Roman overlords the unusual right to condemn any alien who violated the sanctity of their House of God by merely treading on its soil.¹⁷ As a further illustration we might cite the calamity which befell Jerusalem at the conquest of Pompey. When Pompey subdued Jerusalem in the year 63 B.C.E. he accomplished his task by ruthless and brutal bloodshed. Priests were hewn down at the altar, women were defiled, and 12,000 Jews were massacred in the city. And yet Josephus in describing the event remarks, "of all the calamities of that time none so deeply affected the nation as the exposure to alien eyes (Pompey) of the Holy Place."¹⁸ Apparently the defiling of the Temple was a greater crime to the people than mass murder and death. We must also remember the pathetic description given by II Maccabees of the helpless citizens of Jerusalem trying to prevent Heliodorus from entering the Temple and defiling it, a description which aptly reflects the people's attitude toward their House of God. The author writes:

"People came teeming out of the houses in crowds to join in communal supplication because the Place was in danger of being defiled. Women, girded under their breasts with sackcloth, crowded the streets; while maidens, usually kept within doors, ran together

17. Two tablets have been found in the Temple area with Greek inscriptions prohibiting the entry of aliens. One reads: "No alien may enter within the balustrade and the enclosure around the sanctuary. Whoever is caught, on himself shall be put blame for the death which shall ensue." Reifenberg, Ancient Hebrew Arts, 80. Cf. S. Zeitlin, "The Warning Inscription of the Temple", JQR XXXVIII (1947-1948), 111-116.

to the gates, others to the walls, and some peeped forth from the windows; all stretched forth their hands toward heaven in supplication. One could but look with pity upon the crowd prostrating themselves, to the last one, and upon the high priest, anxious as he was in his fearful foreboding.¹⁹

Why is it that the Temple achieved so exclusive a position in Judean life? What was it that embedded that institution so deeply in all phases of Judean thought and activity? There is no one factor to explain this phenomenon. There was rather a series of factors which cumulatively and over a period of generations served to enshrine this institution.

Unlike its Greek and Roman counterparts, the Temple at Jerusalem was the one and only religious center for the Jews. There were no real rival Temples competing for and thus dividing the loyalties of the people. Even outside Judea competition was almost nil. It is true that there was a temple in Jeb early in the Second Commonwealth and that in the middle of the second century B.C.E., a member of the high priestly family, Onias, fled to Egypt and constructed a rival Jewish temple in Heliopolis. However, though these temples performed biblical rites and offered sacrifices, they never met popular acceptance. The temple at Jeb

18. Wars 1.7.6, 152

19. II Mac. 3:18-21.

was shortlived and virtually sectarian.²⁰ And the larger and more prominent temple of Onias could not even wean away from Jerusalem the great Alexandrian Jewish community, which remained steadfastly loyal to its mother country.²¹ The Temple of Jerusalem was effectually the only place to bring sacrifices, to seek the divine presence, to achieve atonement.²² The people's loyalty, respect and reverence was directed unreservedly and unswervingly toward Jerusalem.

This uniqueness concentrated all religious function in and about the Temple. Three times a year the population

20. The date of the construction of the Temple at Jeb is unknown, though it was already in existence during the conquest of Egypt by Cambyses. It was destroyed in the year 411 B.C.E. (Cowley, Aramaic Papyri of the Fifth Century B.C., 1923, pag. 30). The Jews in this colony were sectarians having deviated significantly from the mainstream of Judean theology. To cite an example of their deviant theology, when the Jeb temple was destroyed the colonists were so unaware of their deviation that they wrote to the high priest in Jerusalem seeking his aid in the reconstruction of their temple! Furthermore, foreign deities (Anat and Bethel) were assimilated into their religion.

21. This factor is well attested throughout the vast philonic literature. e.g. In De Spec. Leg. I.67 Philo writes: "But he provided that there should not be temples built either in many places or many in the same place, for he judged that since God is one, there should be also only one temple."

22. Indeed the people regarded the temple structure itself as effecting atonement. "Why is it called Lebanon (the Temple)? For it cleanses (מלגין) the transgressions of Israel." Vayikra Rabba 1. cf. T. B. Git. 39b.

of Jerusalem swelled as Jews from throughout Judea and the world flocked to the Temple for festival observance.²³ The central religious governing body of Judea - the Great Sanhedrin - conducted daily sessions within its precincts.²⁴ Miracles in the Temple were regarded by the folk as common, almost everyday occurrences.²⁵ Hundreds of thousands of shekalim poured into Jerusalem during the months following Adar as every Jew was required by religious law to send this yearly contribution for maintenance of sacrifices.²⁶ Over the course of generations this, together with general gifts and bequests, greatly enriched the Temple treasury with huge amounts of gold and silver.²⁷ Moreover, the Temple at Jerusalem, as all ancient temples, served as a bank for personal savings.²⁸ The

23. Lev. 16:16; Philo op. cit. To be absent from Jerusalem on the festivals was regarded as a grave misfortune. It is thus interesting to note that when Herod married Miriam, he banned Doris' son Antipater from Jerusalem except on festivals. Wars 1.22.1,433.

24. M. Midot 5.4.

25. M. Abot 5.5.

26. M. Shek 1.1.

27. Josephus writes: "But no one need wonder that there was so much wealth in our temple, for all the Jews throughout the habitable world, and those who worshipped God, even those from Asia and Europe, had been contributing to it for a very long time. And there is no lack of witnesses to the great amount of the sums mentioned nor have they been raised to so great a figure through boastfulness or exaggeration on our part, but there are many historians who bear us out (Ant. 14.7.2,110f). To gain some insight into the magnitude of the bequeaths, it would be helpful to remember the Tosefta (Ark. 3.1,545) where a woman is reported

Temple over a period of centuries developed into the richest, most revered, and consequently one of the most powerful, institutions in Judea.

As the unchallenged and incontrovertible religious center, the Sanctuary became a natural magnet for all religious movements, sects and folk superstitions. Every false messiah, every charlatan, every quack, made his pilgrimage to Jerusalem to seek the divine presence and the legitimacy and respectability which only the Temple could extend. The Egyptian deceiver during the procuratorship of Felix selected the Mount of Olives, overlooking the Temple, as the place to perform his miracles.²⁹ Jesus, though spending his days of ministry in Perea and Galilee, felt compelled to make a trip to the Temple and preach there.³⁰ And the common people reacted in much the same manner, performing their superstitious rites and incantations in the Temple. Thus Josephus tells that during Herod's seige of Jerusalem, "The feeblor folk, congregating round the Temple, indulged in

to have pledged and given her daughter's weight in gold upon the child's recovery from her illness. The Temple also received large quantities of gifts from gentiles. On this latter aspect see E. Schürer, A History of the Jewish People, English translation, Second Edition, Second Division, Part I, Edinburgh, 1901, 304f.

28. See V. Tcherikover, Hellenistic Civilization and the Jews, Philadelphia: JPSA, 1966, 155ff. cf. T. Mendelssohn, Slavery in the Ancient Near East, 1933, 190ff.

29. Ant. 20.8.6, 169-172.

30. Mark 11:11; Mat. 21:10-12; Luke 19:45.

transports of frenzy and fabricated numerous oracular utterances to fit the crisis."³¹

Being so integrally woven into the daily life of Judea, the Temple could not escape political involvement. With regard to the overlord powers this involvement was formally translated into daily offerings for the peace and security of the State and its ruler.³² As far as internal Judean politics were concerned the involvement was far greater. The Temple was often used by the leaders to further their personal ends in a variety of ways. When, for example, Hyrcanus and Aristobulus concluded their temporary reconciliation, to win popular acceptance they did so "in the Temple, in the presence of the surrounding crowds."³³ And the first act of Archelaus, after his shaky assumption of office at the death of Herod, was the offering of a sacrifice in the Temple.³⁴ The more complex political aspects will be studied later in this paper.

31. Wars 1.18.1,347.

32. The daily emperor sacrifices are mentioned in the Talmud (T. B. Git. 56a); Josephus (Wars 2.15.3,320; Apion 2.77) and Philo (Leg. ad Caium, 157). The Talmud and Josephus are silent regarding the nature of the sacrifice but Philo writes that it consisted of two lambs and a bull. Philo and Josephus are in disagreement over whether the Jews (Josephus) or the emperor (Philo) paid for the offering.

33. Wars 1.6.1,122.

34. Ibid. 11.1.2,5.

One final factor which should be noted is the strategic importance of the Temple. If Jerusalem was an impregnable city, then the Temple was an impregnable fortress within an impregnable city. Situated on the eastern and lower mount of the city, the Temple was wrapped on three sides by the Kidron and Tyropaeon Valleys with only the northern side exposed. But a massive wall protected this side, as well as lending further support to the other three flanks. Thus special precautions were taken by various political powers to build control into the Temple. Antiochus Epiphanes had the notorious citadel erected "for it served as an ambushade against the sanctuary."³⁵ Later in the Second Commonwealth Herod and the procurators kept control in the Temple from the specially constructed Tower of Baris or Antonia.³⁶

But without these citadels the Temple was indeed an almost impenetrable fortress apart from Jerusalem. In fact, in quite a few instances we find warring factions reaching a stalemate as one occupies Jerusalem and the other the Temple. Hyrcanus and his Arabian allies succeeded in defeating Aristobulus for control of Jerusalem only to find that they could not dislodge

35. I Mac. 1:36.

36. Ant. 15.11.7, 442-445.

him from the Temple.³⁷ Similarly, during the great revolt against Rome, John of Gush-Halav and the zealots under Eleazar held the Temple and could not be ejected by Simon ben Giora and the Jerusalem party.³⁸ This great strategic position played a very significant role in the general history of the Temple.

The survey which we have made of the Temple and its national, religious and political importance will help us greatly in the analysis of its administration. For only after realizing its unusual prominence will we be able to comprehend the many and intricate internal power struggles, the complex development of its bureaucracy and the delicate relationship between it and the Sanhedrin and foreign governments. This realization also makes clear why every overlord foreign country - Persia, Egypt, Seleucidia, Rome - and every internal government - the Hasmoneans, Herod, the procurators - had to exercise some sort of control over its administration or impose limitations on its activities. The Temple was too vital a phase of Judea to be ignored. It had to be carefully observed, regulated and checked lest it step beyond the purely religious sphere and pose an ominous threat to the existing political structure.

37. Ant. 14.2.1,19-21.

38. Wars 4.9.12,577-9. Later in the revolt three factions were formed and warred among each other with the Temple walls providing the line of demarcation between them. Simon held Jerusalem, John the outer court of the Temple, and Eleazar and the zealots the inner court. Ibid. 5.1.2,5-11.

Chapter 1

The High Priest: Succession

The high priest was the highest officer in the Temple. However, despite this lofty position he seldom exercised his power in complete independence. More often than not, he was subservient in some degree to the Sanhedrin, an overlord power, the internal political government of Judea or existing priestly institutions. The internal affairs of the Temple could not be isolated from the rest of Judea's political life. The two areas were interrelated and the chief officer of the Temple had to be subjected to some degree of control.

The relationship and check and balance system which existed between the priests in general and high priest in particular and the Sanhedrin involved an especially delicate détente to which the final chapters of this study are devoted. But exclusive of the religious Sanhedrin, the extent of outside control varied considerably in different periods depending upon the security of the political regime, the force commissioning the appointment of high priests and the system of high priest succession. In fact, the system of high priest succession may be used as a yardstick to determine the relative independence of the high priests in the various periods. The reason is simple. When the high priest was elevated to the position by an automatic, self-perpetuating system such as

heredity, he was answerable to none but himself. Similarly, so long as the high priesthood remained a lifetime office, its holder felt secure in his position and acted with relative independence. When, however, the high priest depended upon others for his elevation and when his deposition and replacement was a daily threat, the insecurity of his office made him answerable, dependent upon, and, to a degree, subservient to the powers appointing and sustaining him.

To understand the power of the high priest and consequently the independence of high priestly control over the Temple, we must first turn to an examination of high priest succession and study how high priests were selected and deposed in the Second Temple.

The Problem of Succession

An examination of Josephus and rabbinic sources reveals a large number of traditions regarding the identity of the successor to a high priest and the method of his selection. In different instances the successor appears as the high priest's son,¹ his brother,² the segan³ or simply as "another

1. Sifra on Lev. 16:32: "To serve in his father's place: This teaches that the son preceeds all others." cf. T.B. Yoma 72b-73a; T.J. Hor. 47d; Sifri 165. Also when the Jews

priest".⁴ We also find succession by heredity,⁵ lottery,⁶ appointment by the king,⁷ appointment by foreign authorities,⁸ appointment by the Sanhedrin⁹ and automatic yearly changes of high priests.¹⁰ These varying traditions have created a great deal of confusion on the subject.

battled the Samaritans in Alexandria over their respective temples (ca. 150 B.C.E.), Josephus reports that Andronicus the Jew "began with proofs from the law and the succession of high priests, showing that each had become head of the Temple by receiving that office from his father". (Ant. 13.3.4,78)

2. Ant. 12.2.5,44. Also the Maccabean brothers Judah, Jonathan and Simon seem to have succeeded one another to the high priesthood. See Chapter 2, note 10.
3. "For this was the segan appointed: that if a high priest should become defiled, the segan enters and serves in his stead." Tos. Yoma 1.4,180 and parallel sources.
4. M. Yoma 1.1: "...and they prepared another priest in his stead, lest he become defiled."
5. Supra, note 1.
6. Tos. Yoma 1.6,180: "...his lot decreed that he be high priest"; Wars 4.3.8.
7. T.B. Jeb. 61a: "...and the king selected him as high priest..."; cf. T.J. Yoma 38c; T. B. Yoma 12b.
8. Three times the governors of Syria came to Jerusalem and appointed high priests: Cyrenius (Ant. 18.2.1,26). Vitellius (Ant. 18.4.3,95) and again Vitellius (Ant. 18.5.3, 123).
9. Tos. San. 3.418 "and we appoint neither a king nor high priest except before a court of seventy one". We admit the possibility that confirmation is meant here, rather than appointment.
10. T.B. Yoma 8b-9a and parallel sources. "...for they paid money for the priesthood and switched it every twelve months."

In order to resolve the various traditions, we must operate bearing in mind at all times the following three variables:

- 1) the different historical periods of the Second Temple,
- 2) two different types of succession, and 3) whether a particular source in question is presenting the real or ideal situation.

An accurate list of the high priests who officiated in the Second Temple is a desideratum for the analysis. The list that follows is divided into four periods.¹¹ The periods have been selected not on the basis of general political status, but rather on the basis of the status of the priesthood. Each of these periods represents a radical break in tradition (re the high priesthood) from its predecessor and stamps its unique image upon the high priestly institution.

High Priests of the Second Temple in Jerusalem¹²

- I. Persian Early Greek Era (516 B.C.E. - 174 B.C.E.):
 1. Yehoshua b. Yehotzadak
 2. Elyakim b. Yehoshua

11. The four periods will be cited by their designated Roman numeral throughout our discussion (I,II,III,IV). In addition, high priests will be identified by their period and number, e.g. Yadua b. Johanan (I,6), Alcimus (II,3).

12. The exact dates of most high priests are unknown. Consequently only the periods are dated.

3. Elyashuv b. Yehoyakim
 4. Yoyada b. Elyashuv
 5. Johanan b. Yoyada
 6. Yadua b. Johanan
 7. Onias I b. Yadua
 8. Simon (the Just)¹³ b. Onias I
 9. Elazar b. Onias I
 10. Manassah
 11. Onias II b. Simon (the Just)
 12. Simon II b. Onias II
 13. Onias III b. Simon II
- II. Late Greek Era (174 B.C.E. - 153 B.C.E.)
1. Jason b. Simon II
 2. Menelaus
 3. Alcimus
 4. ?¹⁴
- III. Hasmonean Era (153 B.C.E. - 37 B.C.E.)
1. Jonathan b. Mattathias
 2. Simon b. Mattathias
 3. Johanan Hyrcanus b. Simon

13. Josephus identifies this Simon as Simon the Just. However, the identification of Simon the Just in rabbinic literature is a great debate among scholars and a vast literature has been compiled on the subject. See S. B. Hoenig, Sanhedrin Gedolah, translated from the English by Israel Eldad, Jerusalem: Mosad Harav Kook, 1961, 44-49.

14. See chapter 2, note 10.

4. Judah Aristobulus b. Johanan Hyrcanus
5. Alexander Jannai b. Johanan Hyrcanus
6. Hyrcanus b. Alexander Jannai
7. Aristobulus b. Alexander Jannai
8. Antigonus b. Aristobulus

IV. Herodian & Roman Era (37 B.C.E. - 70 C.E.)¹⁵

(a) appointed by Herod (37 -- 4 B.C.E.)

1. Ananel
2. Aristobulus
Ananel
3. Jesus b. Phabes
4. Simon b. Boethos
5. Matthias b. Theolphilos
6. Joseph b. Ellem¹⁶
7. Joasar b. Boethos

(b) appointed by Archalaus (4 B.C.E. - 6 C.E.)

8. Eleasor b. Boethos
9. Jesus b. See

15. Josephus (Ant. 20.10.5,250) numbers as twenty-eight the total of high priests in period IV but does not list them. The list presented is the one drawn up by E. Schürer, A History of the Jewish People, translated from the German, Second Ed., Second Division, Edinburgh, 1891, Part I, 197-202. cf. list of S. Zeitlin, The Rise and Fall of the Judean State, Philadelphia, 1967, vol. 11, Appendix 5, 379.

16. See chapter 3, "The 'High Priests'", esp. note 9.

Joasar b. Boethos

(c) appointed by Quirinus (6 C.E.)

10. Ananos b. Seth

(d) appointed by Gratus (15 - 26 C.E.)

11. Ishmael b. Phabi

12. Eleasar b. Ananos

13. Simon b. Kamithos

14. Joseph (Caiaphas)

(e) appointed by Vitellius (35 - 39)

15. Jonathan b. Ananos

16. Theophilos b. Ananos

(f) appointed by Agrippa (41 - 44)

17. Simon Kantheras b. Boethos

18. Matthias b. Ananos

19. Elionaios b. Kantheros

(g) appointed by Herod of Chalkis (44 - 48)

20. Joseph b. Kamithos

21. Ananias b. Nedebaios

(h) appointed by Agrippa II (50 - 67)

22. Ishmael b. Phabi

23. Joseph Kabi b. Simon

24. Ananos b. Ananos

25. Jesus b. Damnaios

26. Jesus b. Gamliel

27. Matthias b. Theophilos

(i) appointed by people during the war (67-68)

28. Phannias b. Samuel

The principles of high priest succession in each individual period must now be examined. These analyses can best be done topically rather than chronologically. The Persian-early Greek and the Hasmonean eras (Periods I and III) witnessed the practice of similar systems of succession, as did the late Greek and Herodian-Roman eras (Periods II and IV). Periods I and III will, therefore, be analyzed as a unit followed by a joint study of Periods II and IV.

Succession in Periods I and III

A cursory glance at these two periods quickly reveals that the high priesthood of the Second Temple was fundamentally an hereditary dynasty, passed down from father to son. It is only natural to expect this. For the Tabernacle of the wilderness and the first Temple at Jerusalem, the Temple of Solomon, also maintained such dynastic successions. This principle can be traced to the "Covenant of Peace" drawn between God and Phineas in which the high priesthood was conferred upon Phineas as an hereditary gift.¹⁷ The Phineas lineage persisted

17. Num. 25:12f; cf. Ben Sira 45:24.

until the last days of the Judges when Eli (from the Ittamar branch of the Aaronic pedigree) assumed the office of high priest. After Eli the high priesthood changed hands a few times until it returned to the family of Phineas as David's trusted friend Zadok was elevated to the office.

Zadok established an hereditary priestly dynasty which continued throughout the long and vacillating history of the first Temple. Indeed, the family became such an incumbent in the high priesthood that after the destruction of the first Temple, the prophet Ezekiel would hear nothing of any of the other priests leading and guiding the people.

And the priests, yea officiants, the Sons of Zadok who clung to the ordinances of my Temple when the people of Israel strayed from me, they shall come near to serve me, and they shall offer me the fats and blood, says the Lord God. They shall come into my Temple, and they shall come near my table to serve me and shall keep my ordinances.¹⁸

As a result of Ezekiel's admonition, the Zadok lineage was re-established at the dawn of the Second Temple and Zadokian dynastic succession continued uninterrupted until the cataclysmic events of the pre-Hasmonean age brought period I to an abrupt conclusion.

18. Ezek. 44:15-17.

The Hasmonean period (III) may be viewed as an attempt to restore the high priesthood to the very same independent status that it enjoyed during the early Second Temple era. Jonathan, the first Maccabean to hold the office of high priest,¹⁹ though appointed by the Syrian monarch Alexander Balas, was nevertheless able to gradually assert his independence because of his great military strength. This quest for independence, begun by Jonathan, was culminated by his brother and successor Simon, who was appointed high priest not by a foreign power, but by the people themselves. "The Jews and the priests had agreed that Simon should be their leader and high priest forever, until a true prophet should arise."²⁰ Thus the dynastic principle of priestly succession was re-established, though not in the family of Zadok. The Hasmoneans assumed the high priesthood for themselves passing it down from father to son.

Principles of Dynastic Succession

The dynastic succession of the high priesthood when it functioned was often a quite complicated process. Unlike a kingdom where the monarchy is transferred automatically to

19. Josephus contradicts himself on this point. See chapter 2, note 10.

20. I Mac. 14:41.

the eldest son, come what may, the high priesthood was somewhat more flexible. Succession was not an automatic process but involved some elements of selection.

The selection of a successor to a high priest seems to have been made by the high priest himself. Thus, the Talmud tells that on his deathbed, Simon the Just selected his younger son Onias to succeed him, rather than his elder son Simon.²¹ This practice, however, does not seem to be limited only to the earlier Zadok dynasty, but includes the Hasmonean dynasty as well. It may be argued that it was not the high priest, but the king (usually identical with the high priest in this period) who made the selection. To substantiate this argument we may cite the selection of Hyrcanus III as high priest by his mother, the ruling Queen Salome Alexandra.²² However, Alon²³ has pointed out that Salome chose Hyrcanus not of her own initiative, but on orders from her husband, Alexander Jannai. On his deathbed, Jannai asked her to select one son as high priest and Salome's selection of Hyrcanus was a fulfillment of the wishes of her late husband, the high priest.

A common difficulty impeding the automatic transfer of the high priesthood to the son, was the age limitation on the

21. T.B. Men. 109b; T.J. Yoma 6.3,43cd: "חוניו בני יששכר"
"חוניו".

22. Ant. 13.16.2,408. Wars 1.5.1,108f.

23. Alon, Gedalia, Mehkarim b'Toledot Yisroel, Tel Aviv, 1957, vol. 1, 74.

priestly service. Though the precise minimum age is not known, a child priest was denied the right to officiate in the Temple. Rabbinic sources establish the minimum age at puberty, though they add that in actual practice any priest below the age of twenty was enjoined from serving.²⁴ Josephus' account of Aristobulus' serving as high priest at the age of seventeen²⁵ casts grave doubts on the rabbinic report. At any rate, a minimum age did exist and a high priest who died leaving only small children was succeeded by another relative, possibly a brother or an uncle.²⁶ However, the displaced child remained the legitimate claimant and at the death of his uncle or other relative, he and not his brother's children, was raised to the high priesthood.²⁷

Dynastic Succession and the Laws of Inheritance

Even in these comparatively normal times, when the son of the high priest was regarded as the uncontested heir apparent,

24. T.B. Hul. 24b.

25. Ant. 15.3.3,51.

26. Infra.

27. Ant. 12.4.1,157.

it is important to note the very special position occupied by the high priest's brother. For whenever the son could not, for one reason or another, assume the senior priestly position, his father's brother usually supplanted him in his office. Thus, when Simon the Just (I.8) died and his son, Onias II, was too young to succeed him, Josephus reports that Eleazar (I.9), Simon's brother, was elevated to the high priesthood.²⁸ Similarly, Josephus traces the rise of Jason (II.1) to the high priesthood to the fact that his brother's son, Onias IV, was too young to succeed his father.²⁹ The Hasmonean brothers likewise succeeded one another in accordance with this principle.³⁰ This practice, incidentally, explains Josephus' strange description of Menasseh as "sharing the high priesthood" with his brother, the high priest Jaddua (I.6).³¹

When both son and brother were unavailable for succession, the high priesthood was transferred to the high priest's uncle (father's brother). Thus in the above case, at the death of the high priest Eleazar (Simon's brother), Onias II was

28. Ant. 12.1.5,43f.

29. Ant. 12.5.1,237f. Contrary to Josephus, the Second Book of Maccabees reports that Jason did not rise to the high priesthood by dynastic succession, but that he bought the office from Antiochus (II Mac. 4:7-10).

30. If we accept Judah as a high priest (chapter 2, note 10) three Maccabean brothers succeeded one another to the high priesthood - Judah, Jonathan, and Simon. See Büchler, ha-Kohanim va-Avodatam, Translated from the German by Naph-tali Ginton, Jerusalem: Mosad Harav Kook, 1966, 81, note 28.

still too young to assume the position and Simon's uncle Menasseh (I.10) was elevated to the high priesthood.³²

The order of high priest succession was thus as follows: 1) son (Onias II, too young to assume the office), 2) brother (Eleazar), 3) uncle (Menasseh). This system corresponds exactly to the biblical laws of inheritance. The Bible says:

And thou (Moses) shall speak unto the people of Israel saying: If a man die, and have no son, then you shall cause his inheritance to pass unto his daughter. And if he has no daughter, then you shall give his inheritance unto his brethren. And if he has no brethren, then you shall give his inheritance unto his father's brethren (uncles). And if his father has no brethren, then you shall give his inheritance unto his kinsmen that is next to him of his family...³³

31. Ant. 11.8.2,306.

32. Ant. 12.4.1,157.

33. Num. 27:8-11. The Mishnah (M. Bab. Bat. 8.2) and its Talmudic expansion presents the following longer list of heirs: 1. son 2. descendant of son 3. daughter 4. descendant of daughter 5. father 6. brother 7. descendant of brother 8. sister 9. descendant of sister 10. grandfather 11. uncle. Eliminating females (3,8) ex-high priests (5,10) and those probably too young to serve (2,4), the following order remains for succession: 1. son 2. brother 3. descendant of brother 4. descendant of sister 5. uncle. Quite possibly this was the order followed for succession, except that in the above case of Onias II, descendants of the brother and sister (cousins of Onias) were either non-existent or unavailable. cf. Philo, Moses 11.243; De Spec. Leg. 11,124ff.

Eliminating the daughter who is unfit for the high priesthood, the biblical order is son-brother-uncle. High Priest succession in Period I was based on the biblical laws of inheritance.³⁴

Succession in Periods II and IV

The more trying periods (II and IV) witnessed a total breakdown in the dynastic tradition. In the late Greek Period (II) the selection of the high priest was made neither on the basis of kin nor status. Under Antiochus Epiphanes and his immediate successors, the bearers of the Seleucid diadem sold the high priesthood to the highest bidder, violated the age-old tradition of dynastic high priest succession and, for a while, even completely canceled the Judean ritual in the Sanctuary, converting it into a heathen temple. There were now basically three criteria determining the selection of a high priest: 1) sympathy of the candidate toward the Seleucid government, 2) willingness to Hellenize, and 3) the amount of money promised to the king. Indeed some scholars go so far as to say

34. Regarding the above case of post-Simon I succession, Ralph Marcus remarks as follows: "There are two things about this scheme that strike one as peculiar. The first is that the young son of Simon I should have been preceded not only by his uncle Eleazar (which in itself is not remarkable) but also by his uncle's uncle Mahasses." (Josephus, I.C.L., vol. VII, Cambridge: Harvard U. Press, 1943, Appendix B,

that one high priest during this era, Menelaus, was not even of Aaronic pedigree!³⁵

The longer Herodian and Roman period (IV) again contained open abuses of the high priesthood in which the dynastic tradition was abandoned. High priests were generally selected by Herod and his descendants - Archaleaus, Agrippa I, Herod of Chalkis, and Agrippa II. On occasion, the procurator and Syrian governor appointed the officials.³⁶ The high priesthood now reached the lowest rung on the ladder. Graft was common,³⁷ changes of high priests frequent³⁸ and qualifications for the office virtually non-existent. Indeed, the last high priest Phannias b. Samuel, was chosen by the rebel government

733). We submit that there is nothing at all peculiar about the succession since it conforms perfectly with the Biblical laws of inheritance.

35. L. Finkelstein, The Pharisees, Philadelphia: JPSA, 1967, 586f. This theory is refuted in Appendix II.
36. Supra, note 8.
37. B. Yeb. 61a. Alon suggests that each incumbent high priest paid a commission to his predecessor for the office. op. cit., 48-76, esp. 60-62.
38. Ibid. Alon cites many sources, both rabbinic and Christian, affirming a tradition that high priests were changed yearly, a tradition contradicted by Josephus. He therefore suggests two explanations for this tradition: 1. an emulation of Hellenistic practice to replace the high priest each year, and, 2. during Agrippa's II reign over the Temple this was indeed the practice (59-65 C.E.). A new explanation is suggested in chapter 3, note 29.

in a lottery.³⁹

It is especially interesting to note that in this century-long period in which close to thirty priests officiated,⁴⁰ never did a son directly succeed his father in office in accordance with ancient tradition. In fact, there is only one instance of a father and his children serving at all as high priests.⁴¹ This anomaly cannot be dismissed as coincidental. Magnifying the difficulty is the procedure of the time that the high priests were limited to a select group of families.⁴² The chance of a son succeeding his father should have, therefore, been very favorable.

It would, thus, seem likely that during this period not only was the dynastic tradition of the high priesthood abrogated, but that it was banned; a son was excluded from succeeding his father. The originator of this practice was no doubt King Herod. In his deranged mind, the Hasmonean dynasty posed a daily and ever-present threat to his political security. The majestic Sukkot performance in the Temple of the Hasmonean priest Aristobulus, instilled such fear in Herod's heart that

39. Wars 4.3.8,155.

40. Ant. 20.10.5,250. See chapter 3.

41. Ananos b. Seth (IV, 10) and his five sons Eleasor (IV, 12), Jonathan (IV, 15), Theophilos (IV, 16), Matthias (IV, 18) and Ananos (IV, 24).

42. Wars 4.3.6,147ff.

he ordered the young high priest murdered at the earliest possible moment.⁴³ And even the unambitious and ritually unfit Hyrcanus was murdered by the mad king, during an internal crisis, at the age of eighty.⁴⁴ Herod apparently developed from this fear of the Hasmoneans a general pathological fear of any high priestly dynasty, and thus forbade any son from succeeding his father to the high priesthood. He had ruthlessly rid himself of one dynasty and was not about to take any chances of the establishment of another in its stead.⁴⁵ The successors of Herod found this precedent an expedient one for their political ends and ordered it perpetuated.

