

Texts and Studies in Ancient Judaism

Texte und Studien zum Antiken Judentum

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Alan Appelbaum

The Dynasty of the Jewish Patriarchs

Mohr Siebeck

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ISBN 978-3-16-152964-1

ISSN 0721-8753 (Texts and Studies in Ancient Judaism)

Die Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliographie; detailed bibliographic data are available on the Internet at <http://dnb.dnb.de>.

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The book was typeset by Martin Fischer in Tübingen using Times typeface, printed by Gulde-Druck in Tübingen on non-aging paper and bound by Buchbinderei Spinner in Ottersweier.

Printed in Germany.

For Judy

“In view of the importance of the patriarchate, it is surprising that there is only very scanty evidence for its history.”

Günter Stemberger, *Jews and Christians in the Holy Land: Palestine in the Fourth Century*, tr. Ruth Tuschling, Edinburgh: T. & T. Clark, 2000, 230.

“Dynasticism may be regarded as a problem in the history of ideas and attitudes.”

Andrew W. Lewis, *Royal Succession in Capetian France: Studies on Familial Order and the State*, Cambridge (MA) and London: Harvard University Press, 1981, 104.

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Acknowledgments

I thank my teachers over the years, especially Steven Fraade, my *Doktorvater* and a model of scholarly fairness, rigor and excellent judgment, who nonetheless has always had my back.

Thanks to the editors of the *Texts and Studies in Ancient Judaism* series for including this entry, especially to Seth Schwartz, who introduced me to the Patriarchs when I was a graduate student and whose comments on the manuscript improved the work in many significant ways, and to Peter Schäfer, who encouraged the project from the moment he learned of it.

Thanks also to Joe Manning, Professor of Classics and History at Yale, for his very important comments on part of this book.

For permission to use material published in their pages, I thank the *Journal of Jewish Studies*, the *Journal of Ancient Judaism*, and the *Jewish Studies Quarterly*.

I thank my daughter, Lynn Appelbaum, and my son, Alec Appelbaum, who have been big boosters of my scholarly efforts since before those efforts began in earnest and ever after; my daughter-in-law, Emily Blank, for her interest and encouragement, and my granddaughter, Lizzie Appelbaum, and grandson, Nate Appelbaum, who have enriched my life so much that they have necessarily also enriched my research, although at ages 7 and 3 they have not yet made specific comments that I know about. My friends and *mehutanim* Susan and Charlie Blank, engaged readers of my work, have always understood my motivations; and my friends Sam Perelson and Steve Shalen have spent more lunches hearing about Patriarchs than reasonable men could have possibly wanted to. My warmest thanks to them too.

The one who deserves, and gets, the most thanks is of course my wife, Judy Appelbaum. The dedication to her on an earlier page should not be understood as referring only to this book, which could not, and would not, have been written without both her support and her extensive and penetrating comments; it covers the author as well, in every aspect of my life. She makes me happy. She makes me safer and smarter and stronger. She makes me more confident and more competent. She fascinates and intrigues, charms and delights, me every day, always has, and always will.

Introduction

Late antiquity abounds with remarkable figures of power and authority, both secular and religious. The widow of a desert chieftain ruled the Roman Empire in the East both in her own name and that of her son; a second-generation Vandal and a eunuch each governed in the name of a Roman emperor; a former provincial governor and an enthusiastic Manichaean each became a prominent Christian bishop; bishops intimidated emperors while, of course, emperors controlled bishops and turned the Empire upside down (or failed to do so) by adopting, or renouncing, Christianity.¹

The Patriarchs of the Jews are hardly the least remarkable of the remarkable figures of the age.² Sources, both Jewish and gentile, scattered over more than two centuries, show the Patriarch (but not necessarily every Patriarch) governing

¹ The literature on such figures is enormous; citation of the following works is meant to be suggestive only: on Zenobia of Palmyra, Udo Hartmann, *Das palmyrenische Teilreich*, Stuttgart: Franz Steiner Verlag, 2001; on Stilicho, of Honorius' western Empire, and Eutropius, of Arcadius' in the east, John F. Matthews, *Western Aristocracies and the Imperial Court AD 364–425*, Oxford: Oxford University Press, 1975 and A. D. E. Cameron, *Claudian: Poetry and Propaganda at the Court of Arcadius*, Oxford: Oxford University Press, 1970; on Ambrose of Milan and Augustine of Hippo, Stephen Williams and Gerard Friell, *Theodosius: The Empire at Bay*, New Haven and London: Yale University Press, 1995 and Peter Brown, *Augustine of Hippo: A Biography*, new ed., Berkeley and Los Angeles: University of California Press, 2000; on the emperors Constantine and Julian, Harold Drake, "Constantine," in G. W. Bowersock, Peter Brown and Oleg Grabar, eds., *Late Antiquity: A Guide to the Postclassical World*, Cambridge (MA) and London: Belknap Press of Harvard University Press, 1999 and Constance Head, *The Emperor Julian*, Boston: Twayne Publishers, 1976.

² The Hebrew word commonly translated as "Patriarch" is "Nasi," which literally means one raised up, over others; perhaps the older translation "Prince" would capture the meaning of the Hebrew better, although I will follow contemporary usage and call them "Patriarchs." For the view that "Patriarch" is the Greek word Jews used for "Nasi," not the Greek word Romans used for them, see Martin Goodman, "The Roman State and the Jewish Patriarch in the Third Century," in Lee I. Levine, ed., *The Galilee in Late Antiquity*, New York: Jewish Theological Seminary, 1992, 127, 132, citing Eusebius and Origen; *contra*, Hugo Mantel, *Studies in the History of the Sanhedrin*, Cambridge (MA): Harvard University Press, 1961, 238; see also Alfredo Mordechai Rabello, *The Jews in the Roman Empire: Legal Problems from Herod to Justinian*, Aldershot, Burlington, Singapore and Sydney: Ashgate Variorum, 2000, 166 (title granted by Rome); Lee I. Levine, "The Jewish Patriarch (Nasi) in Third Century Palestine," in Hildegard Temporini and Wolfgang Haase, eds., *Aufstieg und Niedergang der Römischen Welt: Geschichte und Kultur Roms im Spiegel der Neueren Forschung*, II/19.2, Berlin and New York: Walter de Gruyter, 1979, 649, 650 n. 1 ("Patriarch" a Latin usage); N. R. M. de Lange, *Origen and the Jews*, Cambridge (UK), London, New York and Melbourne: Cambridge University

