
Patriarchs and Scholars

Author(s): Shaye J. D. Cohen

Source: *Proceedings of the American Academy for Jewish Research*, Vol. 48 (1981), pp. 57-85

Published by: [American Academy for Jewish Research](http://www.jstor.org/stable/3622433)

Stable URL: <http://www.jstor.org/stable/3622433>

Accessed: 30/01/2011 01:13

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at <http://www.jstor.org/action/showPublisher?publisherCode=aajr>.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



American Academy for Jewish Research is collaborating with JSTOR to digitize, preserve and extend access to *Proceedings of the American Academy for Jewish Research*.

PATRIARCHS AND SCHOLARCHS

BY SHAYE J. D. COHEN

I.

In the early Hellenistic period the Greeks described the Jews as a race of philosophers. When Hellenistic Jews interpreted their Judaism for themselves and their gentile neighbors, they too called Judaism a philosophy and compared it to the systems of Zeno, Pythagoras, and Plato. In their wake Justin Martyr, Clement of Alexandria, and Origen asserted that Christianity like Judaism was a philosophy. Even pagan critics of the laws of Moses and the faith in Christ treated Judaism and Christianity as philosophies.¹

The following abbreviations are used throughout this paper: BT=Babylonian Talmud; PT=Palestinian Talmud; B. P. T. M. before the name of a rabbinic tractate indicate whether the reference is to the Babylonian Talmud, the Palestinian Talmud, the Tosefta, or the Mishnah; D. L.=Diogenes Laertius, *Lives of the Philosophers*; FIRA=*Fontes Iuris Romani Antejustiniani*, ed. S. Riccobono et al., three volumes (Florence, 1940–41; repr. 1968–69). The following works are cited by author's name alone: L. Ginzberg, *Commentary on the Palestinian Talmud*, four volumes (N.Y., 1941 and 1961); D.M. Goodblatt, *Rabbinic Instruction in Sasanian Babylonia* (Leiden, 1975); J.P. Lynch, *Aristotle's School* (Berkeley, 1972); H. Mantel, *Studies in the History of the Sanhedrin* (Harvard, 1961); H.I. Marrou, *A History of Education in Antiquity*, trans. G. Lamb (1956; the 1965 French edition does not differ materially from the earlier English edition in the areas of concern to us). All translations are mine. PT is cited from the first edition (Venice, 1523); *Gen(esis) R(abbah)* is cited from the edition of Theodor-Albeck. I am grateful to Professors Aaron Demsky (Bar Ilan University), Isaiah Gafni (Hebrew University), Howard Jacobson (University of Illinois), David Weiss Halivni, Yohanan Muffs (both of the Jewish Theological Seminary), and Jacob Neusner (Brown University), for their advice, suggestions, criticisms, and invaluable bibliographical assistance.

¹ M. Hengel, *Judaism and Hellenism* (Philadelphia, 1974) 1.255–261 and A. Momigliano, *Alien Wisdom* (Cambridge, 1975), 74–97; R.L. Wilken, "Collegia,

Our concern here is neither Christianity nor Hellenistic Judaism but the Rabbinic Judaism of Palestine in the second and early third centuries. Would it too have been regarded as a philosophy? Modern scholarship has compiled an impressive list of similarities between rabbis and philosophers. Both discussed the same sort of questions, used the same sort of scholarly and rhetorical techniques, and often reached the same sort of conclusions; both groups were separated from the rest of society by distinctive clothing and distinctive jargon; many members of both groups were credited with miraculous powers and were the heroes of the same sort of anecdotes.²

These parallels extend to the organization of higher education. A youth of the second century of our era who desired a higher education in philosophy could choose any of four paths. He could travel to Athens in order to study in one or more of the four "official" schools founded centuries earlier by Plato, Aristotle, Epicurus, and Zeno. Or, while in Athens, he could attend the lectures of one of the public professors of philosophy. One common denominator between the "official" schools and the public professorial chairs was that both were permanent institutions which transcended the life-span of any single individual. When an incumbent professor died, a new professor was chosen; when an incumbent scholar (head of a school) died, a new scholar was chosen.³ The third possibility took the student to any of the numerous philosophical schools found in the larger cities of the empire. These "schools" were not institutions at all but private circles of disciples. When the

Philosophical Schools, and Theology," *The Catacombs and the Colosseum*, ed. S. Benko and J.J. O'Rourke (Valley Forge, 1971), 268-291 and W. Jaeger, *Early Christianity and Greek Paideia* (Harvard, 1961); R. Walzer, *Galen on Jews and Christians* (Oxford, 1949), and J. Gager, *Moses in Greco-Roman Paganism* (Nashville, 1972), 25-112.

² See the bibliography compiled by H.A. Fischel in his prolegomenon to *Essays in Greco-Roman and Related Talmudic Literature* (N.Y., 1977).

³ Lucian *Eunuchus* 3 describes the election of a new professor; on the succession of scholars, see below.

master died, the school disbanded and the disciples had to find a new master to guide them. The fourth path was the most adventurous. The youth could reject the accepted norms of society and subordinate himself to one of those itinerant preachers usually called "Cynics." These free-speaking critics taught philosophy and a way of life but otherwise had little in common with their colleagues in the more formal establishments.⁴

A youth of the second century of our era who desired a higher rabbinic education had to serve a rabbinic master who would teach him "philosophy," i.e. Torah. Such masters, each with his own circle of disciples, were found throughout Palestine. Many took up permanent residence in any of the towns and villages of the country, while others seem to have wandered about. These disciple circles or "schools" were not perpetual institutions; when the master died the school disbanded and the disciples had to find a new master to guide them. One school, however, was different. This was the school of the patriarch, the leader of the rabbis in Palestine. The patriarchate was a perpetual institution; when an incumbent patriarch died a new patriarch was chosen. The patriarch like other rabbis taught his own students, but from time to time (this point is not very clear) all rabbis would gather to participate in the deliberations of the patriarchal school.⁵

⁴ On these four possible paths, see Marrou 283–284 and 409. The Epicurean school was still active in the second century (see below) but whether this was true of the other three schools is uncertain. During the second century the schools were being replaced or supplemented by the state-endowed professorships. See D.L. 10.9 and Lynch, 163–207. [See J.H. Oliver, *American Journal of Philology*, 98 (1977) 160–178.]

⁵ On the tension between the school of the patriarch and the schools of the individual rabbis, see H. Albeck, *Zion*, 8 (1943), 91 (Heb.); G. Alon, *History of the Jews in the Land of Israel in the Period of the Mishnah and the Talmud* (Tel Aviv, 1961), 1. 193–201 and 2. 125–151 (Heb.); cf. S. Safrai, *The Jewish People in the First Century: Compendia Rerum Judaicarum ad Novum Testamentum II* (Amsterdam, 1976) 961–963. On the occasional assembly of the rabbis at the school of the patriarch, see *Educational Encyclopedia, IV: History of Education* (Jerusalem, 1964), 150 (Heb.). For the locations of various second century

Thus our two hypothetical students would encounter analogous establishments in their pursuit of Wisdom. The patriarchal school and the "official" schools in Athens were permanent institutions with corporate identity, the patriarch being analogous to a scholar. The disciple circles of the rabbis were analogous to the disciple circles of the philosophers. The first of these analogies is the subject of this essay.⁶

II.

The death of Rabbi Judah the Patriarch (also known simply as Rabbi) is the subject of many different rabbinic traditions.⁷

schools. see B. *Sanhedrin* 32b. Many sages wandered from town to town; see Safrai, *Compendia*, 965–966. On the distinction between disciple circles and perpetual institutions, see Goodblatt, *passim*.

