Yavneh’s Liturgy and Early Christianity

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YAVNEH'S LITURGY AND EARLY CHRISTIANITY*

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PRECIS

The widely accepted thesis on the redactional intent of Matthew as a Christian response to rabbinic Judaism formulated anew at Yavneh is criticized. W. D. Davies ("The Setting of the Sermon on the Mount"), dependent upon the current understanding in Jewish scholarship, presents the account of Yavneh's liturgical work as evidence pointing to anti-Christian formulation, such as the "minim" malediction (the Genizah reading). This contemporary historical construct for the split of rabbinic Judaism and early Christianity is questioned, especially the working hypothesis that both religious configurations emerge in opposition to each other. A critical historical examination of the liturgy of Yavneh, and the use of "minim" and the later "Nazarenes" in the prayer, is offered in light of the halakhic and liturgical sources (as found in manuscripts) with a comparative approach to post-biblical literature and early patristic works on heresy for dating the historical development. An appendix is attached to review textually and historically the early rabbinic material (the Yavneh tradition) on the Christian teaching with reference to Rabbi Jesus, in particular the episode involving Rabbi Eliezer ben Hyrcanus of Yavneh and Lydda at the beginning of the second century C.E.

Rabbinic or normative Judaism has its roots in the period that followed the destruction of the Second Temple, especially in the consolidating activities of Yavneh's academy. Rabban Yoḥanan ben Zakkai left Jerusalem during the war with the Romans, when all hope for a peaceful solution was gone. He received permission from Vespasian to establish a new center of an autonomous religious community in Yavneh. Yavneh was a Judean town, designated by the Romans as a detention center.¹ In light of the national catastrophe, the new center assured

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¹On Rabban Yoḥanan, see G. Alon, Toledoth Hayehudim Be'eres Yisra'el, 2nd ed. (Tel Aviv: Hakibbus Hame'uchad, 1967), vol. 1, chs. 1-3; Mehkarim Betoledoth Yisra'el (Tel Aviv: Hakibbus Hame'uchad, 1967), vol. 1, pp. 219-273. Compare J. Neusner, A Life of

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the survival of Judaism through: 2 (a) the consolidation of Torah legislation, in particular the oral tradition, 3 despite serious Pharisaic differences; (b) the centralization of the prayer service, 4 despite the destruction of the Temple; and (c) the promotion of “love deeds” in contrast with sacrifices of old. 5 Yavneh’s academy pursued Hillel’s guideline, “Consolidate in time of scattering.” 6 The work of Yoḥanan was continued by his successor, Rabban Gamliel II, who was named after his grandfather, the liberal teacher described in Acts as the teacher of Paul. Gamliel saw his life work as strengthening the new religio-national center of Yavneh, uniting the people around the Torah, promoting academic and patriarchal authority, and introducing definitive measures for the preservation of the Jewish community in the areas of socio-economic and public liturgical life. 7

Contemporary scholarly consensus maintains that, while these Pharisaic leaders were putting their own house in order, they also set up fences against the burgeoning influence of early Christianity. Specifically, Rabban Gamliel II introduced, 8 through the standardization and emendation of the public synagogal


2Three principles govern the Jewish theocratic community, as formulated by the high Priest Simeon (Mishnah Aboth 1:2). They are Torah, [Temple] service, and “love deeds.” The original meaning of these three terms is discussed by A. Finkel, The Pharisees and the Teacher of Nazareth, 2nd ed. (Leiden: Brill, 1974), p. 17; and by J. Goldin, The Three Pillars of Simeon the Righteous, Proceedings of American Academy of Jewish Research 27 (1957), p. 55. The Tannaitic commentary of Aboth de R. Nathan offers the later view of these principles, a reflection of the development since Yavneh.

3The Pharisaic view of a dual Torah is reflected in Rabban Yoḥanan’s response to Agrippa II (Midrash Hagadol on Deut. 33:10). Compare the same reply of Shammai in Aboth de R. Nathan I, 15 (Babylonian Sabbath 13a, München Codex). This is true for Hillel, the teacher of Rabban Yoḥanan.

4At Yavneh, service means the service of the heart, i.e., prayer; the various schools discuss the time, obligation, manner, and content of prayer. It is also reflected in the enactments of Rabban Yoḥanan on liturgy and rituals following the destruction of Jerusalem, as well as the standardization of prayer by his successors.

5The emphasis on “love deeds” is found in Rabban Yoḥanan’s response to the cessation of sacrifices as means for atonement (Aboth de R. Nathan I, 4). He bases his understanding on Hos. 6:6—“For ‘love’ I desired not sacrifices.” The same scribal interpretation is preserved in Mk. 12:33. This reflects an earlier targumic lesson on God’s “love deeds” (Palestinian Targum to Gen. 35:9; Deut. 34:6; and Pirke de R. Eliezer 16).

6Hillel’s dictum is based on Ps. 119:126 with the explanation, “When you see the Torah is neglected and there is no interest in it, then consolidate.” These guidelines led to the collecting and editing of the Pharisaic teachings at Yavneh. At first, the elders would transmit the tradition thematically among themselves. Then the school proceeded to collect the teachings of the past by means of attestation and redactional principles. See Tosefta Berakhoth 6:23, 24 (Lieberman’s edition and notes), and compare Tosefta ‘Edduyoth 1. This development affects the compilation of the early Pharisaic tradition, which should be examined redactionally on principles adopted by the rabbis themselves. Contrast the methodological experiment by J. Neusner in Rabbinic Traditions about the Pharisees before 70 (Leiden: Brill, 1971).

7On Rabban Gamliel II, see Alon, Toledoth, vol. 1, chs. 4, 6.

8Palestinian Berakhoth 4d, 9c, and Babylonian Berakhoth 28b; Babylonian Megillah 17b. Compare Midrash Hagadol to Deut. 33:2 (Midrash Samuel 31, 4), which refers to
prayer, a malediction against Jewish Christians. The twelfth edited liturgical piece of Yavneh reads, in the Palestinian recension of Genizah material: “Let the Nazarenes [Jewish Christians] and minim [a catch-all word for heretics] perish swiftly. Let them be blotted out of the Book of Life and let them not be inscribed with the righteous.” Judaism, in its quest for survival, apparently was threatened by Christianity. In its response, Yavneh not only formulated a negative view of Christianity but purposely aimed at the exclusion of Christians from Jewish services. An act of excommunication was enforced by Yavneh’s missionary activities.9

This widely accepted thesis has been developed further by Christian scholars in examining the redactional intent and background of the Gospel according to Matthew. G. Bornkamm,10 P. F. Ellis,11 J. P. Meier,12 S. van Tilborg,13 K. Stendahl,14 and D. Hare15 recognize, more or less, that a definite split had already occurred between Jews and Christians during the early years of the Yavneh period. R. Hummel16 and H. von Campenhausen17 seem to be more cautious in their approach. Their understanding of rabbinic material, apart from the uncritical use of Strack and Billerbeck’s Kommentar, rests solely on secondary Jewish literature.18 The thesis so forcefully and convincingly argued by W. D. Davies19

prophetic formulation of prayer and its standardization by the sages-rabbis. This is historically correct in light of the prayers of Sirach and Psalms of Solomon.

This is based on Justin, Dialogue 17, 108. On the persecution of Jewish Christians, see the works of Douglas R. A. Hare and W. D. Davies (notes 15 and 19 below, respectively).