much of Palestine by appointing judges and other civic officials and, according to a prominent Christian observer who lived there, imposing the death penalty, but without an army or other coercive power beyond a personal bodyguard of some Goths; collecting taxes from and sending emissaries to Jews across the Empire, but without the power of coinage; acting as the religious leader of the Jews, or at least of those Jews who were members or followers of the rabbinic movement; issuing and annulling bans; fixing the calendar for new moons and festivals; decreeing fasts; ordaining Rabbis, but himself exempt from many rabbinic requirements; acting as the representative or spokesman of both Palestinian and diaspora Jewry to the Roman imperial government, but without any fixed territory such as that a Roman client king (including of Judaea) would have had in earlier times; and achieving great prominence in Roman society, evidenced by high senatorial rank, corresponding with at least one emperor, hobnobbing with the most prominent rhetor in Antioch, and being ridiculed in the fourth-century Latin equivalent of a *Saturday Night Live* sendup – only to be suddenly stripped of much of his prominence.³

Press, 1976, 34 and n. 51 (“Patriarch” eventually replaced “ethnarch” “comme d’allure plus latine,” citing Juster).

³ See the works cited in the next footnote.

For the comic sketch in which the Patriarch is forced separately to worship both Jesus and Serapis, see *Historia Augusta*, *Four Tyrants* 8.1–10; Sir Ronald Syme, “*Ipse Ille Patriarcha*,” in *Emperors and Biography: Studies in the Historia Augusta*, Oxford: Oxford University Press, 1971. For the Patriarch’s supposed power of capital punishment, see Origen, *Epistula ad Africanum* 20:14. For his Goths, see y. *Horayot* 3:2 (47a) (sends them after a prominent Rabbi whose words offended him). Historians differ on the nature of this group of Goths and the Germans performing similar functions mentioned elsewhere in the *Yerushalmi*. Martin Goodman, *Rome and Jerusalem: The Clash of Ancient Civilizations*, New York: Alfred A. Knopf, 2007, 484, compared them to the henchmen of a Mafia boss. Goodman had earlier called them a police force. Martin Goodman, *State and Society in Roman Palestine A.D. 132–212*, 2nd ed., Towota (NJ): Rowman & Allanheld, 2000, 116. Lee I. Levine, “The Jewish Patriarch,” 681, similarly said that they were gendarmes, but not an army. Seth Schwartz, *Imperialism and Jewish Society, 200 B.C.E. to 640 B.C.E.*, Princeton and Oxford: Princeton University Press, 2001, 115 uses the phrase “private army” but only in scare quotes and in connection with Rashi’s use of that phrase. Alexei Sivertsev, *Private Households and Public Politics in 3rd–5th Century Jewish Palestine*, Tübingen: Mohr Siebeck, 2006, 154 styles them as a “private paramilitary gang.” See Martin Jacobs, *Die Institution des jüdischen Patriarchen: Eine quellen- und traditionskritische Studie zur Geschichte der Juden in der Spätantike*, Tübingen: J.C.B. Mohr (Paul Siebeck), 1995, 43–44. The historicity of rabbinic accounts of Goths in 3rd-century Palestine is supported by an inscription from 208 C.E. and the *res gestae* of the Persian king Shapur from 244, showing that Goths served in the Roman army in the region. See Peter Heather, *Empires and Barbarians*, London: Macmillan, 2009, 135; M.P. Speidel, “The Roman Army in Arabia,” in Hildegard Temporini and Wolfgang Haase, eds., *Aufstieg und Niedergang der Römischen Welt* II/8, 687, 712–717. On the other hand, “Goth” was colloquial Syriac for “soldier” (see M.P. Speidel, “The Roman Army,” 712 n. 100) and may have had a similar meaning in these rabbinic texts; if so, the idea of a “private army” gains credence. For the Patriarch’s exemptions from rabbinic law, see y. *Avodah Zarah* 2:2 (41a) (may get a haircut from a gentile); *Shabbat* 121b (may drink wine transported by a gentile and only sealed once); Christine Elizabeth Hayes, *Between*

Substantial disagreement among scholars exists on the many issues that surround the Patriarchs, including those that I will discuss in the course of this study.⁴ But they all agree on one remarkable fact about these remarkable figures.

Being Patriarch was a family affair.

More than that: the Patriarchate was an unusual form of societal structure, a dynasty.

According to the common understanding, each individual Patriarch was succeeded by the next individual Patriarch, who was his heir, his son, his oldest son. Primogeniture is more assumed by the scholarship than demonstrated, most clearly by Ephrat Habas, one of whose articles is devoted to why, in spite of his relatively little learning and his youth, R. Shimon ben Gamaliel succeeded his father R. Gamaliel of Yavneh (usually known in the scholarly literature as

the Babylonian and the Palestinian Talmuds: Accounting for Halakhic Differences in Selected Sugyot from Tractate Avodah Zarah, New York: Oxford University Press, 1997, 123, 233 n. 1. See also M. Horayot 2:5 (Nasi exempt from making an offering; Martin Jacobs, *Die Institution des jüdischen Patriarchen* 33–34 argues that this is not meant to refer to the Jewish Patriarch of late antiquity).

⁴ See, for general treatment of these issues, David M. Goodblatt, *The Monarchic Principle: Studies in Jewish Self-Government in Antiquity*, Tübingen: J.C.B. Mohr (Paul Siebeck), 1994; Martin Goodman, *State and Society*; Martin Goodman, “The Roman State and the Jewish Patriarch”; Lee I. Levine, “The Status of the Patriarch in the Third and Fourth Centuries: Sources and Methodology,” *Journal of Jewish Studies* 47 (1996), 1; Lee I. Levine, “The Jewish Patriarch”; Seth Schwartz, “The Patriarch and the Diaspora,” *Journal of Jewish Studies* 50 (1999), 208.