The Temporary High Priest in Period IV

Although the son tradition was a dead letter after Herod's days, the brother tradition did survive to some degree. Thus we find Theophilos b. Ananos (IV, 16) succeeding his brother Jonathan (IV, 15) to the high priesthood. This incident is perhaps not conclusive for external forces were operative in this selection, Vitellus having chosen Theophilos.⁴⁶ But the

43. Ant. 15.3.3,48ff.

44. Ant. 15.6.2,173.

45. Thus Herod adopted the practice of assigning "the office to some insignificant persons who were merely of priestly descent". Wars 20.10.5,248; Ant. 15.2.4,22.

brother tradition was also preserved by the priests themselves as the temporary high priests, elevated in cases of defilement on Yom Kippur, were brothers of the high priests. The following story is reported in a number of rabbinic sources:

It is told of Simon b. Kamithos (IV, 13). He was once conversing with the king on Yom Kippur eve when some phlegm of the king fell on his clothing. His brother Judah entered and served in his place and their mother saw two of her sons high priests in one day.⁴⁷

Adolf Buchler⁴⁸ is somewhat troubled by this source. For he cites two other rabbinic sources, each presenting a different candidate for the temporary succession of a high priest. An often cited passage reports that, "for this was the segan appointed: that if the high priest should become defiled, the segan enters and serves in his stead".⁴⁹ Further complications are introduced by Mishnah Yoma, a step by step description of the Yom Kippur preparation, which simply says that "another priest was prepared lest the high priest become unfit for service",⁵⁰ and identifies him neither as the segan nor the high

46. Ant. 18.5.3,123.

47. T. B. Yoma 47a and eleven parallel sources. See S. Lieberman, Tosefta ki-Peshuta, New York: Jewish Theological Seminary, 1964, on Tos. Yoma 3.20,189, 805f.

48. Buchler, op. cit., 78-83.

49. A statement quoted in sources variously in the name of Hanina the segan (T. B. Yoma 39a; Sota 42b), Hanina b. Antigonus (Nazir 47b) and Hanina b. Gamliel (Tos. Yoma 1.4,180).

50. M. Yoma 1.1.

priest's brother. We thus have a total of three candidates for the temporary high priesthood.⁵¹

Actually, we need not regard the three sources of a high priest's replacement as contradictory at all. By no means are the three mutually exclusive. What we have is three different ways of viewing the very same thing. The segan replaced the high priest in case of defilement. Quite possibly, it was a common practice for the holder of the office of segan to be a brother of the high priest. But it was not always so. Even in the early part of the fourth period, the temporary replacement was not always the high priest's brother. Thus, the Tosefta⁵² talks of the defilement of a high priest on Yom Kippur and his replacement by Joseph b. Elem, a person identified by Josephus⁵³ as a relative, though not a brother, of the

51. Büchler (op. cit., 84f, note 35) attempts to answer this difficulty by positing an evolutionary development in Temple administration. He suggests that originally the replacement for a defiled high priest was his brother, both of whom were Sadducean. As the Pharisees gained in power they removed this dignity from the high priest's family and transferred it to "another priest". Finally, in the year 63 C.E. when the Pharisaic office of segan was created (the last decade of the Temple in conformity with Büchler's general approach), the replacement duty was transferred to him.

Büchler's theory is at best a conjecture. There is furthermore a basic difficulty with it. His assumption that all the early priests were Sadducean, though accepted by most scholars, is not at all certain. When Ananus b. Ananus (IV, 24) was appointed high priest by Agrippa II (62 B.C.E.), Josephus makes a point of the fact that he was a Sadducee (Ant. 20.9.1,199). Were all his predecessors also Sadducean, Josephus' comment would be impertinent. Furthermore, in light of the rabbis' great praise of Ishmael

high priest. The segan acted as the high priest's replacement and was usually, though not always, a brother of the high priest.

The third source, Mishnah Yoma's "another priest", is the least difficult of all. When the mishnah speaks of "preparing another priest" it need not infer that the priest was now selected, "Prepared" may simply mean that the replacement priest (i.e. segan or brother) was now made ready for succession; he was ritually purified and trained for the Yom Kippur service should his participation become necessary. Some traditional commentaries do, in fact, explain the mishnah in this manner.⁵⁴

b. Phabi (IV, 22) it is doubtful that he was Sadducean (M. Sota 9.15; T. B. Pes. 57a; Erub 28a). There is probably no general rule as to the religious identification of the high priests, and each holder of the office must be judged individually as to his Sadducean or Pharisaic leanings.

52. Tos. Yoma 1.4,180; T. B. Yoma 12b.

53. Ant. 17.6.4,165ff.

54. Tosefot Yeshanim, op. cit.

Summary

This chapter has investigated the principles of high priest succession in the Second Temple at Jerusalem. It aims to show that during the Persian-early Greek and Hasmonean periods (I and III) foreign intervention was at a minimum, high priests were elevated to their lifetime office on the basis of an orderly system of dynastic succession conforming to the biblical laws of inheritance (son, brother, uncle), and the powers and independence of the high priest was thus at a maximum. In the more violent late Greek and Herodian-Roman eras (II and IV), however, foreign intervention was rampant, the principle of dynastic succession was totally abandoned, high priests were summarily appointed and deposed by extra-Temple officials (often foreigners), and the high priest's power was consequently reduced. In the final period (IV) a practice instituted by Herod was rigidly enforced prohibiting a son from succeeding his father to the high priesthood. The brother tradition, however, was preserved, the brother holding the title of segan and replacing the high priest in case of defilement.

Chapter 2

The High Priest: Functions and Powers

Succession is but a barometer of relative priestly independence and power. What, however, were the specific duties and powers of the high priest? What were his limitations? Did he officiate consistently in the Temple? Did he oversee and direct the ritual or was this left to subordinate officers? Did he appoint these officers? As was done in the issue of succession, we will herein study the aspects of function and power according to the previously outlined periods.

A few caveats before we begin: Although there is no dearth of sources on the high priest of the Second Temple, in the vast majority of cases he is described in his political, rather than religious, role. Since we are studying the high priest only insofar as he relates to the internal administration of the Temple, our interest, unfortunately, lies primarily in the latter, more poorly documented, role. Much of the analysis of this religious side of the high priest will therefore come, of necessity, from indirect evidence based upon his secular duties and powers.

Secondly, both the evidence from succession and the evidence from secular duties and powers describe primarily the independence of the high priest vis a vis external forces. They are not, however, very good indicators of the high priest's

power vis a vis other Temple priests and institutions. Although subservient to an external force and compelled to make changes within the Temple to satisfy this force, the high priest may have, nevertheless, remained the supreme and unquestioned authority within the internal Temple administration. The scarcity of sources with regard to this crucial area must regrettably curtail analysis of certain aspects of the relationship between the high priest and the lower-ranking Temple administrators and institutions.

In the Persian and early Greek period (I) the high priest ruled as supreme commander of the Judeans. Thus, Josephus describes the form of government in Judea as "one that was aristocratic and at the same time oligarchic. For the high priests were at the head of affairs until the descendants of the Hasmonean family came to rule as kings".¹ Functioning via the principle of automatic dynastic succession² and holding the office for the duration of his life,³ the high priest was on

1. Ant. 11.4.8, 111f.

2. Supra, chapter 1.

3. Josephus speaks of all high priests in this period as succeeding their fathers upon the elder's death (Ant. 11.7.1, 297; 11.7.2, 302; 12.1.5, 43f; 12.4.1, 157). Furthermore when Herod deposed Ananel and appointed Aristobulus as high priest, Josephus observes, "But in this he acted unlawfully, for never had anyone been deprived of this office when once he had assumed it, except that Antiochus Epiphanes had violated this law first when he removed Jesus and appointed his brother Onias; and the next was Aristobulus, who removed his brother Hyrcanus; and the third was Herod..." Ant. 15.3.1, 40f.

the whole independent of external pressures. So long as he produced the necessary taxes⁴ and shied from political involvement, the overlord government permitted him to conduct his internal affairs in accordance with his own desires. Indeed, even when the Persian satrap, Bagoses, wished to interfere on behalf of his friend Yehoshua for the high priesthood, he could not wrest it easily from Johanan, Yehoshua's brother.⁵ Certainly both the Persians and the Greeks held the military power to interfere if they so chose, but it was far more expedient not to 'rock the boat' and thereby keep the taxes flowing in with a minimum of effort on their part.

Sources on the internal Temple administration during this early period are extremely limited but it would seem that the high priest's unquestioned national leadership was also carried over to the Temple, his natural domain. Thus we find Menasseh being expelled from service at the altar not by a committee of priests but by the high priest (Jadua) himself.⁶

4. The responsibility of the high priest for taxes is recorded in Ant. 12.4.1,158f.

5. Ant. 11.7.1,297ff. It is true that after Yehoshua was murdered by Johanan, the Persians interfered with the Temple service, levying a fifty drachma tax for every lamb sacrificed. But this interference was only temporary (seven years) and a 'pretext' was required for the interference.

6. Ant. 11.8.2,309. The significance of this action is demonstrated by the fact that in the later periods, especially Period IV, we find such administrative tasks in the hands of the "priests" (Ant. 18.2.2,30) or the "high priests" (Ant. 20.1.1,6) - not the high priest himself.

The high priest in Period I seems to have functioned as a general leader of the Jews in both political and Temple realms.

In Period II the entire Temple ritual and thus administration was in disarray. The Hellenists penetrated the highest echelons of Temple administration, athletic games interested the priests more than spiritual adoration and the high priest was reduced to a quisling of the Greeks. Under the circumstances, while still the highest ranking officer in the Temple, for all practical purposes the high priest lost his prestige, independence and, thus, power. With the principle of dynastic succession cancelled and the appointment of the high priest coming from the Seleucid monarch,⁷ the high priest certainly could not assert very much independence from the wishes of the king. Furthermore, as a result of the abrogation by Antiochus of the high priesthood as a life-long position, an act against which Josephus indignantly protests,⁸ the high priest lived in constant fear of being replaced. Heightening these political factors was the loss of reverence and veneration for the high priest, by the people and the priests themselves, as a result of the former's hellenization efforts.⁹ The breakdown in Temple

7. Supra, chapter 1.

8. Ant. 20.10.3, 235.

9. Thus, the author of the Second Book of Maccabees speaks of the high priest Menelaus as "possessing no qualifications worthy of the high priesthood, endowed as he was only with the passion of a savage tyrant and the natural impulses of a wild beast" (4:25).

administration was so severe that there is a possibility that the Temple functioned for about seven years without any high priest at all (ca. 160 B.C.E. - 153 B.C.E.)!¹⁰ We would not expect to find a powerful and effective high priest in this setting.

The Hasmonean revolution clearly and unequivocally re-established the power of the high priest, both in national and Temple affairs. The king-high priest¹¹ of Period III was certainly number one in both facets of Judean life. However, while the high priest may be readily identified as the all-inclusive leader, there is much evidence minimizing the degree of his actual involvement in the day to day Temple rites. Firstly, the king-high priest was quite often at war, away from Jerusalem, and thus unable to serve. Moreover, the sources referring to the king-high priest in the Temple worship during this period,

10. The status of the high priesthood between the death of Alcimus (ca. 162 B.C.E.) and the appointment of Jonathan (ca. 153 B.C.E.) is unclear. In Antiquities (12.11.2,434) Josephus claims that Judah the Maccabee served as high priest for three years, a claim denied elsewhere (20.10.3,237). Furthermore, Josephus' statement (Ant. 13.2.3,46) that an interval of four years passed with no high priest is superseded by the later and more correct figure of seven years (20.10.3,237).

11. The early Hasmonean high priests did not assume the title "king". Josephus (Ant. 13.11.1,301) reports that Aristobulus was the first to put the diadem upon his head. However, Strabo (16.2.40) and Livy (57.40) both attribute the monarchical innovation to his successor, Alexander Jannai. Though numismatic evidence favors the latter opinion, Josephus' tradition must be regarded as more accurate in Judean history. Indeed, Strabo's Judean history

do so only on festive pageants.¹² The high priest does not seem to have involved himself in the minutiae of daily ritual.

There is also evidence indicating that a reorganization of the Temple and a distribution of general sacrificial responsibility among the priests occurred at this time. The Temple officers, memunim, make their first appearance in this period.¹³ Their formation would seem to be a direct result of a reorganization of Temple procedure in the wake of the high priest's departure from daily participation and direction. This dramatic reorganization need not come as a surprise. It must be remembered that the old traditions were severed by an abrupt three year total dissolution of Judean Temple service (168-165 B.C.E.)¹⁴ and a possible seven year period in which ritual was conducted without a high priest!¹⁵

is often wholly distorted and confused, e.g. in 16.2.46 he identifies Herod as a priest, indeed a scion of the Hasmonean dynasty. It must be realized, however, that irrespective of when the title was formally assumed, the Hasmoneans functioned de facto as kings (i.e. absolute political leadership) from the time of Jonathan.

12. Jonathan is found in the Temple on Sukkot (I Mac. 10.15-21), John Hyrcanus on the Day of Atonement (Tos. Sota 13.5, 319 and parallel sources. cfl Ant. 13.10.3, 282ff) and Alexander Jannai on Sukkot (Ant. 13.13.5, 372f; Tos. Suk. 3.16, 197).
13. See chapter 10, "The Memunim".
14. I Mac. 1:54, 59; 4:52f. See The First Book of Maccabees, ed. Tedesche and Zeitlin, New York: Harper and Brothers, 1950, 108, note 54.
15. Supra, note 10.

Therefore, despite the fact that the political power and independence achieved by the Hasmonean rulers was the greatest in all Second Temple history, the high priest's de facto control over Temple affairs does not seem to have risen commensurately with this rise in political power. To the contrary, with the shifting of primary high priest activity from the ritual to the political arena, the high priest's involvement and voice in Temple ritual procedure actually diminished. The high priest did perhaps maintain the de jure ultimate say in Temple affairs and on occasion exercised this option.¹⁶ But daily ritual was, on the whole, left in the hands of the memunim and other subordinate priests.

The duties of the high priest in Period IV may be culled from the host of high priest references in rabbinic literature. Being the senior and most distinguished officiant, the high priest was entitled to supplant the order of priests (mishmar) in service and officiate whenever he pleased.¹⁷ In addition to these optional services he was required to offer a daily meal-offering¹⁸ and, most important of all, participate in the annual

16. Thus we find John Hyrcanus legislating methods relating to the giving of tithes (M. Maaser Sheni 5.15). Most likely it is not John Hyrcanus personally that is meant but a bet din in his time.

17. M. Yoma 1.2.

18. M. Hor. 3.4; Meg. 1.9; Tos. Men. 7.14, 522.

19. Mishnah Yoma, chapter 1.

Yom Kippur ritual.

The Yom Kippur ritual was the climax of the yearly Temple activities. On this day the high priest achieved atonement for the people through the offering of a series of sacrifices and by entering the "Holy of Holies", the innermost and most sacred portion of the sanctuary. Yom Kippur was the only day anyone was permitted to enter this area and the high priest was the only person permitted to do so. The high priest's Day of Atonement service was so momentous, that a complex chain of safeguards was devised to insure its successful conclusion.¹⁹ One need only read chapter fifty of Ben Sira to gain an appreciation of the overwhelming awe and veneration which the people of Judea had for their high priest in general, and particularly on this day.

Over the generations, this veneration won for the high priest special gestures of respect. Whenever he officiated, certain changes were made to emphasize his unique status, and distinguish him from ordinary priests. Unlike the common priests who walked up and down on the side of the altar ramp, the high priest marched in the center. The high priest also cleansed his hands in a golden bowl rather than in the brass sink used by the common priests.²⁰ And when addressing the high priest,

20. M. Yoma 4.5 in accordance with R. Judah's opinion. Another opinion reports that these two special signs of respect were not generally used by the high priest, but only on Yom Kippur.

all other priests, including the segan, were required to address him by the honorary title, "My master, the High Priest".²¹ The high priest also had his hair cut and set in a unique and highly prized style²² and, unlike the other priests, rent his garments (in the case of a relative's death) on the lower rather than the upper portion in order to avoid indignity.²³

The high priest's ritual priority, special veneration and singular respect are, however, no reflections on his actual powers and duties. For there is a great deal of evidence indicating that, despite the honor of his office, the high priests in Period IV had little to nothing to do with daily Sanctuary ritual. In fact, the rabbinic sources which glorify the high priest, in themselves spell out his absenteeism from ordinary ritual. For while exalting and paying great homage to this most eminent Temple official, rabbinic sources hardly speak of the

21. Throughout Mishnah, whenever the high priest is addressed, he is always called "אישי כהן גדול" (M. Yoma 1.3,4; 3.1; Para 3.8; Tamid 6.3). Tamid provides the best proof for this practice: "The incense offerer did not burn until the memuneh said, 'burn!' If he was a high priest the memuneh said, "My master, the high priest, burn!" Cf. Tos. Men. 7.2,521; T. B. Yoma 71a.

The people's great respect for their high priest is also demonstrated by the Tosefta's statement that "a high priest precedes a prophet in honors" (Tos. Hor. 2.9, 476). Furthermore, it is reported that "a high priest must be higher than his compatriots in beauty, strength, wealth, wisdom and appearance" (Tos. Yoma 1.6,189).

22. T. B. Taan. 17a; Ned. 51a.

23. M. Hor. 3.5.

high priest in daily ritual. Besides the stated obligation to offer a daily meal offering, we find the high priest described in service primarily with regard to festivals, e.g. the Day of Atonement service,²⁴ and participation in the Passover service.²⁵ It seems that the high priest officiated in the Temple only on these special occasions. This conclusion is substantiated by Josephus who says explicitly that in practice the high priest served only on the Sabbath, New Moons and festivals.²⁶

Another factor must be borne in mind. Many high priests in Period IV were, as indicated in the previous chapter, ignorant of Judean law and highly apathetic toward Temple ritual. This disinterest makes their active participation on a consistent basis exceedingly unlikely.

Büchler²⁷ draws a sharp distinction between two strata

24. M. Yoma, chapter 1-7.

25. T. B. Pes. 74b.

26. Ant. 5.5.7,231. Büchler questions Josephus' report doubting whether the high priest actually served even on these infrequent occasions (ha-Kohanim va-Avodatam, translated from German by Naphtali Ginton, Jerusalem: Mosad Harav Kook, 1966, 52f). In a later article ("The Levitical Impurity of the Gentile in Palestine before the Year 70", JQR, 17 (1936),27) he suggests that the statement of Josephus does not reflect reality, but is based on Ezek. 46:1-11.

27. A. Buchler, ha-Kohanim va-Avodatam, etc., 52-61.

of priests: the aristocratic priest who dabbled in politics and the simple priests who dedicated themselves to Temple ritual. Neither interfered in the other's affairs and thus the aristocrats, including the high priest, remained almost completely outside Temple rites. Büchler's finest proof for this division is from the aristocratic priest Josephus who, in his autobiography, spares no hyperbole in bragging of his broad knowledge and participation in all aspects of Judean life and yet totally omits mentioning officiating in Temple ritual. This is a further indication to the thesis that the high priest in Period IV, save special ceremonies, had little to do with Temple ritual.

Naturally these proofs do not exclude the high priest from all aspects of the internal administration of the Sanctuary. Though not directly associated with the service, the high priest may, nevertheless, have had a great deal to do with the selection of officers, Temple security and procedural arrangements and the regulation of financial affairs. The source material, however, is too meager to allow any substantial conclusion in this area. We may only conclude that the high priest in Period IV, being deeply committed to the political arena and disinterested in the spiritual aspects of Judean life, supervised little in the Temple worship, participated even less and, on the whole, relegated the ritual phase of Temple administration to subordinate officers.

Chapter 3

The "High Priests"

Rabbinic sources in three instances make mention of a priestly group called bnai kohanim gedolim. A mishnah in Ketubot¹ describes two halakhic disputes between the dayan gezerot Hanan and the bnai kohanim gedolim. Another mishnah in Ohalot² reports that letters from overseas with particular seals were being received by the bnai kohanim gedolim and that the sages did not suspect them of impurity. Supplementing these instances, are a number of sources using the term kohanim gedolim,³ or its Aramaic counterpart kohani ravrevai,⁴ which seem to be referring to the same group.

The non-rabbinic sources also know of this group. The "high priests" (ἀρχιερείς) are mentioned quite often both in Josephus⁵ and the gospels.⁶ Its frequent appearance partic-

1. M. Ket. 13.1,2. Appendix 1, no. 5.

2. M. Ohalot 17.5. Appendix 1, no. 4.

3. E.g. T. B. Yoma 59a, Tos. Shek. 2.6,175f.

4. E.g. Targum, Lev. 16:1.

5. Jos. Vita 2; Wars 4.4.3,238; 6.2.2,114.

6. There are approximately sixty-four references to the "high priests" in the gospels. E.g. Mt. 26:3,47; Mk. 14:15; Luke 23:13; Acts 4:23; 22:30, 23:14-15, 25:15.

ularly in the latter sources has sparked much comment both by Jewish and by Christian scholars and a great many theories have been offered as to the constituency and function of this group.⁷

7. Emil Schürer recognized the "High Priests" as an aristocratic group consisting of all members of those families (Wars IV.3.6,148) from which high priests were selected. (E. Schürer, Geschichte des jüdischen Volkes im Zeitalter Jesu Christi, Leipzig, 1901-1909, 202-216. See also E. Schürer "Die ἄρχιερείς im Neuen Testamente", Stud. w. Krit, 1872, 593-657).

Zecharia Frankel did not recognize the connection between the bnai kohanim gedolim and archiereis. Therefore, seeing only three references to bnai kohanim gedolim and each relating to halakhic matters, Frankel concluded that the bnai kohanim gedolim was a court of priests. He thus equated the bnai kohanim gedolim with the Priestly Court or Bet Din shel Kohanim. See chapter 9, "Bet Din shel Kohanim II". (Z. Frankel, Darkei Hamishnah, Warsaw, 1923, 62f.)

Heinrich Graetz found the idea of more than one high priest totally unacceptable. He, therefore, assumed that the term "high priests" must refer not to the actual high priests but to high Temple officials. He goes so far as to venture a guess as to their identification and speculates that they are none other than the memunim of the Temple. See chapter 10, "The Memunim". (H. Graetz, "De Letzten Tempelbeamten vor der Tempelzerftörung und bei Tempelamter", MGWJ XXXIV (1885), 193-205.)

Adolf Büchler recognized the "high priests" as the dominant priestly institution of the last century of the Temple. Political authority in this period was not vested in the high priest but in this council of "high priests" which consisted of "the high priests and the Jerusalem Aristocracy". (A. Büchler, Das Synedrion in Jerusalem und das Grosse Beth-Din in der Quaderhammer des jerusalemischen Tempels, Vienna, 1902, 194-218)

Joseph Klausner, without bringing proof or reasons, identifies the "high priests" with the "seganei kohanim" cited in Mishnah Bikkurim. M. Bik. 33. See chapter 4, "Segan = Strategos"? (J. Klausner, Yeshu Ha-Nozeri, Tel Aviv, 1954, 400, 466.)

The question of the "high priests" revolves around the testimony of Josephus that twenty-eight high priests served in the Temple at Jerusalem from the reign of Herod until its destruction by Rome (37 B.C.E. - 70 C.E.).⁸ Although Josephus does not provide us with a list of the high priests, all but one of the twenty-eight are easily identified from his works (a list reconstructed by E. Schürer was presented in chapter 1). The identification of the twenty-eighth high priest is debated among scholars and remains a moot question.⁹

Despite the fact that only twenty-eight high priests are reported to have served during this century, there seems to be

Like Frankel, Gedalia Alon refused to equate the rabbinic bnai kohanim gedolim with the "high priests" of Josephus and the gospels. The bnai kohanim gedolim, according to Alon was an "independent bet midrash concerned with judicial matters and monetary decisions". As far as the "high priests" are concerned, Alon follows the definition given by Büchler. (G. Alon, Toledot ha-Yehudim, Tel Aviv, 1952, vol. 1, 118, 117, note 9).

J. Jeremias follows Graetz's view without giving credit to his predecessor. (J. Jeremias, Jerusalem in the Time of Jesus, translated from the German by F. H. and C. H. Cave, Philadelphia, 1969, 160-181).

8. Wars 20.10.5, 250f.

9. Schürer (op.cit.) suggests as the twenty-eighth, Joseph b. Elam (IV, 6), a priest mentioned briefly by Josephus (Ant. 17.6.4, 164ff) and the rabbis (Tos. Yoma 1.4, 180; T. B. Yoma 14b) as a kohen sheavar. Graetz rejects this theory and postulates the existence of another high priest, called Ananias by Josephus and Eleazar b. Harsom by the rabbis - immediately preceding Ishmael b. Phabi (IV, 22). See Graetz, "Die Bedeutung der Priesterschaft für die Gesetzgebung während des zweiten Tempelbestandes", MGWJ XXXVI, 1887, 97-104.)

evidence indicating the existence of many more high priests. Ancient sources - both secular and rabbinic - contain the names of many to whom the appellation high priest is attached. The Acts of the Apostles¹⁰ talks of a high priest Sceva, of whom we know nothing. And in his description of the great war with Rome, Josephus makes mention of three high priests - Jesus b. Sapphias,¹¹ Simon¹² and Matthias¹³ - all of whom are difficult to identify. Similarly, rabbinic sources make mention of certain high priests who, according to our knowledge, never served in the high priesthood. The Talmud speaks of the high priests Peniel,¹⁴ Issachar of Kfar Barkai¹⁵ and Ishmael b. Elisha,¹⁶

10. Acts 19:14. The western text, however, calls Sceva a "priest", not a high priest.

11. Wars 2.20.4, 566.

12. Vita 39. This high priest cannot be Simon Kantheros (IV, 17) since Josephus mentions that he was young at the time of the war.

13. Wars 4.9.11, 574; 5.13.1, 527; 6.2.2, 114. Another otherwise unknown high priest, Neus, is mentioned by Josephus in Wars 2.20.4, 566. Hudson has, however, suggested amending the text to read Ananias. See Thackeray's note in Loeb Classical Library edition, op. cit.

14. T. B. Git. 58b.

15. T. B. Pes. 57a; Kerit. 28a.

16. T. B. Ber. 7a; Git. 57a, cf. L. Greenwald, Toledot ha-kohanim ha-Gedolim. New York, 1932, 112-115.

all of whom are unknown from Josephus and the gospels. In addition, the Talmud tells of seven sons of Ishmael b. Kamitos officiating in the high priesthood.^{16a}

There is still further evidence that more high priests presided during this period. Josephus¹⁷ makes mention of a high priest Ishmael during the great famine in the reign of Claudius. However, a look at Schürer's chart reveals no high priest by the name of Ishmael at that time.¹⁸

A mishnah in Para¹⁹ lists those high priests who offered red heifers as Simon the Just (I,8), Johanan the high priest, Elionaios b. Hakof (IV, 19), Hanamel the Egyptian (?), and Ishmael b. Phabi (IV,22). The identification of Hanamel

16a. T. B. Yoma 47a and eleven parallel sources.

17. Ant. 3.15.3,320.

18. Schürer, aware of the difficulty, tersely dismisses this statement of Josephus, attributing it to "a fault of memory on the part of the historian" (Schürer, op. cit., 200, note 553). Thackeray in his notes to Antiquities op. cit., accepts the name of Ishmael the high priest and identifies him with Ishmael b. Phabi (IV,17). Since Ishmael b. Phabi served when Nero was emperor, Thackeray concludes that "The mention of Claudius is a slip". However, the Ishmael cited here by Josephus is discussed in context of a great famine. We know of a famine in Judea during the reign of Claudius (Ant. 20.2.5,51; 20.5.2,101) but nothing of a famine during Nero's time. Thackeray's proposal is therefore unacceptable.

19. M. Para 3.5.

has been a perpetual problem for scholars. The usual suggestion has been that the Mishnah's Hanamel the Egyptian is to be equated with Josephus' Ananel the Babylonian (IV, 1).²⁰ But, the high priests listed in the mishnah appear in chronological order and Ananel the Babylonian would be out of place. The more simple and obvious answer is that another high priest, Hanamel the Egyptian, presided between the terms of Elionaios and Ishmael.

We might finally point to a rabbinic tradition that between eighty and eighty-five high priests served in the Second Temple.²¹ The rabbis do not provide us with a detailed breakdown but this number would certainly allow, indeed call for, a good deal more than twenty-eight high priests in the final century.

We have thus seen that despite Josephus' insistence upon the existence of but twenty-eight high priests during the final century of the Temple, a great deal of evidence (some

20. For a full discussion of the possible Egyptian-Babylonian term interchanging, see I. Halevi, Dorot ha-Rishonim, Part I, vol. 3, Frankfurt am Main, 1906, chapter 26, 114-120.

21. Six opinions (80, 81, 82, 83, 84, 85) are cited in T. J. Yoma 1.1, 38c, and Vayikra Rabba 21.3. The Sifri on Num. 25:12 lists only the number eighty. T. B. Yoma 9a tells of three hundred high priests in the Second Temple but this may be regarded as an exaggeration, the number three hundred being a standard rabbinic hyperbole. Cf. Azaria de Rossi, Meor Enayim, chapter 20. It is interesting to note that Josephus has a tradition of a total of eighty-three high priests presiding in both Temples. Wars 20.10.1, 228.

of it internal evidence from Josephus himself) may be marshalled to demonstrate that, in fact, this was not the case. The sources indicate quite conclusively that many other priests other than Josephus' twenty-eight served as high priests or at least went by the title of "high priest" during this century. It would therefore, seem that the "high priests" was a group composed of any priest who in any way and for any length of time served as a high priest. This group would include both types of high priests - permanent and those who temporarily replaced high priests for any reason whatsoever. This is only natural. For the person of a replacement high priest (kohen sheavar) remained sacred eternally as he retained all the laws and thus the prestige of a high priest even after his brief tenure terminated. Like the high priest, the kohen sheavar was commanded to marry a virgin, was enjoined from wedding a widow, could not defile himself in case of a relative's death and, his own death, like the high priest's, provided an automatic amnesty for inadvertant manslaughter from the cities of refuge.²² In view of this similarity to the high priest we would expect him to retain the title "high priest". Indeed, both Josephus and the Talmud consistently speak of a kohen sheavar as a "high priest".²³

22. M. Hor. 3.4.

23. Ant. 17.6.4, 164ff; T. B. Yoma 47a and eleven parallel sources. See chapter 1, note 47.

The unknown high priests mentioned in Josephus and Talmudic sources would seem to have been kohanim sheavar.