"Die Binde-und Lösegewalt in der Kirche des Matthäus," in Geschichte und Glaube II (Munich: Kaiser, 1971), pp. 37-50. Bornkamm shifts from an earlier position that Christianity has not cut its ties with Judaism. He now maintains that the church, in opposition to Judaism, consolidates in the name of Jesus.

Matthew: His Mind and His Message (Collegeville, MN: Liturgical Press, 1974), following in essence Davies’ position.


The Theme of Jewish Persecution of Christians in the Gospel according to St. Matthew (Cambridge: Harvard University Press, 1967). Hare thinks that Matthew and his followers had already left the synagogue, even though this separation was not caused by formal persecution or by the malediction.

Die Auseinandersetzung zwischen Kirche und Judentum in Matthäus-evangelium, 2nd ed. (Munich: Kaiser, 1966). The church does not participate in synagogal service, but Judaism still has jurisdiction over the Jewish Christians.

Die Erstehung der christlichen Bibel (Tübingen: Mohr, 1968). The church has not yet been definitively separated from Judaism.


The Setting of the Sermon on the Mount (Cambridge: Harvard University Press, 1966). Compare his Invitation to the New Testament (New York: Doubleday, 1966), on Matthew. Davies is of the opinion that the split did not occur, but the gospel came as an expression of
maintains that ca. 85 C.E. the Gospel of Matthew was published as a Jewish-Christian reaction to the Judaism of Yavneh. He argues that the Sermon on the Mount as well as the rest of the gospel, with its anti-Pharisaic tone, can only be seen in true perspective against the emergent rabbinic Judaism. Other factors may have entered the picture, but Yavneh is the chief formative influence.

If this thesis is correct, it may well be asked how we can reconcile the scholarly findings with a contemporary concerned attempt at dialogue between Christians and Jews. For the scholarly results suppose that the formative rabbinic tradition was formulated precisely against the Christian faith and that Jewish Christianity published a gospel that defined the teachings of Jesus anti-thetically. This development can only support a theology of differences ending in possible polemics or apologetics, as was the case in the beginning of the twentieth century. It is true that the church Fathers since Justin (i.e., since the middle of the second century) refer to Christians as a group cursed in the synagogues. Furthermore, Justin (Dialogue 18, 108) demonstrates that, in contrast, Christians following the teaching of Jesus (Mt. 5:44; Lk. 6:28; Rom. 12:14; Did. 1:3) bless or pray for their enemies. Must we infer that Jewish prayer and Christian prayer offer two distinct religious views? Prayer is the communal expression of faith, reflecting a given ethic and echoing a doctrinal position. It seems to Justin that Judaism of the post-destruction period was advocating a particular view of election and salvation, whereas Christianity was teaching forgiveness and love for all. In accepting the above thesis, are we asked to conclude that the two faiths offered such a contrasting understanding?

In a recent position paper on “Jabneh and Jewish Christianity,” Douglas Hare and Philip Sigal review various points associated with the above thesis. They rightly indicate the hypothetical nature of some points regarding canon and the gospels, the use of ban at Yavneh, the exclusion of the Decalogue from the daily recitation, and the inclusion of the “proselyte’s” blessing. However, they propose in the conclusion “additional evidence in support of Davies’ view that the academy of Jabneh did in fact regard Jewish Christianity as a menace.” The points they raise in support of the thesis seem, however, to be inadequate. They themselves question Yavneh’s activities against Christians, citing a lack of evidence. Their reference to Tannaitic legislation on social ostracism (Tosefta
Hullin 2:20) should be reviewed in its structural framework. The Tannaitic text includes among those described as a “min” the idolator, the Samaritan, and the magician. “Min,” in fact, betrays affinities with these groups only. This suggests that a “min”\(^2\) is an individual who rejects monotheism, or belief in the resurrection, or belief in the Temple of Jerusalem as God’s abode—and possesses writings aligned with magic and gnosis of that time. These categories define Jewish heresy and not Jewish Christianity, as it will be discussed below.

The authors also refer to the prominence given to the doxology, “blessed be,” following the Shema’ of the daily recitation and the “kingship” prayer of ‘Alenu on the New Year, as polemical forms against Christianity. They fail to take into account the works of V. Aptowitzer and E. Werner on the doxology,\(^2\) which unquestionably show that it is an anti-Sadducean formulation. However, they correctly observe that “the most important element in Davies’ argument concerning Christian influence at Jabneh is the malediction.” The consensus still favors the view that “Nazarenes” were included in the original liturgical text and that Yavneh meant to designate Jewish Christians in the malediction. This central argument of Davies’ thesis will be demonstrated as historically untenable.

At the outset, it should be said one cannot present a historical case from sources argued retrojectively unless there is ample evidence for such a development. Secondly, one cannot simply collect various rabbinic statements on a particular question as evidence without examining them organically and structurally as to their meaning in a particular religio-historical context, and in view of the related material of the time. The scholar who applies to the gospels textual, formal, source, redactional, and structural criticism, in light of tradition-history and linguistic development, fails to do the same in the study of the rabbinic data employed in support of his or her thesis. The following cautionary remarks should apply to the study of liturgical items: (1) One cannot assume that a reading of a late manuscript first published by S. Schechter\(^2\) as a Palestinian recension was the exact reading at the time of its inception. Even Samuel the

\(^2\) Min rejects monotheism, either in denying providence (“who says the universe is self-moving=automatos”) or in accepting dualism (“who says there are two divine powers=rash-yoḥoth”). See Midrash Ps. 1:5 on resha’im and Babylonian Haggigah 15a, b on Elisha as rasha’. Min is called idolator in Babylonian Horayoth 11a, München Codex. Min is like a Samaritan of the Dosithean sect, who rejects resurrection. See Origen on Mt. 22:23 and Babylonian Sanhedrin 90b, München Codex. Compare J. Macdonald, The Theology of the Samaritans (Philadelphia: Westminster, 1964), p. 376, n. 1.

\(^2\) Both discuss the doxology, “Blessed be the Name of the glorious Kingdom for ever and ever” (V. Aptowitzer in Monatschrift für Geschichte und Wissenschaft des Judentums 73 [1929], and E. Werner in Hebrew Union College Annual 19 [1945/6]). They refer to the “carping of the minim” (Babylonian Pesahim 56a) regarding the doxology. Compare Lieberman’s notes on Tosefta Berakah 6:21. On the “carping of the minim” with reference to the recitation of the Decalogue (Babylonian Berakah 12a), see G. Vermes, “The Decalogue and the Minim,” in his Post-Biblical Jewish Studies (Leiden: Brill, 1975).

Small, the author of the “so-called” malediction, was said to have forgotten the original wording (Palestinian Berakhoth 9c). (2) The meaning of the liturgical material in its historical evolution can only be deduced from a structural examination of the entire composition. The scholarly exploration should take into account the organic relationship with the prevailing conceptions, reflected in the legal, midrashic, targumic, and apocalyptic works.

Peter Schaefer has demonstrated in a recent article how the wording of the malediction under discussion fluctuated in later texts, describing delators, informers, Nazarenes, and minim, as well as evildoers and apostates. One can be certain, however, that the original reading spoke of minim and evildoers (resha'im or poshm) only, in connection with the elimination of the “insolent kingdom.” This development from general terms to specific meanings and designations can be seen in the earlier accounts of similar prayers in relation to the eschatological hope.