⁶ Most of the abundant scholarship devoted to education in rabbinic Palestine deals with elementary education. The numerous works which discuss possible Greek influence upon rabbinic Judaism rarely discuss institutional aspects of the subject. See S. Krauss, *Talmudische Archäologie*, III (Leipzig, 1912), 199–239; N. Drazin, *History of Jewish Education from 515 B.C.E. to 220 C.E.* (Baltimore, 1940); *Educational Encyclopedia, IV: History of Education* (Jerusalem, 1964), 144–168 (Heb. with bibliography); S. Safrai, "Elementary Education ... in the Talmudic Period," *Jewish Society through the Ages*, ed. H.H. Ben-Sasson and S. Ettinger (N.Y., 1971), 148–169; J. Goldin, "Several Sidelights of a Torah Education," *Ex Orbe Religionum: Studia Geo Widengren ... Oblata* (Leiden, 1972), I, 176–191; S. Safrai, "Education and the Study of the Torah," *Compendia*, 945–970; N. Morris, *A History of Jewish Education, I: From the Earliest Times to the End of the Talmudic Period* (Jerusalem, 1977), a Hebrew revision of the author's *The Jewish School* which appeared in English in 1937. Greek influence on rabbinic education is discussed by Hengel, *Hellenism*, I, 65–83 and Morris, 117–127 (on elementary education); M. Smith in *Israel: Its Role in Civilization*, ed. M. Davis (N.Y., 1956), 79–80 and K.H. Rengstorf in *Theological Dictionary of the New Testament*, trans. G. Bromiley, IV (1967), 415–460, s.v. *manthanō* (on higher education). The chapter on "The House of Hillel" in R.A. Culpepper, *The Johannine School* (Missoula, 1975) is disappointing. On the rabbinic use of the term *scholē* and its derivatives, see R. Loewe, *Journal of Jewish Studies*, 25 (1974), 137–154.

⁷ B. *Ketubot* 103a–104a, B. *Sanhedrin* 47a, and B. *Shabbat* 59b; P. *Ketubot* 12.3 (34d–35a), P. *Kil'ayim* 9.4 (32a–32b), *Gen R.* 100 (101).2 (pp. 1284–1285) and the manuscript variants on pp. 1198–1199, *Tanḥuma* and *Tanḥuma-Buber*

One of these, a portion of B. *Ketubot* 103a-103b, paralleled by P. *Ketubot* 12.3 (34d-35a), is relevant to our theme.

I begin with the Palestinian text⁸:

- | | |
|--|---|
| A. Rabbi willed ⁹ three things at the time of his death: | רבי ציוה שלשה דברים
בשעת פטירתו |
| B. "Let not my widow leave my house;
And do not eulogize me in the towns;
And he who took care of me in my lifetime, shall take care of me in my death." | אל תזוז אלמנתי מביתי
ואל תספידוני בעיירות
ומי שניטפל בי בחיי יטפל
בי במותי |
| C. R. Hezqiah adds:
"Do not make my shrouds numerous;
And let my casket be open to the earth." | רבי חזקיה מוסיף
אל תרבו עלי תכריכין
ותהא ארוני נקובה לארץ |

Although not every phrase can be precisely paralleled elsewhere, this version of Rabbi's final injunctions is basically similar to the other rabbinic texts of its genre. It is a single set of short statements (R. Hezqiah adds two statements, making a set of five instead of three) delivered all at one occasion. Among the statements are instructions regarding the burial, another standard feature.¹⁰ Contrast the Babylonian version¹¹:

on Genesis 47:29-30; P. *Ta'anit* 4.2 (68a) and *Ecclesiastes Rabbah* on 7.7; B. *Kiddushin* 72a. Cf. too B. *Pesahim* 112b and the tradition allegedly derived from PT quoted by I. Konovitz, *Rabbi Yehudah HaNasi* (Jerusalem, 5725=1965), 29. Rabbi died sometime in the early part of the third century CE; see A. Guttman, *Hebrew Union College Annual*, 25 (1954), 239-261 and L. Levine (n. 66), 685-686.

⁸ I follow the text of the first edition and Ms. Leiden Scal. 3.

⁹ צוה is a technical term referring to one's last disposition; see e.g. *Genesis* 49:29 and 33; II *Samuel* 17:23; I *Kings* 2.1.

¹⁰ On "Last Words and Deathbed Scenes in Rabbinic Literature," see the article with this title by A. Saldarini *Jewish Quarterly Review*, 68 (1977), 28-45, which is supplemented by I. Abrahams, *Hebrew Ethical Wills* (Philadelphia, 1926), 2-22. On burial instructions, see Saldarini, 32-35 and cf. *Testament of Judah*, 26.3, "No one shall bury me in expensive raiment."

¹¹ For the textual variants, see *The Babylonian Talmud with Variant*

Our rabbis have taught:

A. At the time of Rabbi's death he said:

B. "I need my sons."

His sons came to him. He said to them:

"Carefully observe the honor due your mother;

Let the lamp be lit in its place,
Let the table be set in its place,
Let the bed be spread in its place;

Joseph Hophni, Simon Ephrati¹² —

They served me in my lifetime,
And they shall serve me in my death."

C. He said to them:

"I need the sages of Israel."

The sages of Israel came to him. He said to them:

"Do not eulogize me in the towns;

But establish a session after thirty days;

Simon my son shall be *Hakham* (Sage),

Gamaliel my son shall be *Nasi* (Patriarch),

Hanina bar Hama shall sit at the head."

D. He said to them:

"I need my younger son."

R. Simon came to him. He transmitted to him the tradition¹³ of wisdom.

ת"ר

בשעת פטירתו של רבי

אמר

לבני אני צריך

נכנסו בניו אצלו

אמר להם

הזהרו בכבוד אמכם

נר יהא דלוק במקומו

שולחן יהא ערוך במקומו

מטה תהא מוצעת במקומה

יוסף חפני שמעון אפרתי

הם שמשוני בחיי והם ישמ-

שוני במותי

אמר להן לחכמי ישראל אני

צריך

נכנסו אצלו חכמי ישראל

אמר להן

אל תספידוני בעירות

והושיבו ישיבה לאחר של-

שים יום

שמעון בני חכם

גמליאל בני נשיא

חנינא בר חמא ישב בראש

אמר להן

לבני קטן אני צריך

נכנס ר' שמעון אצלו

מסר לו סדרי (מסורת)

חכמה

Readings: Tractate Kethuboth II, ed. M. Hershler (Jerusalem, 1977), 437-449.
The Talmud interrupts the text after sections B and C.

¹² These names are variously spelled in the manuscripts.

¹³ Our vulgate text has *סדרי חכמה*, but many important textual witnesses have *מסורת חכמה*. See Hershler's apparatus and my discussion below.

Here I am interested in the literary prototypes of the story.

The model for the literary structure of the Babylonian narrative was the Biblical account of the death of Jacob.¹⁵ *Genesis* 47:29–49:33 is a series of four deathbed scenes. In the first Jacob commands Joseph to bury him in the ancestral tomb (*Gen.* 47:29–31); in the second Jacob blesses Joseph's children (*Gen.* 48:1–22); in the third Jacob blesses his sons (*Gen.* 49:1–28); in the fourth Jacob commands his sons to bury him in the ancestral tomb (*Gen.* 49:29–33). In the first and third scenes Jacob, like Rabbi, assembled his audience (*Gen.* 47:29 and 49:1).¹⁶ Thus the form of the Babylonian narrative follows this Biblical prototype.

The content of the Babylonian narrative has its closest affinities not to any Biblical account but to a set of Greek documents preserved by Diogenes Laertius, an author who flourished in the first half of the third century of our era and was a contemporary of Rabbi's two sons. These documents are the final testaments of six philosophers of the fourth and third centuries BCE: Plato, Aristotle, Theophrastus, Strato, Lyco, and Epicurus, each of whom either founded or headed an Athenian philosophical school.¹⁷ (Such heads are known as *scholarchs*.) Although no two of these documents cover the same set of topics, the six are similar in many respects one to the other. And although none of the documents is identical in content with our text, the six do provide many parallels to it. If

¹⁵ *Gen. R.* cites the Palestinian account of Rabbi's last words (see n. 7) in reference to *Genesis* 49:33. In PT Rabbi explicitly applies *Genesis* 47:28 to himself. The Biblical account of Jacob's death was the model for the deathbed scene of Mattathias in I *Maccabees* 2.49–70 (see J. Goldstein, *I Maccabees* (N.Y., 1976), 239) and for many of the deathbed scenes recounted in the Jewish testament literature. Jacob, Mattathias, and Rabbi appoint two sons as successors.