Martin Jacobs, *Die Institution des jüdischen Patriarchen* is the most ambitious and comprehensive work on the Patriarchs, and I have found it especially useful. But see Glen W. Bowersock, “The Greek Moses: Confusion of Ethnic and Cultural Components in Later Roman and Early Byzantine Palestine,” in Hayyim Lapin, ed., *Religious and Ethnic Communities in Later Roman Palestine*, Bethesda (MD): University Press of Maryland, 1998, 31, 40, for strong criticism of Jacobs’ book. Aside from an unusual reading of the phrase *ipse ille patriarcha* in the *Historia Augusta* to comment on the use of the plural form “Patriarchs,” Bowersock’s own brief contribution to the literature on the Patriarchs represented by this article is notably superficial and, in its claim that Jews, Christians and Romans alike equated the office to that of a client king almost certainly wrong.

Other important scholarly contributions to the subject are cited throughout this study.

Much scholarly attention has been given to the extent to which the roles of the Patriarch in earlier centuries, largely as reported in rabbinic sources, were different than those of later centuries, largely as reported in gentile sources, sometimes articulated in terms of the historiographical dangers of preferring one body of sources over another. But see David M. Goodblatt, *The Monarchic Principle* 133 (claiming broad consensus that overall position of Patriarch in Jewish community of Roman Palestine remained essentially constant during the years from Judah the Patriarch to demise of institution). I prefer to the extent possible to discuss one Patriarch at a time in Chapters 2, 4, 5, 6 and 7 based on such sources as there are, which will show that a Patriarch’s roles, influence, geographic scope and prestige appear to have changed and, in general, expanded over time. My position resembles Seth Schwartz’ idea of “a dynamic patriarchate.” See his review of David M. Goodblatt, *The Monarchic Principle* and Kenneth E. Pomykala, *The Davidic Dynasty Traditions in Early Judaism: Its History and Significance for Messianism*, *Journal of Jewish Studies* 47 (1996), 165, 167.

But the Patriarchate’s dynastic character did not change.

“Gamaliel II”⁵) as Patriarch. The article answers its question by positing that Shimon’s older brother – the “heir apparent” – had died or become incapacitated without a son of his own and that the younger son inherited by default.⁶

The assumption of Patriarchal primogeniture is based on the tradition of “Rabbi’s will” in *Ketubot* 103b in the *Babylonian Talmud*. In what may be its earliest stratum,⁷ it shows R. Judah the Patriarch (generally regarded as the grandson of Gamaliel of Yavneh)⁸ on his deathbed naming his son R. Gamaliel (“III”) as Patriarch and giving other roles to another son and to someone not in the family. In a later stratum of *Ketubot* 103b R. Levi, a third-generation Palestinian Amora, asks why it was necessary for Judah the Patriarch specifically to designate Gamaliel as his successor, since, as Judah’s oldest son, Gamaliel would inevitably succeed him.⁹ Thus, if the attribution of this remark to Levi may be accepted at least as an approximation, primogeniture appears to have been the Patriarchal norm by a time not so long after that of Judah the Patriarch, perhaps the time of his grandson, R. Judah Nesiah, a contemporary of Levi’s, even if it was not yet in Judah the Patriarch’s own times.¹⁰ In any event, unigeniture – inheritance by one son and only one son – is a foundation of the universal understanding of the succession and inheritance practices of the Patriarchal family.¹¹

Moreover, and of great importance, the new Patriarch’s qualifications – to govern, to deal with Rome, even to participate in rabbinic discussions no less

⁵ His grandfather, the Pharisee Gamaliel mentioned in the New Testament, is thus “Gamaliel I.” See Chapter 1, notes 20–23 and accompanying text, *infra*.

⁶ Ephrat Habas (Rubin), “Rabban Gamaliel of Yavneh and his Sons: The Patriarchate Before and After the Bar Kokhba Revolt,” *Journal of Jewish Studies* 50 (1999), 21. Habas’ unpublished dissertation, *Ha-Nasi b’y’qufah ha-Romit Bizantit – l’Toldiotiyah shel Dinisteyah*, Tel-Aviv University 1977, is extensively discussed in Martin Jacobs, *Die Institution des jüdischen Patriarchen*. Primogeniture is, of course, inheritance by the oldest *living* son. I do not share Habas’ view of either Gamaliel of Yavneh or his son or sons. See Chapter 1, notes 33–70 and accompanying text, *infra*.

⁷ But David Goodblatt has argued that this tradition is a reflection of the situation in Babylonia. *The Monarchic Principle* 287; see Martin Jacobs, *Die Institution des jüdischen Patriarchen* 76.

⁸ But see Chapter 2, notes 78–89 and accompanying text, *infra*, on Sacha Stern, “Rabbi and the Origins of the Patriarchate,” *Journal of Jewish Studies* 54 (2003), 193.

⁹ The *Bavli* goes on to have “R. Shimon ben Rabbi,” that is, the same Shimon just identified as Judah’s younger son and Gamaliel’s younger brother, respond to Levi, who would have been generations younger than he, perhaps casting doubt on the attributions to either of them. A probably still later anonymous stratum cites the reference in 2 *Chron* 21:3 to primogeniture among kings to support primogeniture among Patriarchs. See Chapter 5, notes 54–64, 95–96 and 118 and accompanying texts, and Chapter 8, notes 4–52 and accompanying text, *infra*.

¹⁰ See Chapter 4, notes 10–22 and accompanying text, *infra*, on whether Gamaliel was indeed Judah’s oldest son, and Chapter 5, *infra*, on R. Judah Nesiah.

¹¹ See Chapter 3, *infra*, for the extent to which unigeniture actually occurred in practice. Throughout this study I make suggestions of Patriarchal succession by men who were not the son of the previous Patriarch.

than to lead them – are generally regarded as having been irrelevant to his succession.¹²

I pause here to clarify how I use the word “dynasty.”

“Dynasty” has generally come to refer to little more than the fact of two, or more, members of a family (not necessarily of different generations) succeeding each other, or merely engaging in the same activity. Thus, when I began to write this chapter during the waning years of the Presidency of George W. Bush as Hillary Rodham Clinton was beginning to run for President, there was much talk of the possibility of a Clinton dynasty replacing a Bush dynasty. Two years later, when, on his second try Andrew Cuomo was elected Governor of New York, the front page of *The New York Times* called it the restoration of a political dynasty, since Governor Cuomo’s father had been Governor from 1982 to 1994. As the 2016 campaign seems likely to involve Clinton, Cuomo and Jeb Bush, we will undoubtedly hear more about these “dynasties.”

