

Rabbinic Literature and its Trustworthiness for History and the Interpretation of the Torah (c) 10-28-2022 fourth edition by Herb Solinsky

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[1] Introduction

My interest in this subject mushroomed out of a desire to reconcile the consistent bits and pieces of information available about the biblical calendar from before the year 100 CE (in the Tanak and correlated history based upon primary sources) compared with the information found in the rabbinic literature (c. 200 CE to c. 600 CE). A primary source of historical events is the most reliable, although an awareness of bias needs to be exercised by the student of history. A primary source is a source that survives from about the time of the historical event. Rabbinic literature does not qualify as a primary source for events before 100 CE because its earliest part, the Mishnah, was published at least 100 years after the tail end of the period, 100 CE, which is about the time that Josephus died. A secondary source of historical events is a future commentary about the event, and here questions arise concerning what information was available to the author(s) of the secondary source, what were the motives and biases of those author(s), and did they have the goal of trying to represent history accurately in the modern sense. Rabbinic literature is a collection of related secondary sources for what occurred before 100 CE, and it requires evaluation. This is not an easy task.

In order to discuss the trustworthiness of rabbinic literature for history and the interpretation of the Torah it will be necessary to provide examples and go into some detail. This introduction will be light on detail, and some of its contents will be explained in greater detail later with references and quotations. Some examples regarding the calendar are discussed in greater detail outside this document rather than here because this document should not have its main purpose swallowed up in many details about the calendar.

Gen 1:14 uses the Hebrew word *moed*, here literally in the plural form, meaning appointed-times. In the 222 places where this word occurs in the Tanak, the only category of meaning it could have in Gen 1:14 is the Sabbath (meaning the seventh day Sabbath and the Day of Atonement) and the festivals. This Scripture mentions the light-bearers in the heavens to be the determiners of the appointed-times, which are the Sabbath and festivals. This implies that the heavenly light-bearers determine the biblical calendar.

Psalm 133 mentions the unity of the brethren of Israel that is a result of the oil flowing down upon Aaron's beard, showing the authority from the Holy Spirit upon the Aaronic priesthood to bring about that unity. This is indicated by Num 10:10 where two Aaronic priests blow two silver trumpets to announce the beginning of each month. This hereditary priesthood continued to perform its functions from its inception during the first year in the wilderness upon their deliverance from bondage in Egypt until shortly after the Second Temple was destroyed in 70 CE, although during the exile to Babylon from 586 BCE until the return to Jerusalem under Ezra and Nehemiah (c. 450 BCE) there was a gap in certain aspects of their duties. This unity of the priesthood included the unity in keeping the festivals together as one people. This priesthood had the authority to maintain the original principles of the biblical calendar, not the authority to make changes in its methods.

The Jews adopted the Babylonian calendar's month names as seen in the books of the Tanak from some time after the year 499 BCE during the time of the Persian Empire. This is correlated with the historical fact, based upon surviving cuneiform clay tablets that show that from that year onward, the first day of the Babylonian first month Nisanu (transliterated Nisan by the Jews) never occurred before the vernal equinox and sometimes occurred on the day of the vernal equinox. This does provide a precise astronomical rule that harmonizes with Gen 1:14. One statement by Philo of Alexandria from the first century does support this conclusion. Another statement by Philo does extol the cycles of the heavenly bodies to determine the sacred times, and indicates that nothing else can do this. Thus Philo's writings corroborate the above sense of Gen 1:14 and the use of astronomy to determine the calendar from before 100 CE.

Rabbinic literature claims that several factors are to be considered for the determination of the first month. One of these factors is the vernal equinox, another is the state of the barley, another is the state of fruit on the trees, and there are still other factors to be considered. It claims that a committee within the Sanhedrin has the authority to decide whether the year will have 12 or 13 months. The nature of the Oral Law that is promoted by rabbinic literature implies that this method of the Sanhedrin was the original method from Moses onward. The obvious problem is how to reconcile what appears to have

prevailed before 100 CE compared to what is seen from rabbinic literature. Rabbinic literature even claims that Gamaliel the Elder in the middle of the first century wrote a letter in which he took to himself (without any mention of a Sanhedrin) the authority to decide the addition of a 13th month. This will be discussed later. The authority for unity vested in the Aaronic priesthood as seen from Psalm 133 is absent in the rabbinic literature.

The primary purpose of this document is to understand the relationship between apparent accounts of seemingly historical statements from rabbinic literature and what really did happen in history. An additional purpose is to evaluate the interpretation of the Torah in rabbinic literature.

What is called *rabbinic literature* is the collection of documents published from c. 200 CE to c. 600 CE that was written by a segment of Jewish scholars who accepted the legal outline of the Mishnah c. 200 in its interpretation of the Pentateuch, who had a cohesive similar worldview, and whose writings suppressed a knowledge of the existence of opposing groups of Jews who lived in their own day. We know from Josephus and the New Testament that there were opposing groups of Jews called Sadducees, Pharisees, and Essenes, but after the Temple was destroyed in 70 CE, all mention of cohesive groups of Jews who opposed the rabbinic viewpoint is absent from rabbinic literature. In this sense the rabbinic literature promotes its own conclusions and suppresses opposing conclusions. The type of Judaism that this literature espoused is called Orthodox Judaism, and its followers are called Orthodox Jews. The credentialed teachers who adhered to Orthodox Judaism during this period and even previously, are called *rabbis* in the rabbinic literature.

Technical terms may have a varied meaning depending on the context. The Greek of the New Testament has the word *rabbi* and is assigned Strong's number 4461, which occurs a total of 17 times. Its use in the New Testament occurs as a transliteration of the Semitic (Aramaic or Hebrew) word. Thus this word *rabbi* was in common use among Jews in the first century. According to p. 402 of DCH *rabbi* means “lit[erally] 'my chief', title of scholar”. It is commonly translated “master” or “teacher” depending on the context. From the perspective of rabbinic literature, on p. 107 of Schwartz 2014, he wrote, “It bears repeating that there were no rabbis before 70. Rabbinic literature itself never applies the

title 'rabbi' even to pre-70 figures who clearly played an important role in rabbinic prehistory, such as Hillel (often erroneously called Rabbi Hillel by modern writers), a contemporary of Herod [the Great].” On p. 99, in the context of rabbinic literature, Schwartz defined rabbis as “men who had attained expertise in the Torah [Written Torah and Oral Torah] and in Jewish law (both civil and ritual) and were authorized [by proper appointment or ordination] to teach and judge.” The square brackets that I added are implied by what Schwartz wrote on pp. 101-102 and 107. The meaning of the Oral Torah will be discussed later.

The above discussion about the meaning of *rabbi* in rabbinic literature compared to everyday use by Jews in Palestine in the first century is a significant illustration of an important matter relating to the topic of this present document! Instead of using this important word in a manner that is consistent with its historical usage among Jews in the first century, rabbinic literature invents its own meaning that requires a detailed study of rabbinic literature itself in order to properly comprehend. The trait of abandoning the historical meaning of a word and applying a new meaning (even without explicit notice) shows inconsistency with established use from the past. The abandonment of historical meanings of words shows a lack of respect for accuracy in history. The word *rabbi* did apply to people before the destruction of the Second Temple in the year 70, but rabbinic literature refuses to apply it to those people.