¹⁶ Cf. too *Gen.* 27:1; *Joshua* 23:2 and 24:1; and the pseudepigraphic testament literature.

¹⁷ Plato: D.L. 3.41–43; Aristotle: D.L. 5.11–16; Theophrastus: D.L. 5.51–57; Strato: D.L. 5.61–64; Lyco: D.L. 5.69–74; Epicurus: D.L. 10.16–21. There is an enormous bibliography on these wills; see n. 32 below.

we allow for the fact that Rabbi had two full-grown sons and that none of the Greek scholarchs had any adult legitimate offspring, the differences between our text and the six testaments are not any greater or more numerous than the differences among the six testaments themselves. The scholarchs, without adult legitimate issue, devoted the largest portions of their testaments to the disposition of their private property which included lands, houses, money, slaves, household effects, as well as their respective schools. All six testaments therefore designate heirs and/or executors, among whom are the scholarchs-designate.¹⁸ Rabbi, on the other hand, with two legitimate sons to inherit his property, had no need to designate a private-law heir. What was in doubt was the succession to the patriarchate, and that question was solved by testamentary designation.

As I indicated, the Babylonian text is similar in content, not form, to the testaments of the philosophers. All six of the testaments are standard legal documents, the only thing "philosophic" about them being their authorship and their references to the philosophic schools.¹⁹ Because the testaments of Plato and Aristotle mention neither the Academy nor the Peripatus, these testaments could pass as the last wills of undistinguished and unphilosophic individuals. The Babylonian

¹⁸ The validity of these wills under Athenian law is unclear; see A.R.W. Harrison, *The Law of Athens: The Family and Property* (Oxford, 1968), 151, n. 2.

¹⁹ "Testaments of Philosophers" did not constitute a literary genre in antiquity. The death and final words of famous men (especially martyrs and philosophers) were favorite subjects in antiquity, but interest in such matters rarely extended to wills and testaments. See R. MacMullen, *Enemies of the Roman Order* (Harvard, 1966), 72-94 with the notes. The relationship of these pagan accounts to the Jewish pseudepigraphic testament literature and to the rabbinic accounts of the deaths of famous rabbis, awaits investigation. A.B. Kolenkow, "The Genre Testament and Forecasts of the Future in Hellenistic Jewish Milieu," *Journal for the Study of Judaism*, 6 (1975), 57-71, does not discuss this problem. I do not know the origin of the "Hebrew Ethical Will" genre.

text, in contrast, is not a legal document but a narrative whose subject is "Rabbi's (oral) testaments."²⁰

The parallels between B. *Ketubot* 103a–103b and the testaments of the philosophers are the following.

Elsewhere I hope to demonstrate that Rabbi's first two injunctions in BT (honor your mother; household furnishings must remain) were spun out of PT's first injunction (Rabbi's widow should not leave the house). Aristotle enjoined the executors of his will to take care of his concubine Herpyllis and to allow her to choose as her residence either his house in Chalcis or his ancestral home in Stagira.²¹

Rabbi's next three injunctions concern his burial and memorial services. He instructs his sons that Joseph Hophni and Simon Ephrati should participate in his funeral.²² He asks

²⁰ On wills and testamentary succession in rabbinic law, see A. Gulak, *Das Urkundenwesen im Talmud* (Jerusalem, 1935), 125–136; S. Zeitlin, *Studies in the Early History of Judaism, IV* (N.Y., 1978), 193–198; Z.W. Falk, *Introduction to the Jewish Law of the Second Commonwealth, II* (Leiden, 1978), 332–349.

²¹ Here the PT version is closer to the testament than is BT; BT had its own reasons to modify PT. BT interprets Rabbi's second injunction as referring not to his widow's use of the household fixtures but to his own need for the fixtures when he would return from the dead to his study. (But why doesn't Rabbi mention his chair? Cf. II *Kings* 4:10.) BT narrates a story which Stith Thompson would classify as a tale concerning a "Friendly Return from the Dead." See his *Motif-Index of Folk-Literature*, motifs E, 300–399, and D. Neuman (Noy), *Motif-Index of Talmudic-Midrashic Literature* (PhD dissertation, Indiana University, 1954), 366. But this supernatural interpretation does not convince me.

²² There are three possible interpretations of this injunction. (1) The injunction refers to Rabbi's funeral: those who served Rabbi in his lifetime should also serve him at his funeral. This interpretation, which, as far as I know, is not excluded by the BT version, appears explicitly in the *Tanḥuma* and in some versions of *Gen. R.* (see Theodor's note on p. 1285). (2) The injunction is an allusive formula for the manumission of slaves: those who served Rabbi in his lifetime shall serve him at his funeral (and shall serve no one else). Cf. R. Yaron, *Gifts in Contemplation of Death in Jewish and Roman Law* (Oxford, 1960), 165 and Persius, *Satires*, 3:105–106. (3) BT assumes that the injunction is not an injunction but a prediction of the imminent demise of Joseph and Simon. Rabbinic deathbed scenes often include predictions of the

the sages not to eulogize him in the towns but to commemorate him with an academic session thirty days after his death.²³ Burial and memorial services are common topics in the wills of the philosophers. Aristotle, Theophrastus, Strato, and Lyco instruct their heirs/executors how they wish to be buried. The institution of memorial rites figures in the testaments of Theophrastus, Strato, Lyco, and especially Epicurus who established his birthday as the annual feast day for the school.²⁴ Rabbi obviously could not ask for a statue to be erected in his honor, or for offerings to be made on his tomb, or for a cult dedicated to himself. Instead of these pagan memorials, Rabbi asked for an academic session. Because memorial rites were customarily tendered by the school, BT has Rabbi address his prohibition of rural eulogies not to his sons but to the sages. Contrast PT which links the prohibition with matters which are properly the concern of Rabbi's children and not the school.

Rabbi now turns to the succession to the headship of the school. Three, perhaps four, of the testaments preserved by Diogenes deal with this topic. Strato names Lyco, Epicurus names Hermarchus, and Theophrastus, perhaps, names Neleus.

deaths of one's colleagues (see Saldarini), but such an interpretation does not suit the context here.

²³ BT understands the injunction to mean that the rabbis should resume their regular studies after the thirty day suspension caused by Rabbi's death. B. *Baba Qamma* 16b, Rashi on B. *Yebamot* 122a (top), and *Lamentations Rabbah*, *Petihta* 25 (p. 15a ed. Buber) suggest, however, that the reference is to the institution of a memorial session at Rabbi's grave thirty days after his death. One of the catacombs at Beth She'arim, above which are the remains of a building which could have been used as a lecture hall, has been identified as Rabbi's burial site; see N. Avigad, *Beth She'arim III: Catacombs 12-23* (New Brunswick, 1976), 42-65. For a sample of rabbinic eulogies, see P. *Berakhot* 2.7 (5c) and B. *Mo'ed Qatan* 25.

²⁴ E.F. Bruck, *Totentheil und Seelgerät im griechischen Recht* (Munich, 1926), 256-266; Philodemus in *Anthologia Graeca*, 11.44 with the commentary of A.S.F. Gow and D.L. Page, *The Garland of Philip II*, p. 394. Cf. too Porphyry, *De Vita Plotini*, 2 (end).

Lyc0 asks the fellows of the school to appoint as scholarc h whomever they judge to be most suitable.