This theory is substantiated by the frequent surfacing of another phenomenon regarding the high priesthood. It may be demonstrated that in Wars Josephus consistently uses the appellation "high priest" even for a deposed high priest. Thus, Josephus²⁴ tells of the surrender to Titus of "the high priests Joseph and Jesus," when neither was at the time high priest. Perhaps the most blatant example is the instance where Josephus²⁵ speaks of "Jesus, the high priest next in seniority to Ananus..." Though Jesus was not now the high priest, a fact which is specifically made note of here, Josephus, nevertheless calls him a high priest. A deposed high priest kept his senior title perpetually even after relinquishing his elevated position.

To summarize: A survey of the sources reveals three categories of bearers of the title of the high priesthood:

- 1) the high priest himself
- 2) deposed or retired high priest
- 3) otherwise unknown priests, each of whom we have postulated was a kohen sheavar

24. Wars 6.2.2,114.

25. Ibid. 4.4.3,238.

In view of the third category, some scholars have suggested broadening the "high priests" to include all members of the high priestly families.²⁶ We, however, see no justification for this extension. Why would all or some members of the high priestly families be included in so exclusive a group as the deposed high priests? Why would the high priests permit non-high priests to use their title? The high priesthood was the highest and most distinguished office in Judea and its holders would never permit the name to be abused or overused. A retired high priest would conceivably have the right to use the title, much like the modern practice of calling the ex-governor "Mr. Governor", or the ex-president "Mr. President". But can all members of the presidential family be known by the appellation "Mr. President"?²⁷

The "high priests" was a group composed of the high priests, deposed high priests and retired high priests who had officiated at one time or another in the role of the high priesthood.

26. Schürer, *op. cit.* See also the running debate in Hadoar (Tishrei-Heshvan 5730, vols. 35-40) between Ch. Orlan and S. B. Hoenig. Hoenig is correct in rejecting Schürer's approach as adapted by Orlan.

27. As a result of Schürer's analysis, the general English translation for ἀρχιερείς has become not "high priests" but "chief priests" (to distinguish the group from the high priest). This does not, however, seem legitimate considering the fact that the exact term ἀρχιερέα is used for the high priest.

Two

The discrepancy between Josephus' tally of high priests (twenty-eight) and the rabbinic total (eighty to eighty-five) can now be readily understood. Josephus and the rabbis wrote histories with very fundamental differences of purpose and approach.

Josephus' works are a political history, with the spotlight on power-struggle, wars and governments. Religion is but incidental to his writings, brought in only for apologetic purposes. But historical citations in rabbinic literature are theological in nature. Indeed, rarely is any historical fact cited in rabbinic sources unless it serves an halakhic end or conveys a moral or ethical teaching. Josephus wrote political history but the rabbis wrote theological history.

This pivotal point will help explain the Josephus-rabbinic discrepancy on the number of high priests in the Second Temple and clarify the nature of the "high priest" institution. Writing a political history, Josephus lists only those high priests who were formally appointed by the authorities^{27a} and who wielded control over the Temple. A priest, who perhaps replaced a high priest for but one day, who was appointed not by

27a. See Appendix III.

the ruling authority but by the priests themselves and who consequently did not wield real Temple power was of no political significance. As a result such a priest is not reckoned in the official list by Josephus, though he may incidentally be called a high priest. To the rabbis, however, in view of his retaining all the privileges and dignities of the high priest, such a priest certainly had to be considered a high priest. Thus rabbinic literature tells of a number of priests officiating as a kohen sheavar and discusses their status in great detail - both of which are almost completely missing from the works of Josephus.²⁸ There were perhaps twenty-eight high priests appointed officially by the Herodian and Roman hegemon, but many more priests who on occasions performed high priestly functions and thus merited membership in the aristocratic group of the "high priests".²⁹

Three

Some scholars³⁰ have denied the equation of archiereis (kohanim gedolim) with the bnai kohanim gedolim and have described the bnai kohanim gedolim as some sort of priestly court

28. Joseph b. Elem (Ant. 17.6.4,164ff) is the one exception.

29. Frequent rotation in the high priesthood as well as recurrent temporary replacements of high priests may be due to the intense desire of every priest to officiate at least once in a lifetime as a high priest, particularly on Yom Kippur. This quest was further promoted by the prerequisite of such service for admission into the very highest strata of the aristocracy, the "high priests". Both these factors combined to make the substitution of high priests so common, that a tradition was born that high priests were changed yearly. See chapter 2, note 38.

30. Z. Frankel and G. Alon. Supra, note 7.

independent of the archiereis. However, we must not permit the term "bnai" to mislead us. The occasional prefixing of "bnai" to the kohanim gedolim is not indicative of a separate title or institution but simply implies, as the term often does in midrashic Hebrew, membership to the group.³¹

Other scholars,³² while acknowledging the kohanim gedolim - bnai kohanim gedolim equation, define the "high priests" as something so broad as to include all high Temple officials including the memunim among its ranks. There are, however, two midrashic texts which unequivocally define the bnai kohanim gedolim neither as a court of priests nor as a conglomeration of all high Temple officials but as a group composed solely of high priests. A Sifra³³ contrasts the high priest Aaron with his successors with regard to the right to choose to eat meal offerings at will. This right is contrasted as follows: "...as the high priest Aaron eats without strife, so the bnai kohanim gedolim eat without strife". It is the high priests alone who are referred to in this source as bnai kohanim gedolim.

31. E.g. bnai ir, bnai Noah, bnai Betairah. In the gospels we find this same usage in the Greek. E.g. in Mat. 12:27 the scribes are called "sons of the scribes".

32. H. Graetz and J. Jeremias. See note 7.

33. Sifra Lev. 2.3.

Likewise a text in the Jerusalem Talmud reports the following:

There was great vanity among the bnai kohanim gedolim for each spent sixty drachmas of silver for it (the construction of a ramp for the red heifer). For although the ramp of the previous heifer was standing none marched his heifer on the ramp of a compatriot but razed it and rebuilt it of his own funds.^{33a}

The constituency of the bnai kohanim gedolim is described in this source as those who offered red heifers or high priests. We must also note a separate source in the Tosefta^{33b} which reports this same tradition not in the name of the bnai kohanim gedolim but the kohanim gedolim.

The bnai kohanim gedolim and the archieis is one and the same. It is a group composed of the high priest and his predecessors.

Four

One difficulty remains: according to our analysis, the high priest Hanamel the Egyptian, mentioned as one of the seven who offered red heifers, not being a regular high priest, must

33a. T. J. Shek. 4.2,48a.

33b. Tos. Shek. 2.6,175f. "...the high priests made it of their own funds..."

be a kohen sheavar. The red heifer burning, however, was not a Yom Kippur ceremony. Why then do we find a one-day replacement high priest performing it?

This question presupposes the fact that only a high priest burnt the red heifer. That this was true is not absolutely certain. There are conflicting rabbinic sources attributing this ceremony to both the high priest³⁴ and the segan.³⁵ Hanamel the Egyptian, therefore, may not have been a high priest at all, but a segan. This possibility is, however, not very likely since the high priest would not readily surrender the pomp and pageantry of the red heifer ceremony to a subordinate. The segan tradition in rabbinic sources is probably not an accurate reflection of history but a concept influenced by the biblical red heifer ceremony which was conducted not by the high priest Aaron, but by his son, Eleazar.³⁶

There is another possible explanation which may be offered. Sometime during the Second Temple period, the colorful

34. T. J. Shek. 4.2, 48a; Tos. Para 3.6, 632.

35. Sifri Num. 133. "The verse teaches us that the heifer ceremony is done by the segan." M. Para 3.1 also indicates this as it speaks of "the priest who burns the heifer" and does not call him the high priest.

36. Num. 19:4. It may also be that the high priest merely stood by during the ceremonial while the segan performed the actual ritual. Thus, some sources, in view of the high priest's presence, speak of the high priest as officiating while others, eyeing the actual service, speak of the segan. This is substantiated by the fact that the first red heifer is attributed by the Mishnah to Moses, apparently meaning that it was offered in the day or presence of Moses.

red heifer ceremony became entangled in one of the most crucial Pharisee-Sadducee controversies.³⁷ According to the Sadducees, if a man becomes impure, despite a ritual bath he remains in his status of impurity until nightfall. The Pharisees, however, challenged this literal interpretation of the law claiming that the bath alone was sufficient for most purposes, including sacrificing of the red heifer which was performed not in the Temple but on the Mount of Olives. As a result, to rebuke the Sadducees, the Pharisees instituted a practice of consciously defiling the high priest prior to the ceremony, having him bathe and immediately perform while in a state of purity only according to the Pharisaic interpretation.

A Tosefta³⁸ relates a strange incident with regard to this institution. Rabban Yochanan b. Zaccai is reported to have been angered by a high priest during one red heifer ceremony to such an extent, that he nipped the high priest's ear

We may also point out that in the mishnah in Para, the priests offering the red heifer, including Hanamel the Egyptian, are specifically referred to as high priests.

37. M. Para 3.7-8. For a detailed discussion of this Pharisee-Sadducee controversy see Finkelstein, The Pharisees, Third Edition, Philadelphia: JPSA, 1966, Vol. 1, 121-128, Vol. 2, 661-692; S. Zeitlin, The Rise and Fall of the Judean State, Philadelphia: JPSA, vol. 1, 1964, 180.

38. Tos. Para 3.8,632.

in a manner as to render him physically unfit for service. The historicity of the event has been a great debate among scholars. For the only contemporary of Rabban Yochanan who performed the ceremony was Ishmael b. Phabi, a priest who is highly praised by the rabbis and even called "a disciple of Phinneas".³⁹ Can this righteous man be the high priest who so angered the Pharisaic leader Rabban Yochanan b. Zaccai? As a result, a recent scholar, reflecting general scholarly opinion, concludes, "since the sources clearly conflict, one must conclude that the editors of the Mishnah and Tosefta had no reliable information on the subject."⁴⁰

But one must not conclude this at all; there is a very plausible explanation. The high priest referred to in the incident was not Ishmael b. Phabi but a predecessor - one who officiated perhaps a few years before him, though still in the time of Rabban Yochanan b. Zaccai (Ananias b. Nedebaios, IV.21 or Joseph b. Kamithos IV.20). When Rabban Yochanan made the physical blemish during the ceremony rendering him unfit to serve, in order to complete the ceremony another priest (the segan perhaps) entered in his stead to complete the burning.

39. See chapter 2, note 44.

40. Neusner, A Life of Rabban Yochanan ben Zaccai, Leiden; E. J. Brill, 1962, 58.

Though he may not have qualified technically as a kohen sheavar⁴¹ since he did not replace the high priest on the Day of Atonement, nevertheless, by virtue of his officiating in what was a strictly high priestly ceremony he merited inclusion in the "high priests". This temporary replacement was a "high priest" who appears only in this incident. Josephus does not know of him because he received neither official political appointment nor recognition. The name of the replacement who offered the red heifer was Hanamel the Egyptian.

Five

Having established a precise definition of the bnai kohanim gedolim group, let us turn to an analysis of its dating and functions. All sources speaking of the archiereis are post-Herodian indicating the formation of such an institution during the Roman period. Indeed, the pre-Herodian practice, of life service for a high priest⁴² would obviously preclude the formation of a group of deposed high priests. The bnai kohanim

41. Rabbinic sources define a kohen sheavar as a priest who replaced the high priest for the Day of Atonement ceremonies. (T. B. Yoma 14b) No mention is made of the status of a replacement in any other ceremony and it may be assumed that the same elevated status was not achieved.

42. See chapter 1, "High Priest Succession".

gedolim, therefore, originated sometime during the era of the procurators.

The mishnah⁴³ which tells of two disputes between the dayan gezerot Hanan and the bnai kohanim gedolim in civil matters, indicates their presiding as an authoritative halakhic authority. This duty is confirmed by Josephus who, in flattering himself for his great erudition, describes the leading authorities as coming to him for advice, and includes among these authorities the archiereis. Josephus writes:

While still a mere boy, about fourteen years old, I won universal applause for my love of letters; insomuch that the archiereis and the leading men of the city used constantly to come to me for some precise information on some particular in our ordinances...⁴⁴

Three further inferences may be deduced from this statement. Firstly, the inclusion of the high priests together with the leading men of the city would seem to indicate that these priests came to inquire concerning general law and not specific Temple ordinances (a jurisdiction corroborated by the specific examples of the above mishnah).⁴⁵ Secondly, the

43. M. Ket. op. cit.

44. Jos. Vita. 2.9.

45. See also the list of general halakhic exegesis and statements of Temple priests cited by J. N. Epstein, Mevo'ot le-Safrut ha-Tanaim, Jerusalem-Tel Aviv, 1957, 512f.

conspicuous absence of sources describing the bnai kohanim gedolim as participating in decisions relating to Temple rites would indicate their lack of authority in this area. And finally, it is possible that Josephus' "archiereis and the leading men of the city" is an exact parallel to the mishnah's bnai kohanim gedolim and dayan gezerot. This equation, however, would depend to a large extent upon the definition of dayan gezerot.⁴⁶

The gospels contain no indication of the above legal-civil authority. However, the appearance of the archiereis as participating in the arrest and trial of Jesus alludes to their role as a respected aristocratic institution in the Temple. Josephus also hints to this role on a number of occasions among which is the demand by Fadus for the return of the high priest's vestments presented to the "archiereis and the leaders of the people in Jerusalem."⁴⁷

As a result of these considerations, our conclusions are as follows:

1) The "high priests"-(archiereis) of Josephus and the gospels may rightly be equated with the bnai kohanim gedolim of rabbinic literature.

46. For a discussion of the various opinions on the question see S. B. Hoenig, Sanhedrin Gedola, translated from the English by Israel Eldad, Jerusalem: Mosad Harav Kook, 1961.

47. Ant. 20.1.1,6.

2) The "high priests" was not a family but a group consisting exclusively of former high priests.

3) Replacement high priests (kohen sheavar) were included in this aristocratic council and were referred to by the title "high priest" even after their one day of service.

4) With membership of the "high priests" council including both regular and replacement high priests, the number of high priests in period IV exceeds the number twenty-eight mentioned by Josephus.

5) The "high priests" was an aristocratic group which involved itself in general halakhic matters during the final years of the Second Temple. There is no evidence linking this group to the deciding of questions concerning Temple ritual.

Chapter 4

Segan = Strategos?

The second highest ranking officer in the Temple was the segan ha-kohanim or, as he was more commonly called, the segan. Much of the analysis of the segan revolves about his relationship with another Temple dignitary, the strategos (στρατηγός), or more properly, the strategos of the Temple (στρατηγός τῶ ἱεροῦ). This title has been variously translated as governor,¹ commander,² captain³ or controller⁴ of the Temple. The generally accepted opinion in modern scholarship is that the two officers are to be equated, i.e. the segan is the rabbinic titular counterpart of the Greek strategos.⁵

Before examining this assumption it is imperative to initially survey the sources and determine whether there was but one segan and one strategos in the Temple or a number of seganim.

1. Ant. 20.9.3,208; Wars 2.17.2,410. Translated by W. Whiston.
2. Ant. 20.6.2,131. Whiston Translation.
3. E. Meyer, Acts 16:20. Jos. Wars 6.5.3,294. Whiston Translation. In Loeb Classical Library both Thackeray and Feldman translate it so. The LCL is consistent in this translation of strategos as "captain" throughout Josephus. W. Whiston, however, is not at all consistent, translating it as governor, commander, and captain on different occasions (see above notes).
4. Acts 4:1; 5:24,26. Oxford University Press, 1961.
5. Infra, notes 33 and 34.

and strategoi concomitantly functioning.

One

The segan⁶ usually appears in rabbinic literature in the singular form. Those scholars,⁷ however, who postulate the existence of many seganim point to three sources in which the plural form seganim appear:

1) Mishnah Bikkurim⁸ relates that "pachot u-seganim" went forth from Jerusalem during the bikkurim pageant to greet the pilgrims bearing their adorned new fruits in baskets.

2) The Targum⁹ translates the term "kohanim" as seganei kehunta rabta.

3) The Talmud¹⁰ refers to the two sons of Aaron as seganim. "Korah's wife complained: See what Moses did. He is king, he has made his brother high priest and his nephews seganei d'kahana..."

The first two sources are far from conclusive. The pachot u'seganim of Mishnah Bikkurim are officers whose identification is not at all apparent. Though many scholars¹¹ assume

6. The sources in which the title segan appears are listed and analyzed in the following chapter.

7. E. Schürer, A History of the Jewish People, translated from the German, second edition, Edinburgh 1891. Second Division, part one, 275f. F. Jackson and K. Lake, The Beginnings of Christianity, Part One, Acts of the Apostles, London: Macmillan, 1933, Vol. IV, 40.

on the basis of this one source that there was a chief segan and "lower ranking" seganim in the Temple, it may well be that the seganim greeting the pilgrims were not Temple officers, but local officials of the city of Jerusalem.¹² Indeed, the use of the title segan would support this notion since the probability of a superior and his subordinates bearing the same appellation is not very great. And we do not find in any sources a term (e.g. segan rosh) designating one segan above the others. Moreover, the "pachot" mentioned in Mishnah Bikkurim beside the seganim are unknown functionaries in the Temple. Some¹³ have suggested linking the phrase, pachot u-seganim with the phrase in Luke, "ἀρχιεὺς καὶ στομάχου".¹⁴ This conjecture lacks any

8. M. Bik. 3.3: "הפחות הסגנים והגזברין יוצאים לקראתם"

9. I Chron. 18:17: "וצדוק בן אחיטוב ואבימלך בן אביהר כהנים" =
סגני כהונתא.

10. T. B. San. 110a.

11. Schürer, op. cit. see notes 33 and 34.

12. See A. Büchler, ha-Kohanim va-Avodatam, Jerusalem; Mosad Harav Kook, 1966, 78-88.

13. Schürer, op. cit.

14. Luke 22:4.

substantial basis. For "ἄρχιερείς" is properly translated as "high priests". A group called ἄρχιερείς or (bnai kohanim gedolim) is well known in Josephus, the gospels and rabbinic sources.¹⁵ Why then should a new term, "pachot", be introduced in this one source to designate such a well known body? There seems no doubt, therefore, that the term pachot u-seganim in Bikkurim is based not on the Lukian ἄρχιερείς καὶ στρατηγός but on the Biblical combination of these titles. Both Jeremiah¹⁶ and Ezekiel¹⁷ speak of pachot u-seganim, and it is here that we must search for the influence on Mishnah Bikkurim.¹⁸ The seganim in Bikkurim may thus very well be local officials of Jerusalem totally unrelated to the segran of the Temple.

The Targum may also not be used as evidence for the existence of many seganim. While the Targum on Chronicles does speak of seganei kehunta rabta (plural) indicating the existence of many seganim, on two other occasions it dramatically demonstrates the functioning of but one segran. The plural expressions "kohanei ha-mishnah" and "pekidim" in Kings¹⁹ and Jeremiah²⁰ respectively are translated by the Targum in the singular form

15. See chapter 3, "The High Priests".

16. Jer. 51:23.

17. Ezek. 23:6,12,23.

18. Suggested by R. Akiva Eger in his notes on M. Bik. 3.3.

19. II Kings 23:4.

20. Jer. 29:25.

"segan kehania". The translator apparently knew of only one segan and despite the plural form of the text, utilized the singular in his translation. To the contrary, the Targum may be utilized as proof for the one segan theory!

The Talmudic reference to seganim is the one which has been most quickly dismissed by scholars,^{20a} but is the one which in reality, deserves the most serious consideration. Admittedly, it may well be Amoraic, but this in no way implies its unreliability. For, the Talmudic description of the rebellious talk of Korah's wife is not a statement conjured by some late Amoraic scholars from naught, but is a rewording of an old Tannaitic source. The Sedar Olam Rabba²¹ of R. Yosi ben Halafta tells the following: "We find that Elisheva bat Aminadav (wife of Aaron the high priest) enjoyed four celebrations over Israel...: her brother-in-law was a king, her husband high priest, her brother a governor and her [two]^{21a} sons seganei kehuna." According to this midrash two of Aaron's children, Nadab and Abihu, officiated as seganei kehuna simultaneously. It is this Tannaitic source, and not the previously mentioned Talmudic reference, which must be examined.

20a. Büchler, op. cit., 88, note 44.

21. Chapter 7. Ratner edition, 34f.

21a. The Munich and Oxford manuscripts add this word - 'שני
The meaning is unchanged.

This aggadah, besides its statement in Seder Olam Rabba, appears in two other midrashim.²² Both contain similar texts. It is also quoted in the Talmud²³ but there the text reads, "and her son was a segan", indicating only one segan. Which is the correct reading? Was there one segan or many seganim?

A critical analysis of the sources tends to favor the "two" text. For the concept of two seganim is at variance with most of rabbinic literature and no scribe would consciously make a change from "one" to "two". However, a scribe making a change from two to one in order to make the midrash conform with the bulk of rabbinic literature is quite understandable and fairly probable. Moreover, the use of the plural form in Korah's statement which is copied from the Seder Olam Rabba indicates that the Amoraim had a plural reading.

A midrash in Vayikra Rabba²⁴ provides further support for the plural reading. Amidst a presentation of sundry explanations for the cause of the death of Aaron's two sons, Nadab and Abihu, the following is suggested:

Rabbi Levi says: They were pompous. Many women sat unbetrothed waiting for them. What did they say? Our uncle is king, our mother's brother governor, our father high priest, and we are seganei kehuna - what woman is fit for us?

22. Vayikra Rabba. 20.2; Shir ha-Shirim Rabba on verse 3:6.

23. T. B. Zeb. 102a.

24. Vayikra Rabba, 20.10.

R. Levi, a third generation Babylonian Amora, is not one from whom we would ordinarily expect reliable, authoritative information regarding Temple affairs. But in this case the blatant plagiarism of Seder Olam Rabba is even more obvious than the previous one. Furthermore, here the reading must be plural for the statement is offered as an explanation for the death of Aaron's two sons. R. Levi's statement, therefore, establishes that as early as the third century the Seder Olam Rabba reading was plural - "her two sons were seganei kehuna".

Having established the accuracy of the Seder Olam Rabba text which talks of Aaron's two sons as seganim, the question of the source's historical validity must now be examined. For the midrashic license bestows on its user great liberties to manipulate and fashion descriptions to fit the particular need irrespective of its historical accuracy. We must always bear in mind that the midrash is not meant to be an historical but a moral and ethical work. History is but secondary to ethical teachings and may consequently be distorted on occasion to enhance the primary end. Extreme caution must therefore be exercised in the utilization of midrash for historical purposes.

Does the Seder Olam Rabba's description of more than one segen reflect reality? May we deduce from it the existence of many seganim in the Temple? Were there other indications for seganim in the Temple, this source would certainly act as supplementary evidence. But having rejected the proofs from Mishnah Bikkurim and the Targum, it would be unjustified to use this source as the entire basis for postulating many seganim. For

it may well be that R. Yosi - or whoever authored the midrash - sought to ascribe as many honors as possible to Elisheva and looking for a title for her children, called them seganim. More than one segan officiating in service, may have existed only within the confines of the author's imagination, having absolutely no relevance to the Temple itself.

We have no reason to assume the functioning of more than one segan in the Temple.

Two

Like the segan, the strategos²⁵ generally appears in the sources in the singular. The one exception is in Luke's account of the arrest of Jesus,²⁶ where strategoi (plural of strategos) appear among the high priests and elders in the arresting party. In a terse footnote, Büchler²⁷ dismisses the value of this source, pointing out that in the parallel accounts Mark²⁸ has in its place "grammateon", and in Matthew²⁹ the word is missing completely. Büchler thus challenges the accuracy of the Lukian text.

25. The sources in which the title strategos appears are discussed in chapter 7, "Segan ≠ Strategos".

26. Luke 22:4, 52.

27. Büchler, op. cit., 86, note 38.

Büchler's textual criticism is a gross oversimplification of a very complex matter. The term strategoi appears twice in Luke: once by Judas' initial plotting (22:4) and later by the actual arrest (22:52). In the case of Judas' plotting, the parallel accounts in Matthew and Mark contain only "chief priests" as fellow conspirators and the strategoi addition of Luke might conceivably be regarded as some later inconsequential interpolation. But in its second appearance it is not a simple matter of strategoi being absent in Matthew and replaced in Mark, as Büchler would have us believe. The entire context within which these officials appear is totally absent in the first two gospels. Luke has the high Temple officials making the arrest of Jesus in the Temple precincts. But Mark and Matthew have Temple officials instigating the arrest, but not actually apprehending Jesus themselves as Luke reports. The strategoi appear only in Luke because only in his version do the high Temple officials actually apprehend Jesus and only here are strategoi necessary.

The Lukian version of the arrest of Jesus lends itself to the following conclusions:

1. The author of Luke knew of certain officials known as strategoi.
2. These strategoi had functions which would have made

28. Mk. 14:43.

29. Mat. 26:47.

them part of the arresting party of Jesus.

3. The strategoi were part of the ruling aristocracy.

Having established the accuracy of the Lukian text, we must question the accuracy of his report. May we deduce from this source the existence of more than one strategos in the Temple? It would seem that we cannot, since all other evidence points to the existence of but one strategos. The persuasive evidence for this point of view is the fact that in all its appearances in both Josephus and the Gospels, the strategos of the Temple appears only in the determined state, i.e. preceded by a definite article (the strategos). Were there many functioning strategoi, we would expect to find at least some citation of strategos in the absolute state. The total absence of this grammatical form, is indicative of the existence of but one strategos, the strategos of the Temple (δ στρατηγὸς τοῦ ἱεροῦ).

Luke's mention of many strategoi in the arresting party is not, as has been indicated earlier, a textual error. But, it seems equally true that it is not a reflection of reality within the Temple. In another chapter³⁰ the existence of executive local officials called strategoi during the second century in Palestine is demonstrated. What seems to have happened is that the author of Luke, living in a city where there functioned many strategoi in executive roles, and at least tokenly aware

30. Chapter 6, "Strategos".

of a Temple officer with this appellation, projected backwards from his contemporary milieu into the area about which he was writing. It must be remembered, that Luke is generally considered to be the latest of the gospels, being authored sometime in the first half of the second century,³¹ a time when this city structure may well have existed. Knowing that were the arrest of Jesus to have taken place in his city, the local strategoi would certainly have participated in the apprehension, Luke assumed that a similar situation existed in the Temple.

The "strategoi" citation of Luke, though an integral part of the text, cannot be used as evidence for the existence of more than one strategos in the Temple.

Three

There was but one strategos and one segen in the Temple. Are the two to be equated or not? Emil Schurer,³² followed by both Christian³³ and Jewish³⁴ scholars, identifies the segen

31. C. Guignebert, Jesus, translated from the French by S. H. Hooke, New York: University Books, 1956, 212-217; S. Zeitlin, Who Crucified Jesus? New York: Harper & Brothers, 1942, 112.

32. Schürer, op. cit.

33. All Christian commentators on the Christian Bible, e.g. F. Jackson and K. Lake eds., The Beginnings of Christianity, Part I, Acts of the Apostles, London: MacMillan, 1933, Vol.

ha-Kohanim with the strategos of the Temple. His equation is based upon two factors. Firstly, the segan is described in Rabbinic writings as a ruling priest second only to the high priest in authority, a description which aptly concurs with the strategos of the secular sources. But even more important to his argument is the fact that the Septuagint generally translates the biblical term segan as strategos. Thus, Schürer describes the segan-strategos as the officer in whom "was entrusted the chief superintendence of the arrangements for preserving order in and around the Temple".

While concurring with Schürer in his strategos-segan equation, Büchler³⁵ refuses to acknowledge the Septuagint as valid evidence, since the term strategos often appears in the Septuagint in its plural form (strategoi), whereas in Josephus and the gospels the strategos of the Temple appears only in the singular. In rabbinic literature the segan also appears only

IV, 40; W. F. Arndt, The Gospel According to St. Luke, St. Louis: Concordia, 1956, 430; I.C.C., ed. A. Plummer, Edinburgh, 1901, 490f; H. St. I. Thackeray in his notes on Jos. Wars 2.1712,409, LCL, Vol. II, 482f.

34. M. Bottenweiser, "Priesthood", Jewish Encyclopedia, New York-London, 1906, Vol. VII, 196; L. Felman in his notes to Jos. Ant. 20.9.3,131, L.C.L., Vol. IX, 458f; A. Büchler, op. cit., H. Cohen, Mishpato U'Moto shel Yeshu ha-Nozeri, Tel Aviv, 1968, 45f; J. Klausner, Historia shel ha-Bayit ha-Sheni, Jerusalem, 1963, Vol. 1, 332f.

35. Büchler, op. cit., 78-88.

in the singular. There was only one segan and only one strategos in the Temple and this in itself, claims Büchler, is the strongest support for their equation.

The universal acceptance of the segan-strategos equation would seem unwarranted since neither the evidence of Schürer nor Büchler conclusively establishes this equation. The common translation of segan as strategos in the Septuagint proves nothing. Quite often a Greek word other than strategos is used for segan³⁶ and conversely strategos is employed for a variety of words besides segan: achashdarpnim,³⁷ melech,³⁸ seren³⁹ and sar.⁴⁰ Moreover, in none of the contexts where the Septuagint translates segan as strategos is the segan a Temple officer. To the contrary, in each case the segan is a military official and the use of the term strategos (general) in translation is perfectly natural. Why, then, should this be a reflection on the segan in the Temple?

36. Isa. 41:25 and Neh. 4:13; 5:7; 7:5 uses ἀρχοντες. Dan. 2:48 uses σατραπαι.

37. Es. 3:12.

38. Jb. 15:24.

39. I Chron. 12:19.

40. I Kings 29:3; I Chron. 11:6; II Chron. 32:21.

Büchler's argument for the segan-strategos equation is most strange. Admittedly there was but one strategos and one segan in the Temple as we have demonstrated. But why should this imply their equation? There was also only one rosh ha-keneset - shall we also equate this official with the segan-strategos?

Despite its universal acceptance, there is absolutely no convincing evidence for the equation of the rabbinic segan with the strategos of the secular sources.

Chapter 5

The Segan Ha-Kohanim

Before proceeding in the discussion of the segan - strategos equation it is first necessary to define and clarify the precise nature and duties of the segan. For there seems to be a popular misconception concerning the function and authority of this official.

Let us examine the sources and see what they tell us of the segan and his activities.

The Jerusalem Talmud¹ lists five functions of the segan:

- 1) The segan assisted the high priest in the drawing of the lots over the two goats on the Day of Atonement.²
- 2) The segan stood on the right side of the high priest when the latter served.³
- 3) The segan waved flags signalling the Levites to break out in song as the high priest performed the libation of wine ceremony on the altar.⁴

1. T. J. Yoma 3.8, 41a: ה' דבריה היה הסגן משמש: הסגן אומר לו אישי כהן גדול הגבה ימינך. הסגן מימינו וראש בית אב משמאלו. הנוף הסגן בסודרין. אחז הסגן מימינו העלהו. לא היה כ"ג מה- מנה להיות כהן גדול עד שהוא נעשה סגן.