On p. 376 of Gary Porton 2007 he wrote, “In no instance [within rabbinic literature] do we have first-hand knowledge of the actual collector(s)/editor(s) of the documents or the ‘editorial principles’ they followed. We simply have no reliable information from where the editor(s)/collector(s) derived their information, how faithfully they transmitted it to us, how they altered it, what they discarded, or why they selected to transmit what they in fact chose. In brief, we have no way to ascertain the reliability or accuracy of the records before us. We cannot easily or accurately separate ‘reliable’ first-hand accounts and information, if they exist, from information created centuries after the events they describe or the people they discuss.”

Gary Porton’s primary area of scholarly research is rabbinic literature and Jewish history. He is a Jewish scholar, but not an Orthodox Jewish scholar. If he

was an Orthodox Jew, he would not have written the above because Orthodox Jews consider rabbinic literature to be inspired (for the most part, because since c. 1980 certain evidence has been presented that causes some Orthodox Jews to recognize problems with the concept of inspiration), and his statement indicates strong doubt in its inspiration. This shows the disagreement among Jewish scholars according to their brand of Judaism. When one reads any secondary sources concerning the ancient past that is also touched upon by rabbinic literature, it is important to understand whether the author of that secondary source is an Orthodox Jew because that will often explain what is accepted as valid by that author from a historical viewpoint as well as from a legal viewpoint concerning the Torah (the Law of Moses in the Pentateuch).

My personal background from youth is that of a Jew who had schooling in a synagogue after public school hours for six years in New York City, from the age of six to thirteen. This included biblical Hebrew rather than modern Hebrew used in Israel today. My training was in Conservative Judaism, although all discussions about distinctions between Orthodox Judaism, Conservative Judaism, and Reform Judaism were avoided in that school of my youth.

It was mentioned above that the original purpose for my personal interest in this subject was to reconcile the apparent biblical calendar with the rabbinic literature's view of the calendar. Another reason for this study beyond matters of the calendar is to help guide the reader into discernment about Jewish history in general and about the distinction between what the Tanak intends to say and what rabbinic literature says about the Torah in the Tanak. It is intended that both Jews and non-Jews (this includes Christians) are an audience for this document. The Christian audience will obviously have a far different attitude toward the New Testament than the Jewish audience. There will be occasions when parts of the New Testament will be mentioned as a source of history because it is a primary source for events of the first century.

With the recognition of bias according to whether an author is an Orthodox Jew, how can we impartially evaluate the rabbinic literature? Whose opinion do we accept? What do we consider authoritative as a basis for evaluation? In answer to this, it is of first importance to examine the Tanak where the context is seemingly clear and then compare that with an opposing position in the rabbinic

literature. It will then be up to the reader to judge what to believe. Other primary sources will sometimes be consulted. Eventually some secondary authors will be consulted where they offer some important internal criteria within rabbinic literature. The latter involves inconsistencies or contradictions within rabbinic literature.

[2] Wisdom from the Torah and Wisdom from Rabbinic Literature

The Pentateuch defines the wisdom of ancient Israel in an unconventional way in the following passage of the Torah.

Deut 4:5, “Behold I have taught you statutes and ordinances as YHWH my Almighty commanded me, that you should do so in the midst of the land where you are going to possess it.”

Deut 4:6, “So keep and do [them], for that [is] your wisdom and your understanding in the sight of the peoples who shall hear all these statutes. Then they shall say, surely this great people [is] a wise and understanding nation.”

Deut 4:7, “For what great nation [is there] that has an Almighty [so] near to it as YHWH our Almighty in everything we call upon Him.”

Deut 4:8, “And what great nation [is there] that has statutes and ordinances [as] righteous as all this law that I set before you today?”

The nations of the world think of wisdom in terms of scientific achievement and the acquiring of great knowledge, but that is not the way Moses was told to proclaim wisdom to Israel. Mathematical astronomy was not to be wisdom for them. I do not doubt that the ancient Israelites had the mental capacity to be able to develop advanced mathematics, but without the collective need for this effort by Israelite society, what would motivate such an effort? Ancient Israel could determine the calendar from observation, so they had no need for any advanced tedious calculations accompanied by detailed records of observations over many decades to correlate with the calculations.

Why would the nations of the world say, as predicted in Deut 4:6, “Then they shall say, surely this great people [is] a wise and understanding nation.”? It is abnormal for nations to take a serious interest in the laws of another nation and

recognize such laws to be wonderful and praiseworthy. What is the motivation for such an attraction to the Law of Moses by the other nations?

The attraction is the response to Deut 4:6, “So keep and do [them], for that [is] your wisdom ...” The wisdom is obedience, not the law itself. The response to their obedience is declared in Lev 26:3-13 and Deut 28:1-14 where Israel is promised the blessings of abundant crops and livestock, fruitful population growth, and living in peace and security with their neighbors afraid of them. These abundant blessings would catch the attention of the nations around them and they would inquire about the reason for such blessings. When the answer would be the blessings for obedience, the nations would desire the same blessings, and hence they would be highly motivated to know the law and obey it themselves.

Israel's wisdom is to be their obedience, not scientific achievement.

In the Talmud, on p. 357 of BT-SHAB, we find, “How do we know that it is one's duty to calculate the cycles and planetary courses? Because it is written, [Deut 4:6] *for this is your wisdom and understanding in the sight of the peoples*: what wisdom and understanding is in the sight of the peoples? Say that is the science of cycles and planets.”

Here we see that at the time the Babylonian Talmud was published, c. 500-600, the original intent of **wisdom** in Deut 4:6 was twisted away from collective obedience and the resulting blessings. The radical distortion was in favor of knowing mathematical astronomy, by taking part of one verse out of its context! About 2000 years after Moses, the culture of Jewish scholarly leadership in the Talmudic path had changed to finally bestow a high value upon mastering mathematical astronomy, and to encourage this through a distortion of the Tanak.

[3] Authority of the Aaronic Priesthood from the Tanak

(A) The Aaronic Priesthood has a Role regarding the Calendar

According to the Law of Moses certain activities related to the calendar are required to be performed by the Aaronic priesthood. Specifically, at the

beginning of each month, in the context of Num 10:1-10, notice the following activity of the priesthood.

Num 10:8, “And Aaron's sons, the priests, shall blow with [the two silver] trumpets.”

Num 10:10, “And on [the] day of your gladness, and on your appointed-times [4150 *moed*], and on the beginnings of your months [2320 *chodesh*], you shall blow with [the two silver] trumpets over your burnt offerings and over [the] sacrifices of your peace offerings, and they shall be to you for a memorial before your Almighty; I am YHWH your Almighty.”

A partial summary of this requirement from the Law of Moses is that two priests (from Aaron and his seed) were to blow two trumpets on the first day of each month, thus giving the priests a role of significance in regard to the start of the calendric unit of time called a month [2320 *chodesh*]. At this time the question being addressed is whether this calendric activity of the priesthood stems from the authority given to the priesthood itself or from some other human authority such as a king or a Sanhedrin.

(B) Anointing Oil is Symbolic of Authority upon Aaronic Priests

Consider the key wording by which Aaron and his sons became a priest.

Ex 29:7, “And you [Moses] shall take the anointing oil and pour [it] upon his [Aaron's] head and you shall anoint him.”

Ex 29:8, “And you shall bring his sons and clothe them [with] coats.”

Ex 29:9, “And you shall gird them [with] sashes, Aaron and his sons, and you shall bind turbans on them. And [the] priesthood shall be for them for an everlasting statute, and [in this manner] you shall fill [the] hand of Aaron and [the] hand of his sons.”