The dying patriarch and the dying scholarc hs thus had three areas of common concern: the care of the widow, funeral and memorial arrangements, and the succession to the leadership of the school. Of these three, the last is by far the most significant, since, in the final analysis, it is the only one which reveals that the testaments of Rabbi and the Greek philosophers are those of scholarc hs. The headship of schools was the concern of scholarc hs exclusively while widows and funerals were not. In addition, not all the features of the Babylonian text can be clarified by appeal to the Greek documents.²⁵ Hence it is difficult to assess the significance of the literary parallels. Perhaps they are fortuitous. We turn instead to the parallels of content: the leadership of both Jewish and Greek schools was transferred through testamentary designation.

III.

We are not well informed about the organization and administration of the schools of antiquity.²⁶ Literary works do not as a rule deal with these matters. Archeological sources are few and ambiguous. Those schools which were organized as perpetual

²⁵ Parts D and E are unparalleled; see below.

²⁶ The standard survey is, of course, Marrou. Important modern studies include the following (each with further bibliography): H. Brunner, *Altägyptische Erziehung* (Wiesbaden, 1957); A. Sjöberg, "The Old Babylonian Eduba," *Sumerological Studies in Honor of Thorkild Jacobsen*, ed. S.J. Lieberman (Chicago, 1975), 159-179; Culpepper, *The Johannine School* (n. 6 above; a convenient survey of the Greek philosophical schools) and Lynch, *Aristotle's School*; P.M. Fraser, *Ptolemaic Alexandria* (Oxford, 1972), 312-319 (on the Mouseion); M.L. Clarke, *Higher Education in the Ancient World* (London, 1971), and S.F. Bonner, *Education in Ancient Rome* (London, 1977); J. Kodrebski, "Der Rechtsunterricht am Ausgang der Republik," and D. Liebs, "Rechtsschulen und Rechtsunterricht im Prinzipat," both in *Aufstieg und Niedergang der römischen Welt*, II, 15 (Berlin, 1976); A. Vööbus, *History of the School of Nisibis* (Louvain, 1965); on rabbinic schools, see above, n. 6.

institutions with corporate identity had to solve the problem of succession and, fortunately, we do have some information on this subject.

Here is the evidence of the testaments of the philosophers. Strato, scholarch of the Peripatus, wrote, "I leave the school to Lyco . . . I also leave him all of my books . . . and all of the furniture in the dining-hall and the cushions and the drinking cups." This testament clearly implies that the school was the private property of the scholarch for him to bequeath to whomever he saw fit. Contrast the testament of Lyco, his successor, "I leave the Peripatus to those of my associates who wish (to use it), to Bulo, Callinus (and eight others). Let them place at its head whoever they feel will best be able to persevere in the work (of the school) and to assist in increasing it." In this will the fellows of the school were given the right to elect their own chief and therefore it is unclear whether the school was to remain the private property of the scholarch. It is probable that even before Lyco's tenure the fellows had a say in the selection of the new scholarch. Although Theophrastus did not designate anyone as his successor, he did leave his library to Neleus, an unmistakable commendation. It was not Neleus, however, who succeeded Theophrastus but Strato. Presumably Neleus lost the election which followed Theophrastus' death. In any event, we see that from the earliest days of the Peripatus, succession was handled in one of two ways: testamentary designation or election by members of the school.²⁷

For the Academy, our major source is the *Index Academicorum*, an anonymous work found among the scrolls at Herculaneum. We find here the same picture. Although the

²⁷ Strato: D.L. 5.62; Lyco: D.L. 5.70; Theophrastus: D.L. 5.52. See Lynch, 60 n. 33 and 80–82. Theophrastus' testament circulated in two different versions; one is preserved by D.L. while the other is extant in fragmentary form in Harpocration and Suidas. See Bruck, 259–260 and 266. Perhaps Theophrastus' recommendation was more explicitly stated in the version which is now lost.

text refers three times to the election of the scholarch, twice by the *neaniskoi* (the students?) and once by the *hetairoi* (the faculty? the senior students?), the text probably also refers to testamentary succession.²⁸

Our most important evidence is provided by the Garden of Epicurus. The founder of the school wrote the following in his testament:

I hereby give all of my (possessions) to Aynomachus ... and Timocrates ... on condition that they shall make the garden (or: the Garden) and its appurtenances available to Hermarchus ... and those who philosophize with him and those successors of our philosophy to whom Hermarchus may leave (the school) for a life spent in (the study of) philosophy.²⁹

The legal status of the school is obscure, but Epicurus clearly grants Hermarchus the right to bequeath the school to a successor and implies that this right is to be enjoyed by all the future successors of the school.

An Athenian inscription of the year 121 CE shows that Epicurus' will was still in effect but with several important modifications:

In the consulship of Marcus Annius Verus for the second time and Gnaeus Arrius Augur.

From Plotina Augusta.

You know full well, my lord, what fondness I have for the school of Epicurus. Its succession needs your help, for, since it is illegal for anyone but a Roman citizen to be chosen as the successor, the choice is narrowly limited. I request therefore on behalf of Popillius Theotimus, who is now the successor in Athens, that you permit him both to prepare his testament in Greek concerning that part of his final instructions which pertains to the regulation of the

²⁸ S. Mekler, *Index Academicorum Herculensis* (Berlin, 1902), 38 and 67 (election by *neaniskoi*); 59 (election by *hetairoi*, if the restoration is correct); 79 and 91 (*katelipen* suggests testamentary succession). Cf. too 90 and D.L. 4.60 (Lacydes, while still alive, hands over the Academy to his successors).

²⁹ D.L. 10.17.

succession and to be able to replace himself with a successor of non-citizen status, if the attainments of the individual shall have persuaded him to do so; and that future successors of the school of Epicurus may exercise hereafter the same right which you have granted to Theotimus, all the more so, because the practice is that whenever an error has been made by a testator concerning the selection of a successor, he who will be best is placed in his stead by the common consent of the students of the school, and this will be easier if he can be selected from a larger number.

The Emperor ... Hadrian ... to Popillius Theotimus:

I permit (him) to prepare his testament in Greek in those matters which pertain to the succession of the Epicurean school. But since he will also choose a successor more easily if he shall have the ability to replace himself even with a non-citizen, this too I grant (to him) and to the others who shall have the succession hereafter; this right may be transferred legally either to a non-citizen or a Roman citizen.³⁰

Plotina, widow of the emperor Trajan, writes to Hadrian on behalf of the Epicurean school in Athens. The most interesting fact revealed by this correspondence, that the *diadochus* (successor) had to be a Roman citizen, does not concern us here, nor do the other issues of Roman law which a full interpretation of this inscription would have to consider.³¹ This inscription shows that testamentary designation and popular election were both in force in the Epicurean school in the

The text has been printed many times, e.g. *Inscriptiones Graecae* IP, 1099; *Inscriptiones Latinae Selectae*, ed. H. Dessau, nr. 7784; *Sylloge Inscriptionum Graecarum*³, ed. W. Dittenberger, nr. 834; FIRA, I nr. 79; E.M. Smallwood, *Documents Illustrating the Principates of Nerva, Trajan, and Hadrian* (Cambridge, 1966), nr. 442. The text has been translated into English by N. Lewis and M. Reinhold, *Roman Civilization II: The Empire* (N.Y., 1955, repr. 1966), 296–297, and A.C. Johnson et al., *Ancient Roman Statutes* (Austin, 1961), 180. On Plotina's interest in matters philosophical and religious, see W.C. McDermott, *Historia*, 26 (1977), 192–203 and J.H. Oliver, *Historia*, 24 (1975), 125–128.

³¹ See the bibliography assembled by Riccobono in FIRA.

second century. The scholarch in his testament designated his successor, but his choice was subject to the approval of the students who could replace the designate with their own candidate. The details of this process are not spelled out — did the students automatically take a vote to confirm or reject the new scholarch? Were they able to oust an incumbent scholarch long after he had assumed office? — but the broad outlines are clear.