2. Cf. M. Yoma 4.1.

4) The segan aided the high priest in his climb up the altar.⁵

5) A high priest could not be appointed unless he previously served as a segan.⁶

To this list two more duties may be added:⁷

6) The segan handed the sefer torah to the high priest for reading on the Day of Atonement.⁸

7) On hakhel, when the king read the torah before the people in the Temple courtyard, the segan transferred the sefer torah to the high priest who in turn gave it to the king.⁹

3. Cf. M. Yoma 3.9.

4. Cf. M. Tam. 7.3.

5. Cf. Ibid.

6. Cf. Tos. Yoma 1.4,180: לך הסגן ממנה שאם יארע בו פטול
ישמש הסגן חתני. See chapter 1, "The High Priest:
Succession".

7. The Tosafists in a number of places reject Rashi's suggestion (see note 14) that the segan was the memuneh who initiated the morning service. Their objection is based on the absence of this particular task in the Jerusalem Talmud's list of duties of the segan. However, the fact that duties of the segan others than those listed in the Yerushalmi are found, obviates the difficulty confronting Rashi. See Tosafists Yoma 15b, beginning אמר להם הממונה; Men. 100a beginning same; Sota 42a, beginning הסגן.

8. M. Yoma 7.1; Sota 7.7.

9. M. Sota 7.8.

The generally accepted notion in modern scholarship is that the segan was a general Temple administrator, the overseer of the priests and the ritual which they performed in the Temple.¹⁰ This concept is not indicated by any of the above cited sources. However, it seems to be derived from a mishnah in Sanhedrin¹¹ which describes the procedure of a high priest consoling a mourner. According to the mishnah, the people would pass by his left side and the memuneh would stand on his right, thus placing the high priest in a central position. The mishnah says nothing else concerning this memuneh, but he is identified by both the Tosefta¹² and the Talmud¹³ as the segan ha-kohanim, or as he is usually called, simply the segan.

10. E. Schürer (A History of the Jewish People, translated from the German, second edition, Edinburgh, 1891, second division, part one, 275) describes the segan as the one in whom "was entrusted the chief superintendence of the arrangements, for preserving order in and around the Temple". A. Büchler (ha-Kohanim va-Avodatan, translated from the German by Naphtali Giton, Jerusalem; Mosad Harav Kook, 1966, 79) sees the segan's function as centered more about the service: "the segan was the head supervisor over all the officiating priests". Ch. Albeck (commentary on M. Yoma 4.1) follows Büchler describing the segan as "the overseer of the priests and their service in the Temple".

11. M. Sanhedrin 2.1: וכשהוא מנחם אחרים דרך כל העם עוברין בזה אחר זה והממונה ממצעו בינו לבין העם.

12. Tos. San. 4.1,420: לנחם את אחרים הסגן והכהן שעבר מגדולתו מימינו.

13. T. B. San 19a: אמר רב פפא...ש"מ היינו סגן היינו ממונה

On the basis of this equation, Rashi¹⁴ identifies the segan as the memuneh who opened the morning service proclaiming, "Go and see if the time of slaughter has arrived", (so that the morning ritual could commence). Maimonides¹⁵ also seems to adopt this same view, equating the segan with the memuneh.

We shall later demonstrate that the memunim were the general supervisors of the Temple service. If the segan is to be identified with the memuneh (perhaps with the general term memuneh when cited without qualification as to precisely which one is meant), it follows that this segan being the memuneh, i.e. the memuneh par excellence, should have had broad supervisory powers in the Temple. This seems to be the underlying reason for the scholars ascribing broad supervisory powers in the Temple to the segan.¹⁶

However, the functions of the segan, as listed in the sources, present a serious challenge to the notion of a segan as a ritual supervisor. For even a cursory review of the

14. T. B. Yoma 15b, 28a: הממונה הוא הסגן.

15. "Laws Concerning the Vessels of the Temple," 4.16: ממנין כהן אחר והיה לכהן גדול כמו משנה למלך והוא נקרא הסגן והוא נקרא הממונה.

16. A number of scholars identify the segan with the memuneh citing these sources, and Rashi in particular. See L. Herzfeld, Geschichte des Volkes Jisrael, Leipzig, 1863. Vol. 3, 107; J. Derenbourg, Essai sur l'Histoire et la Geographie Palestine, Paris, 1867, 369, note 3.

sources indicates that nowhere is the segan depicted in any general supervisory capacity whatsoever. The whole basis for ascribing supervisory duties to him is the one flimsy identification of the segan with the memuneh in Mishnah Sanhedrin. Certainly this is no basis for the wide generalizations of these scholars that the segan was, so-to-say, the Chief Memuneh of the Temple.

A close analysis of the sources provides us with a totally different picture of the nature and duties of the segan. For there is one obvious common denominator of all these sources: the segan is never found alone - he always appears in conjunction with the high priest. This, then, was the function of the segan: to serve as personal assistant to the high priest. The segan was at the high priest's side, aiding him in all ritual and public appearances - in the ceremonies of the Temple, in pageants with the king and even when he delivered condolences for the death in the family. The segan was the private memuneh of the high priest.

The function of the segan as outlined above is corroborated by a midrash in the Sifra¹⁷ which states: "Moses became the segan ha-kohanim to Aaron clothing him (in his priestly

17. Sifra 170: מלמד שנעשה משה סגן הכהנים לאהרן והוא היה מפשיטו והוא היה מלבישו וכשם שנעשה לו סגן בחיינו נעשה לו סגן במוותו.

garments) and disrobing him.¹⁸ And just as he was a segan to him in life, so too was he his segan in death." In most vivid and clear language, the midrash portrays the segan as the personal assistant of the high priest. We might, moreover, note that Moses is here described as the segan ha-kohanim "to Aaron" (שֵׁגָן אֶלֶּי אַהֲרֹן), indicating that the segan served and administered to a high priest. Again the segan is described as almost a valet of the high priest - not as a general Temple administrator.

This description of the segan ha-kohanim can explain a number of phenomena. The segan's participation with the high priest in consoling a mourner seems somewhat out of harmony with the segan which scholars have described. It is much easier to picture in this courtesy call the high priest being accompanied by his personal assistant rather than by the general "overseer of the priests and the service in the Temple".

The description of the segan, in certain sources, as the successor to the high priest¹⁹ also becomes clear. Since he constantly accompanied the high priest assisting him in his services, the segan learned firsthand the performance of high priestly ceremonials. The office of segan was then a sort of apprenticeship for the high priesthood.²⁰

18. See chapter 6, note 31 for a discussion of the implications of this seemingly inconsequential act.

19. *Supra*, note 6. Whether the segan was in reality the successor to the high priest is a moot question. See chapter 2, "The High Priest: Succession".

20. See Anonymous, "הַשֵּׁגָן הַקּוֹהָנִים". Riga, 1878.

We are now also in a position to understand why the segan is sometimes called a memuneh.²¹ When the high priest performed in the Temple ritual, ordinary memunim did not serve as his aides nor did they direct his actions. Directions by rank and file officers such as the memunim would be an affront to the pride of the high priest. Instead, on the occasions of high priest service, the segan supplanted the ordinary officers and presided over the ministry. Only the segan ha-kohanim could aid, oversee and direct the performance of the high priest in the Temple.

Any memuneh mentioned in proximity with the high priest may, therefore, be equated with the segan with a good degree of confidence. In Mishnah Sanhedrin, the memuneh positioned on the right side of the high priest is thus correctly identified by the Tosefta and Talmud as the segan. This identification, however, has no bearing whatsoever on the usual use of the term memuneh. The term memuneh does not imply segan save in those cases when it appears in conjunction with the high priest.

Some²² have pressed the general memuneh - segan equation on the basis of Mishnah Tamid. The contention is that the free use of the two titles - memuneh and segan - "interchangeably" in Mishnah Tamid is clearly indicative that both "are one and

21. The memuneh in Mishnah Sanhedrin 2.1 accompanying the high priest, is identified by the Tosefta and Talmud as the segan. Supra, notes 11, 12 and 13.

22. Moses Bottenweiser, "Priesthood", Jewish Encyclopedia, New York-London, 1901-06, Vol. VII, 196.

the same official". This is not so.

Mishnah Tamid describes chronologically the daily morning service - the process of the offering of the morning sacrifice, the burning of the incense, and related procedures. The first six chapters offer this description in full. The seventh chapter, however, represents a change. For, this final chapter of Tamid, rather than continuing with the chronological description, interrupts to explain how various of the ceremonies are performed when the officiating priest is not an ordinary one but a high priest. It is here in chapter 7, amidst discussion of the high priest, that the title segan makes its first and only appearance in Tamid.

We are asked to "note especially"²³ mishnayot 6.3 and 7.3. Both describe the identical procedure - burning of the incense - but one uses memuneh and the other segan, indicating their equation. However, mishnayot 6.3 and 7.3, while describing identical procedures, do not refer to the same people. 6.3 discusses primarily the ketoret of an ordinary priest and uses the title memuneh. 7.3 on the other hand, discusses the ketoret of the high priest and thus the title segan appears.

23. Ibid.

The titles memuneh and segan are not at all "used interchangeably" as some would have us believe. To the contrary, they are very carefully used. And their use in Tamid - memuneh by an ordinary priest and segan by a high priest - is further evidence for the identification of segan as an official other than the memuneh, and his description as assistant to the high priest.²⁴

24. In all fairness to Bottenweiser, we should point out that it is not only the term "segan" which appears beside the high priest in Mishnah Tamid, but the "memuneh" as well (6.3 and 7.1). However, as has been pointed out, any "memuneh" mentioned in proximity with the high priest is a very special memuneh - the segan. The term "memuneh" rather than "segan" is used in these instances because of the context. In 6.3 the formula for the high priest ketoret is mentioned together with the ordinary formula, and the author, wishing to stress the formula and ministerial differences rather than the differences of officials, elected to reuse the term memuneh:
 לא היה המקטיר מקטיר עד שהממונה או, "אישי כ"ג, או' לו "הקטיר!" אם היה כ"ג הממונה או,

הקטיר!"

The use of memuneh rather than segan in 7.1 presents a bit more of a difficulty. However, it is possible that this mishnah is but a continuation of the previous one (6.3) where "memuneh" is used with good reason. Two factors substantiate this: a) Tamid 7.1, a description of the prostration of a high priest, seems to follow the last words in 6.3 "and he bowed and left". b) In the Mishnat Yerushalmi (Lowe edition) chapters 6 and 7 are but one chapter, making 7.1 a direct continuation from 6.3.

We must also note the possibility that the proper textual reading in 7.1 is "segan" and not "memuneh." For Maimonides (Vessels of the Temple, 5.11) quotes this mishnah almost verbatim but supplants the word memuneh with segan! Either he understood that in view of the presence of the high priest, by "memuneh" the segan is here meant, or he had a text with a segan reading.

Chapter 6

Strategos

Strategos in Greek is a high military officer, perhaps a general. Thus, the ten officers elected yearly to lead the Athenian armed forces were called strategoi.¹

"Strategos" in the Ancient World

As the Greeks, together with their language, spread throughout the ancient world, the word suffered a number of alterations. An especially interesting metamorphosis, whose steps can be traced, occurred in Egypt.² When the Greeks first came to Egypt under Alexander the Great, a number of generals-strategoi- were appointed as military governors over the "barbarians". During the Hellenistic period, the powers of these strategoi (each ruling over a nome - *νομός*) were extended by the Ptolemys to include civil matters as well. The papyri are replete with references to strategoi as military and civil generals on nomes.³ Finally, in the Roman period, the Roman em-

1. Hd. 6.109.

2. See A. Golak, "Boule ve-Istrategos", Tarbiz 11 (1939-40), 119-122.

perors, particularly Augustus, rescinded the original military powers of the strategoi leaving them with civil authority only. Paradoxically, in Egypt the term strategos lost all its military connotation, ultimately taking on the meaning of a civil magistrate only.⁴

Not every change was quite as dramatic as this one, nor are we able to trace the evolutionary steps elsewhere as clearly as we are able to do in Egypt. In Asia Minor, for example, we find the term strategos commonly used to designate chief magistrates of cities, a use reported as early as the fifth century B.C.E.⁵ Similarly, in Acts, we find the magistrate usage of the title in reference to a Roman Colony in the first century C.E.⁶ How these non-military usages developed is difficult to say. But there can be no doubt as to their prevalence.

The multifarious meanings which strategos assumed in the ancient world makes impossible all efforts to use the title itself in order to identify the functions of the strategos of the Temple. To point to its military etymological root as an indication of its use would be, in view of its many metamorphoses, scientifically ludicrous.⁷ We must, therefore, concentrate

3. Cf. F. Preisigke, Worterbuch der Griechischen Papyrusurkunden, Berlin, 1931, Vol. 8, 158-164.

4. Gulak, op. cit.

5. Hdt. 5.38.

6. Acts 16:20.

our study on the use of the term in Palestine.

"Strategos" in Palestine

Palestine, situated geographically between Egypt and Asia was undoubtedly subject to influences from both. Unfortunately, we have no primary sources from the end of the Second Temple era which use the title strategos in any context other than the strategos of the Temple.⁸ There is, therefore, no contemporary Palestinian source to shed light upon the use of the title during that period.

There is, however, a very important Palestinian source using "strategos", which, though perhaps a century or two later than the Temple, might be useful in determining the use of the term in the earlier period. It is a rabbinic source cited, with minor variants, in both the Jerusalem and Babylonian Talmudim. The two texts respectively are cited below:

7. Ch. Cohen, (Mishpato U'Moto shel Yeshu ha-Nozeri, Tel Aviv, 1968, 45) commits this blunder as he concludes, "at any rate there is no doubt that the word 'strategos' (in singular) means an official, specifically a military official."

8. Infra, notes 21-30.

The boule and strategi were in conflict. The matter was brought before Rebbi and he said: Is the boule not included in the strategi? And for what reason were boule and strategi both specified? So that each should contribute half.⁹

When R. Isaac b. Joseph came he said: A crown tax was once levied by the king on the boule and the strategi. Rebbi said let the boule pay half and the strategi half.¹⁰

Both texts, though supplementing one another in information, do not definitely clarify for us the precise nature of the incident. However, piecing whatever information we have together, what seems to have occurred is that a certain crown tax¹¹ was levied upon some city in Israel¹² and a jurisdictional dispute erupted concerning the distribution of the tax. "Rebbi"

9. T. J. Yoma 1.2,39a; כהדא בולי ואסטרגי הוא לון קריבו אתא עובדא קומי ר' ואמר אין בולי בכלל אסטרגי, וליידא מילה אמר בולי ואסטרגי אלא אמר אילין יתנון פלגא ואילין יתנו פלגא.

10. T. B. Bab. Bat. 143a: כי אתא ר' יצחק בר יוסף אמר ההוא דמי כלילא דשדו בני מלכא (אבולי ואסטרוגי) [אבולי ואיסטרטיגי] אמר רבי ניתנו אבולי פלגא ואיסטרטיגי פלגא.

11. The term כלילא in rabbinic literature is generally used for a wreath or a crown and thus the דמי כלילא seems to be a crown tax. Cf. T. B. Bab. Bat. 8a. This דמי כלילא may very possibly refer to the coronation tax (aurum coronarium). See M. Jastrow, Dictionary of the Targumim, etc. and A. Kohut, Arukh ha-Shalem under the word כלילא.

12. Büchler assumes that the city in question is either Sepphoris or Tiberius. A. Büchler, The Political and the Social Leaders of the Jewish Community of Sepphoris in the Second and Third Centuries, Oxford University Press, 1909, 39f.

finally decided that the two disputing parties were to bear the burden of the tax equally.

The disputing parties are dubbed by the Talmudim as the boule and strategi. All scholars unanimously concur in identifying the Talmudic term boule with the Greek term βουλή, the local town government. However, the identification of the second party - the strategi - is the subject of debate among scholars, a debate whose import to our discussion cannot be understated.

Buchler¹³ and Gulak¹⁴ claim that the correct reading in the Talmud is not אִיטְרַטְרִי but אִיטְרַטְרִיָּא. For the second party of contention in this view was the στρατηγία. The strategia, a familiar term in papyri literature,¹⁵ was the governing body of the nome in Egypt. Headed by a strategos, the body was responsible for tax collection and general administration of a nome. These scholars claim, on the basis of this text, that the second-century Palestinian governmental structure was organized in much the same manner as the Egyptian administrative structure.¹⁶

13. Ibid.

14. A. Gulak, op. cit.

15. Preisigke, op. cit., 157f.

16. The incident recorded in the Talmudim is explained by Gulak (op. cit.) as follows: A crown tax was imposed upon the entire nome. The boulé was responsible for collection of taxes from the large city of the nome and the strategia for the villages and agricultural areas surrounding the city. The conflict arose as to the respective share of the total tax each

Gedalia Alon,¹⁷ however, refuses to alter the Talmudic texts to read strategia. Instead, he claims that the talmudic איסטראטיגיא is a transliteration of the Greek στρατηγία (plural of strategos). Who were these strategoi? They were, according to Alon, "members of the executive government of the autonomous city". To support his contention, Alon cites two full pages of examples of the use of strategos in this form in Asia.¹⁸ He also cleverly produces a number of rabbinic references to strategoi (or strategos) which seem to refer to city officials. Thus, he has additional Palestinian usages of the strategos as a city official.¹⁹

had to bear. Rabbi finally decided upon an equal division. Büchler (op. cit., 39, note 2) suggests that "perhaps the crown money was imposed by the local government upon the strategia and they claimed that the boulé should participate in the burden, whereas the boulé protested that the tax was not imposed upon them".

17. G. Alon, "ha-Istrategim b'Eretz Yisroel b'Tekufa ha-Romit", Tarbiz 14 (1943) 145-55. Reprinted in Mehkarim b'Toledot Yisroel, Tel Aviv, 1958, vol. 2, 74-87.
18. 80-81. Cf. Chapot, La Province Romaine Proconsulaire d'Asie, 240f.
19. Within Alon's scheme the Talmudic incident must be explained not as a city-province conflict but an intra-city conflict between two factions of local power. Both the boulé and strategoi were city officials. The boulé was the legislative and the strategoi the executive branch of the city government. (All wealthy citizens of the city were forcibly appointed by Rome to the boulé as a means to extricate money from them. Thus, we find attempts to flee from the nomination. T. J. M. K. 81b. cf. Büchler, op. cit.) But unlike the boulé which consisted of many wealthy citizens, the strategoi numbered few members. And it was this latter factor - the uneven distribution of members - which gave rise to the crown tax controversy. The strategoi, being few in

Alon's theory, particularly in view of the many Asiatic and rabbinic parallels which he marshalls to his side, is most convincing. And this use of strategos as an aristocratic, executive city official in Palestine, though at a somewhat later date, may directly reflect an earlier usage in the Temple era. In our analysis of the strategos of the Temple the most serious consideration must be accorded to Alon's theory. The title "strategos" appears in Palestine as an executive, though not exclusively a military officer.²⁰

The Strategos of the Temple

As was done in the segan analysis, let us record a list of the appearances of the strategos of the Temple and search for internal clues as to his identification. The strategos of the Temple appears in the following sources:

number, insisted that the burden be distributed on an individual basis - every member of the boulé and every strategos should be taxed an equal amount. The more numerous boulé, on the other hand, maintained that since the tax was imposed upon both groups, each unit as a whole bore half the responsibility, irrespective of the total number of members. Rebbi ruled in the latter's favor.

20. There is another possible Palestinian source for strategos, one which would indicate a military meaning. The Targum on the Prophets uses strategos as a military title. מִצָּרַיִם and מִצָּרַיִם I Sam. 10:5; 13:23; 14:1, II Sam. 8:6; and I Kings 4:5,7 are translated as strategos. However, it is always difficult to determine whether a targum, or better a

I. Josephus

- A. As a consequence of the Samaritan-Judean conflict during the reign of Cumanus (48-52 C.E.), a delegation of Jewish notables, including Ananias the high priest and the strategos Ananus, was sent by the Syrian legate Quadratus to Rome.²¹
- B. Among the acts of terror of the sicarii during the reign of Albinus, was the kidnapping of the secretary of the strategos Eleazar and his exchange for ten prisoners.²²
- C. This Eleazar the strategos persuaded the priests to halt the emperor's daily sacrifices, thus formally initiating the great rebellion against Rome in 66 C.E.²³
- D. When the eastern gate of the Temple opened of its own accord as an omen of the coming destruction, the watchman reported the matter immediately to the strategos.²⁴

II. Rabbinic sources

- A. A midrash Tanhuma suggests that the expression והכהן הגדול refers to the strategos.²⁵

specific part of a targum, is of Palestinian or Babylonian origin and even more difficult to date the section.

21. Ant. 20.6.2,131. In the War's account (2.12.6;242) Ananus is listed without the title strategos.
22. Ant. 20.9.3,208.
23. Wars 2.17.2,409-10.
24. Wars 6.5.3,294.
25. Tanhuma on Lev. 21:10 והכהן הגדול מאתיו. לאסטרטגיגוס

B. Phineas, the memuneh over the priestly vestments, is reported to have once dressed a strategos for a fee.²⁶

III. Christian sources

(A. Luke tells of Judas plotting with the strategoi of the Temple and of the participation of these officers in the apprehension of Jesus.)²⁷

B. The high priests, the strategos and the Sadducees are reported to have been exasperated at Peter and John's teaching of the resurrection of Jesus in the Temple.²⁸

C. The high priests and the strategos of the Temple are described as astounded by the escape of Peter and John from prison.²⁹

D. When Peter and John are subsequently located in the Temple, the strategos goes with the police to rearrest them.³⁰

26. T. J. Shek. 5.1. פנחס המלביש שהיה מלביש בגדי כהונה גדולה. מעשה בכהן אחד שהלביש לאסטרטיוס אחד ונתן לו ה' זהובים.

Cf. Shir ha-Shirim Rabba on verse 3:6, number 6. פנחס המלביש אלבוש אסטרטיגא ונסב אגריה ,

27. Luke 22:4,52. See chapter 4.

28. Acts 4:1.

29. Ibid. 5:24.

30. Ibid. 5:26.

Two

Individually none of these sources tells us very much regarding the nature of the strategos officer and his duties. But taking all of them together, a number of significant conclusions may be reached. They are as follows:

1) The strategos was a member of the priestly aristocracy, and not one of the lower-rank priests. His persistent associations with the high priests and his inclusion among the "notables" dispatched by Quadratus to Rome both testify to this fact. Moreover, the two rabbinic sources, while alone inconclusive, would tend to substantiate this thesis. Certainly, the compensation he offered Phineas, the memuneh over the vestments, shows an intense desire to be dressed by this officer, an act which undoubtedly carried definite prestigious implications.³¹

³¹: The dressing of someone in official garb by an authority was recognized in the ancient world as an act of consecration for office. Aaron and his sons were consecrated for the priesthood when Moses garbed them with priestly vestments (Lev. 8). Indeed, the midrash adds: "All through the seven days of consecration, Moses officiated as high priest but the divine presence did not settle upon his hands. Yet as soon as Aaron donned the vestments of the high priesthood and served, the divine presence settled upon his hands" (T. J. Yoma 1.1, 48d). Jubilee describes Jacob's consecration of Levi as an act of dressing him (Jub. 32:7). In addition, in his speech after being dislodged as high priest during the great revolt, Ananus seeks to aggrandize himself in the eyes of the people by referring to himself as "I who wear the high priest's vestments". (Wars 4.3,10,164).

This would perhaps explain the battle between the Jews and Romans for the control of the priestly garments. Providing

The only possible difficulty in identifying the strategos as an aristocrat would be the participation, indeed leadership, of Eleazar the strategos in initiating the war against Rome.³² It is well known that the aristocratic strata of Judea, including the high priest and the "high priests", all staunchly opposed the revolt, and pleaded for moderation and restraint (as we would expect from any incumbent aristocracy whose perpetuation rested on the large super power).³³ The leadership of Eleazar in the revolt would, therefore, seem to contradict the idea of the strategos being a member of the aristocracy. But this is not so. For we must bear in mind that initially all the priests, even those from the lower ranks, were opposed to war. It was indeed they who entreated the people to turn a

the priests with garments was a symbolic gesture of investment with authority to officiate. Whomever provided these garments apparently made the claim that priestly authority was derived from him. The Romans demanded this authority and the Jews fought against it.

The dressing of the strategos by Phineas, the memuneh over the vestments, must be viewed in this light and recognized as having some aristocratic, prestigious or perhaps even power implication.

32. Wars. 2.17.5,424; 9,445. and many more.

33. Ibid. 2.17.2-4, 410-421.

deaf ear to the talk of the militants and to greet Florus and his Roman cohorts with humility and respect.³⁴ It was only after Florus' unprovoked massacre of the Jewish masses that the lower rank priests switched their allegiance and joined the rebels in beating the war drums.³⁵ From this point onward, it was the aristocratic priests exclusively who persisted in their allegiance to Rome, clinging to hopes of a settlement.

However, there were undoubtedly some lower-rank priests opposed to the war and some aristocrats in favor of it. Eleazar the strategos seems to belong to the latter group. That he was a member of the aristocracy seems beyond doubt; he was the son of a high priest. Indeed, his personal secretary was a target of the sicarii! But after the massacre of Florus, Eleazar, though of aristocratic extraction, being a "very daring youth" contracted the growing war fever and joined the militants in their cause.³⁶ Together with the bulk of the lower-rank priests, Eleazar was transformed from a dove to a hawk. But, personally, like all strategoi, Eleazar was of aristocratic lineage.

2) The strategos was often, perhaps always, the son of a high priest (though not necessarily the high priest in service). Neither the rabbinic nor the Christian sources trace the

34. Ibid. 2.15.4, 321-325.

35. Ibid. 2.17.2, 409-410.

36. Supra, note 33.

genealogies, or for that matter give names, of any strategos. Josephus, however, talks of two strategoi - Ananus³⁷ and Eleazar³⁸ - and both were sons of high priests. This would also suggest that the authority of the strategos was derived from the high priests.

3) The strategos was in the very high echelons of the priestly bureaucracy - perhaps, second only to the high priest in authority. In fact, the midrash virtually equates him with the high priest.³⁹ And of the many Jewish notable dispatched by Quadratus to Rome, Josephus singles out for mention only the high priest and the strategos.⁴⁰

Furthermore, when the question of discontinuing the emperor's sacrifice arose, all sorts of opinions pro and con were given on the matter. The priests finally decided not to offer the sacrifice because the great number of militants gave them confidence and primarily because "they relied above all on

37. In order to recognize Ananus as both a strategos and a son of a high priest two sources must be combined. The Antiquities account (20.6.2,131) speaks of Eleazar as a strategos and the Wars account (2.12.6,243) identifies him as a son of the high priest Ananias.

38. Wars 2.17.2,409.

39. Supra, note 25.

40. Ant. 20.6.2,131. In the Wars account (2.12.6,243) two high priests are cited with him - Ananias and Jonathan. Antiquities, however, makes no mention of the latter.

the authority of the strategos Eleazar."⁴¹

4) A study of these sources would also indicate that the functions of the strategos were administrative and political, but not ritual. A more exact description of his duties would seem to be that he was in charge of Temple order and security, making him perhaps Chief of Police or Captain of the Guard. Being in such a position he appears beside the high priests when trouble erupts in the Temple. And it is he who accompanies the police in making the arrest of Peter and John. Moreover, when the Temple gates are opened mysteriously it was to this administrator that the priests turned. The strategos was the executive administrator of law, order and security in the Temple.

There is only one occasion on which a strategos appears even remotely connected with the Temple ritual. This is, of course, when Eleazar persuades the priests to refrain from offering the emperor's sacrifice and they rely upon his authority. However, a number of factors must be considered here. Firstly, the question of whether or not to offer the emperor's sacrifice was fundamentally not a ritual question. From a strictly religious-legal point of view, gentile participation in Temple worship was obviously permitted. It had been going on constantly

41. Wars 2.17.2,410.

and without interruption for hundreds of years! And though the Pentateuch itself never sanctions the practice explicitly, the prophets do have references to gentile worship in the Temple of Jerusalem. Indeed, Solomon in his famous prayer upon the consecration of the Temple, devotes an entire paragraph to this sanction:

And also the gentile, who is not from your nation Israel, and he comes from a distant land for your name. For when they hear of your great name, your powerful arm and outstretched arm, and he comes and prays unto this House. And you shall hear him from the heavens your abode...⁴²

Certainly, such a long-standing tradition supported by explicit Biblical sanction could not be suddenly challenged on religious - ritual grounds.

The question of bringing the emperor's sacrifice was not a religious one - it was political; halting the emperor's sacrifice was in effect a declaration of war on Rome. The rabbinic account of this episode makes no attempt to conceal the fact. In the account, the refusal of the Jews to offer the sacrifice is used as proof to the emperor that the Jews were indeed in revolt.⁴³ Despite the effort of Josephus to paint the question as ritualistic the truth is apparent. Any ritual turn the debate assumed must be realistically recognized as but

42. I Kings 8:41-43.

43. T. B. Git. 56a.

a facade for the real purpose: the severing of relations with Rome.

We may even go one step further. Even were we to acknowledge the question as somewhat genuinely ritualistic, Eleazar's decisive influence need not be taken as evidence of general strategos involvement in the Temple ritual. The strategos generally had no relation whatever to ritual. But in this tense moment when the battle lines were being drawn between the dovish aristocracy and the hawkish lower-rank priests, the defection of perhaps the second highest ranking aristocrat to the doves was obviously a coup for their cause. Suddenly, they had among their ranks an "authority" to whom they could point, a legitimization for their actions. Naturally, in their decision to refrain from offering the sacrifice they "relied above all on the authority of the strategos Eleazar."

In sum, the term "strategos" was used in the ancient world for so many types of officials that the title itself (military in nature) is useless in determining the functions of the strategos of the Temple. There are no contemporary Palestinian sources using strategos in any form other than in the Temple. We do find it in use in second century Palestine as an executive city official. An analysis of the sources using "strategos of the Temple" demonstrates that the strategos was indeed an executive officer, responsible for order and security in the Temple. He does not, however, seem to have had any role

in the ritual. As such we may characterize the strategos of the Temple as the Captain of the Guard of the Temple.

Chapter 7

Segan/Strategos

Having ascertained the function of the strategos and the segan let us juxtapose the two officials and determine whether they are two separate officers, or one and the same.