The *hand* is a symbol of power and authority. When verse nine literally states “fill the hand”, it means “to bestow authority upon”. Some translations simply have “consecrate”, which loses some of the punch.

Ex 40:15, “And you shall anoint them [Aaron's sons] as you anointed their father that they may be priests to Me. And this shall be so that their anointing shall be to them for an everlasting priesthood for their generations.”

Simply summarized, the males in lineage through Aaron shall have authority bestowed upon them as priests through a ceremony using the anointing oil upon their head. The direct Scriptures are Ex 28:41; 29:7-9; 30:30; 40:13-15.

(C) The Origin and Exclusiveness of the Aaronic Priesthood

Num 3:11, “And YHWH spoke to Moses saying,”

Num 3:12, “And I, behold, I have taken the Levites from among the children of Israel instead of all the firstborn that opens the womb from the children of Israel. And [hence] the Levites shall be Mine”

Num 3:13, “because all [the] firstborn [are] Mine. On [the] day I killed all [the] firstborn in [the] land of Egypt I set apart to Myself all [the] firstborn in Israel, both man and beast. They shall be Mine, I am YHWH,”

Num 3:5, “And YHWH spoke to Moses saying,”

Num 3:6, “bring [the] tribe of Levi near and present him before Aaron the priest that they may serve him.

Num 3:7, “And they shall attend to his needs and the needs of the whole congregation before [the] tent of meeting to perform [the] service of the tabernacle.”

Num 3:8, “And they shall attend to all [the] instruments of [the] tent of meeting and the needs of [the] children of Israel to perform [the] service of the tabernacle.”

Num 3:9, “And you shall give the Levites to Aaron and to his sons. They [are] fully given to him from [the] children of Israel.”

Num 3:10, “And you shall appoint Aaron and his sons that they shall keep their priesthood. And the layman/outsider [2114 *zar*] who comes near shall be put to death.”

Num 18:6, “And I, behold, I have taken your [= Aaron and his sons] brethren the Levites from among [the] children of Israel; [they are] a gift to you [= Aaron and his sons] given to YHWH, to attend to [the] service of [the] tent of meeting.”

Num 18:7, “And you [= Aaron] and your sons with you shall keep your priesthood for everything pertaining to the altar and for that behind [the] veil,

and you shall serve. I give your priesthood [to you as] a service of gift. And the layman/outsider [2114 *zar*] who comes near shall be put to death.”

It is seen here that only Aaron and his sons may be priests, and all Levites who are not descended from Aaron are to serve under the authority of the priests. Certain duties are exclusive to priests and other duties are for other Levites under the direction of the priests. Here a non-Aaronite is referred to as a layman/outsider [2114 *zar*], and if such a person attempts to come near (get close, meddle, or interfere), death shall be the punishment. The Hebrew word *zar* is discussed on p. 279 of HALOT where several meanings are supplied based on the context, and Num 3:10; 18:7 are listed under the general meaning “unauthorized person”, and for these verses the sub-meaning “not an Aaronite” is stated in HALOT.

(D) Punishment by Death for Usurping the Domain of the Aaronic Priesthood

Note the following references that show the teaching authority given to the priests.

Num 3:10; 18:7 show punishment by death for violating the domain of the Aaronic Priesthood. An example of this punishment by death is seen in II Sam 6:1-8; I Chr 13:7-11. The key passage follows.

II Sam 6:6, “And when they came to Nachon's threshing floor, Uzzah put forth [his hand] to the ark of the Almighty and took hold of it because the oxen shook it.”

II Sam 6:7, “Then [the] anger of YHWH flared up against Uzzah and the Almighty struck him there for [his] error. And he died there by [the] ark of the Almighty.”

This type of event is unique, but the lesson is clear even though no other example is available. If some item, such as the two silver trumpets in Num 10:1-10, has a holy use for the priests alone, then anyone having the fear of the Almighty should refrain from meddling with it. To do so is a usurpation of authority.

(E) The Teaching Authority Given to the Aaronic Priesthood

Lev 10:8, “And YHWH spoke to Aaron saying,”

Lev 10:9, “you shall not drink wine or strong drink, you nor your sons with you when you go into [the] tent of meeting so that you shall not die; [it shall be] an everlasting statute for your generations”

Lev 10:10, “so that you may distinguish between the holy and between the common, and between the unclean and between the clean,”

Lev 10:11, “so that you [= the Aaronic priesthood] may teach [the] children of Israel all the statutes which YHWH has spoken to them by [the] hand of Moses.”

Deut 24:8, “Take heed in an outbreak of leprosy, that you carefully observe and do according to all that the priests, the Levites, shall teach you as I commanded them, so you shall be careful to do.”

Jer 18:18, “... for the law shall not perish from the priest, or advice from the wise, or a word from a prophet.”

Mal 2:7, “For [the] lips of a priest should keep knowledge, and [people] should seek [the] law from his mouth, for he [is the] messenger of YHWH of hosts.”

Note that from the wording of Deut 24:8, it is accepted that when the populace is taught the law by a priest, they are expected to do what the law says, and this gives authority to the priest.

Despite the above wording that shows the general summarized impression that the priesthood was expected to teach the people the Law of Moses, this function was not exclusive to the priesthood alone, as can be seen from the Torah next.

Deut 31:9, “And Moses wrote this law and he gave [it] to the priests, [the] sons of Levi who bore [the] ark of [the] covenant of YHWH, and to all [the] elders of Israel.”

Deut 31:10, “And Moses commanded them [= priests, Levites, and elders] saying, at [the] end of [every] seven years, at [the] appointed-time of the year of release at the feast of tabernacles”

Deut 31:11, “when all Israel comes to appear before YHWH your Almighty in [the] place that He shall choose, you shall read this law in the presence of all Israel in their ears.”

Thus the reading of the law every seventh year could be from the mouth of the priests, the Levites, and the elders, although the primary teachers of the law were shown above to be the priests.

Lev 21:10 begins with the Hebrew *v-ha-cohan ha-gadol*, which literally means “and the priest the great”, which is commonly translated “the high priest”. The Hebrew word *gadol* means “great” and it shows greatness in authority. The authority of the high priest is seen in Lev 21:10, “And the high priest among his brothers on whose head the anointing oil was poured, and [hence] whose hand was filled to put on the garments, shall not uncover his head nor tear his garments”.

(F) Ps 133 shows Calendric Unity via the Authority of the Aaronic Priesthood

Ps 133:1, “A song of the upward-steps, by David, Behold how good and how pleasant [is the] dwelling of brothers, yes-indeed in-unity.”

Ps 133:2, “[It is] like the good oil upon the head, descending upon the beard, Aaron's beard, descending upon the edge of his garments.”

Ps 133:3, “Like the dew of Hermon descending upon the mountains of Zion, because there YHWH commanded the blessing of life forever.”

Verse 2 mentions Aaron, the first high priest, who thus represents the Aaronic priesthood . Anointing with oil upon the head bestows authority on the priest (Ex 28:41; 29:7-9; 30:30; 40:13-15). This is saying that dwelling in unity is like the oil of authority upon the Aaronic priesthood, because unity can only come about if the priesthood properly teaches the law (Lev 10:8, 11; Mal 2:7) and signals the beginning of each month through their blowing of the two silver trumpets (Num 10:1-2, 8-10). Only then can there be spiritual unity, and with individual spiritual growth, the ideal outcome of this will be the blessing of eternal life (note Ps 133:3). The appointed-times, the days of holy convocation, were indirectly announced by this priesthood at the beginning of the first and seventh months.