But had these been dynasties in the sense in which the word is commonly used concerning the Patriarchs, even if one dynasty had been founded by the first President Bush, another by President Clinton and a third by the first Governor Cuomo, Bill Clinton could have become President only by usurpation, revolution or civil war, Andrew Cuomo would not have had to seek the Governor’s office twice, and George W. Bush would not have needed the help of either Dick Cheney or Antonin Scalia to become President; he would have succeeded his father immediately and regardless not only of his qualifications but of the Electoral College. Furthermore, the possibility later in 2008 that Governor David Patterson of New York (son of a prominent politician and thus sometimes himself called a member of a dynasty) would choose Caroline Kennedy to succeed Hillary Clinton as one of New York’s Senators added the “Kennedy dynasty” to the mix. But had there been a Kennedy dynasty in the sense that there is gener-

¹² This conclusion is based on assertions in Christian literature that the Patriarchs included boys and ne’er-do-wells and on the idea that later Patriarchs were poor scholars. On boy Patriarchs, see Eusebius, *Commentarius in Esaiam* 29. On boy and wastrel Patriarchs, see Jerome, *Commentarius in Esaiam* 3:4; Epiphanius, *Panarion* 30.7.5. I will quarrel with this conclusion below; see Chapter 3, notes 30–57 and accompanying text, *infra*. For later Patriarchs as poor scholars, see Martin Goodman, *State and Society* 114; Chapter 3, notes 60–63 and accompanying text, *infra*.

The Patriarchal dynasty lasted for over 200 years. While this is much longer than its imperial contemporaries – the longest of which were the Severan line, which lasted 42 years and passed from father to sons and then, following a brief usurpation by an outsider, to two nephews of the founder’s widow, the Constantinian line which lasted 50 years and passed from father to sons to a cousin, and the Theodosian line which lasted over 70 years in the east and passed from father to sons to son to a brother – it seems to have been of more or less average length in world-historical terms. Walter Scheidel has developed a database of more than 30 monarchies and derived from it a bell-curve of the length of dynasties centered on approximately 250 years. See his “The Lives of the Twelve Hundred Caesars: Roman Emperors, Global Comparisons,” paper delivered at the Center for the Ancient Mediterranean, Columbia University on September 23, 2011, supplemented by a communication to the author dated September 26, 2011.

ally understood to have been a Patriarchal dynasty, John F. Kennedy Jr., at age three, would have become President in November 1963.¹³

That is the sort of dynasty the Patriarchate is thought to have been; not only would W's counterpart have become Patriarch without controversy or opposition; so would John-John's.

"Dynasty" is also used sometimes to mean "family," with little regard to issues of succession.¹⁴ Because the word "dynasty" has shifting meanings, I have flirted with the idea of finding another term. The nearest precedent I have found of a scholar dealing with this definitional problem is in Andrew W. Lewis' *Royal Succession in Capetian France*, which calls a "dynasty" a "*Geschlecht*" and a non-dynastic family a "*Sippe*."¹⁵ But using these German words, both of which have the same dictionary meaning of "family," seems inappropriate here even though the meanings of Lewis' specialized uses of them are plain to readers of his English-language work about French kings. Rather than coin a word or borrow one from another language, I will use the familiar "dynasty" to mean a social arrangement in which office or function¹⁶ is transmitted over the generations of a family to one and only one successor at a time, by default a son and probably an eldest son, and I will use "family" in its everyday meaning.¹⁷

¹³ See Jack Goody, "Introduction," in Jack Goody, ed., *Succession to High Office*, Cambridge (UK): Cambridge University Press for the Department of Archaeology and Anthropology, 1966, 1, 3 (Rockefellers, Fords and Krupps examples of "dynasties" in modern board rooms; Churchills, Roosevelts, Cecil and Kennedys in governments). I suspect, however, given the accession of the third generation in late 2011, that the Kims of North Korea are indeed a dynasty in the sense the word is commonly used about the Patriarchs.

¹⁴ See Paula Sutter Fichtner, *Ferdinand I of Austria: The Politics of Dynasticism in the Age of the Reformation*, Boulder: East European Monographs, 1982, 217; Herbert H. Rowen, *The King's State: Proprietary Dynasticism in Early Modern France*, New Brunswick: Rutgers University Press, 1980, 35 (putting interests of "dynasty" ahead of territorial and state interests). The word is also used in connection with succession issues, but in a different way. See Adam Bellow, *In Praise of Nepotism: A Natural History*, New York: Doubleday, 2003 (Merovingians were a "dysfunctional dynasty" because they did not practice unigeniture; as the word is commonly used regarding the Patriarchs, the Merovingians were *not* a dynasty *because* they did not practice unigeniture).

¹⁵ "*Geschlecht*" also means both "sex" and "gender." See the ways it is used, for example, in Jürgen Martschukat and Olaf Stieglitz, "*Es ist ein Junge!*" *Einführung in die Geschichte der Männlichkeiten in der Neuzeit*, Tübingen: Edition Diskord, 2005.

¹⁶ But see Chapter 3, notes 5–8 and accompanying and following text, *infra*, on regarding the Patriarchate as an "institution" in which one holds an "office."

¹⁷ See Keith Hopkins and Graham Burton, "Political Succession in the Late Republic (249–50 BC)," in Keith Hopkins, *Death and Renewal: Sociological Studies in Roman History, Volume 2*, Cambridge (UK): Cambridge University Press, 1983, 32 ("we use the English word noble [as distinguished from hereditary aristocrat] with some implication of inherited status, but without suggesting hereditary right"). In the terms I am using, Hopkins and Burton's "aristocrats" were members of dynasties and their "nobles" were members of families. But on the use of the word "family," cf. Michel Nassiet, *Parenté, Noblesse et États Dynastiques: XVe–XVIIe siècles*, Paris: École des Hautes Sciences Sociales, 2000, 11 (when historians use "*famille*" without definition its meaning is very vague).