The prayer of Sirach (36 [33]:9, 10) reads: “Let thy people’s evildoers [adi or kakountes] find destruction. Make an end of the head of the enemy’s princes [Hebrew text: pa’athe mo’ab; Greek text: pa’athe ‘oyeb] who says: ‘There is no one other but me.’ ” Sirach’s phraseology echoes in the first verse Ps. 37:20, and in the second verse Num. 24:17 and Is. 47:8 (Targum: “There is no other but me”). The Psalm reference contrasts the evildoers with the righteous. Already the Qumranites interpreted “the evildoers” to mean “the wicked of Ephraim and Manasseh” or “the wicked of Israel” (4Q pesher Ps. 37:15, 31). In their days, they represented the Jewish opponents of the sect, the Pharisees and the Sadducees. Similarly, in the later rabbinic Midrash, the evildoers are associated with those who reject God’s providence (Mid Ps. 14:1 on “nabal”) and those Jews who persecute and act violently against the community (Derekh Eres R. 2). The contrast between evildoers and the righteous is presented in the Talmudic interpretation of the liturgical order of the Eighteen Benedictions. It reveals familiarity with the original wording of “insolent ones,” “minim” and “evildoers.” This is also reflected in the wording of the brief formulation of the Eighteen Benedictions.

The references in Sirach to Balaam’s and Isaiah’s prophecies were inter-

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27Babylonian Megillah 17b (Vatican and München) reads: “Once judgment is meted out to the ‘evildoers,’ the ‘minim’ perish, and one includes ‘insolent ones’ with ‘minim’; for it says (Isa. 1:28) ‘Posh’im and sinners shall be destroyed together.’ ” Compare Palestinian Berakhoth 5a (Vatican), and see the Midrash on prayer (Mid. Ps. 29 and Targum of ‘Amidah, in M. Gaster, ed., Studies and Texts, vol. 3, p. 50 (reprinted New York: KTAV, 1971).
28Babylonian Berakhoth 29a and Palestinian Berakhoth 8a read: “Those who stray from You will be judged and upon the evildoers You will raise Your hand.” Resha’im are coupled with “strayers” (To’im), synonymous with “minim.”
Yavneh's liturgy and Early Christianity

preted in connection with the messianic final war against the evil kingdom. In Sirach's days the enemy was the Seleucid kings; perhaps he was referring to Antiochus the Great. The coupling of evildoers with Israel's enemy in Sirach's prayer similarly appears in Daniel's vision (11:30, 32). On the one hand they are the "Kittim," formerly identified with the Greeks and later in rabbinic texts and in the Dead Sea scrolls a sobriquet for Rome. On the other hand they are the "violators of the covenant," the Hellenizers who opposed the Hasideans. Significantly, Sirach's prayer associates them with the eschatological hope of "ingathering" and the appeal to divine compassion for Israel, God's first born, for the holy city and the temple. This prayer, as well as Sirach's thanksgiving (51:5-8: "redeemer of Israel," "gathers the outcasts of Israel," "builds his city and his sanctuary," and "makes a horn to sprout from the House of David"), echoes the key phrases of Yavneh's eschatological petitions from the Eighteen Benedictions.

The Psalms of Solomon also preserve hymnic petitions on the elimination of the evil kingdom with reference to Pompey (2:25-26, the arrogant serpent) and on the contrast between evildoers and the righteous (4:24, 25). These precede the eschatological petitions on "ingathering" (8:28) and on "the reign of God" through David (ch. 17). It is apparent that prior to standardization of prayer at Yavneh, similar eschatological petitions existed. Yavneh amended the petition on the elimination of evildoers and the "insolent kingdom" by the inclusion of "minim" only. This is indicated in the Palestinian recension of the early Halakhah (Tosefta Berakhoth 3:25 and Palestinian Berakhoth 5a, 9c). "One includes 'minim' with 'evildoers' in [the petition of] 'who defeats the insolent ones.'" Historically, the "insolent kingdom" was associated in early times with the Greeks and later on with the Romans. The "evildoers" were the Hellenizers of the past, then the Sadducees (for Qumran, the Pharisees also), and finally, in Yavneh, they were coupled with the "minim." Thus, two distinct categories of enemies, the foreign rulers and the Jewish heretics, appear in prayer from pre-Maccabean times to the post-destruction period.

This particular liturgical development, prior to the later accretions of delators, informers, apostates, and Nazarenes, finds its support in the inserted eschatological petitions of "kingship" in the New Year service. They are preserved in the third Benediction of "holiness," which was introduced in Yavneh in accordance with R. Akiba's view (Mishnah Rosh Hashanah 4:5). They read:

Impose thy awe, YHWH our God, upon all thy works. . . . Give glory, YHWH our God, unto thy people [referring to David's horn and the land] . . . . Then shall the righteous see and be glad and the upright shall exult and the Hasideans shall rejoice in song; while iniquity shall close her mouth and all evil shall be wholly consumed like smoke, when thou wilt eliminate the insolent kingdom from the

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29 See Palestinian Targum and Midrash Hagadol to Num. 24:14, 18, and the "voluptuous one" of Is. 47:8 is Rome (Midrash R. to Ex. 15:17).
30 See Box and Oesterley comment on Sirach 36:10, Charles' Apocrypha, p. 441, n. 10.
earth. . . . Then, thou, YHWH our God, shalt reign alone over all thy works on Mount Zion, the dwelling place of thy glory and in Jerusalem, thy holy city.

This early liturgical piece echoes the similar wording of Yavneh’s eschatological petitions, indicating an association between “iniquity” and the “insolent kingdom” in contrast with the righteous and the Hasideans. This is significant in light of the fact that the Twelfth Benediction itself is a combination of two petitions. It opens with “Let there be no hope to the evildoers and let the insolent kingdom be uprooted” and closes with the corresponding dual form, “who shatters the evildoers and defeats the insolent ones.” A similar combination appears in the Thirteenth Benediction, beginning with “the righteous, the Hasideans and the elders,” and continuing with “the righteous proselytes.” It ends also with a corresponding dual form, “the support of [omitted are the proselytes] and the trust of the righteous.”

In support of this analysis, the final eschatological petition remained in Palestinian liturgy as a combined form, “God of David and builder of Jerusalem.” However the two titles were separated as two petitions in the Babylonian practice. This editorial work of Yavneh is recalled in the Palestinian Halakhah.

As shown above, originally “minim” only appeared in the text but not “Nazarenes.” This appears to be true also in light of the poetic structure of six verses with three beats in each. “Nazarenes” would thus appear in the text as an addition. Moreover, the “minim” parallels “evildoers,” as the “insolent kingdom” parallels the “enemies of thy people.” Minim, however, are not synonymous with Jewish Christians. If such were the case, why the repetition of

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32Refer to I. Baer, Abodath Yisrael (reprinted, Tel Aviv, 1957), p. 97. The reference to “God of David” at mealtime (Did. 10:6) is discussed by G. Alon, Meḥqarim, vol. 1, p. 290.
33See Lieberman’s comments to Tosefta Berakhoth 3:25 and Ginzberg’s comments to Palestinian Berakhoth 5:2, 9c.
34The redacted poetic form (3:3) of the “so called” malediction reads:

Let-there-be-no hope to-the-evildoers.
Let-the-Insolent Kingdom be-uprooted.
Let-the-minim swiftly perish.
Let-the-enemies of-Thy-people be-cut-off.
Let-them-not-be-inscribed with the-righteous.

Nazarenes and *minim* in the later edition? *Minim* signify heretics,\(^35\) who were associated in the first place with schismatics, separatists, rejecters of the Torah, and dualistic gnostics but not Jewish Christians.