This was a means of promoting unity in collective worship and unity of the days of holy convocation. There could be no opposing opinions and disunity concerning the day of the beginning of a month because of the authority of the high priest to achieve unity. This priesthood that was used to achieve unity was only given residence within Israel (Num 35:2-8).

To speak of pleasantness in unity, as seen in verse 1, implies a mental peace that can only come by willing agreement with the decision of the priesthood (Ps 133:1-2). If knowledge to achieve spiritual unity is attained, it should produce uniformity in recognizing the days of holy convocation, the appointed-times.

Through the symbol of oil, Ps 133 shows calendric unity through the authority of the Aaronic Priesthood. Verse 1 shows that this unity is good and pleasant.

(G) People involved in Israel's Governance before the Babylonian Exile

When considering the overall structure of ancient Israel's governance before the exile to Babylon, first there was a period of Judges, and then, during the life of the prophet Samuel, the period of kings began. After Solomon, the kingdom was split into the northern House of Israel and the southern House of Judah. The latter contained the capital city of Jerusalem where the king and the priestly headquarters were centered near the one and only Temple. From that time onward our interest then centers on the House of Judah alone. It is clear that Israel's governance and that of the House of Judah was intended to be a theocracy (note Deut 17:14-20). The elements of the theocracy in the House of Judah were the king, the priests, certain people who the king might appoint, and the prophets who might be unwelcome to certain sinful kings.

There were also courts to hear legal cases where parties were in dispute. Deut 17:8-13 mentions the need to judge legal cases of dispute, and those who do the judging are referred to as priests, Levites, and judges in verse 9. There is no indication in the Tanak that any calendric decision was to be treated as if it were a legal case that required some non-priestly civil court. Such a concept is contrary to the implications of Ps 133. Num 10:8, 10 mentioned above, puts jurisdiction over the calendric practice of blowing the two silver trumpets at the beginning of the months in the hands of the priesthood, and there was one high

priest who had the leadership. Meddling with the duties of the priesthood by unauthorized people carried the death sentence.

(H) History of Disruption and Restoration of the Aaronic Priesthood

The Aaronic priesthood performed specific functions associated with the sacrificial system, the calendar, teaching the people, and they were also prominent among the judges.

As seen in Jeremiah 52, when the House of Judah was fully conquered by the Babylonians, the wealthy people of Judah were taken into exile, Solomon's Temple was destroyed, and the high priest was put to death. The disruption in the priesthood was based upon the execution of the high priest and the exile of the wealthy class rather than the destruction of Solomon's Temple. From this time onward there is no historical record of the existence of the ark. The poor people who remained in the land may have included some Levites and priests. However, Ezra 2:2, 36 shows that when Zerubbabel returned to Jerusalem to rebuild the Temple, there were priests who returned with him. We have no history that preserves exactly how the priesthood functioned during the period of exile, yet the priesthood existed without an ark and without a Temple. When the Second Temple was destroyed in 70, the priests were still known and the priesthood could have continued as it had been during the Babylonian exile when there was neither ark nor Temple. Some inventiveness could have enabled the priesthood to perform their functions, because during the Second Temple period they found some means to perform their duties without an ark during the tenth day of the seventh month, the Day of Atonement. Political considerations prevented the continuation of the priesthood, yet this was a method of fulfilling the prophecy in Mal 2:3.

There was a serious complaint against the Aaronic priesthood in Mal 2. The punishment to that priesthood for its continuing sin is discussed in Mal 2:3 where the eventual sentence is: “take you [= priests] away”. This language is similar to that of exile rather than a permanent abolition.

There is evidence from the Tanak that this priestly exile will be ended and the sacrificial system will be functioning again, even prior to the time of the so-

called Third Temple that is discussed in Ezek 40-48 where the Aaronic Priesthood is shown to function. This renewal of the functioning of the Aaronic priesthood is implied by the uses of the *daily-sacrifice* (Hebrew *tamid*, Strong's number 8548) in the prophecies of Daniel, especially Dan 11:31; 12:11, but also Dan 8:11, 12, 13. Through these prophecies of Daniel, the Tanak recognizes the legitimate functioning of this priesthood once again prior to the Messianic era of worldwide peace.

Thus the Aaronic Priesthood is now in a temporary very lengthy exile, but not made void. During this time of exile there are no two priests to blow the two silver trumpets according to Num 10:10. No one outside the lineage of Aaron is qualified to do this. The best that could be done is to simulate the priesthood in the sense of determining what they would determine and then act accordingly. If someone would imagine differently, there is the challenge of proving who would have the authority to appoint two priests to perform this function.

(I) Authority of the Aaronic Priesthood Recognized in the New Testament

The apostle Paul in the New Testament recognized the authority of the Aaronic priesthood. In Acts 21:26 Paul entered the Temple and participated in a ritual that required the Aaronic priesthood to perform certain duties, and thus Paul recognized the authority of this priesthood after his conversion. In Acts 23:5 Paul also recognized the authority of the high priest. Heb 9:7 points out that when this was written, the high priest still functioned and entered the Holy of Holies once per year although there was no ark, showing that this was still a continuing practice of the Aaronic priesthood. Thus this priesthood was not shown disrespect by the author of the letter to the Hebrews. Heb 10:11 shows the continuation of the functions of the Aaronic priesthood while the Temple still stood.

[4] The Origin of the Sanhedrin according to Rabbinic Literature

There is a unique event in Num 11:16-30 that shows a selection of 70 men from among the elders of Israel. Num 11:16, 24, 25, 30 have the word *elders*, which is the Hebrew word *zaken*, having Strong's number 2205, appearing in BDB on p. 278 where its first meaning is “old of human beings” and another meaning is

“elders, as having authority”. The meaning of *zaken* is best appreciated when one considers the nature of the chain of authority through male lineage as shown by a combination of commandments. Among the ten commandments is, “Honor your father and your mother ...” (Ex 20:12; Deut 5:16). The authority of the husband over his wife is seen in Gen 3:16; Num 30:6-16. These laws work together to imply that the oldest living male within a family's lineage has authority over the extended family, and he is thus surely an elder or *zaken*. Num 11:16 makes it clear that these 70 men were already elders before Moses began the selection, and moreover, besides being elders, they were officers. Here the word officers is the Hebrew word *shoter*, which is Strong's number 7860, appearing in BDB on p. 1009 where it states, “appar[ently] subordinate *officer*, judicial, civil, or military”. This implies that these elders have had some practical leadership or management experience, but not necessarily at the top position.

Num 11:16, “And YHWH said to Moses, Gather to Me 70 men from [the] elders of Israel whom you know to be elders of the people and its officers. And bring them to the tent of meeting, and let them stand there with you.”

Num 11:17, “And I will come down and I will speak with you there. And I will take of the Spirit that is upon you, and I will put [it] upon them, and they shall bear [the] burden of the people with you. Thus you shall not bear [the burden] yourself alone.”

No further qualifications are given concerning the selection of these 70 men from among those who were already elders. There was no tribal restriction, there was no requirement of a knowledge of the law, and there was no requirement of faith. There is never any indication in the Tanak that these elders met together as one body to discuss matters among themselves, or that they had a unified label such as a court or Sanhedrin.

In Ex 18:13-27 Moses' father-in-law gave him advice to build a pyramid organizational structure of judges, so that only the very difficult cases would filter their way up the pyramid to him. This advice did not involve previously recognized elders with leadership experience. If this advice would have succeeded, there would have been no need for the subsequent complaint by

Moses in Num 11:1-15, which led to the appointment of the 70 men who were already elders.