We see then that the scholarchs of the Peripatus, the Academy, and the Garden obtained their positions through either testamentary designation or election. The former procedure presupposes that the school was the private property of the scholarch who could dispose of it just as he could dispose of his other private possessions; this seems to have been the status of the Peripatus and the Academy.³² Although the scholarch-designate was thus an heir of the previous scholarch, none of the Greek schools became the private domain of one family. Isolated examples of familial succession can be cited — uncle to nephew, brother to brother, grandfather to grandson³³ — but normally the departing scholarch would designate as his heir and successor whoever he thought would best serve the interests of the school. Family relationship was apparently not an important consideration. In contrast, the second procedure, election by the fellows of the school, presupposes that the ultimate sovereignty of the school resides not with the scholarch but with the fellows. The combination of these procedures, a combination which has perplexed students of Athenian law for over a century, characterizes the Athenian philosophical schools. Other organizations in antiquity, notably *collegia* and *koina*, did not as a rule utilize such a combination.³⁴

³² See Lynch, 106–134, esp. 125–126, and H.B. Gottschalck, *Hermes*, 100 (1972), 314–342, who cite the important studies on this topic.

³³ Mekler, 90, note to lines 36ff.

³⁴ A combination of procedures analogous to that of the Athenian schools was used in (some?) gymnasia in Egypt and in the Christian school of Nisibis.

If we may trust our Talmudic accounts — and I leave the question of historicity for the last section of this essay — we find the same combination in the procedures of the patriarchal school in Palestine in the Tannaitic period (second and early third centuries). Although the patriarch had the right to bequeath his academic position to his heir, the fellows of the school had the right to replace the patriarch with a candidate of their own choosing.

In Palestine, the notion that a scholarch was the heir of his predecessor reached its logical conclusion: the patriarchate became the inherited possession of one family.³⁵ If the succession was unproblematic, the new patriarch would simply inherit his father's position, but if the succession was unclear, the incumbent designated his successor in his testament. BT quotes in reference to Rabbi's will an exchange between Levi and Simon b. Rabbi which presupposes all of this.³⁶ Further, Rabbi delivered his testamentary designation to the Sages of Israel, i.e., the Fellows of the Rabbinic Academy (part C). Before the designation Rabbi addressed his sons about various family matters (part B); after it he addressed them about the affairs of the school (parts D and E). This implies that the

On the former, see R. Taubenschlag, *The Law of Greco-Roman Egypt in the Light of the Papyri*² (Warsaw, 1955), 638–639; on the latter, see n. 69, below. E. Ferguson, "Selection and Installation to Office in Roman, Greek, Jewish, and Christian Antiquity," *Theologische Zeitschrift*, 30 (1974), 273–284, is of no assistance. In the second century BCE the priesthood of the Dionysiasts in Piraeus regularly went from father to son, but the succession was determined not by inheritance but by the laws of the association and the vote of the members; see Dittenberger, *Sylloge* (n. 30), nr. 1101.

³⁵ An unanswerable question is whether the school was the private property of the patriarch. On the ownership of the patriarch's house, see P. *Ketubot* and *Gen. R.* (n. 7 above) with Lieberman, *Tosefta Ki-Fshutah VI: Nashim*, 366 n. 46.

³⁶ In reference to Rabbi's command "Gamaliel my son shall be Patriarch," BT cites the following: Levi said, "Was it necessary to say (such a thing)?" i.e. isn't it obvious that the elder son inherits the position of his father? To which Simon b. Rabbi replies, "It was necessary for you and your limp," i.e. my qualities might have sufficed to offset the primogeniture of my brother.

sages, like the members of the Epicurean school in Athens, had to approve or, at least, to assent to, the choice of the departing scholarch. In fact, Rabbi's grandfather, Rabban Gamaliel of Yabneh (a coeval of Plotina), was temporarily deposed from office by the members of the school, and Rabbi's father, Rabban Simon b. Gamaliel, nearly suffered the same fate according to a BT narrative.³⁷

Here then is the same perplexing phenomenon which was typical of the Athenian philosophical schools: a combination of inheritance, testamentary designation, and election by members of the school. Other rabbinic offices were filled either through appointment, election, or inheritance, but not through a combination of these procedures.³⁸ How, then, can we explain this patriarchal combination? We could argue that the principle of succession through inheritance and testamentary designation was applied to the patriarch on the analogy of the king, but the connection between the patriarchate and kingship was not made until the time of Rabbi himself and the argument does not explain the sovereignty of the members of the school.³⁹ According to one rabbinic story the high priest

³⁷ The deposition of R. Gamaliel: P. *Berakhot* 4.1 (7c-d), P. *Ta'anit* 4.1 (67d), and B. *Berakhot* 27b-28a. The deposition of R. Simon b. Gamaliel: B. *Horayot* 13b-14a.

³⁸ G. Alon, *Jews, Judaism, and the Classical World* (Jerusalem, 1977), 436-457; Lieberman, *JQR*, 36 (1946), 359-364; Mantel, 206-221; E. Urbach, *Proceedings of the Israel Academy of Sciences and Humanities*, 2 (1968), 43-45; M. Beer, *The Babylonian Exilarchate* (Tel Aviv, 1970), 94-117 (Heb.). Beer does not discuss the succession of the exilarch.

³⁹ *Nasi* certainly can mean "king". See e.g. *Ezekiel* 34:24 (and elsewhere); *Covenant of Damascus* 5.1; and the coins of Bar Kokhba. On the basis of *Leviticus* 4:22 the tractate *Horayot* (Mishnah, Tosefta, BT and PT) frequently calls the king a *nasi*. In spite of this, however, the first patriarch to be regarded as a king (a Davidic king, of course) was Rabbi. See the classic article by I. Lévy, "L'origine davidique de Hillel," *Revue des études juives*, 31 (1895), 202-211, as well as J. Juster, *Les juifs dans l'empire romain* (Paris, 1914), 1.395 and J. Liver, *The House of David* (Jerusalem, 1959). The Talmudic discussion in B. *Ketubot* 103b assumes that the patriarchal succession was modeled on the royal succession; cf. B. *Horayot* 11b. Neither II *Kings* 21:24 and 23:30 (the 'am

received his post through a combination of testamentary designation and election,⁴⁰ but the patriarch was not regarded as a high priest. The striking similarity of the procedures of succession in the patriarchal academy and the great philosophical schools of Athens, as well as the literary parallels between B. *Ketub.* 103a–103b and the testaments of the philosophers, suggest that, at least to some extent, the patriarch was a scholarch and the patriarchal academy a philosophical school.

IV.

A full comparative study of the patriarchal school and the philosophical schools of Athens would have to include more than testaments and modes of succession. I note here several other parallels each of which requires further research for proper elucidation.

1. In both Athens and Palestine, the members of the school were distinguished by rank, the “elders” being superior to the “youths” or “students”⁴¹; the students sat on benches which

ha'arez installs two Judean kings) nor the rabbinic requirement for the anointment of new kings (T. *Sanhedrin* 4.11; P. *Horayot* 3.3 (47c); B. *Horayot* 11b) will explain the two deposition stories. A great desideratum is a study of the rabbinic terminologies, theories and techniques of succession and investiture, especially of kings, high priests, rabbis, exilarchs, and patriarchs. See Alon (n. 38) and S. Leiter, *PAAJR*, 41–42 (1975), 137–168. Ferguson (n. 34) knows rabbinic material only at second hand.

⁴⁰ B. *Menaḥot* 109b (a rewriting of P. *Yoma* 6.3 (43d)). I hope to return elsewhere to the relationship of this material to B. *Ketubot* 103. On the succession of the high priest, see Alon, 453–454.