As mentioned above, scholars of the Patriarchate agree that it was a dynasty, and one that survived for centuries. But they have not to any extent asked why; they have generally proceeded as if the dynastic nature of the Patriarchate goes without saying.¹⁸

I will first consider when and how the position and the roles of the Patriarchs began, a step that will uncover the origins of the Patriarchate's dynastic features. I will then be in a position to turn to the dynasty itself and its various members and to provide a discussion, informed by how dynasties work in other times and places, of how much the dynasty I've described above based on the scholarly consensus is likely to conform to historical fact. The study will review, to the extent I can, the careers of each member of the dynasty until the end of the Patriarchate; such efforts of historical narrative have been out of fashion for some time, but I am convinced the sources can yield real data about real actors and events as well as about the dynastic structure of the Patriarchate, and that the inherent interest in both those subjects makes the exercise well worth doing. In the concluding chapter I will compare the Patriarchate to other real or supposed dynasties in the hope of locating it among the various family arrangements of its period that are often called dynasties.

¹⁸ See, e.g., Martin Jacobs, *Die Institution des jüdischen Patriarchen* 205 (existence of dynasty "undisputed," debate only about when it originated); Chaim Milikowsky, "Authority and Conflict in Post-Destruction Roman Judea: The Patriarchate, The Rabbis, The People, and The Romans," in David J. Elazar, ed., *Authority, Power and Leadership in the Jewish Polity: Cases and Issues*, Jerusalem and Lanham (MD): University Press of America, 1991, 94 ("the institution of the Patriarchate was a hereditary office"); Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Composition and Culture*, Baltimore and London: The Johns Hopkins University Press, 1999, 375 ("The Patriarchate was, of course, a family dynasty."). See also David M. Goodblatt, *The Monarchic Principle* 143 ("all our evidence indicates that the office in fact passed from father to son"). Martin Jacobs, *Die Institution des jüdischen Patriarchen* 211 noted that the question remains of why the Patriarchate was a dynasty.

Scholars of other dynastic systems have argued that dynastic practices were adopted to meet special requirements. See, e.g., Herbert H. Rowen, *The King's State* 18. But historians of Jewish late antiquity, generally not having asked why the Patriarchate was a dynasty, have accordingly not asked whether any such special requirements existed to which the Patriarchal dynasty responded.

Chapter 1

Before the Patriarchate

Chapter 2 will place the origins of the Patriarchate at around the turn of the third century C.E. and will identify R. Judah the Patriarch as the founder of both the Patriarchate and the Patriarchal dynasty.¹ As shown in this chapter, no other figures are as likely candidates as Judah. These other figures, whose claims have been recognized in other studies, include several from the Second-Temple period even earlier than the famous Pharisee Hillel; Hillel himself; and eventually, after the Destruction of the Temple in the first century, Gamaliel of Yavneh.

Before the Destruction

“The Pairs”

Rabbinic texts arguably applicable to dating the origins of the Patriarchate² begin with the *Mishnah*, generally regarded as the Rabbis’ earliest extant product.³

The earliest individuals claimed by rabbinic texts as having been Patriarchs are members of the “Pairs,” the twosomes represented in *M. Avot* as having “received” oral Torah as part of a chain beginning with Moses on Sinai and ending with R. Yohanan ben Zakkai, the first leader of the post-Destruction rabbinic community at Yavneh, said to have “received” from Hillel, a member of the final Pair. These chapters of *Avot* also include sayings of others, notably members of

¹ These conclusions are consistent with the growing consensus among historians of Jewish late antiquity. See Martin Jacobs, *Die Institution des jüdischen Patriarchen* 8, 210–211 and elsewhere; Sacha Stern, “Rabbi and the Origins of the Patriarchate,” *passim*; Catherine Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, Tübingen: Mohr Siebeck, 1997, 405; Seth Schwartz, “The Patriarchs and the Diaspora,” 208. Cf. Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity*, Philadelphia: University of Pennsylvania Press, 2004, 79. See also Karl Strobel, “Jüdisches Patriarchat, Rabbinentum und Priesterdynastie von Emesa: Historische Phänomene innerhalb des Imperium Romanum der Kaiserzeit,” *Ktema: Civilisations de L’Orient, de La Grèce et de Rome Antiques* 14 (1989), 51; Glen W. Bowersock, “The Greek Moses,” 35. The idea that R. Judah the Patriarch founded the Patriarchate and the dynasty is not, of course, a new one. See Hugo Mantel, *Studies in the History of the Sanhedrin* 30 on Kuenen, Wellhausen, Schürer and others.

² See Sacha Stern, “Rabbi and the Origins of the Patriarchate,” 194.

³ See H. L. Strack and Günter Stemberger, *Introduction to the Talmud and Midrash*, Markus Bockmuehl, tr. and ed., 2nd printing with emendations and updates, Minneapolis: Fortress Press, 1996, 81.

the family from which the Patriarchal dynasty is generally thought to have come; among these are Gamaliel of Yavneh, Yohanan's successor as leader there, and Gamaliel's grandson Judah the Patriarch.⁴ Although they are not explicitly said to have "received" Torah ultimately from Moses, the members of this family have generally been regarded as participants in *Avot's* chain of tradition, thus understood as beginning at Sinai and ending not only with Judah, but with him and his son.⁵

This understanding may have obtained in antiquity as well, and it can explain why *M. Hagigah* 2:2 asserts, without elaboration, that one member of each Pair was the Patriarch.⁶ Perhaps like modern scholars, the Rabbis behind this tradition understood the Patriarchal family as participants in *Avot's* chain of tradition and accordingly equated someone who was a Patriarch with someone who "received." They then may have inverted the equation: Not only are the Patriarchs among those who "received," but also some of those said to have "received" were Patriarchs. Such a reversal seems a more likely explanation than Amram Tropper's suggestion, extending an idea of Daniel Boyarin's, that this sentence was inserted into the *Mishnah* on behalf of Judah the Patriarch so that his intellectual predecessors in Torah as presented in *Avot* are also shown in *Hagigah* to have been his predecessors as political leaders.⁷

⁴ Other members of this family so mentioned are Shimon, the son of Gamaliel of Yavneh, and Gamaliel "III," the son of Judah the Patriarch. On the relationship between the "explicit" chain and the material about the Patriarchal family, see Chapter 2, notes 27–30 and accompanying text, *infra*; Amram Tropper, "Tractate *Avot* and Early Christian Succession Lists," in Adam H. Becker and Annette Yoshiko Reed, eds., *The Ways That Never Parted: Jews and Christians in Late Antiquity and the Early Middle Ages*, Tübingen: Mohr Siebeck, 2003, 159; Daniel Boyarin, *Border Lines* 79–82; John Gucker, "Interlude: The 'Pharisaic' Diadochai," in *Antiochus and the Late Academy*, Göttingen: Vandenhoeck & Ruprecht, 1978, 356.