In Num 14:26-33 the punishment of death during the 40 years of wandering in the wilderness was given to all Israelites who were 20 years old and above. This death in the wilderness came to all of the 70 elders with the exception of Joshua and Caleb, if they were among these elders. One need for elders in Israel was simply the practical function of communication of basic news to all people from a central seat of government. When Joshua crossed the Jordan River there were a few million Israelites. If Joshua himself spoke loudly, only a tiny fraction of them could hear him. Since people were geographically grouped as near relatives, the most practical way to communicate with all people was through the system of elders. Joshua would speak to the elders as heads of clans (subgroups within a tribe), and they in turn would go to those who they represented in family ancestry and authority so that the news would reach everyone. Existing authority through male lineage was respected. Thus Josh 7:6 mentions the elders of Israel who were near Joshua. There is no need to imagine that there were 70 of them. These elders were authority figures for purposes of orderly travel and communications, and they also had ancestral authority as the oldest males in their extended family.

The Mishnah teaches that the 70 men with Moses constituted the greater Sanhedrin where it quotes from Num 11:16 given above. Here is the Mishnaic evidence.

On p. 383 of Danby's translation of the Mishnah, in Sanhedrin 1.6, we find (with Danby's additions in square brackets), "The greater Sanhedrin was made up of one and seventy [judges] and the lesser [Sanhedrin] of three and twenty. Whence do we learn that the greater Sanhedrin should be made up of one and seventy? It is written, *Gather unto me seventy men of the elders of Israel, and Moses added to them makes one and seventy.*"

Although Num 35:24 mentions "the congregation shall judge", the Tanak never defines the congregation in this sense as the 70 (or 71) elders. It may refer to any court that represents the people in any area of Israel through history. The Mishnah interprets Num 11:16 as the first great Sanhedrin in a succession

through history in order to justify a major leadership role for a body of men who are not necessarily Levites.

Deut 17:8-13 mentions the need to judge legal cases of dispute, and those who do the judging are referred to as priests, Levites, and judges in verse 9. The word *elder* is not used here, thus negating the Mishnaic supposition that a collective of 70 elders was to continuously constitute a greater Sanhedrin. If the Mishnaic interpretation of the Sanhedrin were true, there would be some clear evidence of it in the Tanak because some important political conflicts would arise that would make it necessary to mention the Sanhedrin. On p. 382 of Danby's translation in Sanhedrin 1.2, authority to render calendric decisions is claimed for a small committee within the Sanhedrin, and there is no tribal requirement (such as descent from Aaron within the tribe of Levi) for this small committee. It appears that the Mishnah is inventing an entity that controls the calendar apart from the priesthood.

After the Temple was destroyed, the successors of the Pharisees no longer recognized the rightful authority of the priesthood, and eventually **the Mishnah justified this change in authority by inventing the Sanhedrin within the Law of Moses. This invented Sanhedrin had no requirement of tribal descent. Thus a usurpation of authority was justified by the Mishnah through altering the Pentateuch.**

Thus the Mishnah is planting a ruling body, the Sanhedrin, into the Law of Moses, and giving it authority that supplants the Aaronic priesthood. This is especially evident with regard to the calendar. As stated above, this Mishnaic concept is contradicted by Ps 133. This is the Mishnaic rewriting of biblical history in order to justify overturning the authority of the priesthood. Here is fabricated history in the Mishnah that falsifies the Tanak.

The Mishnah altered the control of the calendar from the priesthood to a committee within the Sanhedrin.

While Numbers 11 does mention the appointment of 70 elders under the leadership of Moses for the purpose of judging civil cases, it does not indicate that they met together under one roof to exercise authority over various matters

and thus act as political rulers. They were to be dispersed among the 12 tribes to judge civil cases, with the very difficult cases to go to Moses to judge. There is no indication that the more difficult cases went to one collective body at one location that was given a name. There is no indication that when any member among these 70 died, someone else was to take that person's place among the 70. The Tanak never again mentions 70 elders.

You will search the Tanak in vain in a quest to find an institution of elders who met together with some regularity to exercise authority as a supposed Sanhedrin that might be a candidate to rival the spiritual authority of the Aaronic priesthood. The king governed over civil matters and taxed the populace, and the prophets exercised some spiritual authority in the sense of calling on people to repent and warning the king and the people what would happen if they did not repent.

Positive evidence that calendric unity was only to be achieved through the authority of the Aaronic priesthood does exist in Ps 133. In that psalm the unity of the brethren was to be achieved through the anointing oil upon Aaron's beard, which symbolizes the bestowing of authority upon that priesthood to bring about unity. This authority would be contradicted by some body of non-priests who would attempt to direct priests concerning the appropriate time to blow the two silver trumpets and declare which month is the first.

The significance of this chapter is two-fold. First it asserts the authority of the priesthood. Second it asserts the Mishnah's distortion of biblical history through quoting from Num 11:16, and changing the context.

[5] Control of the Temple, and thus the Calendar, in the Early First Century

Evidence will be presented from four primary sources: the New Testament, Josephus, the Roman historian Tacitus, and the Roman historian Pompeius Trogus.

(A) Many of the Scribes were Sadducees. Mat 23:2 and Moses' Seat

Luke 20:27 [NKJV], “Then some of the Sadducees, who deny that there is a resurrection, came to [Him] and asked Him,

Luke 20:28, saying: ‘Teacher, Moses wrote to us [that] if a man's brother dies, having a wife, and he dies without children, his brother should take his wife and raise up offspring for his brother.’” [Speech continues through verse 33]

Luke 20:34 [Response to the Sadducees], “The sons of this age marry and are given in marriage.” [Speech continues through verse 38]

Luke 20:39, “Then some of the scribes answered and said, ‘Teacher, You have answered well.’

Luke 20:40, But after that they dared not question Him anymore.”

From verse 39 it is clear that scribes had been there all along, and from verses 27 and 40 it is clear that these scribes were Sadducees. In fact the Sadducees would not have asked Him this sensitive question if Pharisees had been present because that would have immediately sparked a heated debate between the two groups over their difference on this issue.

Acts 23:9 makes it clear that some scribes were Pharisees. Hence scribes included some Sadducees and some Pharisees.

On p. 22 of Bar-Ilan we find the following paragraph: “Most of the scribes of the end of the Second Temple period whose genealogy is known were priests: Yosef (T. Shabbat 13:11), Yohanan (P. T. Maaser Sheni 5:4, 56c), Beit Kadros (T. Menahot 13:19), Josephus and others. It is clear that during the time of the Temple, priests, some of whom were scribes, used to manage the Temple property, contributions and gifts in addition to annual tithes (Neh 13:13; T. Shekalim 2:14-15; Josephus, War 6:387-91). The Temple as the official cultural-religious center was also the center of the knowledge of reading and writing, and because of that the priests in charge of the Temple were evidently responsible for the preservation of the Tora, its copying in general and the scribal profession in particular.” Thus in the view of Bar-Ilan, a historical expert in the realm of scribes and priests in the first century, we see the priests in charge of the Temple and the scribes heavily represented by priests. Some writers have been unaware of the representation of priests among the scribes and have given a distorted picture of Mat 23:2.

Acts 5:17 [NKJV], “Then the high priest rose up, and all those who [were] with him (which is the sect of the Sadducees), and they were filled with indignation.” This shows the chief priests to be included within the Sadducees at that time, although it is unclear how many Sadducees might be from outside the priesthood, if any. Although this statement is neither comprehensive nor precise concerning the makeup of the Sadducees, it roughly approximates the Sadducees with priests, especially chief priests.