*Min* corresponds to *genos*, meaning type. These types represent different sects or deviations from orthodoxy. They are identified in rabbinic sources with the Zealots,\(^36\) Sadducees,\(^37\) Samaritans,\(^38\) and even Essenes\(^39\) of the earlier period. In the post-destruction period, they included libertine and ascetic gnostics and antinomians. They were all Jews belonging to different schismatic groups that gained public attention in light of the catastrophe.\(^40\) Concerning these groups, R. Yoḥanan of the third century laments that “the people of Israel did not go into exile until they had become twenty-four [different] groups of *minim*” (Palestinian *Sanhedrin 29c*). However, A. Buechler\(^41\) shows that in Galilee of the late second and third centuries, “*min*” denotes in the first instance non-Jewish sectarians. They are Bible-reading gentiles who opposed Judaism in its basic doctrines, antinomian gnostics, and in given cases gentile Christians who agreed with them. We can assume that only during this period were the Nazarenes included in the prayer as a distinct category of gnostic Jewish Christians.

During the Yavneh period, a test for a “*min*” in time of worship was not one’s faith in the Messiah. Rather, the test was for those schismatics who denied the doctrine of resurrection and the hope of restoration of Jerusalem. Palestinian Halakhah dictates (Palestinian *Berakhoth 9c*) that “only the one who does not recite the benediction of ‘resurrection,’ the benediction of ‘who defeats the insolent ones’ and the benediction of ‘who builds Jerusalem’” [during the public


\(^{36}\)Mishnah Yadayim 4:8 (München and Cambridge) refers to the Galilean *min*, who is a zealot. See Alon, *Toledoth* vol. 1, p. 336.

\(^{37}\)Compare Babylonian *Sanhedrin 90b* (München), reading “*minim,*” with *Midrash Hagadol* to Deut. 31:16, reading “Sadducees.” It refers to a refutation of the Sadducean negative position on resurrection by Rabban Gamliel I, the teacher of Paul. A similar refutation is ascribed to Jesus (Mk. 12:24-27, and par.). The Sadducees are described as “those who err”; compare note 28 above on the “strayers.”

\(^{38}\)R. Elazar ben R. Yose refutes the writings of the Samaritans, which reject resurrection (see note 22 above). The printed text of Babylonian *Sanhedrin 90a* reads “*minim,*” whereas München Codex and *Midrash Hagadot (=Sifre*) to Deut. 15:31 read “*kuthim*” (Samaritans). See also the printed text of *Midrash R.* to Lev. 13:5; compare Margalioth’s edition, p. 294.

\(^{39}\)See Tosefta *Berakhoth* 6:20 on “*derekh ahereth*” (the other way). Refer to Lieberman’s comments and article in *Proceeding of American Academy of Jewish Studies*, vol. 20, p. 395. Compare the above expression with “*derekh minuth*” (Mishnah *Megillah* 4:8). *Aher* is a euphemistic appellation for Elisha ben Abuyah, who became a gnostic heretic.

\(^{40}\)For the discussion, see Alon, *Toledoth*, vol. 1, ch. 2.

do I maintain is a *min*." This Halakhah is fully supported by R. Eliezer's definition of *min*. R. Eliezer is a member of Yavneh's academy who came in contact with Christians on Jesus' teaching (see Appendix). He identifies "*min*" with the "*nabal*" of Ps. 14:11, "who says in his heart: There is no God" (Sifre to Deut. 32:21 according to Midrash Hagadol and Babylonian *Yebamoth* 63b, München Codex). The "*nabal*" represents those who deny God's providence and eternal reward (such as the resurrection), or dualistic gnostics who separate the heavenly God from the God of creation. This definition is clearly reflected in the Midrashic interpretation of Deut. 32:39 as a biblical response to heretics (Sifre according to Midrash Hagadol and Palestinian Targum on said verse).

"See now that I, even I, am He." This is the reply to the one who says there is no kingdom in heaven. "There is no God beside me." This is the reply to the one who says there are two divine powers. "I kill and I make alive." This is the reply to the one who says there is kingdom in heaven but there is no providence [lit., one who causes life and death]. "I would heal and I would smite": As illness then healing occur in one person, so death then life will occur in one person. This is the reply to those who reject resurrection.

The formulation of the "*minim*" prayer was a defensive measure against Jewish dissenters who denied the doctrines of resurrection and providence or rejected the Torah. This position is stated in the earlier edition of the mishnaic definition of "those who do not have a share in the world to come" (Mishnah Sanhedrin 10:1). The Yavneh text included only the above three groups. To these, R. Akiba added "the one who reads the apocryphal works," such as Ecclesiasticus or the books of *minim*, but not the gospels. Books of *minim* are described elsewhere as books of magic (*Tosefta Hullin* 2:20) or books of dualistic gnosis (Babylonian *Hagigah* 15b regarding Elisha ben Abuyah's heresy). The Palestinian Halakhah, which prohibits the use of the books of *minim* and "*gilyonin*" (*Tosefta Sabbath* 13:5; *Tosefta Yadayim* 2:13), does not suggest gospels in the latter but biblical parchments. Only in post-Hadrianic times do R. Meir and R. Yoḥanan interpret "*gilyonin*" euphemistically as "*evangelion*." This indicates that the books of *minim* were not originally equated with gospels.

The Psalm text on God's enemies (139:21, 22) is applied to *minim*, coupled with apostates and delators, in the Tannaitic commentary on R. Joshua's saying, "The hatred of creatures removes the person from the world" (Aboth de R. Nathan I, 16). The same verse is used by R. Ismael to explain why the books of

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42So Palestinian *Sanhedrin* 28a. See the discussion of L. Ginzberg, "Some Observations on the Attitude of the Synagogue towards the Apocalyptic-Eschatological Writings," in Agus, Judaism and Christianity.

43So Babylonian *Sanhedrin* 100b. See Alon, *Toledoth*, vol. 1, p. 172. R. Akiba maintains that such books should be destroyed (Sifre to Num. 5:23.)

minim should not be saved (Babylonian Sabbath 116a): “For they cause enmity and conflict between Israel and their heavenly Father.” Minim as God’s enemies are associated with Samaritans (Midrash Hagadol to Deut. 32:41), whom Sirach describes as enemies (50:26). Similarly, in the Halakhah (Tosefta Hullin 2:20) minim are grouped with idolators and Samaritans, and in the Midrash (Sifre to Deut. 32:21) they are associated with Samaritans. R. Eliezer’s definition of “min” as “nabal” offers in the latter a historical framework. “Nabal” in Sirach (50:26; compare Testament Levi 7:2, 3) is equated with the Samaritans and in the later rabbinic text (Babylonian Yebamoth 63b) with barbarians or Zoroastrians. This classification reflects Yavneh’s position on heresy above; namely, minim are like the idolators, barbarians, and Zoroastrians who reject monotheistic providence or who, like the Samaritans, reject resurrection or canonical Torah.

Abba Saul, who edited R. Akiba’s Mishnah, adds two new categories: “healers who use the Scriptures theurgically” and “those who pronounce the Tetragrammaton” (Mishah Sanhedrin 10:1 and Tosefta Sanhedrin 12:10). The Scripture used by the healers is Ex. 15:26b: “For I am YHWH thy healer.” This text was used by the Samaritans or Jewish gnostics. The second category addresses the scorners who misuse God’s name. This was prohibited after the destruction of the Temple (Mishnah Sotah 7:5 and Babylonian Kiddushin 71a). Thus, Abba Saul specifically had in mind the theurgic use of Scriptures or God’s name in healing, which the gnostic and magical material fully suggests for that period. This explains R. Ismael’s reluctance to have his nephew healed in the name of Jesus, for in his days, the Hadrianic time, such action would contravene the above expanded Halakhic position on healing.