⁵ Daniel Boyarin, *Border Lines* 79 (Gamaliel of Yavneh and his son "in the chain," aphorisms of Judah the Patriarch and his son give overall impression of unbroken connection from Moses to the Patriarchate); cf. Amram Tropper, "Tractate *Avot*," 168–169 n. 24 (the Pairs the "intellectual predecessors" of Judah the Patriarch).

⁶ But see Naftali S. Cohn, "Rabbis as Jurists: On the Representation of Past and Present Legal Institutions in the *Mishnah*," *Journal of Jewish Studies* 60 (2009), 245, 254–256, for the argument that "Nasi," when applied to the Pairs in the *Mishnah*, including *M. Hagigah* 2:2, means "leader of the court," not "Patriarch."

The *Mishnah* says that the first mentioned of each Pair was the Patriarch and the second mentioned the *av bet din*, and therefore would have it that at the time that they were the relevant Pair, Shammai was Patriarch and Hillel the *av bet din*, since Shammai is the first mentioned of that Pair. This is a surprising conclusion in light of the more widely cited tradition that Hillel was Patriarch. See notes 10–15 and accompanying text, *infra*. A baraita in the *Babylonian Talmud* (*Hagiga* 16b) immediately "corrects" this, and says that of the Pairs mentioned later in the *Mishnah*, it is the sage who ruled that hands may not be laid on a sacrificial animal that was the Patriarch, regardless of who was mentioned first; in the final Pair it was, not surprisingly, Hillel who took that position.

⁷ Amram Tropper, "Tractate *Avot*," 168–169 n. 24.

The relationship between the explicit chain of tradition in *Avot* and its references to the Patriarchal family is so untidy that it is hard to believe that this level of editorial work went into it or into other passages of the *Mishnah* that reflect it; for example, *Avot* itself might have called the earlier figures Patriarchs rather than that possibility being somehow referred to *Hagigah*. Indeed, Tropper's view that the Pairs were Judah's intellectual predecessors, whether or not they were Patriarchs, could have been buttoned up by simply saying that Gamaliel of Yavneh "received" from Yohanan ben Zakkai, or if that would have been inconsistent with Yavnean political realities,⁸ that he, along with Yohanan, "received" from Hillel, and that later members of the Patriarchal family "received" from their fathers.

In any event, *M. Hagigah* 2:2 was accepted by some of the earliest scholars who attempted to write late antique Jewish history. They identified the first Patriarchs as members of the Pairs,⁹ but dating the Patriarchate that early has long been out of favor, to the extent that Martin Jacobs can correctly write that the "traditional" view today is that the Patriarchate, and the Patriarchal dynasty, began with the Second-Temple Pharisee Hillel.¹⁰

Hillel and Later Second-Temple Figures

Since no extra-rabbinic source for the pre-Destruction period discloses anyone like the post-Destruction Patriarch, few scholars today credit the "traditional" idea of Hillel having been the first Patriarch, any more than they would credit proposals of other members of the Pairs or any other supposed Second-Temple period figure, earlier or later.¹¹

⁸ See John Glucker, "Interlude," 359.

⁹ See Martin Goodman, *State and Society* 111 (Büchler, Halevi and others dated the origins of the Patriarchate to the Pairs; Mantel dated the Patriarchate even earlier). But Mantel was focused only on the title "Nasi," not on Patriarchal functions. See Hugo Mantel, *Studies in the History of the Sanhedrin*, chapter I.

¹⁰ *Die Institution des jüdischen Patriarchen* 8. See Daniel Boyarin, *Border Lines* 80. See also Ephraim E. Urbach, *The Sages: Their Concepts and Beliefs*, tr. Israel Abrahams, Jerusalem: Magnes Press, 1975, 593 (Hillel founded dynasty but his son and grandson were not Patriarchs in the sense that his post-Destruction descendants were). Recent examples of the traditional view are Glen W. Bowersock, "The Greek Moses," 40, Karl Strobel, "Jüdisches Patriarchat," 62, and *Les Lois Religieuses des Empereurs Romains de Constantin À Théodose II (312–438)*, vol. I, *Code Théodosien Livre VI*, with Latin text of Theodor Mommsen, French translation by Jean Rougé, introduction and notes by Roland Delmaire with François Richard, Paris: Les Éditions du Cerf, 2005, 417 n. 4 (also reviving the claim that the Patriarchate was made hereditary in "la maison de Hillel" by Herod the Great). For Hillel as founder of the dynasty but not a Patriarch, see Martin Goodman, *State and Society* 112; Daniel Boyarin, *Border Lines* 70. See Chapter 8, notes 48–52 and accompanying text, *infra*, for a new look at Hillel the Pharisee as an ancestor of the Patriarchal dynasty.

¹¹ See Martin Jacobs, *Die Institution des jüdischen Patriarchen* 8; David M. Goodblatt, *The Monarchic Principle* 211; Seth Schwartz, *Josephus and Judean Politics*, Leiden, New York,

The traditional view that Hillel was the first Patriarch could not, of course, have been based on *M. Hagigah* 2:2 and its *Gemara*, since according to that source he was the fifth Patriarch, not the first. Rather, the rabbinic texts most frequently cited for Hillel as the first Patriarch are those that also emphasize Hillel's role as the founder of the Patriarchal dynasty, and it is accordingly not surprising that those scholars who date the beginning of the Patriarchate to Hillel date the founding of the Patriarchal dynasty to him as well.