There is one other means of corroborating this understanding of the Sadducees. That is, there are a number of examples in the rabbinic texts where the context explicitly mentions the word *Sadducee* or *Boethusian*, and the nature of what this person does clearly indicates that the person is a priest or a high priest. It appears that the rabbinic literature expects the reader to associate the words *Sadducee* or *Boethusian* with a priest without making such a general statement. On p. 210 of Rivkin 1969, he wrote, “However, the Tosefta employs this formula [language of a controversy between Sadducees and Pharisees], but substitutes the Boethusians for the Sadducees. The terms may nonetheless be considered synonymous, for the identical position taken by the Boethusians in the Tosefta texts is that attributed elsewhere in the tannaitic literature [= rabbinic literature by the Tannaim, i. e., before c. 250] to the Sadducees.” On pp. 212, 213, and 227 Rivkin gives examples where a Sadducee or a Boethusian is mentioned, and the person's activity makes it obvious that this is a priest. Josephus mentions several men of the lineage of Boethus who became high priests, so that when the term Boethusians was originally used, it referred to a subgroup of the priests.

Thus, when we see Mat 23:2 [NASB], “The scribes and the Pharisees have seated themselves in the chair of Moses”, the scribes are mentioned first, and they have a major representation from among priests, which were seen to be closely equated with or within the Sadducees. Hence Matthew is not excluding the Sadducees from Moses’ seat, and the mention of Scribes (which includes Sadducees) comes first. There are three primary biblical functions of the Aaronic priesthood. The first concerns the performance of the sacrificial system including personal counseling with those who bring sacrifices for personal reasons (such as to atone for their sins) and rituals at the sacred altar for the holy

days, the Sabbaths, the new moons, and the daily sacrifices. The second concerns teaching the law to the people, which is shown in Mal 2:7 and Heb 7:11. The third concerns the prominent role of the priests and Levites throughout the court system of Israel according to the Law of Moses (Deut 17:9; 19:17; 21:5). Thus the priests were to officiate at the holy altar, teach the people, and judge legal cases.

Let us consider the meaning of “Moses' chair or seat” from Mat 23:2. Moses did have the supreme role in the first primitive court of one judge in Israel. In Ex 18:13-26 we see the role of Moses as the civil judge rather than in the role of communicating the law to the people. Ex 18:13 has the expression “Moses sat to judge the people”. This sitting implies a chair or seat of office for judging. The Hebrew word *shaar*, Strong's number 8179, is normally translated gate, but it sometimes means “court”. Deut 16:18 [NKJV], “You shall appoint judges and officers in all your gates [courts]...” Amos 5:15 [NKJV], “Hate evil, love good; establish justice in the gate [court]”. On p. 1045 of BDB the second meaning of this word is “space inside gate, as public meeting-place, market”, and within this category, BDB later adds “where elders, judges, king, sat officially”. Examples of sitting in the gate (meaning court) include Gen 19:1; Ruth 4:1-2; II Sam 19:8; I Ki 22:10; II Chr 18:9; Est 2:19, 21; Job 29:7; Prov 31:23; Jer 38:7. The advice of Moses' father-in-law in Ex 18:13-26 was a pyramid structure of judges, but in Num 11:16-17, 24-25 this pyramid structure was replaced by a flat structure (equal authority) of 70 men from among the elders of the people.

At the end of the 40 years in the wilderness, more details about the future court system were revealed in Deuteronomy, where Deut 17:9; 19:17; 21:5 show the prominent role of the priests and Levites throughout the court system of Israel according to the Law of Moses.

From biblical examples, Moses' chair or seat sensibly means the official seat from which civil case judgment comes, a judicial function, not a legislative function. This is neither the changing of existing laws, nor the legislation of new laws, but the application of existing laws to specific cases in dispute between relevant parties who seek to bring their case to a civil court. Priests would not consider their procedures to be under the jurisdiction of a civil court. Civil justice of disputes does not include the methods and rules whereby the priests

carried out their functions, which were not civil disputes in nature. This reasoning only considers the context of the Tanak applied to Mat 23:2, so the question remains as to whether, in the first century, an expanded jurisdiction existed for the main Sanhedrin in Jerusalem, in which it is assumed that Moses' seat was exercised. In a religious society certain aspects of civil laws must be derived from the Law of Moses as it was understood in their day, but the question remains concerning whether the central Sanhedrin had a legislative function at all. The Sanhedrin will have to be discussed in more detail.

(B) Sanhedrin in the New Testament

The Greek word *sunedrion* for sanhedrin, Strong's number 4892, occurs 22 times in the New Testament. These are Mat 5:22; 10:17; 26:59; Mark 13:9; 14:55; 15:1; Lk 22:66; John 11:47; Acts 4:15; 5:21, 27, 34, 41; 6:12, 15; 22:30; 23:1, 6, 15, 20, 28; 24:20. In three of these places (Mat 5:22; 10:17; Mark 13:9) a local court is the meaning, but in all other 19 cases this is the Sanhedrin in Jerusalem associated with the Temple. In 17 of these 19 cases the Greek definite article is used, which implies that there is only one Sanhedrin associated with the Temple. The two exceptions without the definite article are Mark 15:1 and John 11:47. The context of all 22 places is consistent in showing a civil court where accusation against a party is made, witnesses for or against that party are questioned, the accused party is questioned, and a judgment for or against that party is rendered. Except for Acts 23 where the outsider Paul introduced the doctrinal issue of the resurrection from the dead in order to cause strife and detract attention from his own case, in none of the meetings of the Sanhedrin associated with the Temple do we encounter a debate over the application of the Law of Moses or the meaning of the Scripture. In the only examples available, the Sanhedrin appears to be a civil court in which civil cases are relevant, not an environment for the debate over biblical doctrine. The Sadducees and Pharisees appear to try to get along with one another peaceably within the Sanhedrin, except for the case in which Paul caused a stir over doctrine. The conclusion from the New Testament is that the Sanhedrin in Jerusalem associated with the Temple acted as the supreme court to hear cases, but did not engage in legislating new additions to the Law of Moses.

(C) The Parable of the Wicked Vinedressers

Luke spent considerable time with Paul (a former Pharisee) - see Col 4:14; II Tim 4:11 and the “we” portions of Acts that includes the presence of Luke as the author - Acts 16:10-17; 20:5 - 21:13; 27:1 - 28:16. Luke partially relied on Paul for some of the relations between the leaders of the Jews when he wrote. Paul, having been a Pharisee and having lived in Jerusalem, would have been an excellent first hand source of extra background information for Luke's writings.

Luke 20:9 [NKJV], “Then He began to tell the people this parable: A certain man planted a vineyard, leased it to vinedressers, and went into a far country for a long time.”

Luke 20:10, “... the vinedressers beat him ...”

Luke 20:11, “... they [the vinedressers] beat him also ...”

Luke 20:12, “... they [the vinedressers] wounded him also ...”

Luke 20:13, “... I will send My beloved son ...”

Luke 20:14, “... vinedressers ... reasoned among themselves ... let us kill him.”

Luke 20:15, “... they [the vinedressers] ... killed [him]. Therefore what will the owner of the vineyard do to them?”

Luke 20:16, “He will come and destroy those vinedressers and give the vineyard to others. And when they heard [it] they said. Certainly not!”

Luke 20:17, “Then He looked at them and said, What then is this that is written: The stone which the builders rejected Has become the chief cornerstone!”