The conclusion seems to be obvious: the strategos and segan, contrary to the opinion of virtually all scholars to date, were two separate and distinct officers. The segan always appears in ritual, the strategos never does. The segan always appears beside the high priest, the strategos often does not. The segan never appears as an administrator, the strategos does. These differences are particularly pronounced in rabbinic literature, the only source in which both titles are utilized. The segan constantly appears here in ritual whereas the two strategos references have no relation whatsoever to ritual. These differences in their appearances are natural reflections of their different functions: The segan was the ritual assistant of the high priest and the strategos was a Temple security administrator.

In fact, their very titles reflect the differences: segan ha-kohanim and strategos tou hierou. The segan ha-Kohanim functioned as the highest-ranking ordinary priest, occupying the lofty ritual post of private assistant to the high priest in ceremonials. The strategos of the Temple, however, had little

to do with the priests and their practices but occupied the highest Temple position: administrator of Temple security. The titles, a factor overlooked by all previous scholars,¹ in themselves spell out the distinction.

Strategos must not be looked upon as the Greek translation of the Hebrew segan. The two titles refer to separate and unrelated officials. Whether the strategos had a Hebrew title and the segan a Greek title is unknown. Quite likely these appellations were employed in both languages.

We have previously demonstrated that the segan was a special type of memuneh in the Temple, the private memuneh of the high priest. The strategos, however, cannot be called a memuneh in any sense since ritual was far outside his domain of activities.

Precursors of the Segan and Strategos

It has been pointed out in the Introduction the difficulty yet importance of identifying the precursors of late

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1. Ch. Albeck seems to have been sensitive to the fact that the title segan ha-kohanim does not coincide with a general Temple administrator, but refers only to the realm of the priesthood. He therefore expands on the authority of the segan by relating it to the priests. The segan, according to him, was "the overseer of the priests and their service in the Temple". However, neither the sources speaking of segan nor the title justifies this expansion.

officials of the Second Temple administration. In the case of both the segan and the strategos, though the precise steps in the name and duty metamorphoses cannot be traced, certain precursors may be identified, precursors going back as far as the first Temple.

During the final decades of the first Temple, we find two high Temple officers aside from the high priest: one is called the kohen ha-mishneh (second priest) and the other the nagid bet ha-Elkim (supervisor of the House of God). Both appear but few times in biblical literature and their titles are usually simply mentioned with no indication whatsoever of duty or authority. Consequently, defining their function and authority is no easy task for the historian.

The kohen ha-mishneh is referred to thrice. In Kings it is related that King Josiah commanded Hilkia the high priest and the kohanei ha-mishneh to cleanse the Temple of all vessels previously used for Baal and Ashera worship.² And in both Kings and Jeremiah, Nebuchadnezzar of Babylon is reported to have sent the high priest Saraya and Zephania the kohen ha-mishneh into exile after the rebellion of Zedekiah.³

2. II Kings 23:4.

3. II Kings 25:18; Jer. 52:24.

The nagid bet ha-Elokim is reported to have rebuked, beaten and apprehended Jeremiah for uttering heresy in prophe- sizing the fall of the Temple in Jerusalem.⁴ A nagid bet ha-Elokim was killed by Zichri.⁵ This officer is also listed as serving under King Hezekiah⁶ and as providing the animals for sacrifices in the grand Passover celebration of Josiah.⁷

The administration of the Second Temple, at least in its early stages, was no doubt modeled after the first. It is, therefore, only natural to expect to find in the early Second Temple, officers with the duties, if not the titles, of the kohen ha-mishneh and nagid bet ha-Elokim. Indeed Nehemiah makes mention of a nagid bet ha-Elokim.⁸ And though the title kohen ha-mishneh does not appear, most likely such an official did function but was perhaps known by a different title. At any rate, the sources of this period are extremely limited and the absence of the title is inconclusive.

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4. Jer. 20:1. This verse reads "וְהוּא פָקִיד בְּגֵיד בְּיַד ה'". The interpretation would seem to be: "and he was appointed as the nagid bet ha-Elokim". Cf. Targum and Radak.
 5. II Chron. 28:7. The title is shortened here to read simply, n'gid habayit. We admit the possibility that bayit here means the king's palace and not the Temple. Cf. Targum, Ibid.
 6. Ibid. 31:13.
 7. Ibid. 35:8.
 8. Neh. 11:11.

What was the function of the kohen ha-mishneh? The very appellation is indicative of a priestly function. Moreover, since in each of his three appearances the kohen ha-mishneh is mentioned in conjunction with the high priest, it would not be without basis to assume that the kohen ha-mishneh was the second in rank to the high priest.⁹

The nagid bet ha-Elokim, on the other hand, is never mentioned in conjunction with the high priest. As his name indicates, he seems to have served as a Temple, not a priestly, administrator. And his participation in the silencing and arrest of Jeremiah would indicate a role relating to Temple security and order.

In sum, the kohen ha-mishneh and the nagid ha-Elokim seem to have been the precursors of the segan ha-kohanim and strategos tou hierou respectively. No doubt we must not go so far as to make exact segan ha-kohanim = kohen ha-mishneh¹⁰ and strategos tou hierou = nagid bet ha-Elokim equations; their duties did not coincide in all aspects. No doubt, also, the span of five hundred years between the appearances of the two saw many additional evolutionary stages and titles. But, after

9. The LXX, in fact translates kohen ha-mishneh in each case as
τῆς δευτέρου.

10. The Targum on the Prophets makes this equation as it consistently translates kohen ha-mishneh as segan kahanaya.

all is said and done, the kohen ha-mishneh and nagid bet ha-Elokim respectively may be recognized as precursors of the segan and strategos.

Nagid - Prostates - Strategos

The nagid-strategos equation may be extended one step further. It is possible to identify a middle step and title in the development of the officer and demonstrate that each name change is a reflection of a shift in power.

In the early days of the Second Temple, the kehuna assumed the bulk of power in the new Judean state, both religious and civil. The representatives of malkhut bet David were eliminated as political factors after the very first generation and do not reappear until the very end of the Temple.¹¹ Though it is accepted that the kehuna held the reins of power, precisely how they bore up to their responsibilities is unknown. Due to the absence of sources, the Persian era remains a closed book historically, open only to conjecture. However, what seems to have happened is that a priestly-theocratic government was formed in which the administrative organization of the

11. For a discussion of this entire matter see A. T. Olmstead, A History of the Persian Period, Chicago, 1948, esp. 130-165 and S. Zeitlin, The Rise and Fall of the Judean State, Philadelphia, 1965, vol. 1, 6-9.

Temple became the administration of Jerusalem and Judea.¹²

The religious high priest was also, in effect, the political high commissioner.^{12a} And the subordinate Temple priests became the subordinate public officials. As a consequence of Yehoshua's victory over Zerubbabel, the entire religious and civil leadership rested in the hands of the Temple priesthood. Certain civil as well as religious powers now fell within the administrative realm of the nagid bet ha-Elokin.

In the middle of the Second Temple era, we find a sudden challenge to the high priesthood in the form of a Temple official, Simon. The Second Book of Maccabees¹³ introduces the dispute as follows:

But a certain Simon of the family of Benjamin,¹⁴ who had been appointed prostates of the Temple, came into disagreement with the high priest (Onias) over the regulation of the city market.

The challenger Simon is described as the "prostates of the Temple" (προστατής τοῦ ἱεροῦ), a title which makes its first and only appearance here in Maccabees. This prostrates of the

12. Thus, when Nehemiah needed two officers to be responsible for the gates of the city of Jerusalem, he selected his brother and a Temple official, Hananyah, the sar ha-birah (Neh. 7:2).

12a. "For the high priests were at the head of affairs until the descendants of the Asmonaeon family came to rule as kings." Ant. 11.4.8,111.

13. II Mac. 3:4.

14. See Appendix II.

Temple seems to have been the nagid bet ha-Elokim,¹⁵ with the new title possibly indicative of his new broader civil, as well as religious, authority.

This conflict between Simon the prostates and the high priest Onias, in light of the above analysis, may be explained as follows: By this late date Jerusalem was no more an insignificant hamlet with a few thousand soul population. It was a large city, commercially central and a growing metropolis. As the city grew so did the importance and power of the nagid-prostates, Temple-civil administrator. There is no reason to look strangely upon this battle between a "Temple" official and high priest regarding a purely economic-city matter. In reality the prostates of the Temple was by this time a high city official. This subordinate priest had grown so powerful in city administration that he was prepared to challenge his superior high priest in matters relating to the economic life of the city.

We need not follow those¹⁶ who see the Onias-Simon conflict as an attempt by the Temple administrator Simon to gain civil powers "in addition to his previous post". On the

15. Cf. H. Graetz, "Beitrage zur Zach-und Worterklarung des Bucher Daniel", MGWJ, XX (1871), 395-400; V. Tcherikover, Hellenistic Civilization and the Jews, Philadelphia, 1966, Appendix II. See also Kahanow's notes on the Hebrew translation of II Mac., op. cit.

16. L. Finkelstein, The Pharisees, Philadelphia, 1967, vol. II, 586f; Tcherikover, op. cit.

contrary, he always possessed civil authority and now sought only to procure total independence from the high priest in this realm. Behind his purely Temple title lay vast civil powers. Zeitlin is correct in observing on this matter that "holding this office gave him considerable power, not only over the Temple but over all of Judea".¹⁷ This is a very natural phenomenon, considering our explanation of the manner in which the priestly-theocracy evolved in Judea.

Were events allowed to proceed along their normal course, perhaps the high priest would have been able to maintain his absolute religious and civil authority. However, the cataclysmic Maccabean period, with its wars, revolutions and transfers of power and particularly because of the emergence of a new family of heroes, completely altered the outcome of the internal priestly struggle. Initially, with the victory of Judah and the establishment of the Hasmonean dynasty all power was securely concentrated in the hands of the Hasmonean leader who held the titles king and high priest. This leader, in view of his illustrious lineage, was greatly respected and admired, almost worshipped, by the people and the idea of challenging his authority was beyond question. Initially, it was a clear and unmis-

17. Zeitlin, op. cit., 73.

able victory for the high priest.

However, the collapse of the Hasmonean dynasty with the accompanying rise of Herod and Roman control of Judea, entirely reversed the situation. Eventually not only the high priest, but the priesthood as a whole, surrendered all its civil powers - powers which it held for almost 500 years in one form or another - to the Roman appointees. First Herod, then his children and finally the Roman procurators administered civil matters. The priesthood was again relegated to its basic sphere - that of religion. The priests were ministers of the Temple and nothing more. And the nagid, who originally served as a Temple administrator only, followed by a prominent role in the city of Jerusalem (prostates) now reverted to his original role as Temple administrator. His new status was again reflected by a title change as he was called strategos of the Temple.

Nagid bet ha-Elokim → Prostates tou hierou → Strategos tou hierou

Part Two

The Administration of Temple Ritual

Part Two

Introduction

The most basic function of the Temple and that which dominated its daily activity was the performance of ritual and the offering of sacrifices before God. The Temple at Jerusalem, being the only place to achieve atonement naturally developed a very busy daily operation which demanded a massive, well-organized administration.

To gain an insight into the dimension and complexity of the administrative machinery it might be well to examine one particular day in the year - Passover eve. On that day every Judean in a state of ritual purity was required to join in a group¹ (usually consisting of not less than ten nor more than twenty persons)² and offer a paschal lamb sacrifice in the Temple. Jews from throughout the world flocked to the holy city for this all important ritual.

How many offerings were brought? Two figures appear in the sources, each of which is nothing short of staggering. Josephus³ reports that shortly before the great revolt the

1. Ex. 12:4; M. Pes. 7.13.

2. Wars 6.9.3,423ff.

3. Ibid.

Syrian governor Cestius ordered a tally of the offerings to be taken for the emperor Nero. He found that 255,600 sacrifices were brought. The Talmud⁴ tells of a census ordered by King Agrippa which revealed 1,200,000 paschal offerings. Either figure reflects an enormous organizational job on the part of the Temple authorities to oversee the offering of these vast amounts of sacrifices in only a small portion of a single day. Indeed, the mishnah⁵ describes a special three shift system developed for the purpose of handling the massive undertaking.

The daily activity, was, of course, but a small fraction of the festival enterprise. Nevertheless, scores, perhaps hundreds, of sacrifices were brought daily which demanded rigid organizational arrangements.⁶ The early periods of the Second Temple are insufficiently documented to permit a sound reconstruction of this administrative machinery. However, with regard to the final period (Period IV), enough sources have survived to make feasible a partial reconstruction. The following part of the thesis is devoted to this study.

It has been explained earlier that the high priest of Period IV was only tangentially involved in Temple rites and did

4. T.B. Pes. 64b. But see J. Jeremias, Jerusalem in the Time of Jesus, Philadelphia, 1969, 77-84.

5. M. Pes. 5.5,7.

6. Cf. S. Baron, A Social and Religious History of the Jews, New York, 1952, vol. 1, 165-179, esp. note 7.

not busy himself with overseeing the minutiae of daily activity. Indeed, except for the Shabbat and festivals he rarely officiated in the Temple.⁷ Our discussion will, therefore, concentrate on the other priestly officers and agencies created to conduct and direct Temple sacrificial procedures.

The most basic organizational structure was the division of priests into twenty-four orders - mishmarot - each mishmar presiding in the Temple for a week at a time, twice yearly. The mishmar was further sub-divided into a number of batei av, each bet av serving one day of the week.⁸ The officiants of these orders presided in the service, offered the sacrifices and shared in the portions of the priests. They were not, however, directors of the ritual.

The directors of ritual consisted of two groups. One was a permanent committee whose members, while not actually participating in the rites, retained ultimate responsibility for their proper execution, including legislative authority to initiate any necessary corrective measures. This committee was known as a "bet din shel kohanim". The second group consisted of a number of Temple officials actively involved with

7. Supra, chapter 2, note 26.

8. M. Taanit 4.2; Tos. Taanit 2.1,216. See later chapter 10, note 5.

the officiating mishmarot in the performance of Temple ceremonies. The memunim and minor Temple officials (e.g. Baal ha-Pul and Ish ha-Birah) compose this unit. We shall now begin an analysis of each entity.

Chapter 8

Bet Din shel Kohanim I

Much of the problems of Temple administration - particularly regarding supervision of the ritual and sacrifices - revolve about an institution known as the Bet Din shel Kohanim.

The Bet Din shel Kohanim is mentioned by name only twice in Tannaitic and once in Amoraic literature. 1. A mishnah in Ketubot¹ relates that the Bet Din shel Kohanim demanded a ketuba of 400 talents for the bride in a priestly marriage instead of the 200 talent sum demanded by Levites and Israelites. 2. In its description of the duties of the kings, the Tosefta² explains that the king is obligated to write a Sefer Torah and that it should be corrected, among other places, in the Bet Din shel Kohanim. 3. Rav Shemaiah in a passage quoted twice in the Babylonian Talmud, reports that the Bet Din shel Kohanim remained in session each day until the funds in the shofros (money boxes)³ were consumed for the necessary sacrificial purposes.⁴

1. M. Ket. 1.5. Appendix I, No. 1.

2. Tos. San. 4.7. Appendix I, No. 2.

3. M. Shek. 6.5.

4. T. B. Pes. 90b; Erub. 32a. Appendix I, No. 3.

On the basis of these three meager sources all attempts to reach substantial conclusions as to the precise nature of this bet din are frustrated. Each source indicates a singularly unique authority, a wholly different function. The first establishes jurisdiction in simple civil (domestic) matters, the second alludes to a respected textual authority, and the third recognizes sovereignty in the everyday ritual administration of the Temple. The three sources, therefore, act as supplements to one another rather than complements; one does not reinforce or develop an implied conclusion of the other, but rather broadens and expands upon the jurisdictional powers.

The realization of this difficulty has motivated scholars to embark on a search for additional evidence to shed light upon this institution. The underlying premise of their search has been that if a body such as the Bet Din shel Kohanim did indeed exist and function, then its activities must have certainly been far more numerous and involved than the three recorded explicitly in our rabbinic sources. Therefore, new sources have been sought which, while not making overt mention of it by name, seem to be referring to the judicial activities of this court. The following sources have been related by scholars to the Bet Din shel Kohanim:

1. "It happened that letters from distant lands were coming to the bnai kohanim gedolim which cumulatively had about a saeh or two of foreign soil among the seals and the sages did not suspect them of impurity."⁵

2. "If one traveled to a distant land and his wife was demanding support, Hanan said: let her swear at the end and not the beginning. The bnai kohanim gedolim disputed him claiming: let her swear at the beginning and end."⁶

3. "If one traveled to a distant land and another supported his wife, Hanan said: he has forfeited his money. The bnai kohanim gedolim disputed him claiming: let him swear concerning his expenses and collect then."⁷

4. "It happened with Tobias the physician that he saw the new moon in Jerusalem, he, his son, and his manumitted slave. The priests accepted him and his son and declared his son unfit. But when they came before bet din, they accepted him and his slave, but declared his son unfit."⁸

5. "And there⁹ they sat and examined the genealogy of the priests and levites."¹⁰

5. M. Ohalot 17.5. Appendix I, No. 4. The Bet Din shel Kohanim-bnai kohanim gedolim equation is suggested by Frankel, Darkei ha-Mishnah, 1959, (offset of Leipzig: H. Hunger, 1867), 62f; S. B. Hoenig, Sanhedrin Gedola, translated from the English by Israel Eldad, Jerusalem; Mosad Harav Kook, 1961, 195f. Cf. chapter 3, "The High Priest".

6. M. Ket. 13.1. Appendix I, No. 5.

7. Ibid. 13.2. Appendix ibid.

8. M. Rosh Hashana 1.7. Appendix I, No. 6. Suggested by Frankel, op. cit. cf. chap 14, "The Preliminary Courts of the Priests".

9. The locale is identified in different sources as the lishkat ha-gazit or "behind the bet ha-parochet". Cf. chapter 14, "The Preliminary Courts of the Priests".

6. "The elders of bet din turned him (high priest on the Day of Atonement) over to the elders of the priests and they marched him to the Bet Abtinias chamber."¹¹

7. "How was it done (the cutting of the omer)? Apostles of bet din go out on the eve of the festival (Passover) and they prepare sheaves while the barley is yet attached to the ground so that it will be easier to cut."¹²

8. "The Ish Har ha-Bayit passed by each guard...the Ish Har ha-Bayit said to each: 'peace be unto you'. If he discovered that the guard was asleep, he struck him with his stick, and he had the authority to burn his clothing."¹³

9. "A priest who served while in a state of impurity, is not brought before bet din by his fellow priests, but the young priests remove him from the Temple court and split his skull with logs."¹⁴

10. Tos. San. 7.4, 425 and parallel sources. Appendix I, No. 7. The group examining the genealogies is identified as the Bet Din shel Kohanim by I. Weiss, Dor Dor v-Dorshay, Wilnow, 1904, Vol. I, 184; S. Zeitlin, The Rise and Fall of the Judean State, Philadelphia: JPSA, 1964, Vol. 2, 206.

11. M. Yoma 1.5. Appendix I, No. 8. The "elders of the priests" are equated by D. Hoffman, Der Oberste Gerichtshof im der Stadt des Heiligthum, Berlin, 1878, 40, with the Bet Din shel Kohanim.

12. M. Men. 10.3. Appendix I, No. 9. Suggested by Hoffman, ibid. Cf. chapter 13, "The pre-Actions of the Sanhedrin".

13. M. Mid. 1.2. Appendix I, No. 10. Suggested by L. Finkelstein, The Parisees, Third Edition, Philadelphia: JPSA, 1966, 731-33.

14. M. San. 9.6. Appendix I, No. 11. Suggested by L. Finkelstein, ibid.

10. ... "even a high priest who steps between the altar and the heichal proper is liable to have his skull split with logs."¹⁵

11. "It happened with an adultress priestess that they wrapped her with bundles of vine shoots and burned her."¹⁶

12. "The Hasmonean court enacted against a Jew who had relations with a gentile because of NSGA (menstrual impurity, slave-woman, proselyte, married woman)."¹⁷

The multiplicity of suggested 'new' sources for the Bet Din shel Kohanim has created a great deal of confusion among scholars concerning its religious orientation,¹⁸ jurisdictional realm,¹⁹ location,²⁰ leadership²¹ and origin.²² Some scholars

15. Tos. Kelim 1.6, 569. Appendix I, No. 12. Suggested by L. Finkelstein, ibid.

16. M. San. 7.2. Appendix I, No. 13. Suggested by H. Mantel, Studies in the History of the Sanhedrin, Cambridge: Harvard University Press, 1963, 29-33, 57.

17. T. B. Aboda Zara 36b. Appendix I, No. 14. Suggested by S. B. Hoenig, op. cit.

18. Hoffman's identification of the Bet Din shel Kohanim as the unit preparing for the omer ceremony, makes the court definitely Pharisaic (see chapter 13, "The Pre-Actions of the Sanhedrin"). On the other hand, Mantel's identification of the Bet Din shel Kohanim with the "unlearned" or Sadduceean court which sentenced an adultress priestly daughter to death by actual fire, would make the court Sadduceean.

19. Hoffman (op. cit.) recognizes the Court of Priests as the central authority governing the sacrifices and ritual of the Temple. Zeitlin (op. cit.), however, visualizes the court as a general "legislative body dealing only with matters which affected the priests". L. Ginzberg believed that the Bet Din shel Kohanim refers to the local courts in the

have gone so far as to accept all the suggested sources maintaining that "the existence of the 'Court of Priests' is well attested in rabbinic literature."²³ Besides the internal contradictions inherent in such a view²⁴ is the anomaly that such an all-encompassing institution is hardly mentioned by name in

priestly cities (an oral tradition reported by H. Mantel, op. cit., 78, note 143).

20. Weiss (op. cit.) locates its place of meeting at behind the bet ha-parochet. Zeitlin (op. cit.) accepts the lishkat ha-gazit. Hoenig (op. cit., 90-101) analyzes its place of meeting in great detail and concludes that it was convened in the lishkat ha-etz which he recognizes as the Hebrew analogue of the boulé. According to Ginzberg, (op. cit.) it did not even meet in the Temple!
21. Hoffman (op. cit.) ascribes its leadership to the segan ha-kohanim or nasi ha-kohanim - a title which does not appear in any of the sources and seems to be his own creation. Mantel (op. cit., 29-33) sees R. Yochanan b. Zaccai as its head, at least during its "Pharisaic period". This latter suggestion is adequately refuted by Jacob Neusner, A Life of Rabban Yochanan ben Zaccai, Leiden: E. J. Brill, 1962, 17, note 3 and 33, note 1.
22. Zeitlin (op. cit.) traces its origin to a period "long before the establishment of the Commonwealth". Hoenig (op. cit., 195f) draws its starting point in 141 B.C.E. - the very year that, in his view, the Maccabean revolt gave birth to the Sanhedrin.
23. L. Finkelstein, op. cit., 724.
24. The geographical location of the bet din presents just such a problem. A bet din supervising the Temple worship, would, of necessity, have to meet within the Temple precincts. Their scrutiny of the utilization of the funds of the shofros indeed leaves little room for any other conjecture. This bet din could not then act in the determination of the new moon since undoubtedly, at one time or another, some witness would be impure at the time of his testimony, thus barring his entry to the Temple area.

rabbinic sources and that it has gone totally unnoticed in the non-rabbinic sources such as the gospels, Philo and Josephus.²⁵

It would seem to us that not only are practically all the proposed sources correct, but quite a number of additional sources must be added to the list. The above discussed difficulties present themselves only because scholars have thus far labored under a questionable premise. All their efforts have been directed at ascribing the variously discovered powers to one individual unit. Their efforts have encountered frustration because such an all-encompassing unit logically could not and historically did not exist. For the Bet Din shel Kohanim, rather than being this single individual body heretofore envisioned by scholars, seems to have been a bureaucratic complex of offices, agencies, and courts, each performing its unique functions in its personal hall of session, functionally and geographically independent of its fellow agencies.

We may proceed one step further. It is quite conceivable that contrary to the opinion of the previously listed scholars, there was no one Temple institution called the Bet Din shel Kohanim. Bet Din shel Kohanim, when used in the sources, is

25. The absence of indications of a Bet Din shel Kohanim in Greek and Roman sources is inconclusive since foreigners were banned from the Temple and knew little of its internal activities and administrative structure. The gospels, however, do speak of internal Temple officials since Jesus preached in and was arrested in the Temple. Philo, particularly in De Spec. Leg., and Josephus, in scattered places both discuss Temple procedures and its absence from these sources is certainly admissible evidence for the absence or,

used as a common, not a proper noun. The term Bet Din shel Kohanim is not to be translated: "The Priestly Court", but rather: "a court composed of members who are priests". When written, bet din shel kohanim is not to be capitalized, therefore. Any court performing any function in any sphere whatever whose members happen to be priests may, within this scheme, rightfully be called a bet din shel kohanim.

We must go one step further. The term bet din may not necessarily mean a court in the judicial sense of the word. A bet din shel kohanim may be a court or agency or council or committee composed of priestly members. There are scores of examples in rabbinic literature where the term bet din is used with these other non-judicial meanings.²⁶ Generally, in Jewish law a court has far broader functions than merely judicial, often acting in administrative²⁷ and even legislative²⁸ roles as well. Thus a priestly genealogy committee could be called a bet din shel kohanim, as could be an aristocratic council of former high priests or a supervisory agency.

Another point should be noted. When searching to iden-

at least, low stature of the Bet Din shel Kohanim.

26. Various committees of the Sanhedrin collected Temple shek-alim (M. Shek. 1.1), proclaimed new months and sanctified leap years (M. San. 1.2). In addition, we find courts supervising the haliza (M. Yeb. 12.1) and miyun (M. Yeb. 13.1) ceremonies, accepting converts (T. B. Yeb. 46b) and relieving people of vows (Sifri, Be'haaloscho, 73). None of these functions are judicial in nature but in each case the "court" in reality is a committee.

tify the various agencies in the Temple administrative complex, it would be ludicrous to admit for analysis only those sources utilizing the title bet din shel kohanim. Since bet din shel kohanim is not an official title but a noun bet din with an adjectival appendage describing its membership, it would seem likely to find instances where the term "bet din" is used alone (without the 'shel kohanim') appendage, yet a court of priests is actually intended. Indeed, we might even discover that bet din alone is the usual terminology employed by the sources, with the 'shel kohanim' appended on rare occasions.

That this phenomenon is at least partially true may be demonstrated by the first of the aforementioned sources, using bet din shel kohanim. A mishnah²⁹ in Ketubot recounts the demand of a bet din shel kohanim that double allowances be incorporated within all priestly ketubot. A parallel report given by the Tosefta³⁰ relates the same information but ascribes the ordinance simply to a bet din, not a bet din shel kohanim. There is no need to see a contradiction of sources. It is highly unlikely

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27. E.g. Tos. Shek. 1.1-2,173. The court sent out messengers to repair roads, dig ditches and mikvaot and compel people to comply with its directives. Cf. M. R. H. 2.2.
28. The Bet Din ha-Gadol or Sanhedrin is the only court which wielded religious legislative powers. Cf. Hoenig, op. cit., 104f.
29. Supra, note 1.
30. Tos. Ket. 1.2,260: "והנזון כהקנה שהתקינו ב"ד בה ישראל לכהן ובה כהן לישראל ד' מאות זוז."
Cf. Note 14 in the following chapter.

that the Tosefta is reporting the decree to be a product of an ordinary court. Such a decree, designed to stress and protect their aristocratic status, would be enacted only by the priests themselves. Rather, we must posit that both sources are referring to the identical body, with one affixing a descriptive appendage, 'shel kohanim' lacking in the other. The term bet din alone may thus on occasion refer to a court of priests.

In discussing the "Bet Din shel Kohanim", scholars have long been puzzled by the conspicuous scarcity of sources referring to this institution by its title. Three explanations have, therefore, been proposed to account for "the vagueness of the Talmud on the subject".

1. "The obsolescence of the institution when the Talmudic records were compiled."
2. "The opposition of the Pharisaic scholars."
3. "The controversies surrounding the Court's authority during its existence."³¹

The first two reasons are undoubtedly contributing factors; they do not, however, fully answer the difficulties. For although the court was obsolete when Talmudic records were compiled, it did function during the composition of the early mishnahs, some of which may be dated to the period of the Second Temple.³²

31. Finkelstein, op. cit., 725.

32. See Hoffmann, Die erste Mischna, Berlin, 1882. Cf. Ch. Albeck, Mabo la-Mishnah, Jerusalem, 1959, chapter 4.

Furthermore, the Sanhedrin too was obsolete during the Amoraic period, yet we find it expounded upon at great length in the Talmud. If the non-functioning Sanhedrin was discussed, why could not the Priestly Court merit examination?

The Pharisees attempted on a number of occasions to wrest control of the Temple services from the priests,³³ and certainly must have opposed this Bet Din shel Kohanim to some degree. But this cannot fully explain the non-appearance. We find many practices recorded in rabbinic literature which were opposed by the Pharisees.³⁴

These first two reasons, while not complete explanations, are certainly helpful. The third, however, rather than answering the difficulty seems only to sharpen it. For controversy does not remove a subject from sources. On the contrary, controversy intensifies discussion increasing citations. How often are Pharisee-Saducee debates mentioned in rabbinic sources!

Our explanation of the bet din shel kohanim removes the entire question. Rabbinic sources hardly mention the "Bet Din shel Kohanim" simply because there was no one formal institution with the title.

With this understanding of bet din shel kohanim we can embark upon an analysis of the Temple's ritual administration. We

33. See S. B. Hoenig, "The Supposititious Temple Synagogue", JQR, LIV (1963), 107-112.

34. E.g. M. Pes. 4.8: ששה דברים עשו אנשי יריחו על שלשה מחו בידם ועל שלשה לא מחו בידם.

shall begin with a study of one particular bet din shel kohanim, the committee which directed and oversaw the ritual activities of the Temple.³⁵

M. Ket. 1.5: ב"ד של כהנים היו גובין לבחולה ד' מאות זוז
ולא מחו בידם חכמים.

35. The other members of the priestly administrative complex are discussed in sundry portions of the dissertation. Included in the group are the Ziknei Kehunah (chapter 12), the priestly court accepting witnesses for the new moon (chapter 13), the priestly genealogy committee (ibid.) and possibly the bnai kohanim gedolim (chapter 3). Members of the complex not discussed in detail include a priestly civil court (supra, note 1) and a sefer torah textual committee (supra, note 2).

Chapter 9

Bet Din shel Kohanim II

Seven takkanot of bet din are listed in a mishnah¹ by Rabbi Shimon bar Yohai:

1) The funds for the drink offerings (three tenths of an ephah for a bullock two tenths for a ram, and one tenth for a lamb)² of an animal found in the Jerusalem area and brought as prescribed by law to the Temple as a sacrifice, are to be provided by the Temple treasury³ rather than by the individual finder.