However, the earlier mishnaic definition of Yavneh is supported by the Halakhic grouping of minim with others in the category of “those who receive eternal condemnation” (Tosefta Sanhedrin 13:5; Babylonian Rosh Hashanah 16a, München Codex). The minim appear together with delators, Epicureans, rejecters of the Torah and resurrection, separatists from communal life, those
who cause others to sin, those who instill fear among the living, and those who desecrate (lit., stretch their hands against) the Temple. This reference sheds light also on the reading of the *Tosefta Berakhoth* 3:25 (Lieberman’s edition), which refers to the combination of “minim” and “perushim” (separatists) in the “so called” malediction. In another Halakhic Midrash the same position is upheld (*Sifre Zuta* on Num. 15:30, 31). “The person who does with a high hand’ is the one who rejects God or believes in two divine powers. ‘He who despised the word of God’ is the Sadducee.” These categories appear as a reflection of the earlier position in contrast with the later definition (see Babylonian *Sanhedrin* 99b).

Following the Bar Kochba revolt, a change occurs in the definition. The *Tosefta* adds new categories, first introduced by Elazar of Modein, the priest related to Bar Kochba (*Mishnah Aboth* 3:11). They are “the removers of the yoke [of the commandments], the rescinders of circumcision and those who pervert the interpretation [lit., reveal a face] of the Torah.” These categories, as already shown by M. H. Weiss, appear as an anti-Christian definition. It appears to exclude precisely those Christians who reject the commandments and circumcision, while offering a different interpretation of the Old Testament with reference to Jesus. This is the setting in which Justin finds it necessary to defend the Christian interpretation of faith in Jesus against the rabbis in his *Dialogue with Trypho*. Only at the time of Bar Kochba (132-135 C.E.), whom R. Akiba recognized as the “Star of Jacob” (Num. 24:17, compare Palestinian Targum and *Midrash Hagadol*), were the Jewish Christians persecuted for not joining the Jewish forces and not before. I. Abrahams explains as follows: “The objects of the rebel leader’s wrath were those of his own countrymen—not gentile Christians—who refused to join the rebellion.” The basis was that “they refused to join R. Akiba in recognizing Bar Kochba as the Messiah.”

Following the death of Bar Kochba, the destruction of Judea, and the Hadrianic religious persecutions, faith in the Messiah became a burning issue. The parting of the ways can be attributed to the above catastrophe, as reflected in Justin’s works (*Apology* I, 31, and *Dialogue* 1, 16) and the *Epistle of Barnabas* (16:4). Jews rejected all who professed faith in a dead messiah, whereas Christians upheld their faith in Jesus, pointing to the fulfillment of his prophecy

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47*Tosefta Sanhedrin* 12:9; Palestinian *Sanhedrin* 27c and *Pe‘ah* refer to the new categories with the remark, “They added unto [the earlier categories].” Compare also the additional category by R. Yose, in light of Bar Kochba’s defeat: “The one who defines the end-time has no share in the world to come” (*Derekh Eres* R. 11, and compare Babylonian *Sanhedrin* 97b).

48*Dor Dor Wedorshav* (Berlin, 1924), vol. 1, p. 237. Alon, *Toledoth*, vol. 1, p. 46, suggests situations in pre-Bar Kochba time. Yet the inclusion of these categories, following Hadrianic time, indicates a particular view of Christians. At this time Jesus is seen as offering a deviant interpretation in abusive opposition to the rabbis (see, e.g., Babylonian *Gittin* 57a, München).

regarding the destruction of Judea and the appearance of the false messiah. At
this time the Jewish Christian church of Jerusalem ceased to exist (Eusebius,
Church History 4.5, 6).

This observation gains support from the church Fathers’ depiction of heresies and the Jewish malediction. The Fathers in their anti-heretical treatises present the Christian list of heresies as well as the Jewish designations for heretics. These lists betray how the term “min/genos” and “Nazarenes” first entered the Jewish malediction. Justin did not approve of Jewish Christians of pre-135 (Dialogue 47). They were the Ebionites, who lived fully as Jews observing the Torah, while professing a faith in Jesus the Messiah. They were not rejected by the Jewish community, and they even participated in the services. In the pre-destruction period, the Pharisees opposed the death of James, the head of the Jerusalem church, whom the people described as the righteous one (Eusebius, Church History, 2.23, and Josephus, Antiquities, 20: 197-203). In no way can these observant Jewish Christians be categorized as minim in accordance with the early Halakhic definition. They believed in resurrection and in God’s providence, while directing themselves in prayer toward Jerusalem and the Temple. They upheld the Torah legislation and observed circumcision. Surely their faith in Jesus the Messiah was not a Jewish position, but at this time neither R. Yoḥanan ben Zakkai nor his disciple, R. Eliezer, believed in a future messiah.

At Yavneh, no act of excommunication was employed against these Jewish Christians. Only Halakhic nonconformity or doctrinal deviation from belief in God and God’s providence provoked such discipline. In these cases, it was used primarily against fellow rabbis such as R. Eliezer and Elisha ben Abuyah. All evidence in the New Testament is better explained on other grounds. For example, Jn. 9:22 and 16:2 on excommunication is related to the fact that Christian Jews who accepted an antinomian interpretation usually faced such action by the rabbis. In reality, this action was not taken against their faith but against their offenses as long as they still associated themselves with the Jewish community. Likewise, one can argue from the other sources that it was simply an intra-synagogal matter. The reference to epistulary action by the rabbis (Justin, Dialogue 108) does not indicate that Diaspora communities should intro-


51Aboth de R. Nathan I, 25 and Palestinian 'Abodah Zarah 42a; Babylonian Berakhoth 28b. Both rabbis instruct, at the time of death, to prepare a seat for Hēzekiah the King, who is described as the Messiah of the past (Babylonian Sanhedrin 99a). Apparently, they expected an audience with him. Compare Stephen’s vision of Jesus at a time of death (Acts 7:55). R. Yoḥanan also said, “If you have a sapling in your hand and they say to you, ‘The Messiah is here!’ (cf. Mt. 24:23), go and plant the sapling and then welcome him” (Aboth de R. Nathan II, 31).

52See Hare, Theme of Jewish Persecution, ppl 53-56.
duce anti-Christian prayer or issue a ban against Christians, as scholars wish us to infer. It simply appeals to Jews to refrain from heated discussion with Christian missionaries and to turn away from a type of heresy which suggests the abrogation of the Torah (Dialogue 38, 108, 112). In no way did it encourage Jews to press charges against Christians in the Roman world, which viewed Christianity as an illicit religion. The rabbis felt that a dialogue not carried on “for the sake of heaven” lacks substance and is counter-productive (Mishnah Aboth 5:17). How relevant their position is for modern times!