Luke 20:18, “Whoever falls on that stone will be broken; but on whomever it falls, it will grind to powder.”

Luke 20:19, “And the chief priests and the scribes that very hour sought to lay hands on Him, but they feared the people - for they knew He had spoken this parable against them.”

The parallel passage in Mark starts in Mark 11:27 where it mentions, “the chief priests, the scribes, and the elders came to Him”. The continuous flow of the narrative goes down to Mark 12:12, “And they [chief priests, scribes, and elders] sought to lay hands on Him, but they feared the multitude, for they knew He had spoken the parable against them.”

The parallel passage in Matthew begins in Mat 21:33 and ends in Mat 21:45-46, “Now when the chief priests and Pharisees heard His parables, they perceived that He was speaking of them, but when they sought to lay hands on Him, they feared the multitudes, because they took Him for a prophet.”

In this parable the phrase, “the stone which the builders rejected” is mentioned in Mat 21:42; Mark 12:10; Luke 20:17 directly before the conclusion which shows that the leaders of Israel correctly perceived He was talking about them as the builders who rejected Him (the stone), and also about them as the vinedressers who killed Him (the son). Israel is the vineyard.

In the midst of the conclusion to this parable, when He says, in Mat 21:43, “the kingdom will be taken from you”, it is clear that He is agreeing with their interpretation that they are the leaders and that the kingdom refers to Israel and especially its government.

Luke says, “chief priests and scribes”. Mark says, “chief priests, scribes, and elders”. Matthew says, “chief priests and Pharisees”. Despite these differences, all three mention chief priests first. These leaders understood that they themselves were the vinedressers in the parable, and the vineyard was Israel. Thus the parable teaches that at the general time of the crucifixion, the leading position among Jews in Judea was in the hands of the chief priests, which were Sadducees, but the Pharisees also had some leadership. This is the clearest statement of which group held the leading position from the standpoint of the seat of semi-autonomous government permitted by the Jews under the Roman Empire.

(D) How the High Priest Spoke to the Audience that included the Pharisees

John 11:47 [NKJV], “Then the chief priests and the Pharisees gathered a council and said, What shall we do? For this Man works many signs.”

John 11:48, “If we let Him alone like this, everyone will believe in Him, and the Romans will come and take away both our place and nation.”

John 11:49, “And one of them, Caiaphas, being high priest that year, said to them, You know nothing at all, ...”

For the high priest to say to his audience that included the Pharisees, “you know nothing at all”, it seems obvious that he had no fear of the Pharisees and there could hardly be any substance to the idea that the Pharisees had so much authority over the Temple that they could push him around as they might choose.

(E) Pilate's Understanding of the Chief Priests' Authority

Mark 15:10 [NKJV], “For he [Pilate] knew that the chief priests had handed Him over because of envy.”

If the chief priests did not have primary authority, but instead the Pharisees controlled the Temple area, the chief priests would have had less reason to be envious of the authority exercised by the Nazarene through the miracles. Instead the Pharisees would have played a more prominent role during the trial due to their authority, and the Pharisees would have shown envy. Note that Mark 15:10 does not say, “The Pharisees had handed Him over”, but instead, “the chief priests had handed Him over”. The last two times in Matthew that the Pharisees are mentioned are Mat 23:39; 27:62, but the trial occurred between these places. The last time that the Pharisees are mentioned in the other three Gospels are Mk 12:13; Lk 19:39; John 18:3, but these are all before the trial began. Thus the Pharisees by name seem totally absent from the trial.

(F) The Role of Gamaliel

Acts 5:34 [NKJV], “Then one in the council [= Sanhedrin] stood up, a Pharisee named Gamaliel ...”

If Gamaliel was the presiding officer of the Sanhedrin, this would not merely say “one in the Sanhedrin”. The language of the New Testament shows that Gamaliel was not the head of the Sanhedrin. The title *nasi* (primary leader) is given to Gamaliel along with others in his lineage in the rabbinic texts. Thus the rabbinic texts are inflating the importance of Gamaliel compared to the New Testament. Josephus does mention Simon the son of Gamaliel as a prominent Pharisee, but also not lifting Simon to the level implied by the rabbinic title of *nasi*. Josephus does not discuss his father, Gamaliel the Elder, which would be surprising if his father were *nasi*.

(G) Legal Authority of the Chief Priests

Paul lets his audience know of his background as a Pharisee in Acts 23:6; 26:5; Phil 3:5, and as a former student of the Pharisee Gamaliel in Acts 22:3. If Paul had a choice in seeking credentials for authority, he would naturally seek it from among the Pharisees rather than the high priest or the chief priests who were of the Sadducees. Here is what we find when we see where Paul went for authority. Acts 9:1-2 [NKJV], “Then Saul ... went to the high priest and asked letters from him to the synagogues of Damascus so that if he found any who were of the Way, whether men or women, he might bring them bound to Jerusalem.” Acts 9:14, “Ananias said, And here he [Paul] has authority from the chief priests to bind all who call upon Your name.”

Acts 26:10, “This I [Paul] also did in Jerusalem, and many of the saints I shut up in prison, having received authority from the chief priests; and when they were put to death, I cast my vote against them.” In Acts 26:12, “While thus occupied, as I journeyed to Damascus with authority and commission from the chief priests...” We see that Paul does not go to any supposed Pharisaic leader for legal authority, but rather to the chief priests. Paul's personal identification with the Pharisees would have caused him to go to the Pharisees for authority if they could give it.

Acts 22:30 [NKJV], “The next day, because he [the Roman commander] wanted to know for certain why he [Paul] was accused by the Jews, he released him from his bonds, and commanded the chief priests and all their council [= Sanhedrin] to appear, and brought Paul down and set him before them.” Here the Roman commander shows that he understands “their Sanhedrin” to be that of the chief priests despite the fact that in Acts 23:6 Paul perceives that both Sadducees and Pharisees were present. Thus the chief priests were dominant.

The Pharisees did have sufficient clout in the local synagogues that they could excommunicate Jews from the life of the synagogue provided there was reasonable cause (John 9:13, 21-22, 34; 12:42). However, the synagogue environment is not the Temple where the chief priests (Sadducees) were dominant.

(H) Conclusion from the New Testament

The evidence from the New Testament has been given, and the Sadducees including the high priest and chief priests are clearly dominant concerning the overall political control of civil government from the semi-autonomous viewpoint that the Romans permitted. Qualification to the Aaronic priesthood was a matter of heredity, not learning, and not popular support. Since only the priesthood was permitted to carry out the Temple services commanded in Scripture, and the priesthood was associated with the Sadducees, we would conclude that the Sadducees dominated the control of the Temple services.

(I) The Roman Historian Tacitus

Scholars estimate that Tacitus was perhaps 15 to 20 years younger than Josephus. He wrote most of his history while Josephus was still alive. He wrote in Latin, the common language of the city of Rome, and had records from the library at Rome as references. In Tacitus' History 5:8 (p. 662), he wrote, "A great part of Judaea consists of scattered villages. They also have towns. Jerusalem is the capital. There stood a temple of immense wealth." Later in the same section and page he continues, "The Macedonian power [Alexander the Great and the Greek generals that succeeded him] was now weak, while the Parthian had not yet reached its full strength, and, as the Romans were still far off [in time and distance], the Jews chose kings [the Maccabean dynasty] for themselves. [Foreigners were] Expelled by the fickle populace, and regaining their throne by force of arms, these [Maccabean] princes, while they ventured on the wholesale banishment of [some of] their subjects, on the destruction of cities, on the murder of brothers, wives, and parents, and other usual atrocities of despots, fostered the national superstition [Judaism] by appropriating the dignity of the priesthood as the support of their political power."