2) The funds for the drink offerings of the sacrifices of gentiles sent from overseas are to be provided by the Temple treasury in cases where the sender failed to make his own provisions.

3) Similarly, the funds for the drink offerings of a proselyte who died are to be provided from the Temple treasury.

4) The funds for the daily meal offerings of a high priest who died are to be provided from the Temple treasury.

5) Salt and lumber belonging to the Temple, may be utilized by the priests in the eating and cooking of sacrifices.

1. M. Shek. 7.5-7.

2. Num. 15:1-11.

3. The terumat ha-lishka not sh'yarei ha-lishka.

6) The ashes of a red heifer are not subject to the laws of me'ilah which require the violator to pay the amount of benefit derived together with an additional fifth and to bring a guilt offering.⁴

7) The Temple treasury must pay for the purchase of a new fowl if a bird purchased from the funds of the shofros (Temple money boxes) is discovered to be unfit for ritual purposes.

These seven takkanot concern themselves specifically with the sacrificial rites of the Temple, and particularly with monetary phases of these rites. Each is clearly designed to remedy problems which arose in relation to the service in the Temple.

However, while the what of this passage is fairly lucid, the who is rather obscure. Who was empowered to legislate such edicts and enforce these takkanot? This question does not pertain solely to the takkanot listed here, but poses a very basic problem concerning the judicial structure of the Temple: under whose jurisdiction did the Temple service fall and which bet din had suzerainty over the sacrificial rituals and the various worship procedures?

4. Lev. 5:14-16.

This question is an old dispute among scholars. Most of them casually accept it as a fact that the administering body was the Sanhedrin in Jerusalem.⁵ Some have, however, relegated this authority to the realm of a priestly body, the Bet Din shel Kohanim.⁶ Others have compromised this position recognizing the Sanhedrin's exercise of some measure of control, at least over particular public rituals.⁷ Other scholars have shied the question entirely,⁸ while still others have adopted confusing positions adopting opposite views in the very same book.⁹

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5. L. Finkelstein observes that "...most scholars assume that it (the Sanhedrin) controlled the whole Jewish ritual, including that of the Temple." The Pharisees, Third Edition, Philadelphia: JPSA, 1966, 730. Cf. G. Alon, Toledot ha-Yehudim, Tel Aviv, 1952, vol. 1, 126.
 6. D. Hoffman, Der Oberste Gerichtshof in der Stadt des Heiligtums, Berlin, 1878, 40; Z. Frankel, Darkei ha-Mishnah, Tel Aviv, 1959 (offset of Leipzig, H. Hunger, 1867), 63; L. Finkelstein, op. cit., 724-736.
 7. S. B. Hoenig, Sanhedrin Gedolah, translated from the English by Israel Eldad, Jerusalem: Mosad Harav Kook, 1961, 101, 166-169, 195f.
 8. A. Gulak rejects the bet din shel kohanim as the agent which supervised the Temple service but fails to offer an alternative agent (Gulak, Yesode ha-Mishpat ha-Ivri, Berlin, 1923, IV, 20f). Büchler discusses the Temple administration at great length, ascribes most of its everyday toils to the priests but makes no mention of a priestly court. Possibly he did not recognize the existence of such an institution. (Büchler, ha-Kohanim va-Avodatan, translated from the German by Naphtali Giton, Jerusalem: Mosad Harav Kook, 1966. Cf. Büchler, Studies in Jewish History, Oxford University Press, 1956, esp. the article "On the History of the Temple Worship in Jerusalem".)
 9. J. Neusner, A Life of Rabban Yochanan ben Zaccai, Leiden: E. J. Brill, 1962. On page 47, note 3, Neusner writes: "This

One might be tempted at first to agree with those scholars who have assigned these powers to either the Great Sanhedrin or one of the other two high courts of Jerusalem. However, nowhere do we find such jurisdictional authority ascribed to these institutions, nor do we find any of these courts acting in the field of Temple worship. Surely, if the Pharisaic Sanhedrin controlled the Temple ministry, their writings would not fail to include references to this significant domain of authority. Yet, the sources, while telling of efforts by the Sanhedrin to wrest control of the Temple ministry, contain no statements of actual Sanhedrin sovereignty over the Temple whatsoever.¹⁰ Mishnah Sanhedrin, for example, lists the vast area of Sanhedrin sovereignty. Included within this jurisdiction lay certain Temple-related activities, e.g. redemption of the second tithes and holy objects (hekdeshot).¹¹ However, absolutely no mention is

provides further testimony that the Pharisees did not, as they later thought they had [where?] govern the Temple cult. The existence of priestly courts which were specifically determining the lunar calendar implies that such courts would have existed to determine many matters of Temple policy... Yet on pages 14-15 he writes, "While the tribunal [Sanhedrin] probably lost authority to inflict capital punishment... the court allegedly [where?] maintained the right to direct Temple affairs."

10. Hoenig's proofs of the Sanhedrin's interference in certain rituals are exceptions rather than the rule. Even he observes in Sanhedrin Gedolah, *op. cit.*, that the Sanhedrin acted in few cases, and that each of these was a "special ceremony". In a later article, "The Supposititious Temple Synagogue", *JQR*, LIV (1963), Dr. Hoenig extends his theory suggesting that "...within the chamber of the Great Sanhedrin, the Pharisees - the religious leaders of the Bet Din -

made of Temple ritual. If their authority included supervision over the most important religious center of Judea, why do the rabbis completely omit this crucial area from their discussion?

When speaking of Temple service, most sources employ the general term bet din, which is specifically indicative neither of lay nor of priestly authority.¹² Thus the term bet din is used by the previously listed seven ordinances of Rabbi Shimon. Similarly, a Tosefta¹³ describes the necessary procedures which must be adopted when "bet din" omits offering certain required sacrifices. Bet din is identified in none of these sources. There are, however, a few instances where the sources are more specific and, significantly, in each of these cases the authority indicated is a priestly one.

Abba Shaul, a frequent reporter of ancient traditions,

sought to regulate the order of the sacrifices for the Sadducean priests". Dr Hoenig is correct in stating that the Sanhedrin "sought" regulatory power. Whether they achieved it, however, is a separate question. See Part Three.

11. M. San. 1.3. We might make mention of the possibility that this particular part of the Mishnah reflects post-Temple practice. However, during the Temple era, the priests may have maintained dominion over these Temple-related activities.
12. The term "bet din" cannot help decide the question either way. For although "bet din" alone does sometimes refer to the Sanhedrin (Hoenig, *op. cit.*, Excursus 6), in most cases it is used in the very general sense, a court. e.g.
 - M. Babba Mezia 1.6: שאין בית דין נפרעין מהם.
 - Ibid. 18: וכל מעשה בית דין הרי זה יחזיר.
 - Ibid. 2/9: אם יש שם בית דין מחנה בפני בית דין.
 - M. San. 9.6: אין אחיו הכהנים מביאין אותו לבית דין.
 The term "bet din" may, therefore, refer to any court - a court of three, seven, twenty-three, the Sanhedrin and even

tells of an halakhic question which arose in the Temple regarding a nick in a slaughtering knife. The question was resolved when the priests voted to veto its efficacy for ritual purposes.¹⁴ The voting group is not identified, nor is there any indication whether it was a formal institution.¹⁵ But, we are told that its members consisted of priests.

One of the more highly regarded extra-canonical gospels, *Protevangelium Iacobi*,¹⁶ tells of a "council of priests" deciding to weave a veil for the Temple. The fascinating part of this source is that the "council of priests" - *συμβούλιον τῶν ἱερέων* is virtually a direct translation of bet din shel kohanim. This

the bet din shel kohanim. Finkelstein, in fact, suggests that the last of the above examples refers to the bet din shel kohanim. *Op. cit.*, 732.

13. Tos. Men. 7.5,521.
14. T. B. Zeb 88a: "Abba Shaul says: There was a knife which ripped in the Temple and the priests decided by vote (וּנְמַנּוּ עֲלֵיהָ) to dispose of it." This same incident is reported in the Tosefta with a small, but significant, alteration. It reads: "Abba Shaul says. There was a knife ripping and they ordered it disposed of". The decision-making body is not indicated in the latter source. This again demonstrates the phenomenon in rabbinic sources that general statements of Temple action refer not to the Sanhedrin but to the priests.
15. The term "וּנְמַנּוּ עֲלֵיהָ" would, however, indicate that the priests spoken of were at least a semi-official body. "וּנְמַנּוּ" is a term usually reserved for indicating the decision of a court or similar body, e.g. M. Shab. 1.4; Mikvaot 4.1.
16. *Protevangelium Iacobi* (X.I) as cited by S. Liberman, Hellenism in Jewish Palestine, New York, 1950, 167f. See also, C. Guignebert, Jesus, translated from the French by S. H. Hooke, New York, 1956, 57-59.

Christian source knew of such a Temple institution.

In one rare instance a bet din shel kohanim is specifically recognized in a rabbinic source as involved in the supervision of Temple ritual. The source appears in relation to the law of me'husar kapara. Those people who are classified as me'husrei kapara (lit. lacking atonement) are under a biblical injunction to bring a minimum sacrifice of two turtle-doves or young pigeons, one as a burnt offering and one as a sin offering.¹⁷ Even though the necessary time of impurity has lapsed, nevertheless, the me'husar kapara is deemed impure and is enjoined from eating kodshim until the time that these birds are offered. The actual procedure during the final years of the Second Commonwealth was for each impure individual to deposit the sum of the value of the fowl in a special box or shofar set aside in the Temple for this purpose. Near the end of each day the priests would open the box, purchase the fowl and perform the sacrificial ceremonies. At nightfall, the previously impure individuals, although not seeing the actual sacrifice, would proceed to eat kodshim on the assumption that their fowl were offered by the priests.¹⁸

17. Lev. 12:8; 14:22; 15:14; 15:29.

18. See M. Shek. 6.5. The Tosefta Shek. 3.3,177 says explicitly that "a woman who puts her funds for the birds in a shofar, eats from kodshim in the evening". Rashi in T. B. Pes. 90b beginning shebashofros explains the entire process in detail.

In a twice quoted statement in the Babylonian Talmud, Rav Shemaiah¹⁹ reports that a bet din shel kohanim was responsible for the proper execution of this procedure. "It was established that the bet din shel kohanim would not adjourn until the funds of the money boxes were consumed."²⁰ This source suggests that a bet din of priests functioned during the Second Commonwealth with some sort of overall responsibility for the proper execution of the Temple ministry. Its capacity was not one of officiants, but rather directors of the ritual.

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19. Rav Shemaia is a third generation amora (approximately 280 C.E.), separated from the Temple by a span of more than 200 years. His reports on Temple procedures and institutions must consequently be accepted with the most serious reservations. However, there are a number of factors here which lend particular credibility to his report:
- 1) He seems to be reporting a tradition - not inventing an answer. Thus he says, "חזקה" - i.e. such and such was an established practice.
 - 2) This report is accepted by the Talmud and there are no opposing traditions. We, therefore, have no reason to challenge its validity.
 - 3) On at least two occasions, material cited by Rav Shemaiah is prefaced by the phrase דברי רב שמעיה (T. B. San. 47a; R. H. 6b). This would indicate that he was a collector of ancient tannaitic traditions and any reports cited by him must be treated with great respect.
 - 4) This particular statement of Rav Shemaiah is most unusual in that it is not the "natural" answer to be given to the problem posed to him. If supervision over the bird offerings was desired, the natural authority to embrace such responsibility would be Pethahiah, the memuneh over the bird-offerings (M. Shek. 5.1). But Rav Shemaiah did not ascribe this function to Pethahiah, but to a bet din shel kohanim. It would be foolish for him to introduce an entirely new body when the Mishnah itself contains an obvious answer to his problem. Apparently, he had a tradition that it was a Priestly Court, and not Pethahiah, that was responsible for the proper dispensation of the funds in the shofar of bird-offerings.

The absence of any reference to the Sanhedrin supervising the Temple ministry and the presence of a number of sources specifically ascribing various aspects of it to the priests, jointly suggest that the priests themselves directed the sacrificial rites in the Temple. This conclusion is further corroborated by an historical perspective which must be considered: it is doubtful whether the priests would indeed surrender ultimate authority over the Temple ritual to the Sanhedrin. The priests were, after all, an aristocratic class and strove to protect their privileged rights. The Temple service was their duty, and their duty only - for "the commoner that draweth near shall be put to death".²¹ It was the priests who were exclusively assigned to "keep charge of the holy things and the charge of the altar",²² a mandate which was interpreted to mean that "all matters pertaining to the altar shall be performed only by you (Aaron) and your sons."²³ The Temple ministry was their domain and sovereignty over this realm was not to be easily surrendered to commoners.

20. T. B. Erub. 32a; Pes. 90b.

21. Num. 18:7.

22. Num. 18:5.

23. Sifri Numbers, end of Pesikta A: "...all things relating to the altar should be only by you and your sons."

Though the Sanhedrin did on occasion directly interfere with Temple rituals curbing priestly sovereignty, its Pharisaic leaders would unquestionably refrain from completely wresting this governing power from the hands of the priests. The laws, customs and procedures of the Temple were naturally best known and understood by the priests themselves.²⁴ We must not let the fact that the priestly ranks were saturated with Sadducees blind us to the reality that the priests had ancient, well-preserved traditions pertaining to the practice of Temple observances. Many of these traditions were, in fact, tightly guarded secrets known only to select priestly groups of families.²⁵

One more point deserves notice. Frankel²⁶ has already observed that with but one or two exceptions, the early Tannaim (those from the Temple period) do not discuss laws pertaining to Temple rituals except for the priests themselves. The Hillel and Shammai disputes, for example, save one place, do not concern Temple service.²⁷ Josephus also speaks of "priestly

24. Cf. J. N. Epstein, Mevo'ot le-Safrut ha-Tannaim, Jerusalem-Tel Aviv, 1957, 512f, where he collects a long list of derashot of priests from the time of the Temple.

25. The secret knowledge of priests included both technical skills (M. Yoma 3.11; Tos. Yoma 2.508), and miscellaneous bits of information crucial to the Temple services (e.g. the ineffable name of G-d: T. B. Kid. 71a; T. J. Yoma 40d).

26. Z. Frankel, Darkei ha-Mishnah, Warsaw, 1923, 63.

experts on the tradition".²⁸ It seems that these matters were handled exclusively by priests. The priests were the experts in this phase; they received special training in Temple worship, and they themselves presided over the Temple ministry. There can be no doubt that the Sanhedrin curbed their power somewhat, but to completely wrest ritual authority from the priests would have been both foolish and futile.²⁹

It is, therefore, our conclusion that the priests themselves directed the ceremonials in the Second Temple at Jerusalem. We would further say that there existed some sort of priestly institution with ultimate responsibility for the proper performance of Temple ritual. By our definition (and by its specific identification in two sources), we may rightfully call this court of priests a bet din shel kohanim. We would ascribe

27. Dr. Hoenig has correctly pointed out to me a second dispute of Hillel and Shammai on Temple affairs not quoted by Frankel - the dispute concerning sonkhin (M. Hag. 2.2). This would, of course, depend upon the interpretation of semikha. See S. Hoenig, Sanhedrin Gedolah, translated from the English by Israel Eldad, Jerusalem: Mosad Harav Kook, 1961, 64; Albeck's notes on Mishnah Hag., op. cit.,

28. Wars 4.3.7,154. Cf. Wars 2.17.2,412f.

29. There is another point to consider. S. B. Hoenig in his Sanhedrin Gedolah, op. cit., 166ff, cites a number of statements drawn from both rabbinic and non-rabbinic literature, which are, on close analysis, references to a tripartite division of Jewish government. Each statement individually is open to challenge; all taken together, however, establish a formidable basis for the hypothesis that the ritual phase of government was one of three independent divisions of Jewish government.

the seven ordinances of bet din cited by Rabbi Shimon, the additional priestly activities discussed in this chapter,³⁰ as well as numerous other activities reported in scattered places throughout rabbinic literature to this bet din shel kohanim.

At the same time it must be emphasized that most details of the court remain unknown. There is no knowledge regarding its structure, constituency and membership. Was it an independent and separate group? Or was it, perhaps, a council of known Temple officials such as the memunim? How large a court was it? How were its members appointed and deposed? What was its rela-

30. There is evidence directly linking the bet din shel kohanim's practice of overseeing the shofros with at least the seventh ordinance of Rabbi Shimon; both represent activities designed to cope with the very same problem. The problem was as follows: The previously described procedure of the me'husar kapara achieving atonement was fraught with certain dangers. If for some reason the sacrifices were not offered, the me'husar kapara would remain in his impure state and his eating of kodshim would be a transgression of the laws of purity. The sacrifices could fail to be offered due to one of two possible factors. Firstly, the priests, due to their over-burdensome duties, might forget the entire matter and simply neglect opening the box and offering these sacrifices. Or, they might buy the bird, prepare the offering but in the course of the service discover that the fowl is in some way ritually unfit for sacrifice. The duty of the bet din shel kohanim as described by Rav Shemaiah obviated the former danger, and the seventh ordinance of Rabbi Shimon the latter. Both operations were thus contrived to thwart almost identical hazards in the identical phase of Temple worship. It would seem logical to assume that the same priestly institution perpetrated both activities.

tionship with the high priest? the Sanhedrin? All these questions must remain historical enigmas in view of the scarcity of sources delineating its operation. But it would definitely seem to us that such an institution did indeed exist and function.

Chapter 10

The Memunim

The bet din shel kohanim in charge of Temple ministry was described in the previous chapter as embodied with responsibility for the proper execution of ritual. However, in all the sources it never appears as actively involved in the actual performance of rites. The seven takkanot in Mishnah Shekalim represent decisions for the application of the sacred treasure - but do not involve actual utilization of funds. The "council of priests" decided to have a veil made, but did not make the veil themselves. The bet din shel kohanim did not adjourn until ascertaining that the funds from the shofros were used - but they did not purchase the fowl themselves. This bet din was responsible for a failure to offer required sacrifices - but they did not personally officiate in offering of the sacrifices. In one word, there is evidence of a bet-din shel kohanim with ultimate responsibility over Temple ritual, but no indication whatsoever of direct continuous supervision or performance.¹

The supervisory authority involved in the day to day,

1. See chapter 9 for sources of these duties.

minute by minute supervision was, indeed, not the bet din shel kohanim. It was rather a group of officers known as memunim.

A mishnah in Shekalim tells the following:

These were the memunim in the Temple: Johanan the son of Phineas was over the seals, Ahijah over the drink-offerings, Mattathias the son of Samuel over the lots, Pethahiah over the bird-offerings...The son of Ahijah was over the sickness of the bowels, Nehuniah was the digger of ditches, Gebini was the crier, the Son of Geber was over the locking of the Gates, the Son of Bebai was over the strips, the Son of Arza over the cymbal, Hygros the Son of Levi over the singing, the House of Garmu over the making of shrewbread, the House of Abtinah over the preparing of frankincense, Eleazar over the veil, and Phineas over the vestments.²

The relationship between the bet din shel kohanim with ultimate responsibility and the memunim officers actively directing can be demonstrated by an analysis of two known functions of the court. We have previously discussed the daily practice of the bet din shel kohanim of ascertaining whether the fowl for the me'husrei kapara were purchased and offered. We have also discussed the decision of the priestly council to commission the production of a new veil for the Temple. But Mishnah Shekalim's list contains two memunim with just these tasks: Pethahiah over the bird offerings and Eleazar over the veils. There are thus two conflicting reports concerning the authority directing these areas. Who was in charge of bird offerings - the bet din shel kohanim or Pethahiah? Under whose

2. M. Shek. 5.1.

jurisdiction did the Temple veil fall - the bet din shel kohanim or Eleazar?

Our explanation answers these difficulties. Pethahiah was the memuneh over the bird - offerings - he emptied the shofar, purchased the birds and turned them over to the officiating bet-av for sacrifice.³ The bet din shel kohanim did none of the actual toil but was (at least nominally) responsible for the proper application of the funds. Similarly, Eleazar the memuneh over the veil supervised the production of the veil after the bet din shel kohanim decided on its production. The bet din shel kohanim oversaw, accounted for, and was responsible. The memunim supervised, directed and participated.

Two

The memuneh was not a member of the officiating mishmar, changing as the mishmar changed - he was a permanent officer. This is confirmed by the mishnah in Shekalim which enumerates the various memunim serving in the Temple, including the names of the people holding these positions. Whether the listed names are of those who served at the time the mishnah was written, or of the first individuals to hold the positions,⁴ they

3. T. J. Yoma 5.1, 48d.

4. Infra, section 4 of this chapter.

nevertheless reflect the permanent nature of the offices. Furthermore, each morning a memuneh had to be admitted into the Bet ha-Moked by the bet-ay in ministry. This memuneh was, therefore, not a member of the temporal bet-ay.

In view of the presence of mishmarot and batei-ay, what was the purpose of the memunim? Could not these rotating officiants perform the ritual alone? The answer is an emphatic no. Because of the constant rotation, the average priest saw actual duty in the Temple but a few times yearly, perhaps only once.⁵ The ministering priests were in a constant state of flux. This circumstance demanded the adoption of safeguards to assure a smooth transfer between mishmarot and batei-ay, and to protect the established Temple practices from deviations which would be the natural product of these frequent rotations of ministers. In addition, the constant, daily changes of ministers would make it virtually impossible to pinpoint and isolate the perpetrators of abuses of Temple funds and other misdemeanors.

These problems were not exclusive to the Temple at

5. The precise number of batei ay per mishmar is unknown - the rabbinic sources contain divergent opinions on the matter. One report tells of a bet-ay for each day (six in all, for on the Sabbath the entire mishmar served); thus, each priest would serve approximately twice yearly. Another report, however, sets the number of batei-ay relative to the membership of each mishmar; thus the number of days each priest would be dependent upon the size of his mishmar. See T. B. Men. 107b; Tos. Taan. 2.2, 216; T. J. Taan. 4.2, 68a.

Jerusalem. Every Temple with rotating orders suffered the problems created by the frequent changing of the guard and adopted various safeguards.⁶ In Jerusalem, it was the permanent officers, the memunim, who solved the problem. They maintained permanent authority over various aspects of the Temple and wove the thread of continuity necessary for the preservation of established Temple practice and the supervision over its property. The daily bet av performed all aspects of the daily ritual but working along with them at every step were the various memunim supervising the procedure of ritual and the utilization of Temple properties.

Three

The clear impression of Mishnah Shekalim is that each memuneh had a strictly limited function. General supervisory powers for these officials are in no way indicated in this source. It can be demonstrated, however, that the functions of the memunim were far broader than the confined ones listed here.

It is reported, for example, that a certain memuneh supervised the daily priestly prayers in the Lishkat ha-Gazit.

6. The Egyptian temples, for example, established a practice of an inventory of the temple vessels and treasury to be taken jointly by the outgoing and incoming orders. While such a solution sufficed for the small Egyptian temples, it was not at all feasible in the far larger and richer Temple at Jerusalem. "Priesthood", Encyclopedia of Religion and Ethics, ed. J. Hastings, vol. 10, 1920, 297b.

"The memuneh said to them, 'Pronounce one blessing'! and they did so."⁷ Which memuneh was this? Certainly his activity falls into none of the categories listed in the mishnah in Shekalim. Who was he?

Similarly, a memuneh was reported to have ascertained each morning when the Temple rituals could begin. "The memuneh said to them, "Go and see if the time of slaughter has arrived."⁸ Once again the activity of this memuneh lies outside the categories listed in Shekalim.

Yet in each of these two cases the memuneh referred to is unquestionably the memuneh over the lots. In the former case this is verified by the following mishnah which begins, "He said to them, 'Those who have not as yet brought the incense, come and choose lots'."⁹ The latter case is corroborated by the identification of the memuneh as Mattathia the son of Samuel, the individual listed in Shekalim as over the lots.¹⁰ We have thus found in these mishnahs in Tamid two additional duties of the memuneh over the lots.

This memuneh is also mentioned as opening the gates of the azarah,¹¹ and seems to be the one initiating the burning

7. M. Tamid 5.1: אמר להם הממונה ברכו ברכה אחת! והם ברכו.

8. Ibid. 3.2; Yoma 3.1: אמר להם הממונה צאו וראו אם הגיע זמן

השחיטה.
9. M. Tamid 5.2: אמר להם חדשים לקטרת בואו והפיטו.

10. Ibid. 3.2: מחיה בן שמואל אומר האיר פני המזרח עד שהוא בחברון? והוא אומר היין!

11. Ibid. 1.2-3: ...
 12. Ibid. 6.3: ...
 13. Ibid. 1.3: ...

of incense.¹² In summary, the memneh over the lots, besides his basic function of managing the lottery, also directed morning services; he determined when the service should begin, opened the gates of the azarah, led the procession of torch-toting priests around the Temple precincts,¹³ supervised the priestly prayers, and regulated the burning of incense. In short, he directed the entire morning ritual from beginning to end.

Two important conclusions may be drawn from these observations: 1. The memneh had many more tasks and far broader authority than that listed in Mishnah Shekalim. 2. The memneh over the lots was with the priests, supervising them throughout the offering of the tamid shel shachar -- the daily morning sacrifice.

The first conclusion may be challenged claiming that all the evidence presented concerning broader powers has been limited to the memneh over the lots. It may be claimed that

the memuneh over the lots was truly an overseer of the morning service, but that his activities do not reflect general practice. Perhaps the case of the memuneh over the lots is an atypical one and general conclusions may not be drawn from it.^{13a}

This position, however, does not seem very tenable. For the only reason we have so many sources for the activities of the memuneh over the lots is that Mishnah Tamid has been preserved - a complete ancient^{13b} collection of material describing every phase of the morning service in the finest minutiae. Regrettably, we have not been quite as fortunate with regards to the other Temple rituals and lack such detailed sources. But it seems certain that the integral role played by the memuneh in the tamid shel shachar is not an atypical one, but is symptomatic of all the Temple service. There is absolutely no basis for an assumption that the tamid shel shachar was different from all other sacrifices, demanding extra supervision not required by the others. Rather, we must conclude that the memunim were the directors of all Temple worship, and indeed much of the service could not commence without their expressed, verbal consent.

13a. The Tosafists seem to adopt such a view when they suggest that wherever the officer "memuneh" is mentioned without a qualification as to which particular memuneh is referred to, the memuneh over lots is meant. The underlying premise of this suggestion is that contrary to all other memunim, who had strictly limited functions, the memuneh over the lots was a general supervisor of Temple ritual. See Tosafists in Men. 100a, beginning

13b. See I. Ginzberg, "Tamid", JJLP I (1919), 33-34, 265-295.

This conclusion is corroborated by further evidence of particular memunim with broader functions. When Crassus plundered the Temple in the year 54 B.C.E., Josephus reports that he met an official, Eleazar, who was in charge of the veils of the Temple.¹⁴ This Eleazar is undoubtedly the memuneh "Eleazar over the veils" mentioned in Mishnah Shekalim. Josephus calls this Eleazar a Temple treasurer, indeed the only treasurer who knew the location of a certain concealed bar of gold.¹⁵ Thus, the memuneh "Eleazar over the veils" was also a Temple treasurer (gizbar).

Isaac Halevi¹⁶ arrives at our conclusion of broader memuneh functions from a different source. After listing the memunim in the Temple, Mishnah Shekalim continues:

There are never less than three gizbarim and seven amreclim and we do not impose any authority over the people in monetary areas with less than two people, except for the Son of Ahijah who was over the sickness of the bowels and Eleazar who was over the veils.¹⁷

The son of Ahijah was a doctor whose only function, according to the mishnah, was to treat the priests for a certain

14. Ant. 14.7.1,107 "...a priest named Eleazar...being entrusted with the keeping of the curtains of the sanctuary..."

15. Ibid.

16. I. Halevi, Dorot ha-Rishonim, Frankfurt a. Main, 1918, Part I, vol. 5, 105.

17. M. Shek 5.2.

bowels disease.¹⁸ Why, then, is he singled out as someone permitted to hold dominion alone over the people in a monetary area? What does the treatment of a disease have to do with monetary jurisdiction? Halevi, therefore, suggests that memunim possibly functioned in areas other than the specific ones listed in Shekalim. In view of our other evidence we may conclude that Halevi is correct.

There is yet another source vindicating our expansion of the memuneh's functions. Josephus tells of a certain Temple treasurer, Phineas, winning a pardon at the conclusion of the great war against Rome by delivering to Titus tunics and girdles worn by the priests, some purple and scarlet material and assorted spices and incense.¹⁹ In view of the fact that priestly garments comprised the major part of his cache, it seems likely that this Phineas is the memuneh "Phineas over the vestments". Like Eleazar over the veil, Phineas over the vestments was also a Temple treasurer.

We therefore conclude that the functions of the memunim listed in Shekalim represent their basic or perhaps original duties but that many additional duties fell within their jurisdiction.

18. Cf. T. J. Shek. 5.2, 48d.

19. Wars 6.8.3, 390f.

Four

The mishnah in Shekalim which lists the various Temple memunim, has long been the topic of debate among scholars. When did these memunim positions originate? When did the particular memunim listed serve? A great many theories have been offered in answer to these questions.

The Jerusalem Talmud,²⁰ the first to pose the problem, offers two opposing solutions. One opinion holds that the best of each generation are listed. The other counters by suggesting that this list of those memunim officiating in the particular generation when the mishnah was composed. Neither opinion states precisely when these memunim functioned and modern scholarship has delved into the problem at great length.

The crux of the problem is that there are a good deal of sources referring to the memunim named in Shekalim, but they are indicative of functioning in a few different eras. Below is a listing of these sources according to periods indicated.

I. Persian:

1. "Pethahiah over the bird offerings: Pethahiah is Mordechai. And why is he called Mordechai? For he began (poseah) discoursing and he knew seventy langua-

20. T. J. Shek. 5.1,48c: ר' חזקיה אמר ר' סימון ורבנן חד אמר כשירי דור ודור בא למנות עליהן. וחרונה אמר מי שהיה באותו דור מנה מה שבדורו.

ges."²¹

II. Hasmonean.

1. A passage quoted three times in the Babylonian Talmud, contrary to the above mishnah, dates Pethahiah, the memuneh over the bird offerings, to the time of the Hyrcanus-Aristobulus civil war (66 B.C.E.). The Talmud first tells the famous story of the siege of Aristobulus in the Temple by Hyrcanus and his Arabian allies. Following this episode, a story is related about Pethahiah and is introduced by the phrase, "and concerning that time we have learned the following incident".²²

2. The previously discussed meeting of Crassus and Eleazar, the memuneh over the veils (54 B.C.E.).²³

III. Roman.

1. "King Agrippa heard Gebini's cry from an eight parsaot distance and rewarded him with many presents."²⁴

2. The previously discussed meeting of Titus and Phineas, the memuneh over the vestments (70 C.E.)²⁵

3. The Tosefta²⁶ presents an alternate list of memunim to our mishnah. Among those listed is "Yochanan b. Gudgedah over the locking of the gates". Yochanan b. Gudgedah is a well-known saintly scholar who lived during the destruction of the Temple.