⁴¹ The fellows of the Athenian schools were divided into *neaniskoi* and *presbyteroi* or *hetairoi*; see Lynch, 75–76 and n. 28, above. Rabbinic scholars are frequently called “elders” and “sages”; for “students” see part E of our text, B. *Berakhot* 28a, and S. Lieberman, *Greek in Jewish Palestine* (N.Y., 1941), 180–181. PT frequently refers to an anonymous group of חב״י״א (= *hetairoi*); see J. Umanski, *The Sages of the Talmud: A List of all the Tannaim and Amoraim in the Palestinian Talmud* (Jerusalem, 1952), 50–51 (Heb.). I may mention here that *akoustēs* (“auditor”) is a standard Greek term for “student” which appears frequently in the *Index Academicorum* (later texts use *akroatēs*). Is this the meaning of השומע in M. *’Oholot* 16.1 and T. *’Oholot*

were arranged in a circle⁴²; a high official of the school was a *hakham* or *sophos*⁴³; the assembly of the senior fellows of the school was called a *synedrion*⁴⁴; the school's name was derived from the place where its sessions were held.⁴⁵

2. In its account of the deposition of Rabban Gamaliel, B. *Berakhot* 28a reports:

On that day they removed the guardian of the doorway and permission was granted to the students to enter. For R. Gamaliel used to declare, 'Every student whose inside is not like his outside, shall not enter into the study hall (*beth hamidrash*).'

Halewy has well noted the formal similarity of R. Gamaliel's

15.12-13? Cf. Payne Smith, *Thesaurus Syriacus*, II, 4216 s.v. שְׁמוּעָא, and W.D. Davies, *The Setting of the Sermon on the Mount* (Cambridge, 1964), 455-457.

⁴² D.L. 2.130 (not, however, concerning the Athenian schools); B. *Berakhot* 28a; Ginzberg, *Commentary*, 3.197; Goodblatt, 252-259; M. Aberbach, *HUCA*, 37 (1966), 111-120; E.E. Halewy, *The Historical-Biographical Aggada* (Tel Aviv, 1975), 292 (Heb.).

⁴³ On the title *hakham*, see, aside from our text, T. *Sanhedrin*, 7.8. Mantel, 129-135, argues that *hakham* does not designate a specific office but is a generic title for all ordained scholars, but his argument is not convincing. *Sophos* was the title of a high official in Epicurean education; see N.W. De Witt, "Organization and Procedure in Epicurean Groups," *Classical Philology*, 31 (1936), 205-211.

⁴⁴ See the letter of Theophrastus quoted by D.L. 5.37 (although the text and meaning are unclear; cf. Regenbogen, *Realencyclopädie* Supp. 7.1359-1360). The "Vineyard at Yabneh" is occasionally called the "sanhedrin" of Yabneh; see Ginzberg, *Commentary*, 3.198. Mantel does not discuss this use of the term. On the equivalency of *synedrion* and יְשִׁיבָה, see H.C. Brichto, *The Problem of Curse in the Hebrew Bible* (Philadelphia, 1963), 160-161 and Goodblatt, 66 (citing Goitein).

⁴⁵ On the names Peripatus, Academy, and Stoa, see D.L. 1.17; on the "Vineyard at Yabneh," see Ginzberg, *Commentary*, 3.198, anticipated to some extent by I. Abrahams in *Understanding the Talmud*, ed. A. Corre (N.Y., 1975), 3 (Abrahams' chapter was originally published in 1899). It is possible that the name "Vineyard" was derived not from the place where the school held its sessions but from a rabbinic metaphor which referred to scholars as "grapeclusters." Cf. Ben Sira 33.16 and the material assembled by G. Porton, *Journal of Jewish Studies*, 27 (1976), 159-176.

declaration to the inscription which Plato was said to have placed in front of his school, "He who is without geometry may not enter."⁴⁶ But the parallel is much more striking than Halewy suspects.

The classic Athenian schools were not closed institutions. An initiate did not have to undergo a rite of passage or bind himself with fearsome oaths; a member was not separated from the rest of society by dietary taboos; outsiders were not prohibited entrance into the schools nor were members of the school prohibited from revealing the school doctrines to outsiders. Only the Pythagoreans, a mystic and religious brotherhood, were characterized by these exclusivistic features.⁴⁷ By the fourth century of our era, however, philosophy, magic, mysticism, and religion were nearly indistinguishable; Plato had become a Neoplatonist. In this century we hear for the first time that Aristotle placed an inscription in front of his school which warned those who wished to enter the Peripatus, "Be pious towards the gods; be initiated in all the mysteries; perform the most holy rites; be educated in every subject." In this century we hear for the first time that Plato too placed an inscription in front of his school which warned those who wished to enter the Academy, "He who is without geometry may not enter." A scholiast explains that "without geometry" means "unequal" or "unjust," because "geometry seeks equality and justice."⁴⁸ Those who foisted

⁴⁶ Halewy (n. 42), 291.

⁴⁷ Lynch, 78–80. On the Pythagoreans, see A.J. Festugière, "Sur le 'De Vita Pythagorica' de Jamblique," *Revue des études grecques*, 50 (1937) = *Etudes de Philosophie Grecque* (Paris, 1971), 437–461, esp. 443–455. A convenient summary of the dominant features of the Pythagorean school is Culpepper (n. 6), 39–60.

⁴⁸ H.D. Saffrey, "ΑΓΕΩΜΕΤΡΗΤΟΣ ΜΗΔΕΙΣ ΕΙΣΙΤΩ: une inscription légendaire," *Revue des études grecques*, 81 (1968), 67–87. For Aristotle's inscription, see Julian, Oration VII: to the Cynic Heracleios 237d (Saffrey, 74–76). A fourth century scholiast on Aelius Aristides quotes the Platonic inscription and comments: (ἀγεωμέτρητος): ἀντι ἀνίσος καὶ ἄδικος. ἢ γὰρ γεωμετρία τὴν ἰσότητα καὶ τὴν δικαιοσύνην ζητεῖ (Saffrey, 72–73 and cf. 85).

these inscriptions upon Aristotle and Plato regarded the Peripatus and Academy as temples whose holy precincts could be entered only by the worthy. These alleged inscriptions find their nearest parallels in the *leges sacrae*, inscriptions which regulate the affairs of temples and cults. Many of them prohibit from entering into the temple precincts those who have violated some ritual taboo or have committed some unethical act. For example, entrance to a temple on Lindos in the second century of our era was restricted to "First and foremost, those who are pure and clean in deed (literally "hands") and intention (*gnomen*)."⁴⁹

Rabban Gamaliel's declaration, "He whose inside is not like his outside shall not enter into the study hall,"⁵⁰ is similar to the pseudo-Platonic and Lindian inscriptions: all three demand "equality," i.e. just and ethical behavior, from those who are about to enter the temple/school. The text which relates R. Gamaliel's demand is one of only three rabbinic texts to refer to guards at the door of the academy.⁵¹ Thus the author of B.

Philo too connects geometry with equality; see *De Cherubim*, 105 and *De Congressu*, 16.

⁴⁹ On the parallel with the *leges sacrae*, see Saffrey, 69–70. On these inscriptions, see E. Bickerman, "The Warning Inscription of Herod's Temple," *Jewish Quarterly Review*, 37 (1946–47), 387–405 and Milik (n. 58), 214. On the inscription from Lindos, see L. Ziehen, *Leges Graecorum Sacrae* II, 1 (Leipzig, 1906), nr. 148; O. Weinreich, *Sitzungsberichte der Heidelberger Akademie* (1919), nr. 16, pp. 64–65; and A.D. Nock, *Early Gentile Christianity and its Hellenistic Background* (N.Y., 1964), 18–19. Cf. too *Psalms* 24:3–4.

⁵⁰ A similar dictum is ascribed to Rabba in B. *Yoma* 72b. The contrast of inside/outside with reference to a person's character is a rhetorical commonplace; see *Matthew* 23:25–28//*Luke* 11:38–41 and two apocryphal gospels in E. Hennecke and W. Schneemelcher, *New Testament Apocrypha*, trans. R.M. Wilson (Philadelphia, 1963), 1.92–94 and 520. Classical parallels are assembled by J.J. Wet(t)stein in his commentary on *Matthew* 23:25–28 and by Halewy.