One such text, from the *Yerushalmi*,¹² echoes another from the same Talmud by telling a story in which Judah the Patriarch refers to the occasion on which the "elders of Bathyra" resigned from the Patriarchate¹³ and appointed "my ancestor" Hillel in their place.¹⁴ The other is an apparent baraita in *Shabbat* 15a to the effect that Hillel became Patriarch in 30 B.C.E. and that his son Shimon, his grandson Gamaliel, and his great-grandson Shimon continued in the Patriarchate until the Destruction of the Temple one hundred years later.¹⁵

From the rabbinic sources and from virtually the beginning of scholarship on the topic, therefore, the origins of the Patriarchate and the origins of the Patriarchate as a dynasty are inextricably intertwined.

Who were the members of this supposed Second-Temple period Patriarchal dynasty? *Shabbat* 15a gives a precise four-generation line, but Urbach, for one, did not accept it; he leaves out the first generation (Hillel's son Shimon) and refers to Gamaliel "I" as Hillel's son and Shimon ben Gamaliel as his grandson. It is unclear why, although the reason may be that there is no evidence of "Shimon ben Hillel" elsewhere.¹⁶ Urbach, like others, was probably not content to rest solely on rabbinics for the history of this dynasty.

This Gamaliel is, however, known from outside rabbinics. The Book of *Acts* in the New Testament reports that the Apostle Paul was "brought up ... at the

Copenhagen and Cologne: E. J. Brill, 1990, 165 n. 89; Catherine Hezser, *The Social Structure of the Rabbinic Movement* 405–406; Chaim Milikowsky, "Authority and Conflict," 97; Alexei Sivertsev, *Private Households and Public Politics*, *passim*; Stuart A. Cohen, *The Three Crowns: Structure of Communal Politics in Early Rabbinic Jewry*, Cambridge (UK): Cambridge University Press, 1998, 182; Sir Ronald Syme, "*Ipse Ille Patriarcha*," 21. None of the studies cited in note 10, *supra*, as advancing the "traditional view" of Hillel as the first Patriarch is written by a specialist in either Jewish history or rabbinics.

¹² *y. Kilayim* 9:4 (32b).

¹³ *y. Pesachim* 6:1 (33a). In the parallel version in a baraita in *Pesachim* 66a, the "sons of Bathyra" appointed Hillel as Patriarch after he solves a halachic problem about the Passover sacrifice but did not themselves resign from that post. See also *T. Pisha* 4:13–14 (Hillel is made Patriarch; no mention of the elders or sons of Bathyra or of who, if anyone, might have been Patriarch previously).

¹⁴ This text therefore does not claim that Hillel was the first Patriarch, rather than the first individual Patriarch, or, perhaps, from the viewpoint of the Rabbis, the first "modern" Patriarch.

¹⁵ See Seth Schwartz, *Josephus and Judean Politics* 165, treating this baraita as a "correction" of *M. Avot*, following Alon and Neusner.

¹⁶ Ephraim E. Urbach, *The Sages* 593.

feet of Gamaliel,”¹⁷ presumably the same Gamaliel it had earlier identified as “a Pharisee in the council . . . , a teacher of the law, respected by all the people”¹⁸ and the same Gamaliel identified as Hillel’s grandson in *Shabbat* 15a. If Paul was indeed born around the turn of the Era, in his late twenties when he began to persecute the followers of Jesus, and therefore, say, in his early to mid-twenties when he studied with Gamaliel,¹⁹ he may be thought to have been at Gamaliel’s feet around 25 C.E., some fifty-five years after Hillel supposedly became Patriarch and forty-five years before the Destruction. And even if Gamaliel was then an established teacher, as he was by the time of *Acts*’ other reference to him some fifteen years later, he still seems more likely to have been Hillel’s grandson than his son.²⁰

Shimon ben Gamaliel, Hillel’s great-grandson according to *Shabbat*, is also clearly attested outside of rabbinic literature. Although they were not always allies, Josephus praises Shimon as a leading Pharisee, of a very illustrious family, highly gifted with intelligence and judgment, and able to solve difficult issues in the affairs of state by sheer genius.²¹

But Josephus does not come close to saying that this brilliant highborn statesman – or anyone else – was the Patriarch, any more than Luke had of Shimon’s father, or to saying that he filled any of the roles of the Patriarch, not even any “religious” role.²² Shimon ben Gamaliel is shown in *The Life*, just as his father is in *Acts*, as a leading Pharisee but not as the leading Pharisee.²³

¹⁷ *Acts* 22:3. The English translation of this verse is subject to debate. It may mean that Paul was, as I have rendered it, brought up at the feet of Gamaliel, but it may instead mean that he was brought up in Jerusalem, and, as a separate thought, trained by Gamaliel. See Wayne A. Meeks and John T. Fitzgerald, “Introduction,” in Wayne A. Meeks and John T. Fitzgerald, eds., *The Writings of St. Paul*, 2nd ed., New York and London: W. W. Norton, 2007, xiii, xxi.

¹⁸ *Acts* 5:34.

¹⁹ These dates are taken from Wayne A. Meeks and John T. Fitzgerald, “Introduction,” xx. See also Jerome Murphy-O’Connor, *Paul: A Critical Life*, Oxford: Clarendon Press, 1996, 8, 46 (born around 6 B.C.E., a young man when he studied under Gamaliel).

²⁰ If indeed he was either. See note 24, *infra*.

²¹ Josephus, *The Life*, tr. H. St. J. Thackeray, Cambridge (MA) and London: Harvard University Press, 1926, 191–192. See also Josephus, *The Jewish War*, tr. H. St. J. Thackeray, Cambridge (MA) and London: Harvard University Press, 1927, 4:159.

²² But cf. Hugo Mantel, *Studies in the History of the Sanhedrin* 176 (roles of pre-Destruction Patriarchs “chiefly religious”).