21. M. Shek. 5.1.

22. T. B. Men. 64b; Sota 49b; Bab. Kamma 82b.

23. Supra, note 14.

As a result of these sources, three schools of opinion have arisen concerning the dating of the memunim in Shekalim. Some have seen them as the first memunim to officiate upon the return after the decree of Cyrus,²⁷ others as Hasmonean period officers²⁸ and still others as the officiating memunim at the time the mishnah was written (Roman period).²⁹ No school has

24. T. B. Yoma 20b; cf. T. J. Shek. 5.2,48d.

25. Supra, note 19.

26. Tos. Shek. 2.14,177.

27. Traditional commentaries followed by Isaac Halevi. Infra.

28. N. Krochmal, Moreh Nevuchei Hazman, Kitvei Ranak (ed. s. Racidowicz), Berlin, 1924, 193.

29. This theory is the most popular one in modern scholarship. Graetz suggests that these memunim are the "high priests" reported by Josephus to have been appointed by the rebels shortly after their early successes. Since there was only one high priest Graetz assumes that by "high priests" Josephus is referring to high Temple officials and thus memunim. (H. Graetz, "De Letzten Tempelbeantant vor der Tempelzerstörung und bei Tempelamter", MGWJ XXXIV (1885), 11f.) This theory is, however, baseless. The high priests are a well known aristocratic group and when Josephus speaks of "high priests" he is referring to this group -- not to general high Temple officials. Furthermore, the memunim may not have even been priests. Indeed, the only memuneh whom we are able to identify -- Yochanan b. Gudge-dah -- was a levite! See chapter 3, "The High Priests".

Büchler traces the institution of the offices of the memunim and thus the list in Shekalim to the last decade of the Temple. Specifically he believes that these officers were appointed by Pharisaic leaders in the year 63 C.E. when, in his view, they wrested control of the Temple from the Sadducean aristocracy. (A. Büchler, ha-Kohanim va-Avodatam, translated from the German by Naphtali Giton, Jerusalem, Mosad Harav Kook, 1966, 45.)

however, successfully explained away the reference to these memunim in periods other than its own.

Halevi,³⁰ with characteristic sharpness, takes all the scholars to task and carves out an original approach to the problem. Combining the many sources in the various periods, Halevi concludes that the names listed in Shekalim are those of the first memunim, and that all subsequent memunim went by these same names. Any memuneh over bird offerings was called Pethahiah, any memuneh over the veils, Eleazar, any crier, Gebini, etc.

When did the first memunim exist? When was the institution of memunim initiated? The mishnah identifies Pethahiah as Mordechai. Halevi assumes that the Mordechai of the Book of Esther (and thus Mordechai Balshan of Ezra according to a tradition which Halevi accepts)³¹ is meant and that the memunim officials were initiated at the very dawn of the second Temple.

Halevi's theory, on the whole, seems to be the most credible one. The plain fact is that in all sources, both rabbinic and Josephus, and in every generation we hardly find memunim with names other than those listed in Mishnah Shekalim.

Hoffman, by a complicated but far from conclusive argument, identifies the Agrippa in the story with Gebini the crier, as Agrippa I. According to him, Mishnah Shekalim's list was, therefore, composed in 44C.E. at the latest (the year Agrippa I died). (D. Hoffman, Der erste Mischna, Berlin, 1882, 17f).

30. Halevi, op. cit., 96-196.

However, Halevi's assumption that the listed memunim are the ones who functioned at the dawn of the Second Temple is unacceptable. Besides the one line in mishnah equating Pethahiah with Mordechai, we find no memunim prior to the late Hasmonean era. Indeed, it is the Talmud and not the mishnah which identifies this Mordechai as Mordechai Balshan, and the Talmud in other places contradicts itself on this identification.³² Also, it is highly doubtful that Mordechai, being a layman,³³ could have been a memuneh in the Temple. Moreover, this whole piece of the mishnah identifying Pethahiah with Mordechai is a strange digression from the list, which is quite conceivably a later interpolation.³⁴ At any rate, even granting the authenticity of the mishnah, it cannot alone serve to date the memunim to so early a time.

Our conclusion is, therefore, that the listed memunim in Shekalim are the standard names used by all memunim in every generation. We would further postulate that the names and possibly the offices originated sometime in the Hasmonean era when they first appear in the sources.

31. Ezra 2:2; cf. T. B. Men. 65a.

32. See source 1 of the Hasmonean period in above list.

33. Both Mordechai (Est. 2:5) and Mordechai Balshan (Ezra 2:2) were Israelites, not priests or levites.

34. See Ch. Albeck's additions in his mishnah on Shek. 5.1.

Chapter 11

Minor Temple Officials

Besides the memunim who supervised the major parts of ritual rites, there existed in the Second Temple a number of minor Temple officials. Some of these officers will be briefly examined in this chapter.

One

A hazan ha-kneset¹ and rosh ha-kneset² are mentioned in a number of sources as officiating in the Temple proper. Most scholars have casually assumed that there was a synagogue in the Temple and that the hazan and rosh ha-kneset were its presiding officers. S. B. Hoenig³ has, however, demonstrated the falaciousness of the notion that the Temple had a synagogue, thus reopening the question of identifying these two leaders.

1. Or simply hazan. M. Yoma 7.1; Sota 7.7,8; Suka 4.4; Tamid 5.3. Tos. Meg. 4.21,227; Taan. 1.14,216; Bik. 2.8,101.

2. M. Yoma 7.1; Sota 7.7.

3. S. B. Hoenig, "The Supposititious Temple Synagogue", JQR, LIV (1953), 107-111.

Finkelstein⁴ sees the rosh ha-kneset as a central and very powerful leader. He identifies the kneset with the Pharisaic community in toto and identifies the rosh ha-kneset as the head of the Pharisees.

Hoenig⁵ does not go this far. Finding the term kneset used by the ma'amadot, he postulates that rosh and hazan ha-kneset were "Pharisaic, communal, non-priestly leaders". He does not, however, recognize them as central leaders of the entire Pharisaic movement.

Because it appears in so few sources, little more can be added regarding the status of the rosh ha-kneset. However, concerning the hazan more substantial conclusions may be reached. We may say quite definitely that the hazanim were Temple dignitaries on the lower echelons of the hierarchy.

His known duties in the Temple, of themselves indicates this. In Mishnah Tamid⁶ the hazan appears as a steward helping declothe those priests who failed to win a portion of the service in the lottery. On the Sabbath of the Sukkot festival the hazan collected and distributed the lulavim to the

4. L. Finkelstein, Haperushim ve-Anshei Kneset Hagedola, New York: Jewish Theological Seminary, 1950, 31-36.

5. Hoenig, op. cit.

6. M. Tamid 5.3.

people.⁷ Neither activity is a very prestigious one. And even when he did receive an honor - for example, when the king or high priest read the Torah publicly in the Temple - he was furthest removed from these leaders, in the order of honors. He took out the Torah and passed it to a middle man who in turn transferred it to the high priest and the king.⁸ But, the hazan himself could not give it to the high priest and king.

Actually, the term "hazan" itself is indicative of this low position. For in its many extra-Temple usages, a "hazan" does not appear as a very high dignitary. The mishnah often uses hazan as a teacher of young children, indeed as a rather unscholarly and low-level teacher.⁹ A "hazan" appears in other Tannaitic sources as a sexton in a synagogue,¹⁰ or a bailiff.¹¹ Similarly, the hazan of the Temple was a menial aid in Temple procedural activities.

Two

The Ish Har ha-Bayit is described as an officer assigned

7. M. Suka 4.4.

8. M. Sota 7.7,8.

9. M. Shab. 1.3; Sota 9.15.

10. Tos. Suk. 4.6,198.

11. M. Mak. 3.12; Tos. Mak. 5.12,13,444; San. 9.1,428.

to check that the various Temple guards were on duty and alert at their stations. He had the authority to unilaterally burn the garments of any guard whom he found sleeping on duty.¹²

Abaye in the Babylonian Talmud,¹³ translating pakiah as a whip, identifies the Ish Har ha-Bayit with the memuneh "the son of Bibi over the pakia".¹⁴ He also adds to his duties the beating of priests who attempted to cheat in the daily lotteries. The Jerusalem Talmud,¹⁵ however, translates pakiah as a strip and describes his duty as making wicks for the candelabra out of strips of old priestly clothing. The identification, therefore, is most unlikely.

Some scholars have also equated the Ish Har ha-Bayit with the Ish ha-Birah.¹⁶ However, nothing is known of the latter officer and the equation is mere speculation.

12. M. Mid. 1.2.

13. T. B. Yoma 23a.

14. M. Shek. 5.1.

15. T. J. Yoma 5.1,48d.

16. Cf. Neh. 7:2.

Three

The Baal ha-Pul, like the Ish Har ha-Bayit, appears but once in the sources. We are told little about him but from the context it is evident that he was some type of police officer in the Temple.¹⁷

The term "Pul" is derived from the verb paloh, to search.¹⁸ He policed the Temple precincts, maintaining order, watching that all was performed properly, and enforced, by physical means if necessary, the directives of the memunim.

17. Tos. Kelim 1.6,569.

18. It is also possible that "Pul" is the Hebrew counterpart of the Greek boule. The Baal ha-Pul would thus be an officer of the city boule, or more likely a priestly council called boule. A final possibility is that "Pul" may be the counterpart of phule, the Greek term for mishmar (cf. Appendix II). Thus, the baal ha-pul may, in fact, be the rosh ha-mishmar.

Part Three

The Sanhedrin and the Priests

Part Three: Introduction

Our focus has thus far been concentrated upon the extensive participation of the priests in the administration of the Sanctuary and their determination of Temple policy. It would be fallacious, however, to assume that they maintained exclusive control, relegating the activities of the Pharisaic Sanhedrin to extra-Temple affairs only. To the contrary, the Sanhedrin had a role in Temple administration, and a significant role at that. The emergence of the Sanhedrin as a factor in Temple affairs is, in fact, a milestone in the historical development of the Second Commonwealth which must be recognized and understood.

We have no direct evidence of a functioning Sanhedrin in the early periods of the Second Temple; in fact, some scholars¹ maintain that there was indeed no Sanhedrin at all in the Persian and early Greek periods and that the institution was but a product of the Maccabean revolution. However, be this as it may, sources on the Sanhedrin in these early periods are non-existent and our discussion must, of necessity, be limited to the Hasmonean and Herodian-Roman periods, primarily the latter.

1. See S. B. Hoenig, Sanhedrin Gedola, Translated from the English by Israel Eldad, Jerusalem: Mosad Harav Kook, 1961, 37ff.

Many scholars have dwelt upon the issue of Sanhedrin-priest friction and division and have suggested various categories to explain this strife. Some have seen it as a priest-commoner rift, others as a Pharisee-Sadducee party clash, others as an aristocratic-am haaretz (patrician-plebian) class struggle and still others as a Temple-Sanhedrin jurisdictional conflict. All these explanations contain partial truths, though none is in itself a complete and accurate description of the phenomenon. For we are dealing with people in all their complexity and unfortunately human beings do not fall into rigid categories as neatly as we hope they would. There were Pharisaic priests and Sadducean commoners, aristocratic members of the Sanhedrin and simple priests administering the Temple, Sadducean amei ha-aretz and Pharisaic aristocrats. There were also many shades of Pharisaism and Sadduceism, different levels of aristocracy, various aspects of Temple affairs. The categories suggested are but generalities to be used with utmost caution.

In our discussion we shall utilize a slightly different category. Because of the above difficulties, our focus will not be on people and their complex social and religious orientations. Rather we shall adopt a political approach and recognize the strife as a clash between two establishments - the Temple and the Sanhedrin, each seeking to consolidate and extend its sphere of dominion. We shall on occasion introduce some of the other categories into our discussion but none shall be recognized as the overall, consistent explanation of the differences. The Sanhedrin and Temple establishments clashed some-

times because of jurisdictional conflicts, sometimes through religious disagreements and sometimes out of class considerations. Each category can be helpful when applied with the proper judgment and discretion.

Chapter 12

The Ziknei Bet Din and the Ziknei Kehunah

During the seven day preparatory period prior to the Day of Atonement, the high priest was given detailed instructions concerning the service on this most holy day by a group known as the ziknei bet din, the "elders of the court". These elders reviewed the ministerial procedures carefully with him, making the high priest intimately familiar with the service so that no errors be committed which would forfeit atonement for the people of Israel.¹

On Yom Kippur eve, as the time of service drew near, the high priest was transferred from the hands of these "elders of the court" to the ziknei kehunah, the "elders of the priests". These "elders of the priests" then escorted the high priest to the Bet Abtinah chamber where he practiced the art of burning the incense on the pan of fiery coals.

This description of the pre-Yom Kippur procedure presents a number of historical difficulties. Two types of officials are listed in the mishnah - the ziknei bet din and the ziknei kehunah: who are they and what were their functions?

1. M. Yoma 1.1-5.

The ziknei kehunah present a particularly pronounced problem. In all rabbinic and non-rabbinic sources this is the only mention of the group by name. Did this body of priests have no other function? Furthermore, on the Day of Atonement itself, their only duty seems to have been to escort the high priest to the Bet Abtinah chamber.² Was an entire body formed for this once-a-year, ostensibly inconsequential task? An explanation must be offered to account for all these factors.

Let us begin with an examination of the title itself - zaken. The term zaken fundamentally means elder. Brull³ has shown, however, that the title zaken came to mean in time a respected person or dignitary. To his many proofs may be added the fact that the Targum does not always translate zaken as elder, but often as a "virtuous individual"⁴ or "wise man".⁵ Similarly, in Rome the title for the highest political dignitaries was senator, a Latin derivative of senex, old man. The

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2. The only duty of the ziknei kehunah explicitly described by the Mishnah is escorting the high priest. It is of course possible that these priests were the ones who practiced the incense burning with the high priest. However, in view of the fact that Bet Abtinah is listed in Mishnah Shekalim (5,1) as "over the preparation of ketoret" it seems more likely that they instructed the priests in this art. The burden of proof is, therefore, on the one who wishes to ascribe further duties to the ziknei kehunah.
 3. J. Brull, Mavo ha-Mishnah, Frankfurt A.M., 1876, 40ff.
 4. Targum Pseudo-Jonathan on Num. 11.16.
 5. Ibid. Psalms 108:32; Targum Yerushalmi on Num. 22:7, cf. M. Halla 2.5 where zaken is used in mishnaic Hebrew for a "wise man".

term zaken therefore means a respected or honored individual, a leader.

We may proceed one step further. Hoenig⁶ has demonstrated that the terms zikeinim, ziknei ha-ir, and ziknei Yisroel are translated by the Septuagint as gerousia - an official governmental body of elders. In the same vein it might very well be that the terms ziknei bet din and ziknei kehunah are not simply descriptions of the participants but titles of official groups. Thus, the Ziknei Bet Din and Ziknei Kehunah might be official institutions whose members were each called a zaken, elder. The Ziknei Bet Din was a committee of the Bet Din ha-Gadol or Sanhedrin,⁷ and the Ziknei Kehunah a committee of the clergy. We thus find the Sanhedrin involving itself in a completely intra-Temple matter: the Yom Kippur ceremony.

Let us initially isolate the fundamental responsibility of the ziknei bet din on Yom Kippur. Their purpose on this day was unquestionably to assure that the incense burning was performed in accordance with Pharisaic interpretation. A

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6. S. B. Hoenig, Sanhedrin Gedola, translated from the English (The Great Sanhedrin, Philadelphia, 1953) by Israel Eldad, Jerusalem: Mosad Harav Kook, 1961, 152f.
 7. Perhaps synonymous with the zikeinim who flanked the nasi on his left side when he presided over the Sanhedrin. Tos. San. 8.1,427. This would contradict Mantel's claim that all "the scholars in the Great Sanhedrin were called 'elders'." (H. Mantel, Studies in the History of the Sanhedrin, Cambridge: Harvard University Press, 1963, 108).

bitter Pharisee-Sadducee controversy raged concerning whether the high priest was to pour the incense on the coals in the pan prior to entering the holy of holies (Sadducees) or after entrance (Pharisees).⁸ The ziknei bet din instructed the high priest in Pharisaic procedures and obliged him to perform his duties strictly in accordance with Pharisaic notions. To this end they extracted a solemn vow from him that "you will not alter anything from what we have taught you."⁹

It would seem that the Sanhedrin won the right to interfere in this very private domain of the priests after the burning of incense outside the holy of holies by a Sadducean priest.¹⁰ Philo¹¹ describes the burning of incense in accordance with Sadducean belief (and against the simple interpretation of the Torah¹²), suggesting that at one time this was

8. T.B. Yoma 53a.

9. M. Yoma 1.5.

10. Tos. Yoma 1.8, 181.

11. Philo, Des. Spec. Leg., I, 13.72.

12. Cf. L. Finkelstein, The Pharisees, Third Edition, Philadelphia, JPSA, 1966, 119, note 30.

perhaps standard practice. But, be this as it may, the Pharisaic Sanhedrin did gain the right and their dignitaries, the Ziknei Bet Din, participated in the preparations for the most important Temple service of the year.

Büchler¹³ cites another area where a zaken of bet din participated in a Temple ritual. A beraitha¹⁴ recounts that a zaken was seated in the western (common) section of the lishkat ha-gazit while the lots for priests' portions of the daily service were drawn in the eastern half.¹⁵ We know neither what the zaken did nor why he was assigned to this station. But this messenger of Sanhedrin somehow involved himself in the daily lottery.

The existence of this Ziknei Bet Din committee will help explain the problem which has perplexed scholars for many years. Many have claimed,¹⁶ on the basis of his activities

13. A. Büchler, "On the History of Temple Worship in Jerusalem," in Studies in Jewish History, London: Oxford University Press, 1956, 240-263.

14. T.B. Yoma 25a.

15. Cf. Hoenig, op. cit., 193f.

16. Rashi on T. B. Shab. 34a; Maimonides, "Introduction to Order Zeraim," Translated by J. Kapack, Jerusalem, 1963, 28; Aptowitz, "Besprechungen", 744f; J. Javetz, Toldot Yisrael, Jerusalem-Tel Aviv, 1933-36, vol. 6, 3, esp. note 3; S. Zeitlin, Religious and Secular Leadership, Philadelphia, 1943, 8; S. B. Hoenig, op. cit., 64.

with the red heifer, that Rabban Yochanan b. Zaccai was a priest. We have previously made mention of R. Yochanan nipping the ear of the high priest during the red heifer ceremony.¹⁷ Ostensibly, his presence at the ceremony would testify to his priestly pedigree. Moreover, the Sifri¹⁸ tells that R. Yochanan was once asked a question pertaining to the type of garments worn by the officiating priest in a red heifer ceremony. In his answer he describes the ceremony as "an act which my hands participated in and my eyes have seen". This would certainly confirm his priestly status.

However, there are many pieces of evidence which, cumulatively, negate this possibility. R. Yochanan appears in many sources as the arch antagonist of the priests. In Mishnah Shekalim¹⁹ R. Yochanan claims that priests are obligated to donate the yearly half shekel to the Temple treasury and belittles their reason for refusal as something which "the priests interpret their own way". R. Yochanan condemned the priests for their overzealous protection of their genealogies.²⁰ We also find him siding with Hanan against the bnai kohanim gedolim.²¹ In sum, Rabban Yochanan b. Zaccai's sympathies were

17. Tos. Para 3.8,632.

18. Sifri on beginning of Num. 19.

19. M. Shek. 1.4.

20. M. Edyot 8.3.

21. M. Ket 13.1-2.

most definitely not with the priests.

It would, therefore, seem that R. Yochanan b. Zaccai was quite possibly not a priest.²² His participation in the red heifer ceremony can be explained by assuming that he was a zaken assigned to the red heifer ceremony. The "Ziknei Yisroel",²³ as they are here called were given a simple but crucial duty: they were to render the high priest impure, have him bathe and immediately perform the ceremony while in a state of purity only according to Pharisaic interpretation.²⁴ As in the Yom Kippur ritual, the Sanhedrin forced their way into the red heifer burning to protect and emphasize their interpretation of traditional practice in the face of deviationist challenges.

The function of the Ziknei Kehunah and their once-a-year seemingly trivial duty can now be understood. Needless to say, the priests strongly resented these intrusions of the Sanhedrin into what they regarded as their private domain. Although unable to prevent this interference, the priests were greatly offended by the actions and responded by adopting a procedure of protest. The Ziknei Kehunah was a special priestly committee specifically created to meet and rebuke the Ziknei Bet Din on Yom Kippur. The drama of the priest-commoner con-

22. Tosafot Men. 21a beginning "shehakohanim"; G. Alon, Toldot ha-Yehudim be-Eretz Yisrael, Tel Aviv vol. 1, 1952, p. 56; A. Büchler, hakohanim va-Avodatan, translated from the German by Naftali Giton, Jerusalem: Mosad Harav Kook, 1966, 17, note 16.

frontation on Yom Kippur can now be understood.

It is true that the Ziknei Kehunah performed but one meager task each year - but it was far from inconsequential. For the expropriation of the high priest from the Ziknei Bet Din by the Ziknei Kehunah followed by marching him to Bet Ab-tinas, was a symbolic gesture of priestly supremacy. This small procedure was the priests' way of telling the Sanhedrin that although they may have succeeded in injecting themselves into the Temple administration, when the actual service commences all the commoner powers are terminated and it is the priests alone who direct practice. The Sanhedrin's representatives may teach the high priest all the fine details of the Pharisaic notion of incense burning, but it is the priests who ultimately march the high priest behind closed doors to practice with the other priests the actual procedure of incense offering.

The Ziknei Kehunah thus operated as the priests' equivalent of the Sanhedrin's Ziknei Bet Din. They acted specifically in this Day of Atonement encounter with the Sanhedrin and thus do not appear elsewhere in rabbinic literature. Their task was indeed a brief one- that of escorting the high priest

23. M. Para 3.7.

24. See chapter 3.

for but a few minutes. But this gesture, though short in duration, was momentous in ramifications as it established the supremacy of the priests in the Temple.

The Ziknei Bet Din and Ziknei Kehunah committees provide an excellent insight into the delicate détente established between the Sanhedrin and the priests in the Temple. The Pharisaic Sanhedrin sorely distrusted the priests and insisted upon instituting measures to guarantee that the Temple service was performed in accordance with Pharisaic interpretation. That they succeeded there is no doubt. Both the rabbis²⁵ and Josephus²⁶ testify that Pharisaic practices were the ones followed in the Temple. However, the assertion of their will in the Temple provoked the resentment and antagonism of the priests. The priests, jealously protective of their privileged status, reacted to the formation of the Sanhedrin's supervisory Ziknei Bet Din committee by creating an equivalent committee to challenge the Ziknei Bet Din and emphasize the ultimate dependence of the Sanhedrin upon the priests in Temple affairs.

25. Tos. Yoma 1.3,180.

26. Ant. 18.1.3,151.

Chapter 13

The Pre-Actions of the Sanhedrin

The Ziknei Bet Din was just one design employed by the Sanhedrin to gain a foothold in Temple procedure. There were, however, many other methods. A particularly interesting and imaginative contrivance which the Sanhedrin used was the institution of pre-actions before various Temple proceedings. Although commoner members of the Sanhedrin were barred from entering the Sanctuary and participating in the actual ritual, they instituted sundry prerequisites for the performance of particular rituals. These prerequisites were conducted outside the sanctuary proper and were performed by members or representatives of the Sanhedrin; not priests. Three of these Sanhedrin pre-actions will be examined in this chapter.

One

Who collected the annual shekalim and managed the financial affairs of the Temple? The obvious answer would be to attribute these duties to the priests. Scores of sources - biblical,¹ rabbinic² and non-rabbinic³ - speak of priestly

1. Ezra 8:24-34. Two levites are also mentioned as assistants.

treasures in the Temple. Indeed, the Temple treasury was located in the inner recesses of the Temple, an area barred from commoners. It is apparent then that the priests were masters over the dispensation of Temple funds.

At first blush, however, there is other evidence that the Sanhedrin, not the priests, was the body which managed the financial affairs of the Temple. The first mishnah in Shekalim reports that a bet din⁴ proclaimed on the first of Adar concerning the collection of shekalim for the treasury of the Temple and the removal of kelaim; on the fifteenth of the month its representatives repaired the roads, streets and immersion baths, marked graves and went forth to forcibly remove kelaim. It is one bet din that seems to be performing all of these duties. This court defies identification with a bet din shel kohanim for most of the listed duties lack even the most remote connection to priestly functions.⁵ It thus seems that the Bet Din ha-Gadol (Sanhedrin) is the body that collected the Temple taxes.⁶

2. T.B. Yoma 52a.

3. Mat. 27:6; Ant. 14.7.1,107; Wars 6.8.3,387ff.

4. Although the mishnah does not use the term "bet din" the parallel Tosefta does. Tos. Shek. 1.1-4,173.

5. However, Hermann Vogelstein ("The Development of the Apostolate in Judaism and its Transformation in Christianity", HUCA 2 (1925), 107ff) recognizes the high priest as the dispatcher of these apostles.

This conclusion is supported by another mishnah which says that the "priests were not taxed by the court in order to preserve the peace".⁷ The obvious implication here is that a party other than the priests collected the shekalim and that it was their decision not to tax the priests. There is furthermore a Tosefta⁸ which, in discussing the duties of the Temple treasurers, concludes that "commoners, levites and priests were all fit" for this office. This seems to shatter all notions that the priests administered the treasury. For is it conceivable that the administration of a priestly-controlled treasury would be turned over by the priests themselves to the hands of commoners?

In reality, however, there is no contradiction between the sources. What we have here is an instance of the Sanhedrin instituting a pre-action for an otherwise strictly priestly affair. The Temple treasury seems to have functioned in the following manner:

The Sanhedrin, or better, a committee thereof, was responsible for the collection of the Temple taxes (shekalim). It was they who issued the annual proclamation calling for shekalim and enforced its collection.

6. It is impossible to claim that the mishnah is describing only the post-Temple situation because the collection of shekalim was terminated at the destruction of the Temple (M. Shek. 8.8). From this point onward, the Romans demanded a shekel tax from every Jew for the pagan temple of Jupiter Capitolonus in Rome.

When the gold coins reached Jerusalem, however, they were placed in the Temple bank for safe-keeping. From this point on the priests exercised complete authority over the funds. For though we are unsure of the exact location of the Temple bank,⁹ it seems certain that it was located in a place of maximum security, i.e. a portion of the Temple where commoners were forbidden to enter on pain of death. It was thus the Sanhedrin which collected the funds for the Temple, but a priestly court that administered and distributed the funds.

We are now in a better position to understand the status of the Temple treasurers - the gizbarim and amreclim. The gizbarim were the treasurers and the ones who dealt with exchanges,¹⁰ oversaw the purchase of Temple necessities,¹¹ and cared for and processed material donations to the Temple.¹² These officers were exclusively priests. The amreclim, however, never handled the money but simply controlled access to the

7. M. Shek. 1.3.

8. Tos. Shek. 2.15,177.

9. A. Schwartz, "Studien uber die Tosifta II, Die Tosifta zu Shekalim", MGWJ, XXIV (1880), 274-281, 460-472.

10. Ibid; M. Peah 2.8; Halah 3.3.

11. Ibid; Meilah 3.8.

12. M. Peah 1.6; Halah 3.3.

Temple as they held the keys to the azara.¹³ It is these officers that are permitted by the Tosefta to be either commoners, levites or priests. The traditional commentaries in fact, read the text "commoners, levites and priests were all fit" as referring only to amreclim and not gizbarim.

This view is substantiated by the famous poem of Abba Shaul ben Botnit decrying the heinous behaviour of the aristocratic priestly families. In his poem appears the complaint, "for their sons are gizbarim and their sons-in-law amreclim."¹⁴ The sons of these families were naturally priests and were thus appointed gizbarim. The sons-in-law, however, who might have been born from commoner families could not hold the position of gizbarim, and therefore became amreclim. The poem also leaves little doubt that though the collection of shekalim may have been overseen by a committee of the Sanhedrin, actual control and administration of the Temple treasury was in the hands of the priests.

The Sanhedrin's intervention in Temple financial affairs should not come as a surprise. It must be remembered that

13. Tos. op. cit.

14. Tos. Men. 13.21,533; T.B. Pes. 56a.

shekalim were contributed by the masses - the group over which the Pharisees wielded greatest influence.¹⁵ Moreover, we know from the rabbis,¹⁶ Philo¹⁷ and Josephus¹⁸ that collections of shekalim were not made by the priests but that pilgrims to Jerusalem brought the donations of their entire communities with them. It was thus relatively easy for the Sanhedrin to assume control over the collection by instituting the pre-action of proclaiming and administering the gathering of shekalim to the Temple.

Two

In describing the process of the offering of the omer on the second day of Passover, the Torah places the ceremonial stress on the Temple. It briefly states the obligation to bring the first cutting to the priest and continues with a detailed description of the actual offering of the omer in the Temple by the priests.¹⁹

In the Second Temple, however, the process was reversed. A great pageant was celebrated about the cutting of the omer.

15. Ant. 13.10.5, 288 "and so great is their (the Pharisees) influence with the masses, that even when they speak against a king or high priest, they immediately gain credence".

16. M. Shek. 11.1.

17. De. Spec. Leg. 1.78.

Apostles of the Bet Din ha-Gadol were dispatched to select and prepare the sheaves, the inhabitants of the nearby cities flocked to the spot to witness the event, and an elaborate precisely-worded service accompanied the actual cutting.²⁰ The entire observance was instituted as an anti-Sadducean demonstration, to display that by "mimacharat ha-Shabbat"²¹ the Torah means not Sunday but the day immediately following the first day of Passover.²²

This was another pre-action of the Sanhedrin. To rebuke the Sadducees, the Sanhedrin invented a majestic ceremony of their own prior to the proscribed offering of the omer by the priests. As in the case of the treasury, the Sanhedrin could not effect a change in the Temple proper but accomplished its end through an ingenious institution prior to the omer service.

Three

The Torah is quite clear in its assignment of respon-

18. Ant. 18.9.1,313.

19. Leviticus 23:9-14.

20. M. Men. 10.3-4.

21. Lev. 23:15.

22. M. Men. op. cit. Cf. T.B. Men. 15a.

sibility for the expediting of the trial of a suspected adultress woman. It is the priests who are charged with hearing the husband's complaint, leading the suspect into the Temple, administering the solemn oath, giving her to drink the bitter waters and offering her sacrifice. "And the man shall bring his wife to the priest...and the priest shall draw her near and stand her before God...and the priest shall make her swear... and the priest shall accept from the woman the meal offering of jealousy."²³ In unequivocal and decisive terms the Torah assigns and reiterates its assignment of this duty to the priests.