⁵¹ B. *Berakhot* 28a; B. *Yoma* 35b; *Fathers According to R. Nathan*, A 6 (p. 16a, ed. Schechter). See S. Safrai, *Scripta Hierosolymitana, XXII: Studies in Aggadah*, ed. J. Heinemann and D. Noy (Jerusalem, 1971), 222. The date of all three stories is uncertain but I see no reason to date any of them before the fourth century. I do not know whether the Athenian schools had guards at their doors.

Berakhot 28a — or was it R. Gamaliel himself? — has done to the school of the patriarch what fourth century writers did to the schools of Plato and Aristotle: they bestowed upon them exclusivistic ideologies. But the point of the rabbinic story, of course, is that such an ideology has no place in rabbinic education.⁵²

3. In parts D and E of our text, Rabbi transmits the “tradition of wisdom” to his younger son Simon and the “orders of the patriarchate” to his elder son Gamaliel. He then gives Gamaliel some advice.

First a note on the text. Our vulgate edition of the Talmud reads “orders of wisdom” but many important witnesses have “tradition (or: traditions) of wisdom” which I assume to be the original text, “orders of wisdom” having been produced by contamination with “orders of the patriarchate.”⁵³ “Tradition of wisdom” and “orders of the patriarchate” are unusual phrases; what is their meaning?⁵⁴

Any perpetual corporate institution requires rules and procedures to maintain a stable existence from one generation to the next. The rules would govern the admission of new members, the privileges and obligations of membership, the punishments to be inflicted upon members who violate the rules, the jurisdiction and selection of the officers of the group, and the like. Greco-Roman associations, as well as the state-run schools for children and youths at Athens (the ephebate), Miletus, and Teos, had such regulations, known as “laws.” The supervisor of the school of Miletus, the

⁵² The school of Shammai was said to have been open only to those who were “wise, meek, well-born, and wealthy,” in contrast to the school of Hillel which was open to all (*Fathers According to R. Nathan*, A 3 and B 4, p. 7b ed. Schechter). To what extent rabbinic education really was open to all requires investigation.

⁵³ See above, n. 13.

⁵⁴ Neither recurs in BT; “tradition of wisdom” appears in *Tanḥuma*, *Va’ethanan* fin. = *Tanḥuma Deuteronomy*, p. 7a, ed. Buber = *Deuter. Rabbah*, p. 41, ed. Lieberman. Later versions of the *Tanḥuma* also have the phrase.

paidonomos, was governed by a *paidonomikos nomos*.⁵⁵ We may assume that the great philosophical schools of Athens, as perpetual corporate institutions, also had such laws. The internal procedures of the Christian school of Nisibis were governed by a written set of “canons” (קְנוּנָא). Syriac writers regularly refer to the “established order” (טַכְסָא = τάξις, cf. סֵדֶר) of the school.⁵⁶

I suggest that מסורת חכמה means not “tradition of wisdom” but “the tradition of the office of *Hakham* (Sage),” the phrase being an exact parallel to “orders of the patriarchate.” I further suggest that the “tradition” and “orders” are the rules of conduct of the Sage and Patriarch, much as the *Apostolic Tradition* and the *Apostolic Constitutions* (*diataxeis*, lit. “orders”) were the “laws” which governed the procedures of some of the early churches.

If this explanation is correct, Rabbi’s final injunction to the patriarch-designate (“My son, conduct your patriarchate with a high hand; cast bile upon the students”) will be part of, or an introduction to, these “orders.” In contrast, the *Apostolic Constitutions* warn the bishop not to be “hard, tyrannical, wrathful or rough with the people of God”; but Rabbi was a forceful man who believed that a strict reign was best.⁵⁷

⁵⁵ On the “laws” (*leges* or *nomoi*) of associations, see e.g. C.T. Roberts et al., *Harvard Theological Review*, 29 (1936), 39–87; A.E.R. Boak, *Transactions of the American Philological Association*, 68 (1939), 212–220; and FIRA, III, chapter 2. On the schools of Miletus and Teos, see E. Ziebarth, *Aus dem griechischen Schulwesen* (Leipzig, 1909), 16–17 and 47–51; Marrou, 160–162; Dittenberger, *Sylloge* (n. 30), nr. 577 and 578; A.R. Hands, *Charities and Social Aid in Greece and Rome* (Ithaca, 1968), 120–122 and 195–197 (translations of extensive portions of both documents).

⁵⁶ A. Vööbus, *The Statutes of the School of Nisibis* (Stockholm, 1961). For טַכְסָא, see e.g. *Statutes*, 83 and Barḥadbešabba, *Patrologia Orientalis*, 9,5 (1913), 622 and cf. 615. טַכְסָא like קְנוּנָא can refer to a written set of rules; see A. Vööbus, *Syriac and Arabic Documents Regarding Legislation Relative to Syrian Asceticism* (Stockholm, 1960), 83 (rules attributed to Rabbula, section 23) and 147 (canons of Maruta, section 58).

⁵⁷ *Apostolic Constitutions*, 2.57.1 (pp. 158–159, ed. Funk)=*Didascalia Apostolorum*, trans. R.H. Connolly (Oxford, 1929), 119 (whose translation I have

V.

In the Greco-Roman period the Jews not only composed literary works in Greek, followed the conventions of Greco-Roman literature, enriched their Hebrew and Aramaic lexica with hundreds of Greek and Latin words, accepted Hellenistic philosophical ideas and scholarly techniques, and adopted Greco-Roman styles in architecture and art; they also created organizations and institutions modeled on those of the Hellenistic world. The *politeumata* of the Ptolemaic empire, the *synedrion* (or *synedria*) in Palestine, and the *poleis* established by the Herodians illustrate this generalization but are matters of public law and therefore not as relevant to our subject as are the following bits of evidence. One Jewish organizational form has a name which reveals that it began as a typical Greco-Roman association (*synagōgē*).⁵⁸ Josephus describes the Essenes as a Pythagorean brotherhood⁵⁹; the Qumran *Manual of Discipline* and the rules of the rabbinic (Pharisaic?) *ḥaburah* resemble the "laws" of *koina* and *collegia*.⁶⁰ While a youth in Jerusalem Josephus toured the three Jewish "philosophical

followed). On Rabbi's harsh policy, see M. Avi-Yonah, *The Jews of Palestine* (Oxford, 1976), 60. On the harshness of R. Gamaliel and R. Simon b. Gamaliel, see B. *Berakhot* 28a (part of which has been discussed above) and B. *Sanhedrin* 11a-11b.

⁵⁸ S. Baron, *The Jewish Community* (Philadelphia, 1942), 1. 75-117. On pagan use of *synagōgē* and *archisynagōgeus*, see F. Poland, *Geschichte der griechischen Vereinswesen* (Leipzig, 1906), index s.vv. and J.T. Milik, *Recherches d'épigraphie proche-orientale I: Dédicaces faites par des dieux* (Paris, 1972), 71-72.

⁵⁹ I. Lévy, *La légende de Pythagore de Grèce en Palestine* (Paris, 1927), 264-289; see too Festugière (n. 47).