²³ See Albert I. Baumgarten, “Rivkin and Neusner on the Pharisees,” in Peter Richardson and Stephen Westerholm, eds., *Law in Religious Communities in the Roman Period: The Debate Over Torah and Nomos in Post-Biblical Judaism and Early Christianity*, Waterloo: Wilfred Laurier University Press for Canadian Corporation for Studies in Religion, 1991, 109, 115 (Gamaliel of Yavneh “the scion of one of the great Pharisaic families”). Was Hillel indeed the ancestor of this “great Pharisaic family” of the Gamaliel of *Acts* and Shimon ben Gamaliel who Josephus admired, and of the family of their likely descendant Gamaliel of Yavneh from which the Patriarchs are generally thought to have come? Scholars are also dubious of that claim, combining it with the one that the family was descended from King David. See Martin Jacobs, *Die Institution des jüdischen Patriarchen* 212; David M. Goodblatt, *The Monarchic Principle*

It is necessary to conclude, therefore, that there were no Patriarchs while the Temple stood and that the historicity of rabbinic texts to the contrary is properly dismissed. Late antique Jewish history, in the limited but unfortunately usual sense of Pharisaic/rabbinic history, moves after the Destruction to Yavneh, where the rabbinic movement was born from Pharisaic and other antecedents.²⁴ So does the scholarly search for the first Patriarch.

After the Destruction

Yavneh

R. Yohanan ben Zakkai, the leader of the Yavneh community has, not surprisingly, been proposed as Patriarch, just as his Pharisaic predecessors in Jerusalem were. Gedaliah Alon suggested that Yohanan was Patriarch, although without the title. Alon reasoned from rabbinic references to Yohanan as “Rabban” (the customary rabbinic honorific for a Patriarch) and from rabbinic statements that he issued decrees on religious matters (one of the roles and powers associated with the Patriarch).²⁵ It can also be argued that since Yohanan “received” from Hillel according to *M. Avot* he, like Hillel before him, could have been assumed to be a Patriarch.²⁶

Partisans of Yohanan’s Patriarchate are no longer to be found,²⁷ and there is no persuasive argument for it, including the remarks above. But it is puzzling that no contemporary scholar regards his role as the “religious” authority for a group of late-antique Jews as at least some evidence of his Patriarchal status, while the similar role of Gamaliel of Yavneh with the same Jews is so regarded.²⁸ Could it be because Yohanan ben Zakkai was not part of any dynasty – especially the dynasty that was eventually established and that is correctly regarded as *the*

148. On the other hand, Josephus’ mention of Shimon’s very illustrious family is coupled with a mention of Shimon’s membership in the Pharisees, suggesting that Josephus understood at least some Pharisees to have illustrious genealogy. This Shimon ben Gamaliel, like everyone else, had grandfathers (and great-grandfathers), and one of them might have been Hillel. See Chapter 8, notes 48–52 and accompanying text, *infra*, for a more extensive statement of this possibility.

²⁴ See Shaye J. D. Cohen, “The Significance of Yavneh: Pharisees, Rabbis, and the End of Jewish Sectarianism,” *Hebrew Union College Annual* 55 (1984), 27.

²⁵ Gedaliah Alon, *The Jews in Their Land*, tr. and ed. Gershon Levi, Cambridge (MA) and London: Harvard University Press, 1989, 99–100. Alon also attributed Yohanan’s Patriarchate to his having served “alongside” “Rabban” Shimon ben Gamaliel in the highest echelon of national leadership prior to the Destruction. See also Ephraim E. Urbach, *The Sages* 599 (Yohanan the head of the court at Yavneh, but not the Patriarch).

²⁶ See David M. Goodblatt, *The Monarchic Principle* 224–225 for arguments against Yohanan as Patriarch or proto-Patriarch.

²⁷ But cf. Stuart A. Cohen, *The Three Crowns* 182, referring to Yohanan as a Patriarch, but apparently limiting his role to that of the head of a rabbinical court at Yavneh.

²⁸ See text following note 30, *infra*.

Patriarchal dynasty – and that these scholars, like the Rabbis before them, cannot look at the Patriarchate without seeing the Patriarchal dynasty? Similarly, scholars (and the Rabbis behind the Hillel-as-first-Patriarch view) may ignore the *Mishnah*'s statements that members of the various Pairs were Patriarchs because the Pairs, like Yohanan ben Zakkai, were not founders, or even members, of a dynasty.

Gamaliel of Yavneh

Gamaliel of Yavneh is one of the two leading candidates scholars advance as the first Patriarch, and, accordingly, as the founder of the Patriarchal dynasty.²⁹ In addition to the unarticulated assumption that the leader of the Yavneh community, as the leading Rabbi, is automatically a possible Patriarch, the principal reasons advanced for Gamaliel are that he was the earliest person shown in rabbinic sources as exercising a power thought of as Patriarchal – in this instance, power over the calendar – and that he had been designated as the leader of the Jewish people by the Roman Empire. But any power he had over the calendar was limited to the emerging rabbinic movement and perhaps not accepted by all elements of it,³⁰ while his Roman appointment never happened. While I will not use rabbinic texts as historical sources without further analysis,³¹ that step is not necessary for the texts available to support the idea that Gamaliel was Patriarch. They do not support that idea even if they are given the benefit of the doubt and treated as historically credible.

²⁹ See also note 69 and accompanying text, *infra*, for suggestions by important scholars concerning Shimon ben Gamaliel, of the generation between Gamaliel of Yavneh and Judah the Patriarch.

Not all historians of the Patriarchate try to identify the first Patriarch. Martin Goodman, for example, avoids the issue by declining to recognize a meaningful Patriarchate until it is revealed in late 4th-century Roman sources, when rabbinic materials are silent about the Patriarchs, although he acknowledges that the Patriarch had considerable influence by the mid-3rd century, “The Roman State and the Jewish Patriarch,” 128 n. 3, the time of R. Judah Nesiah, the grandson of R. Judah the Patriarch. See Chapter 5, *infra*, on Judah Nesiah. Chapter 2 will show that although R. Judah the Patriarch was the founder of the Patriarchate and the Patriarchal dynasty – “the first Patriarch” – his power and influence probably did not extend far beyond the rabbinic movement; this may be seen as another version of Goodman’s argument that in Judah’s time being Patriarch was no more than being a particularly important Rabbi, *State and Society* 113, and therefore not, from Goodman’s point of view, being Patriarch at all.

³⁰ As mentioned in the previous note, Chapter 2 will show that Judah the Patriarch’s multiple Patriarchal powers were also limited to the rabbinic movement in large part. But the cumulative effect of his several powers, which seem to have been unopposed within the movement, is enough to convince that he was indeed the Patriarch, unlike Gamaliel, who had at most only one Patriarchal power.

³¹ See Chapter 2, note 3 and accompanying text, *infra*.

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