On the basis of the biblical injunction there is neither reason nor need for the participation of commoners in this ceremony. Yet, an overwhelming amount of evidence testifies to the active participation of the Sanhedrin in the processing of a suspected adultress woman.

The Mishnah²⁴ describes the process as follows: A man upon becoming suspicious of his wife, brings her before the great Sanhedrin in Jerusalem. The members of the Sanhedrin threaten the woman in an attempt to exact a confession of guilt. If the Sanhedrin's members fail in their effort, they lead the

23. Num. 5:15-25.

24. M. Sota 1.5.

woman to the eastern gate of the Temple²⁵ for the sota ceremony. From this point onward the priests assume control of the procedures.

The participation of the Sanhedrin in the ceremony is further confirmed by a midrash which declares, "'and the priest shall perform this entire process (torah)'. It teaches us that we administer the water to a suspect only through the Bet Din ha-Gadol".²⁶ Both sources graphically describe the Sanhedrin's participation in the trial of a suspected adultress.

Büchler²⁷ finds many instances of the Sanhedrin's intervention in Temple affairs but relegates all these instances (including the Ziknei Bet Din) to the final decade of the Temple, when, in his view, the Sanhedrin suddenly gained great authority in the Temple. In the previous cases we cannot establish with any definiteness the date of the beginning of the Sanhedrin's interference. However, in this case we can say with certainty that

25. Ibid. "They bring her to the eastern gate which is alongside the entrance of the Nicanor gate." This strange language may be explained on the basis of Büchler's theory that, contrary to Josephus, the Nicanor gate is the eastern gate to the azara, not to the Temple itself. This huge azara entrance had two small doors on either side (pish-peshin) which were used for entering or leaving. Thus, the mishnah says that they brought the woman to one of the small doors alongside the great Nicanor gate. See A. Büchler, "The Nicanor Gate and the Brass Gate", JQR O.S. 2 (1899), 46ff.

26. Sifri Zuta, Num. 630-5.

27. Infra, Introduction.

its participation was initiated long before the last decade.

For Philo, in describing the sota ceremony, follows the mishnah in providing that a previous hearing be held before the Sanhedrin:

So the law says to the husband who suspects his wife, "Draw up a formal challenge and come to the holy city with your wife and standing before the judges, lay bare the suspicion which troubles you...But if the statements of the two are inconclusive, let them go to the Temple..."²⁸

Philo's description of the ceremony contrary to the Torah but according to the Mishnah, demonstrates that this extra-Temple hearing was standard practice in his day (ca. 20 B.C.E. - 50 C.E.). Furthermore, the Mishnah²⁹ tells of a sota ceremony in which the leaders of the Sanhedrin, Shemaiya and Abtalion,³⁰ participated. Thus, the Sanhedrin's intervention in the trial of a suspected adulteress began sometime in the first century B.C.E. There is no reason to assume that this is the only early intervention of the Sanhedrin. Rather, Buchler's theory is cast very much in doubt and it seems more likely that much of the Sanhedrin's intervention in Temple ceremonials occurred at a period not long after the division of the priests and the Sanhedrin into two separate domains.

28. De. Spec. Leg. 3.60ff.

29. M. Edyot 5.6. cf. T. J. Sota 2.5, 18b.

30. These leaders, being descendants of proselytes, were commoners, not priests. (T. B. Git. 56b. Cf. M. Edyot 5.6).

At any rate, the sota proceedings display another pre-action of the Sanhedrin. The Sanhedrin, without any scriptural basis whatsoever, instituted a judicial hearing to precede the actual sota ceremony in the Temple. The Sanhedrin heard the case, tried to resolve it, and if they failed, marched the woman to the eastern gates where the priests assumed their biblical mandate.

We therefore find in each of these three cases - the collection of shekalim, the omer offering, and the sota ceremony - pre-actions instituted by the Sanhedrin prior to the actual Temple ceremony. Perhaps the Sanhedrin could not effect changes in the ceremonials themselves, but their preliminary participation made them an integral part of the execution of Temple activities.

Chapter 14

The Preliminary Courts of the Priests

There was yet another direction in which the transfer of power from the priests to the Sanhedrin developed. In certain judicial matters the Sanhedrin was able to acquire final authority but the priests reserved for themselves the right of actually conducting the proceedings.¹ In other words, the priests would preside over these judicial processes but their decision was subject to the official approval of the Sanhedrin, a consent that was perhaps more than a mere formality. Three of these preliminary courts of the priests will be examined in this chapter.

One

A mishnah in Rosh Hashana tells the following story:

It happened with Tobias the physician that he saw the new moon in Jerusalem, he, his son, and his man-umitted slave. The priests accepted him and his son and declared his slave unfit. But when they came before the bet din, they accepted him and his slave, but declared his son unfit.²

Many suggestions have been offered to explain the event

1. Cf. Chapter 12.

2. M. Rosh Hashana 1.7.

described. Finkelstein³ suggests that two courts - the Bet Din shel Kohanim and the Bet Din of the Pharisees - functioned concurrently, neither of which accepted each other's ruling. The assent of both was required in order to declare a new moon and in the incident with Tobias both gave this approval, but for different reasons.

Mantel correctly rejects Finkelstein's suggestion because the idea of two courts fixing the calendar "presupposes an incredibly confused state of affairs".⁴ However, his proposed explanation is little better. Mantel posits that our mishnah contains two incidents merged into one. Originally responsibility for fixing the calendar was vested in the Bet Din shel Kohanim; later the Pharisaic Bet Din assumed this responsibility. Tobias in two separate incidents came first before the Bet Din shel Kohanim and then, perhaps years later, before the Pharisaic Bet Din to bear witness on the new moon. The mishnah merges both incidents into one.⁵

Hoenig⁶ suggests a third possibility. He concurs with Finkelstein in recognizing the mishnah as a single incident and in assuming that the consent of two courts was required in

3. L. Finkelstein, ha-Perushim ve-Anshei Keneset ha-Gedolah, New York, 1950, 28.

4. H. Mantel, Studies in the History of the Sanhedrin, Cambridge: Harvard University Press, 1965, 78.

5. Ibid., 30f.

6. S. B. Hoenig, Sanhedrin Gedola, Translated from the English by Israel Eldad, Jerusalem: Mosad Harav Kook, 1961, 116f.

order to declare a new moon. But he does not agree with Finkelstein that neither court accepted the other's ruling. Rather, he divides the fixing of the calendar into two levels: 1) accepting and validating witnesses 2) officially declaring the new moon. The priests had the initial judicial responsibility of hearing and ascertaining the reliability of the witnesses and the Bet Din ha-Gadol officially declared the new moon. In the case of Tobias the Bet Din ha-Gadol declined to accept the priests' validation of Tobias and his son as witnesses and declared the new moon only on the basis of the testimony of Tobias and his slave.

The joint participation of the Sanhedrin and priests in fixing the calendar can be easily understood. The new moon had both intra- and extra-Temple implications. In the Temple various sacrifices - particularly the additional new moon offering⁷ - were offered on the day of the new moon. Outside the precincts of the Temple, word of the declaration set off a chain reaction of fires on mountain tops to inform all Israel of the event.⁸ The day itself was marked as a semi-holiday and all festivals were dated on the basis of the declared new moon. The fixing of the calendar was a grey area that right-

7. Num. 28:11-15.

8. M. Rosh Hashana 2.2-4.

fully belonged to both domains, and both the priests and Sanhedrin had a hand in the procedure.

The fixing of the calendar is an illustration of the phenomenon described above. Witnesses seeing the new moon would come to Jerusalem and deliver their testimony before a bet din shel kohanim.⁹ The priests, upon being satisfied with the reliability of the witnesses, would present their findings to the Bet Din ha-Gadol for final approval. Normally the acquiescence of the Sanhedrin was a mere formality, though in the case of Tobias a confrontation between the two arose.

Two

A mishnah in Middot describes the following process for the ascertaining of priestly genealogies and the acceptance of priests into Temple service:

In the Lishkat ha-Gazit the Great Sanhedrin of Israel used to sit and judge applicants for the priesthood. A priest in whom was found a disqualification used to put on black undergarments and wrap himself in black and clear away. One in whom no disqualification was found used to put on white undergarments and wrap himself in white and go in and minister along with his brother priests.¹⁰

9. Possibly in the courtyard, Bet Jaazek (ibid., 2.5). However, this mishnah may be referring to a different period when the Sanhedrin controlled the entire process from beginning to end.

10. M. Middot 5.4.

On the basis of this one source most scholars, both ancient and modern, have assumed that the Sanhedrin was in charge of the genealogies of priests. Some¹¹ have even suggested that the Sanhedrin's chief task and that which occupied most of its time was the examination of these genealogies. Others¹² believe that the Sanhedrin "appointed from amongst them a bet din to ascertain the genealogies of priests and levites." But whether the Sanhedrin did it themselves or appointed a committee, on the basis of Mishnah Middot the general consensus is that a priest could not serve until, to use Schürer's words, "his fitness had been duly established to the satisfaction of the Sanhedrin."¹³

It is most strange that scholars have insisted on following Mishnah Middot's ascribing hegemony over the priests' genealogy to the Sanhedrin, when all other evidence contradicts the concept. Would the priests yield jurisdiction over their pedigree to the Sanhedrin? Was this not their most personal domain? It is extremely difficult to conceive of the priests turning over control of the determination of Temple officiants to the Sanhedrin.

11. Maimonides, Yad ha-Chazaka, "Hilkkot Bi'at ha-Mikdash", 6.2

12. I. H. Weiss, Dor Dor V'dorshov, Wilno, 1904, Vol 1, 184.

13. E. Schürer, History of the Jewish People, translated from the German, Second Edition, Second Division, Edinburgh, 1891.

There are, moreover, many indications that the priests themselves maintained dominion over their genealogies. The books of Ezra¹⁴ and Nehemia¹⁵ speak of priests searching in "their records of genealogy", indicating that they kept their own records. Josephus¹⁶ tells of priests compiling records of their genealogy and passing judgement over the legitimacy of captive women to the priesthood; the priests, not the Sanhedrin, were the judges. The meticulous care of the priests in guarding the purity of their stock is stressed in many places¹⁷ and the mishnah even describes the futility of attempting to permit certain women to the priesthood, since "the priests heed you to make far but not to draw near."¹⁸ Apparently, the priests

14. Ezra 2:62.

15. Neh. 7:64. The indication from the book of Ezra and Nehemiah is that the Jews kept oral records of their genealogies and that only the priests kept written records. See esp. Ezra 2:59,62; Neh. 7:61,64.

16. Cont. Ap. 1.7,30-36. Cf. Vita 1.1,6.

17. M. Bik. 1.4; Ket 2.9. In fact the mishnah uses the term kohen for any person with an ascertained pure genealogy. M. Ket. 1.8,9.

18. M. Edyot 8.3.

decided on the legitimacy of their own ranks. In view of these many sources vesting control of the priestly genealogies in the hands of the priests, the lone contradictory testimony of Mishnah Middot cannot be accepted at face value. Irrespective of the role in priestly genealogies that we wish to attribute to the Sanhedrin, the active participation of the priests must be recognized.

Mishnah Middot is but one of four parallel sources discussing the examination of claimants to the priesthood. Let us, therefore, juxtapose the four texts in columns and see whether a textual analysis can clarify the respective roles of the priests and Sanhedrin in this process.

M. Middot 5.4	Tos. San. 7.1	Sifri Num. 18.7	T. B. Kid. 76b
לשכת הגזית... לשכת הגזית... שם היחה	לשכת הגזית... ושם	מקום היה מאחורי בית הפרוכח ששם	ששם
סנהדרין גדולה שלישי			
יושבין ובודקין יושבת ודנה	אח יחוסי כהונה אח הכהונה ואח יחוסי לוי	בודקים יחוסי כהונה	היו יושבין מייחסי כהונה ומייחסי לוי

An analysis of the texts quickly reveals the multiplicity of variants. The Mishnah and Sifri speak only of priestly genealogies, while the Tosefta and Talmud introduce levites into the discussion. The Mishnah and Tosefta speak of the Lish-Kat ha-Gazit as the location of the examining court,¹⁹ the

19. Both also explicitly identify the examining court as the

Sifri identifies the site as behind the Bet ha-Parochet,²⁰ and the Talmud is silent on locale. Similarly the functions described are not clear. The Mishnah pictures the court as judging, the Tosefta and Sifri see it as examining and the Talmud simply sees it as a place where priests and levites with ascertained pedigree sat. After all is said and done, if we remove the significant variants and attempt to reconstruct the original text on the basis of the remains, nothing is left to work with. The whole matter is confused by the existence of too many variants to permit a scholarly determination of the original. To the contrary, the presence of so many variants suggest that the four are not of one original source but that originally there were two or more versions of the material.

Rabbi Elijah the Gaon of Wilnow²¹ utilizes this latter approach in proposing a solution to guide us out of this maze.

Sanhedrin or Bet Din ha-Gadol, though A. Weiss calls the mention of the Sanhedrin in the mishnah a gloss. (A. Weiss, "li-She'elat Tiv ha-Bet Din shel shiv'im v'echad, Sefer ha-Yobel li-Kebod Levi Ginzberg, Hebrew part, New York, 1946, 214ff.) Though the words may be a gloss, the reference to the Lishkat ha-Gazit makes it apparent that the Sanhedrin is the body indicated. Zeitlin does not agree. See S. Zeitlin, The Rise and Fall of the Judean State, Philadelphia; JPSA, Vol. 1, 1964, 206.

20. Rabbi Elijah of Wilnow op. cit. amends it to read Bet ha-Kapporet.

21. Notes on T. B. Kid 76b: "נ"ב שט דנין אבל הבודקין היו אחורי הבית וכו' כמ"ש בטפרי פר' קרה והיא ברייתא דכאן"

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The Gaon suggest that the acceptance of candidates to the priesthood was a two-step process. The priests compiled and kept their own genealogy records, they conducted hearings on every specific candidate to the priesthood to ascertain his stock and, finally, they presented their findings and recommendations to the Sanhedrin for official approval.

Turning to the texts temselves, the Gaon proposes that our four texts are fundamentally two sources. The Mishnah and Tosefta are one unit and the Sifri and Talmud a second. The two sources are separate and unrelated. The Sifri and Talmud discuss phase one, the priests' examination of claimants to the priesthood in the Bet ha-Parochet, and the Mishnah and Tosefta describe phase two, the final sanction of the candidates by the Sanhedrin in the Lishkat ha-Gazit. Over the ages the scribes confused the two sources with one another until we have reached the tangled textual state of affairs that exists today.

Modern scholarship has totally ignored the suggestion of the Gaon. The one exception is Saul Lieberman who arrived at this conclusion independent of the Gaon. In his Hellenism in Jewish Palestine,²² Lieberman presents a very similar analysis

22. S. Lieberman, Hellenism in Jewish Palestine, New York, 1950, 172.

using only three of the four texts. The Talmudic reference is omitted by Lieberman, perhaps because it fails to describe any act of judging or examining. At any rate, because he omitted the Talmudic reference he failed to see Rabbi Elijah's theory, the theory being presented in the Gaon's notes on the Talmud.

Hugo Mantel,²³ also unaware of the Gaon's comments on Tractate Kiddushin, cites Rabbi Elijah's commentary on Middot and demonstrates how Lieberman superceeded his analysis. But this is absolutely false. Not only did the Gaon precede Lieberman in the discovery but he carried it a step further, including a fourth text in the analysis.

Rabbi Elijah's theory is supported by what has until now been an inexplicable midrash. The midrash says as follows: "Your eyes are doves behind your veil".²⁴ There was a Sanhedrin Gedola seated behind the Temple which was the jewel of the Temple."²⁵ The midrash cannot possibly be referring to the Great Sanhedrin which was located in the Lishkat ha-Gazit on the very opposite end of the Temple. Nor can we say that the author erred in its location; the mishnah explicitly identifies

23. Mantel, op. cit., 84, note 189.

24. Song of Songs, 4:1.

25. Shir ha-Shirim Rabba, ibid.

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its location.²⁶ What court then is being described here? According to the Gaon there is no problem. The special bet din shel kohanim which met in session behind the Bet ha-Parochet examining the genealogy of claimants to the priesthood, is the court referred to.

The acceptance of priests into service in the Temple is a second example of an area where the priests presided over the judicial proceedings but ultimate approval of their actions resided in the hands of the Sanhedrin.

Three

Frequent reference has been made to the mishnah which reports that "a bet din shel kohanim collected for a virgin four hundred zuz, and the sages did not prohibit it to them."²⁷ Precisely what is meant by "the sages did not prohibit it to them" is not clear. Assuming that the sages would have issued a prohibition, could they have halted the practice? If they could, then we have evidence that although the priests maintained jurisdiction over their civil affairs,²⁸ the consent of the Sanhedrin was required.

26. M. Middot 5.3-4.

27. M. Ket. 1.5.

28. Con. Ap. 2.187,194.

The fixing of the calendar, the acceptance of candidates for the priesthood into temple service and the conducting of the priests' civil affairs represent joint administrative efforts of the Sanhedrin and priests. The priests acted in the preliminary judicial stages but the ultimate sanction of the Sanhedrin was demanded to validate their decisions.

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Conclusion

Appendices

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Conclusion

This thesis has been an attempt to present a composite picture of the internal priestly administration of the Second Temple in Jerusalem in its manifold aspects. After briefly surveying the status and establishing the centrality of the Temple in Second Commonwealth society, the paper turned to an in-depth examination of the Temple's officers, the direction of its ritual and the involvement of the non-priestly Sanhedrin in its administrative complex.

Not all problems were solved. Due to a dearth of sources, many aspects of Temple bureaucracy were left as open questions (e.g. the origin of the bet din shel kohanim and establishing how its members were appointed). In these cases our inability to reconstruct the administrative structure was frankly admitted and the various possible avenues of solution indicated.

Nevertheless, a good deal of original contributions were arrived at. The following is a list of the significant conclusions and contributions of this thesis:

1) High priest succession during the Persian-early Greek and Hasmonean eras followed the biblical laws of inheritance, i.e. son, brother, uncle.

2) In the Herodian-Roman period, though succession by inheritance was abrogated, the special position of the high priest's brother was preserved as he often served as the back-up to the high priest.

3) The system of succession may be used as a yardstick to determine the relative powers of a high priest at any particular time. When succession functioned by an automatic process of inheritance, the power and independence of a high priest were relatively extensive (Persian-Early Greek and Hasmonean periods). However, when the high priest was dependent upon some external agent to appoint and sustain him, he was answerable to these agents and suffered a depletion of independence (late Greek and Herodian-Roman periods).

4) Beginning by the late Greek era (ca. 175 B.C.E.) the interest of the high priests shifted from the ritual to the political arena and control over the daily worship was gradually transferred to the hands of subordinate officers and other priestly institutions.

5) To prevent the establishment of a politically dangerous dynastic high priesthood, Herod and his followers banned the direct succession of a father by his son to the high priesthood.

6) The bnai kohanim gedolim is the rabbinic analogue of archiereis and was composed solely of former high priests (including kohanim sheavar). It was an aristocratic group which occasionally involved itself in general halakhic matters during the final years of the Temple.

7) The segan ha-kohanim was the private ritual assistant of the high priest.

8) The strategos of the Temple is not to be identified

with the segan. He had absolutely no relation to ritual but was a security officer in the Temple.

9) The kohen ha-mishneh and nagid bet ha-Elokim of the late first and early Second Temple eras, may be recognized as precursors of the segan and strategos respectively.

10) There were a number of priestly institutions or committees governing various aspects of the Temple and the priests. Each was called a bet din shel kohanim.

11) Although a bet din shel kohanim was charged with ultimate responsibility for the proper performance of Temple ritual, a number of officers, memunim, acted as actual directors of ritual. The memunim provided the strand of continuity in the face of the constantly changing mishmarot, and originated during the Hasmonean period.

12) The memunim listed in Mishnah Shekalim are standard names for the officers occupying these positions in every generation. They had far more tasks and broader authority than the limited duties indicated by the mishnah.

13) The hazan was a menial aide in Temple procedural activities. The Ish Har ha-Bayit and Baal ha-Pul were low-ranking police officials.

14) A delicate *détente* was reached between the priests and Sanhedrin in their duel to win jurisdiction over the Temple. Though the priests maintained actual control, the Sanhedrin involved itself in Temple affairs in a variety of ways:

a) Zikainim were dispatched by the Sanhedrin to oversee

rituals (usually involving Sadducee-Pharisee differences) such as the Day of Atonement and red heifer ceremonials.

b) The Sanhedrin instituted a number of ceremonies involving their participation and deemed the practices prerequisites for the performance of various Temple ceremonials, e.g. they questioned a suspected adultress woman prior to her examination by the priests.

c) The priests conducted certain judicial processes but the formal approval of the Sanhedrin was required to validate their decisions, e.g. the declaring of a new moon.

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Appendix I

Sources for the Bet Din shel Kohanim Suggested by Scholars
Prior to this Thesis¹

<u>Source</u>	<u>Text</u>	<u>Function</u>
1. M. Ket. 1.5 Tannaitic	בית דין של כהנים היו גובין לבחולה ד' מאות זוז ולא מחו בידם חכמים.	Authority in priestly civil matters.
2. Tos. San. 4.7,421 Tannaitic	וכותב לו ספר חורה לשמו... ומגיהין אותו בבית דין של כהנים ובב"ד של לווים ובב"ד של ישראל המשיאין לכהונה.	Uncertain. Pos- sibly textual au- thorities.
3. T. B. Erub. 32a; Pes. 90b Tannaitic	וכר' שמעיה דאמר חזקה אין בית דין של כהנים עומדין משם עד שיכלו מעוה שבשופרות.	Administrative authority over Tem- ple affairs.
4. M. Chalot 17.5 Tannaitic	מעשה שהיו אגרות באות ממדינות הים לבני כהנים גרולים והיו בהם כסאה וכסתיים חותמות. ולא חשו להם חכמים משום שומאה.	In correspondence with distant Jews.
5. M. Ket. 13.1-2 Tannaitic	מי שהלך למדינת הים ואשתו חובעת מזונות חנך אומר השבע בסוף ולא השבע בתחילה. נח- לקו עליו בני כהנים	Halakhic authority. Perhaps related to civil (marital) au- thority in No. 1 above.

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<u>Source</u>	<u>Text</u>	<u>Function</u>
	<p>גדולים ואמרו השבע בתחילה ובסוף... מי שהלך למדינת הים ועמד אחד ופרנס את אשתו חנן אומר אבד את מעותיו. נחלקו עליו בני כהנים גדולים ואמרו ישבע כמה הוציא ויטול.</p>	
6. M. R. H. 1.7 Tannaitic	<p>אמר ר' יוסי מעשה בטוב- יה הרופא שראה את החודש בירושלים, הוא ובנו ועבדו המשוחרר. וקבלו הכהנים אותו ואת בנו ופסלו את עבדו. וכשבא לפני ב"ד קבלו אותו ואת עבדו ופסלו את בנו.</p>	<p>Some type of review board for witnesses of the new moon.</p>
7. Tos. San. 7.1,425 Tannaitic	<p>ושם יושבין ובודקין את יחזסי כהונה ואת יחזסי לויה. כהן שנמצא בו פסול לובש שחורים ומת- עטף שחורים והולך לו. ושלא נמצא בו פסול לובש לבנים (ומחטף לבנים) ומשמש עם אחיו הכהנים.</p>	<p>Rights to review and approve the genealogy of claim- ants to the priest- hood.</p>
8. M. Yoma 1.5 Tannaitic	<p>מטרוהו זקני בית דין לזקני כהונה והעלוהו לעליה בית אבטינס.</p>	<p>Supervision of the Day of Atonement service.</p>
9. M. Men. 10.3 Tannaitic	<p>כיצד היו עושיין? שליחי ב"ד יוצאים מערב יו"ט ועושיין אותו כריכות במחובר לקרקע כדי שיהיה נח לקצור.</p>	<p>Supervision over the cutting of the <u>omer</u>.</p>

<u>Source</u>	<u>Text</u>	<u>Function</u>
10. M. Mid 1.2 Tannaitic	איש הר הבית היה מחזר על כל משמר ומשמר...אמר לו איש הר הבית שלום עליך. ניכר שהוא ישן חובטו במק- לו ורשוח היה לו לשרוף את כסותו.	Disciplinarian of participants in the Temple service.
11. M. San. 9.6 Tannaitic	כהן ששמש בטומאה אין אחיו הכהנים מביאין אותו לב"ד אלא פרחי כהונה מוציאין אותו חוץ לעזרה ומפציעין את מוחו בגיזרין.	Same
12. Tos. Kelim 1.6, 569 Tannaitic	אמר שמעון הצנוע לפני ר' אליעזר אני נכנסתי לבית האולם למזבח שלא רחוץ ידי ורגליים... אמר לו העבודה! אפילו כהן גדול פציעין את מוחו בגיזרין מה תעשה שלא מצאך בעל הפול.	Same
13. M. San. 7.2 Tannaitic	אמר רבי אליעזר בן צדוק מעשה בבת כהן אהת שזנתה והקיפוח חבלי זמורה ושרפוח.	Unique traditions concerning the met- hod of capital punishment.
14. T. B. Ab. Zar. 36b Amoraic	דאמר ר' דימי ב"ד של חשמונאי גזרו ישראל הבא על העבודה כוכבים חייב משום נשג"א.	Precursor of the <u>Bet Din shel Koha-</u> <u>nim</u> . General Hal- akhic authority.

Appendix II

"Simon of the Family of Benjamin"¹

The Second Book of Maccabees tells of a dispute between the high priest Onias and a Temple official, Simon:

But a certain Simon of the family of Benjamin,¹ who had been appointed prostates of the Temple, came into disagreement with the high priest over the regulation of the city market.²

The phrase "family of Benjamin" has caused a great deal of difficulty for scholars. For ostensibly we are here told that Simon was not a priest but a member of the tribe of Benjamin. Aside from the difficulty of accepting the fact that a commoner held so distinguished a Temple position, is the greater - almost insurmountable - problem of Simon's brother, Menelaus, becoming high priest. Could a commoner have served as high priest? Most scholars have therefore posited that it is not the tribe Benjamin, but the priestly watch (mishmar) of Binyamin or Minyamin that is meant here.³

1. See chapter 7, "Segan ≠ Strategos".

2. II Mac. 3:4.

3. Neh. 10:6, 12:5, 14,17; I Chron. 24:9; II Chron. 1:5.

Finkelstein⁴ has dismissed the scholars positing this theory as "apologetes". He finds no difficulty in conceiving of a commoner being elevated to the position of prostates of the Temple or even high priest and accepts the Two Maccabees text at face value.

Zeitlin⁵ follows the general approach of the first school with one modification. He suggests that it is not the priestly watch of Minyamin that Simon belonged to but that of Bilgae.⁶ This contention he supports with the Latin translation (the Lyon manuscript 9th-10th century) which reads tribu balgae. Tcherikover concurs with this theory.⁷

In the writer's opinion, Zeitlin is correct. For the original Greek rendering of this expression is τῆς βενιαμιν φυλῆς. Phulé is not necessarily indicative of a tribe. Zeitlin has

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4. I. Finkelstein, The Pharisees, Philadelphia: JPSA, 1967, 586f.
 5. S. Zeitlin, The Second Book of Maccabees, New York, 1954, 118, note 4.
 6. Neh. 12:5; Tos. Suka 4.28,200.
 7. Tcherikover, Hellenistic Civilization and the Jews, Philadelphia: JPSA, 1966, Appendix II.

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already pointed out that the LXX often translates the word family ($\pi\alpha\tau\epsilon\rho\alpha$) by phulé.⁸ But more important than this factor is the fact that in Ptolemaic Egypt the priests of the Temple were divided into a number of classes, each class being called a phulé.⁹ This would be an exact parallel to the Hebrew mishmeret and $\tau\eta\varsigma$ $\beta\epsilon\nu\iota\alpha\mu\iota\nu$ (balgae) $\varphi\upsilon\lambda\eta\varsigma$ is properly translated as mishmeret Bilgae.

8. Num. 27:11; 36:1.

9. H. Hirshfeld, "Priesthood", ERE, ed. J. Hastings, X, 1920, 297.

Appendix III

The High Priests

Josephus reports (Ant. 20.10.5,250ff) that the office of the high priesthood was held by twenty-eight priests between the reign of Herod and the destruction of the Temple (37 B.C.E. - 70 C.E.). Twenty-seven of these may be readily identified from his works. Below is a chart identifying these twenty-seven high priests, the authorities indicated by Josephus as commissioning their appointment, and the source of this information. Although many other priests are referred to by the title "high priest" only these are reported to have been officially appointed to the position. A more complete discussion of the list and the problems associated with it appears in Chapter 3, "The High Priests".

<u>High Priest</u>	<u>Appointed by</u>	<u>Source</u>
Ananel	Herod	<u>Ant.</u> 15.2.4,22
Aristobulus	"	15.3.1,39-41
Jesus b. Phabes	"	15.9.3,322
Simon b. Boethos	"	15.9.3,322
Matthias b. Theolphios	"	17.4.2,78
Joasar b. Boethos	"	17.6.4,164
Eleasar b. Boethos	Archalaus	17.13.1,339
Jesus b. See	"	17.13.1,341

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<u>High Priest</u>	<u>Appointed by</u>	<u>Source</u>
Ananos b. Seth	Quirinus	<u>Ant.</u> 18.2.1,26
Ishmael b. Phabi	Gratus	18.2.2,33
Eleasar b. Ananos	"	18.2.2,34
Simon b. Kamithos	"	18.2.2,34
Joseph Caiaphas	"	18.2.2,35
Jonathan b. Ananos	Vitellius	18.4.3,95
Theophilos b. Ananos	"	18.5.3,123
Simon Kantheras b. Boet- hos	Agrippa I	19.6.2,297
Matthias b. Ananos	"	19.6.4,313
Elionaios b. Kantheros	"	19.8.1,342
Joseph b. Kamithos	Herod of Chalkis	20.1.3,16
Ananias b. Nedebaios	"	20.5.2,103
Ishmael b. Phabi	Agrippa II	20.8.8,179
Joseph Kabi b. Simon	"	20.8.11,196
Ananos b. Ananos	"	20.9.1,197
Jesus b. Damnaios	"	20.9.1,203
Jesus b. Gamliel	"	20.9.4,213
Matthias b. Theophilos	"	20.9.7,223
Phannias b. Samuel	Zealots	<u>Wars</u> 4.3.8,155

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