⁶⁰ On the community of Qumran, see H. Bardtke, *Theologische Literaturzeitung*, 86 (1961), 93-104; E. Koffmahn, *Biblica*, 42 (1961), 433-442 and 44 (1963), 46-61; B. Dombrowski, *Harvard Theological Review*, 59 (1966), 293-307; M. Delcor, *Revue de Qumran*, 6 (1968), 401-425, esp. 410-411. On the *ḥaburah*, see S. Lieberman, *Journal of Biblical Literature*, 71 (1952), 199-206. Cf. too H. Mantel, *Papers of the Fourth World Congress of Jewish Studies* (Jerusalem, 1967), 1. 81-88 (Heb. with English abstract on p. 258).

schools" (*haireseis*), i.e. the Pharisees, Sadducees, and Essenes, just as an Athenian youth might have toured the Porch, Academy, and Peripatus.⁶¹

This process of Hellenization continued in the rabbinic period. After the destruction of the temple in 70 CE the rabbis assembled and established a school at Yabneh under the leadership of Rabban Yohanan ben Zakkai and afterwards of Rabban Gamaliel. What models could have been more appropriate for the new institution than the famous philosophical schools of Athens? The Mishnaic tractate *Chapters of the Fathers* describes a chain of tradition from Moses to R. Yohanan b. Zakkai and his disciples and to the patriarchal house (R. Gamaliel, R. Simon b. Gamaliel, R. Judah the Patriarch, R. Gamaliel b. Judah) just as the Greek doxographers traced the traditions of the philosophical schools from their founders to the later scholars.⁶² The Athenian schools were the Porch, the Garden and the Walk (*Peripatus*); the rabbis called their school "the Vineyard." The rabbis of Yabneh and their contemporaries at the Epicurean school in Athens had the right to depose the scholar and to elect his replacement. The head of the rabbinic school inherited his position from his father or, if there was uncertainty as to the succession, was designated in his father's final disposition. The Athenian scholars too were designated as heirs in the wills of their predecessors. In addition, many other of the internal procedures of the patriarchal school closely resemble those of the Athenian schools. Among the final dispositions of Rabbi

⁶¹ S.J.D. Cohen, *Josephus in Galilee and Rome* (Leiden, 1979), 106–107. Diogenes Laertius 4.67 refers to the Academy, Peripatus, and Stoa as "the three schools" (*haireseis*).

⁶² E. Bickerman, "La chaîne de la tradition pharisienne," *Revue biblique*, 59 (1952), 44–54. For the concept, see W. von Kienle, *Die Berichte über die Sukzessionen der Philosophen* (Berlin, 1961). For the terminology of "succession," see C.H. Turner in *Essays on the Early History of the Church and the Ministry*, ed. H.B. Swete (London, 1918), 197–206 and J. Mejer, *Diogenes Laertius and his Hellenistic Background* (Wiesbaden, 1978), 62–74.

Judah the Patriarch were the designation of his successor, instructions regarding the funeral and the memorial services, and an injunction on behalf of his widow. These three features are also found among the six philosophers' wills preserved by Diogenes Laertius. It was said that Rabban Gamaliel had decreed that the school was closed to him whose "inside was not like his outside" and had posted guards to enforce his decree; Plato too, it was said, excluded from his school all those who were "ungeometrical," i.e. unjust.

I am not suggesting that the schools of R. Gamaliel and R. Judah the Patriarch were philosophical schools in the sense that the texts of Plato, Aristotle, or Zeno were studied alongside the Bible and the words of rabbinic masters. Obviously this was not the case. The rabbis betray no knowledge at all of the classics of Greek philosophy or of technical Greek philosophical terms. The degree of their acquaintance even with the popular philosophy of the second-fourth centuries of our era remains the subject of dispute.⁶³ I suggest rather that the organization and procedures of the patriarchal school in the second century were modeled on those of the Athenian philosophical schools. Of all the rabbis, the ones who unquestionably were the most Hellenized, who had the best Greek education, and who were most acquainted with the world around them, were the patriarch, his associates, and the patriarchal house.⁶⁴ When they set out to establish a school, it is not implausible that they might have chosen a Greek institution as their model. The emperor Alexander Severus returned the compliment when he suggested that the selection of Roman provincial governors ought to be modeled on the procedures used by the Jews (and Christians) in the election of their *sacerdotes*.⁶⁵

⁶³ See the works summarized and evaluated by Fischel (n. 2).

⁶⁴ Lieberman, *Greek in Jewish Palestine*, 1 and 20.

⁶⁵ *Historia Augusta, Alexander Severus* 45. See T. Reinach, *Textes d'auteurs grecs et romains relatifs au judaïsme* (Paris, 1895), 349 and Lieberman, *Jewish Quarterly Review*, 36 (1946), 364.

The patriarch of the rabbinic period was many different things. He was the head of a school, the chief judge of a court system, the leader of the rabbinic movement, and the chief spokesman of Palestinian Jewry and, perhaps, of the Jewry of the Roman Empire as a whole. He collected taxes to support his own reign, perhaps had a role in the collection of taxes for the Romans, supervised the intercalation of the Jewish calendar, appointed judges and teachers, and imposed punishments and fines. My suggestion that the patriarch was a scholar clarifies only one of the many aspects of the patriarchate and sheds no light on many important problems. What is the origin and meaning of the title "patriarch"? What was the status of the patriarch in Roman law? What role did the Roman government have in the selection of the patriarch? What was the exact relationship between the central academy chaired by the patriarchs and the private disciple circles of individual rabbis? What is the relationship between rabbinic schools and rabbinic courts? All of these questions remain unanswered.⁶⁶

Until this point I have assumed the fundamental historicity of the rabbinic accounts concerning the patriarchal school. I have argued that the accounts are plausible and that they yield a picture which fits the second century. Yet it is obvious that the assumption is untenable. Our major text, B. *Ketubot* 103a–103b, is a complex document which presents a highly developed form of the material and which reached its present form long after the events it purports to describe. The other text to which we have had frequent recourse, B. *Berakhot* 28a, is an aggadic expansion of a Palestinian text whose historical

⁶⁶ Juster, 1.391–399, remains the best short survey of the powers and position of the patriarch; see too Mantel, 175–253, and the fine recent article by L. Levine in *Aufstieg und Niedergang der römischen Welt*, II, 19.2 (Berlin, 1979), 649–688. As far as I know, rabbinic texts use *patriarchēs* only with reference to the head of the Samaritans; see *Gen. R.* 94.7, p. 1178. On the relationship between schools and courts, see Goodblatt, *passim* and I. Gafni, *Zion*, 43 (1978), 12–37.

kernel is beyond recovery.⁶⁷ We must admit too that the Babylonian Talmud has an unfortunate habit of transmitting fictional or highly embellished accounts of the internal affairs of the Palestinian patriarchate.⁶⁸ Perhaps then the parallels between patriarchs and scholarchs tell us more about the Hellenization of Babylonian Jewry in the fourth and fifth centuries than about the Hellenization of Palestinian Jewry in the second.⁶⁹ I see no way to answer this question. Was the patriarch a scholarch and the rabbinic school a philosophical school? Ancient Jews described them as such and that fact alone is additional testimony to the impact of Hellenistic models upon rabbinic Judaism.

⁶⁷ I hope to return elsewhere to B. *Ketubot* 103a–103b. On B. *Berakhot* 28a, see Ginzberg, *Commentary*, 3.174–220, and R. Goldenberg, *Journal of Jewish Studies*, 23 (1972), 167–190.

⁶⁸ B. *Horayot* 13b–14a, the deposition of R. Simon b. Gamaliel, is an aggadic expansion of T. *Sanhedrin* 7.8 and P. *Bikkurim* 3.3 (65c), a fact unappreciated by A. Büchler, *Studies in Jewish History* (London, 1956), 160–178. Other “aggadic” narratives are B. *Baba Meši’a* 84b and B. *Kiddushin* 72a–72b.

⁶⁹ The head of the Christian school of Nisibis either was appointed by the testamentary designation of his predecessor or was elected by the members of the school — the same procedures which characterize the Athenian and patriarchal schools. See Barhadbešabba, *Patrologia Orientalis* 4,4 (1908), pp. 359, 380, 387; idem, *Patrologia Orientalis* 9,5 (1913), 597, 598–599, and 620 (the members of the school depose their leader). Was this institution too influenced by the model of the Athenian schools? The school was founded in the fourth century; Barhadbešabba wrote in the late sixth or early seventh century. A full comparative study of the school of Nisibis and the rabbinic academies of Babylonia is a desideratum; Goodblatt skims the surface. See I. Gafni, *The Babylonian Yeshiva* (Hebrew University, PhD thesis, 1978), 196–204. On the Hellenization of Babylonian Jewry, another subject which requires further research, see J. Neusner, *A History of the Jews in Babylonia*, index, s.v. Hellenism.