Justin refers only to “minim” as “genistai” in his list of Jewish heresies (Dialogue 80) but never speaks of Nazarenes. Likewise he describes in a general way the fact that Christians are anathematized in the synagogues. Apparently “minim” were anathematized, but Justin understood this to mean as well gentile Christians who were antinomians. In no way did Yavneh have gentile Christians in mind. However, Jerome of the fourth century speaks of a heresy of the Jews “qua dicitur mineorum” and associates them with “Nazarenes.” He writes, “Even today in all the synagogues of the Orient, there is a sect among the Jews called Nazarenes whom the Pharisees [sic] anathematize even now” (Epistle to Augustine; compare Commentary on Isa. 2:18, 49:7, 52:4). This was true in the days of Jerome when “minim” and “Nazarenes” were coupled in the daily prayer, as found in the Genizah material, but not in pre-Justin days. It is significant that only in the fourth century are the Nazarenes described as a distinct sect by Epiphanius, a native of Judea (Panarion 29.1). They appeared as a Jewish sect passing over into Christian heterodoxy, by coming in contact with the disappearing Ebionites. They were Jewish Christians who rejected the ritual legislation of the Bible and repudiated the official biblical canon. They employed a deviant interpretation of the Old Testament and esoteric knowledge. These Nazarenes fit the revised definition of the Halakhah on heresy after Bar Kochba’s time exactly.

The original intent and meaning of the emended “so called” malediction can be studied in the context of the other eleven benedictions, which comprise the middle section of the daily Jewish prayer. The prayer begins with six petitions expressing existential needs and concludes with six petitions reflecting an eschatological hope. They are formulated as blessings and are worded in the first person plural. Thus, Jewish prayer receives meaning in light of the above forms. Blessing indicates that one seeks God as the author and maintainer of life. In the act of seeking, God’s presence is felt. The use of the plural indicates that

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Ibid.


"tefillah" is a presentation of a case before God's court. Like the prophetic intercession of old, one meets God in love and total concern for others.

The first three existential petitions address God as "our Father." They relate to knowledge ("Grace us, our Father, with thy knowledge"), to repentance ("Cause us, our Father, to return to you"), and to forgiveness ("Forgive us, our Father, for we have sinned"). To know the Father in the sense of da'ath (sympathy and adhesion) is the condition for sinless life. This leads one to return completely to the Father, which is the biblical notion of repentance. Thus, the Father's love embraces those who repent, wiping away their sins ("Wipe out and remove our trespasses") and turning them into newborn persons. The second three existential petitions refer to redemption, health, and blessing of the seasons. They express a collective dependence on YHWH our God for the maintenance of life on earth. At the same time they reflect an ethical concern. Collectively, in partnership with God, people must work toward physical redemption in the cessation of human conflict, toward the alleviation of physical suffering where disease is present, and toward the optimum food production for distribution to all. The existential petitions echo the desperate and anxious voices of Israel, which seek closeness with the Father and partnership with YHWH our God in a world of sin and suffering.

The existential petitions appear as penultimate to the last six eschatological petitions. Only through sincere repentance and blessing of the seasons can final salvation be realized. For Israel final salvation lies within history, as the messianic times and the view of redemption relate to Israel in present history. These petitions reflect a hope for Israel, for prayer in faith spells out a hope, a forward-looking in relation to the traumatic present. Israel's hope, formulated in these petitions, reflects the editorial answer of Yavneh in light of the fall of Jerusalem. Israel felt isolated and was filled with dread and the anxiety of history. The apocalypticists of this period, Syriac Baruch and the Fourth Ezra, reflect this mood. Thus, the emended prayer offers to Israel hope and faith in the coming of the kingdom through the following eschatological petitions: (1) the ingathering of exiles, (2) the establishment of God's kingdom through a theocratic judicial system free of corruption, (3) the elimination of the evil

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57 "Father" in prayer is associated with God's attribute of love. Therefore it appears with a possessive, as an intercessory form (see Is. 63:16), and in connection with atonement, a corrective on J. Jeremias' view on 'Abba.
58 Daily prayer corresponds with the daily sacrifice (Babylonian Berakhoth 26b). The Hillelites interpreted the expiatory meaning of the "kebes" (Daily Lamb) as, "It wipes away the sins of Israel, making them into a one year old baby, who is clean of all sins" (Pesikta de R. Kahana 6, ed. Buber, p. 61b). This is reflected in the liturgical formulation on "forgiveness."
59 On the approach, see M. Kadushin, Worship and Ethics (New York: Bloch, 1963), and Abraham J. Heschel, Man's Quest for God (New York: Scribner's, 1954). On partnership with God, see Babylonian Sanhedrin 119b.
60 Compare the view of R. Eliezer on collective repentance as condition, Babylonian Sanhedrin 98a. The blessing of the seasons indicates God's favor; see the anecdotes in Sifra to Lev. 26:4.
kingdom, (4) the community of the righteous, and (5) and (6) the restoration of both Jerusalem and the Davidic rule.

The editorial work of Yavneh introduced in the petition of the "evil kingdom" the elimination of *minim* and, in the petition of "the righteous," the appearance of true proselytes. These petitions run parallel to each other. Thus, the intended meaning of the emendations can be understood. Israel's hope for the coming of the kingdom is defined both externally and internally in terms of the existing threats and the desired ecclesial model. The "evil kingdom" threatens Israel externally; schismatic heretics threaten it internally. The desired model of *ecclesia* in the kingdom includes the righteous from within as well as those from without. As in the prophecies of Isaiah, it becomes an open *ecclesia* (so Is. 2:3, 11:9-10, 48:6, 56:7, 60:3, 66:23).

The Yavneh reformulation of prayer about the heretics is specifically mentioned in the Apocalypse of Ezra, thirty years after the destruction of Jerusalem. Following the discussion of intercessory prayer for sinners by the righteous in the end-time (7:102-115) and the midrash on the thirteen attributes of God (7:132-138 on Ex. 34:6, 7), Ezra is instructed not to pray (lit., to ask) in behalf of sinners (8:55-58). They are described as "The many who perish, for having received liberty they despised the Most High, scorned his Torah, and caused to cease his ways. Moreover, they have trodden underfoot his Hasideans [or the righteous, *hosiös* or *dikaiös*; compare the Benediction on "the righteous and the Hasideans"], and have said in their heart: There is no God." These sinners precisely fit the definition of R. Eliezer for *minim* in light of Ps. 14:1, "the *nabal* who says in his heart: There is no God," as well as the early Halakhic position on heresy. Thus, Ezra concludes: "They know full well that they must die. For the Most High willed not that men should come to destruction but those who defiled the Name of Him who made them" (8:59, 60). According to Yavneh, eternal condemnation is the lot of those who desecrate God's name in rejecting God's providence and Torah. They do not share in the resurrection because they have denounced it (Babylonian *Sanhédrin* 90a, applying the principle of "measure for measure").

In light of the above discussion, Yavneh did not formulate an anti-Jewish Christian prayer. Rather, it defined an eschatological hope in terms of self-understanding. The menace of schism and gnosticism which affected rabbinc Judaism at its inception likewise affected Christianity in its beginnings. Judaism and Christianity each recognized the danger of heretical forms. Each faced them in its own way, with a continued hope in the coming of the reign of God.
APPENDIX

Rabbinic material preserves a favorable encounter of R. Eliezer with a teaching of Jesus in pre-Trajan days (before 106 C.E.). A complete discussion of the different scholarly views on R. Eliezer and his contact with Christians is presented by J. Neusner in *Eliezer ben Hyrcanus: The Tradition and the Man*, 2 vols. (Leiden: Brill, 1973). However, a textual and internal investigation of the account is not offered. The account combines a recollection of the encounter by R. Eliezer with a story told about his arrest by the Romans. It ends with two explanations on non-association with “minuth.” In this combined form, it appears in the *Tosefta Hullin* 2:24 (Zuckermann's edition), Babylonian *'Abodah Zarah* 16b, 17a (München and Ubeda codices), and Midrash *Ecc* to 1:8. The Babylonian text should be compared with the *Yalkutim* (Machiri and Simeoni on Mic. 1:7). For a textual evaluation of the recollection, consult especially the reading of *Midrash Hagadol* to Deut. 23:19.

The account begins with a depiction of R. Eliezer, as an old man, being arrested by the Romans on the charge of “minuth” (heresy; compare Bab *'Abodah Zarah* 17b, concerning the arrest of R. Elazar ben Peraṭa and R. Ḥanina ben Teradyon). At this time, R. Eliezer was already ostracized by his colleagues for Halakhic deviation based on heavenly attestation. Apparently R. Eliezer was accused by his opponents at the time when the descendants of Jesus' family were delated by heretics (Eusebius, *Church History*, 2.32). Trajan, like Domitian before him, persecuted the “desposynoi,” and the Roman charges against the Christians were atheism and hatred of the human race.

R. Eliezer's oblique reply to the Romans on the charge of “minuth” (heresy; compare Bab *'Abodah Zarah* 17b, concerning the arrest of R. Elazar ben Peraṭa and R. Ḥanina ben Teradyon). At this time, R. Eliezer was already ostracized by his colleagues for Halakhic deviation based on heavenly attestation. Apparently R. Eliezer was accused by his opponents at the time when the descendants of Jesus' family were delated by heretics (Eusebius, *Church History*, 2.32). Trajan, like Domitian before him, persecuted the “desposynoi,” and the Roman charges against the Christians were atheism and hatred of the human race. R. Eliezer's oblique reply to the Romans on the charge of “minuth” (heresy; compare Bab *'Abodah Zarah* 17b, concerning the arrest of R. Elazar ben Peraṭa and R. Ḥanina ben Teradyon). At this time, R. Eliezer was already ostracized by his colleagues for Halakhic deviation based on heavenly attestation.

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62 Recently Johann Maier subjected the rabbinic tradition to a form-critical examination and a comparative synoptic study and translation. See his *Jesus von Nazareth in der talmudischen Ueberlieferung* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1979), pp. 130-181. He fails, however, to offer a textual evaluation of the manuscript readings, especially the uncensored accounts. The Spanish Codex of *'Abodah Zarah* and the Yemenite *Midrash Hagadol*, both of the thirteenth century, derive from Talmudic texts used in the Geonic academies of Babylonia. See also A. Finkel's review of the Spanish manuscript edited by S. Abramson in *Archiv für Liturgiewissenschaft* vol. 9, no. 1 (1965), p. 227.

The Talmudic text refers to the disciples of Jesus the Nazarene and to Rabbi Jesus. These designations, as in the gospels, should be distinguished from the Tosefta and the eclectic *Midrash* accounts, which refer to Jesus the son of Panthera. The latter form emerges only in polemics against the virgin birth in the post-Bar-Kochba period (Origen, *Contra Celsum* I, 28, 38). So Maier (*Jesus*, pp. 249 ff.) recognizes the development, which includes the false identification with Ben Ṣṭada (see n. 66 below). This supports our argument that a different attitude prevailed during the Yavneh period, for the rabbis of Yavneh had the knowledge of the different personalities and the distinction between the sects, and they were acquainted with the Jewish Christian community of Jerusalem before its extinction in Hadrianic times.

The Tosefta is a highly redacted Tannaitic tradition with a clear purpose of illustrating the Halakhah established by the Galilean academies, whereas the Talmudic *Baraita* is an independent Tannaitic tradition, which still transmits an agaphon of Jesus. Compare also the independent tradition in Bab *Sabbath* 116b, which preserves the only Aramaic reading of Mt. 5:17. Note also that this account relates an episode concerning R. Eliezer's wife. A redactional examination is required for the early *Baraita* in B. Talmud *'Abodah Zarah*. For to it is appended a later interpretation in 17a, which relates heresy to the Roman authority. This is a clear adjustment to the fourth century when Christianity became a state religion under Constantine. Note also the comment by R. Ḥisda, the Amoraic dean of Sura in the fourth century. He also comments on the prevailing false identification of Jesus with Ben Panthera-Ben Ṣṭada (B. Talmud *Sabbath* 104b). J. Maier should have subjected the material primarily to composition criticism instead of offering merely a contextual study.

63 See B. Talmud *Baba Mesi’a* 59b, Palestinian Talmud *Mo‘ed Qatan* 81d, and compare Palestinian *Sabbath* 5b and *Aboth de R. Nathan* I, 25.

Roman executioner ("let the judge be my witness," thinking about God) was accepted as a recantation. In a similar way, Christians were able to dismiss the charges against them. He was set free ("dimissus") but he was troubled by the fact of his arrest. He viewed his ordeal in light of the biblical notion of "measure for measure," that punishment correlates to the sin. R. Akiba, his disciple, pointed out the possibility that his arrest with Jewish Christians may be related to an earlier encounter with them. At this juncture, a recollection by R. Eliezer on an earlier encounter is given.

The recollection, as presented in Midrash Hagadol, consists of two parts: a discussion with Jacob, the Jewish Christian, followed by his citation of Jesus’ teaching. The Tosefta omits the details of the recollection. The Babylonian Talmudic text dismisses the discussion with a remark, “I [R. Eliezer] had nothing to say to him.” Midrash Ecc, which includes the discussion, adds an apologetic remark, “[R. Eliezer] had forgotten momentarily the Halakhah.” It reads:

Akiba, you have reminded me. Once I was walking in the upper agora (Tosefta, Mid Ecc: Highway) of Sepphoris and someone [lit., a person] met me, a follower [lit., a disciple] of Jesus the Nazarene. His name was Jacob of the village Sikhnaya (Mid Ecc: Nebborayah). He asked me: What is [the law concerning] "harlot's hire" (Deut. 23:19)? I said to him: It is forbidden. He said to me: It is forbidden for [the purpose of] sacrifice, but it is permitted for [the purpose of] waste. I asked him: What will it be converted into? He said to me: Let it be converted into [public] toilets and baths. I said to him: You spoke well (yaphēh). When he saw that I approved his words, he finally said to me so did Jesus his rabbi teach him (Ubeda; Midrash Hagadol: Jesus ben Panthera): It is said, “From the hire of a harlot she gathered them and to the hire of a harlot they shall return” (Mic. 1:17): As it came from a privy place, so will it go out into a privy place. This saying [lit., word] caused me pleasure and on account of this I was arrested for heresy.

The above account reveals points of contact with early Christian tradition and gospel forms. The discussion between Jacob and R. Eliezer follows the form in the Gospels (Mt. 12:10, 13; Lk. 6:9, 14:3), ending in a word of approval, “ƙalos” (Mk. 12:32; Lk. 20:39). It recollects Jesus’ manner of interpreting scripture by scripture. The interpretation ends with a phraseology associated with Jesus’ saying, “Whatever goes into from outside cannot defile the person.” It is interpreted as “since it . . . goes out into a privy place” ( Mk. 7:19=Mt. 15:17). For nafqu bara means both “prostitute” and “goes out” in Aramaic. In the rabbinic text, Jesus is referred to as the Nazarene and rabbi, while his followers are called disciples. In early Christian tradition, Christians are designated as disciples (Acts 9:1, 10, 26; 13:52; 14:20, 22; 18:27; 19:30), and the Gospels refer to Jesus as the Nazarene (Mk. 1:24; Mt. 26:71; Lk. 24:19) and as a rabbi (Mk. 11:21; Mt. 26:25; Jn. 1:39). The question of “harlot’s hire” points to the Christian practice following Jesus, who welcomed harlots and even was supported by them (Lk. 7:37-8:3). The Christians perceived the gifts to the community, including those of harlots and sinners, as gifts to the Temple.

The two parts of the above account indicate favorable acknowledgment by R. Eliezer of the Christian interpretation and Jesus’ teaching, respectively. It does not mean that R. Eliezer was a sympathetic Christian. It does, however, suggest a favorable dialogue with Jewish Christians on the teachings of Jesus in the early period of Yavneh. The development of Halakham at Yavneh reaches similar conclusions taught by Jesus (e.g., on harlot’s hire, Mekhilta to Deut. 23:19, and on healing on the Sabbath, Mekhilta to Ex. 31:13). The Gospel of Matthew could not appear as a reaction to Yavneh. It preserves teachings of Jesus and their interpretation, which parallel those of Yavneh. Not only the gospel material needs to be reevaluated, but also the rabbinic material on Jesus. Jesus the Nazarene should not be confused with Jesus ben Śtada. The latter was condemned for practicing Egyptian

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65So Mekhilta R. Simeon to Ex. 19:1 and Palestinian Targum to Lev. 26:43. This theological principle on theodicy guides the hellenistic homily on Exodus in Wisdom of Solomon 11-19. It is also introduced by Jesus in the parables on the reign, according to Mk. 4:24.

66Tosefta Sanhedrin 10:11, Palestinian Talmud Sanhedrin 25d, and B. Sanhedrin 43a,
magic at Lydda, the town of R. Eliezer’s court (Sifre to Deut. 19:20, Midrash Hagadol).

Two concluding explanations are appended to the above account. The first refers to a rabbinic or biblical (sic) proscription on contact with “minuth.” This is based on a Tannaitic commentary to Prov. 5:8 (Aboth de R. Nathan I, 2), which is transmitted in the name of R. Joshua ben Qorḥah (ibid., II, 3), a contemporary of R. Judah the Patriarch, whose explanation was used with reference to Nazarenes in post-Hadrianic times. The second ascribes to R. Eliezer the exhortation: “Keep away from an unbecoming thing.” This instruction is ascribed to the sages (Aboth de R. Nathan I, 2 and Bab Hullin 44b) or to R. Ismael (Midrash Hagadol to Deut. 22:5). In both cases it applies to action or teaching which can result in public misinterpretation. Thus, the second explanation does not question the encounter with Jesus’ teaching but its purport. It may lead to offensive application in communal religious life. R. Eliezer questions his former favorable reception of Jesus’ teaching which may result in public misinterpretation. Likewise R. Eliezer’s ordeal was caused by a misinterpretation of his teachings, and his release was effected by a misinterpretation of his confession.

THE RABBINIC TEXTS IN COMPARISON

TOSEFTA:
A case (a didactic “ergon”):
I. with R. Eliezer, who was arrested for words of heresy; and they brought him up to the tribunal (bêma) for judgment. That governor said to him: Does an elder like you busy himself with such matters? He replied: Trustworthy is the judge concerning me. That governor supposed that he only meant him but he only intended in regard to his Father in heaven. He said to him: Since you have placed trust in me, I also meant perhaps such grey heads err in these matters. Dimissus! behold you are dismissed.

IIa. When he had been dismissed from the tribunal, he was grieved because he was arrested for words of heresy. His disciples gathered to console him, but he would not accept. R. Akiba entered and said to him: Rabbi, let me say something; perhaps you will not be grieved. He replied: Speak. He said: Rabbi, perhaps a word of heresy came to your attention (lit., hand) and the word pleased you. On account of that you were arrested for heresy.

IIb. He said: Yes, heavens! You reminded me. Once I was walking on the highway of Sepphoris. I came across Jacob, the man of the village Siknin and he related a word of heresy in the name of Jesus, the son of Panthera.

TALMUD, MIDRASH:
Our Rabbis taught (a Baraitha):
I. when R. Eliezer was arrested because of heresy, they brought him up to the tribunal (gradus) to be judged. That governor (hêgemôn) said to him: Does an elder like you busy himself with such idle matters? He replied: Trustworthy is the judge concerning me. That governor supposed he meant him; but he only meant in regard to his Father in Heaven. He said to him: Since you have placed trust in me as your magistrate (dêmos), you are acquitted.

IIa. When he came home, all his disciples gathered to comfort him; but he would not accept consolation. Said R. Akiba to him: Rabbi, give me permission and I will say one thing of what you have taught me. He replied: Speak. He said: Rabbi, perhaps a word of heresy came to your attention (lit., hand) and the word pleased you. On account of that you were arrested for heresy.

IIb. He said: Yes, heavens! You reminded me. Once I was walking in the upper market of Sepphoris. A disciple came across, one of the disciples of Jesus the Nazarene; and his name was Jacob, the man of the village Sikkhanya. He said to me:

MIDRASH:
IIIa. What is (the law concerning) harlot’s hire? I said to him: It is forbidden. He said

TALMUD:
IIIa. It is written in your Torah: “Those shalt not bring the hire of a harlot or the

67a (Codex München). Compare Tosefta Sabbath 11:15 (S. Liberman, Tosefta Kipheshuta, Mo'ed, part 3, p. 180), and B. Talmud Sabbath 104b, where the equation of Ben Sāda and Ben Panthera is assumed. On the misinterpretation and consequent erroneous commentaries, see M. Goldstein, Jesus in the Jewish Tradition (New York: Macmillan, 1950), pp. 57-62.
to me: It is forbidden for (the purpose of) sacrifice, but it is permitted for (the purpose of waste). I asked him: What will be done with it (the money)? He said: Let them make with it (public) toilets and baths. I said to him: You spoke well. IIIb. When he saw that I approved his words, he finally said to me in the name of Jesus the son of Panthera: For it says: "From the hire of a harlot she gathered them, and to the hire of a harlot shall they return" (Mic. 1:7). As it came from a filthy place, so will it go out into a filthy place.

TOSEFTA:
IV. It pleased me, and I was arrested on account of the words of the Torah: "Keep thy way far from her and do not go near the entrance of her house" (Prov. 5:8). "For many a casualty has she laid low" (Prov. 7:26). For R. Eliezer taught: Let a person always flee from unseemliness and that which resembles unseemliness.

wages of a dog [into the house of the Lord]" (Deut. 23:19). How about building with it (the money) a privy for the high priest? But I did not reply anything.

IIIb. He said to me thus did Jesus his rabbi teach: "For from the hire of a harlot she gathered them, and to the hire of a harlot shall they return" (Mic. 1:7). As they came from a filthy place, so will they go out to a filthy place.

TALMUD, MIDRASH:
IV. The saying pleased me. Because of this I was arrested for heresy, as I transgressed what is written in the Torah: "Keep thy way far from her" (Prov. 5:8). "Keep thy way far from her"; this (the way) is heresy. "Do not go near the entrance of her house"; this (the house) is the ruling authority. Appendix: There are some who interpret: "Keep thy way far from her"; this is heresy and the ruling authority. "Do not go near the entrance of her house"; this is the prostitute.