This negative account of the Jews by Tacitus after their four-year war with the Romans ending in 70 CE (ending in 73 in Masada) does attribute political power of the Jews to the priesthood as Rome saw the situation while the Temple stood. Since the successive governors of Judea were appointed by the Roman government from 6 CE until the war broke out in 66, this view by Tacitus must represent the viewpoint of the Roman governors who were there. Notice the attitude of the Roman governor Pilate in Mat 27:24 [NKJV], "When Pilate saw that he could not prevail at all [in front of the large crowd of Jews], but rather

that a tumult was rising, he took water and washed his hands before the multitude, saying, ‘I am innocent of the blood of this just Person.’” Mark 15:15 declares that Pilate wanted to gratify the crowd. The Roman governors recognized the priesthood as having legal status over the Jews, and they backed up the priesthood with their authority in order to keep the Jews stable and the taxes to Rome flowing steadily. According to Josephus these governors sometimes changed high priests as they saw fit. Even John 11:49 states, “Caiaphas, being high priest that year”, thus implying frequent changes in the priesthood. At the very top Rome was in charge, but Rome used its governor to control matters through the high priest. Rome backed the priesthood to keep the country stable. When the Temple was destroyed and Rome was angry with the Jews for starting the fighting that began the war, Rome no longer backed the priesthood. We see that Tacitus agrees with the conclusion of the New Testament.

(J) The Roman Historian Pompeius Trogus

The third generation Roman citizen Pompeius Trogus wrote a history in Latin c. 20 (see pp. 2-3 of Yardley and Develin). At some time within the next 200 years a person named Justin wrote excerpts from Trogus’ history, and these excerpts survive in Latin (pp. 2-6). The well known early church father Augustine (c. 400) wrote that Justin wrote a brief history following Trogus (p. 6). On p. 230 we find this translation of 2:16, “After Moses his son, Arruas, was made priest in charge of the Egyptian objects of worship, and soon afterwards king. And ever after that it was the practice amongst the Jews for their kings to be their priests as well. This integration of their judicial and religious systems made the Jews unbelievably powerful.” The following comment on this statement appears on p. 241 of Stern, “Pompeius Trogus anachronistically depicts all Jewish history according to the conditions that prevailed during the Hasmonaean [Maccabean] monarchy, when the king and the high priest were the same person; ...” This excerpt from Trogus, who wrote in the early first century, shows that he understood the Aaronic priests to exercise the judicial function. This independent primary witness agrees with Tacitus and the New Testament in attributing primacy of Jewish authority to the priests.

(K) Josephus concerning Priestly Leadership in Judea before 66

Josephus was born in 37 CE and died c. 100. He was of priestly lineage and his early life was in Judea, primarily in Jerusalem. His later life was spent in Rome. His surviving writings were written in Greek from Rome after the destruction of the Temple in 70. He wrote for his primary audience, the Roman nobles, whose favored writing was written in Attic (= Classical) Greek. Our primary interest here is to discuss whether the Pharisees or the Sadducees (priests) had the primary authority in the first century before the Temple was destroyed.

However, in order to properly evaluate Josephus for this task, this document will discuss the viewpoint of Josephus about the governance of the Jews after Moses and in the first century. Our concern is his portrayal of some key political events in the Tanak and his first-hand expressions of political control in greater Jerusalem between the Pharisees and the Sadducees. It will become evident that he distorts Scripture and that he contradicts himself about the authority of the Pharisees versus the Sadducees. There is a rational path to resolving the contradiction. This section will include some restatement of previous material in order to make the account from Josephus more complete as a unit.

In Deut 17:14-20 Moses describes the appropriate behavior for future kings of Israel, and this does not show that the king should share his rulership with other men. Comparing this to the corresponding description in Josephus, we see the following on p. 583 of Josephus_4, Ant 4:224, “Let him [any future king of Israel] concede to the laws and to God the possession of superior wisdom, and let him do nothing without the high priest and the counsel of his senators ...” Here Josephus puts a non-biblical restraint upon the king's authority so as to force him to share it with the high priest and a body of officials. This is a significant distortion of the authority of the king in ancient Israel.

Josh 2 describes the spying mission of two men into Jericho, and verse 23 states [NKJV], “So the two men returned, descended from the mountain, and crossed over; and they came to Joshua the son of Nun, and told him all that had befallen them.” Comparing this to the corresponding description in Josephus, we see the following on p. 9 of Josephus_5, Ant 5:15, “So having made this compact, they departed, letting themselves down the wall by a rope and, when safely restored to their friends, they recounted their adventures in the city. Joshua thereupon reported to Eleazar the high priest and to the council of elders what the spies had

sworn to Rahab; and they ratified the oath.” Here Josephus portrays an authoritative decision to accept the private agreement between the two spies and Rahab being officially accepted only by mutual agreement of Joshua along with the high priest and a senate. Thus Josephus shows Joshua as unable to make this authoritative decision alone. Hence Josephus distorts the Tanak.

Using singular verbs in the Hebrew, Joshua is told in Josh 1:5, “As I was with Moses, I will be with you.” This is one man rule in a theocracy, but Josephus transformed it into rule by a committee with a high priest. ***Hence we see that Josephus decreased the leadership role of both Joshua and the king away from its biblical roots!*** Scripture presents a theocracy rather than human rule. A reasonable conjecture that explains the cause for this distortion by Josephus is that he understood the evil committed by Roman emperors in recent history, and he was suggesting a method to correct this evil in Roman society through following his distorted interpretation of the Tanak.

In matters pertaining to human authority over the Israelite people concerning the biblical court system, it is instructive to see how Scripture compares with Josephus. Deut 17:8-13 discusses what to do when difficult legal cases arise and the local judges cannot decide. Verse 8 together with Deut 12:5 (as interpreted in the later context when Jerusalem would be the capital city), indicate that such cases would be transferred to Jerusalem. Deut 17:9 explains what should happen next. The authority figures are mentioned in Deut 17:9 [NKJV], “And you shall come to the priests, the Levites, and to the judge there in those days, and inquire of them; they shall pronounce upon you the sentence of judgment.” Verse 12 states that the verdict is given by “the priest” or “the judge”. This should be understood in light of Deut 19:17 where a single case is brought before “the priests and the judges”. When this is read by itself without looking outside Scripture for interpretation, we do not read about one national body meeting under one roof (one Sanhedrin), but instead, individuals from among priests, Levites, and “the judge”; however, an unstated quantity of these people judge each case. Verse 9 indicates a plurality of people in authority with emphasis on priests and others of the tribe of Levi, but people from other tribes are not excluded from serving on the court. In Deut 21:5 where the cities all over the country are in the context (verses 1-9), the priests are said to be involved in

settling every dispute. There is nothing specific in the Tanak to cause one to insist that the same single body of people in Jerusalem is to judge every case that cannot be decided by local courts throughout the land.

Note that Deut 17:8 does say “gates”, which means courts, and it should be accepted that Deut 17:9 necessarily implies at least one court for judging civil cases brought to it from local courts. This permits the likelihood, especially if the population is large, that there would be a group of high-level courts in Jerusalem, and any case that is too difficult for the local courts may be assigned to one of these courts. On the other hand, this may also be interpreted so that if the population were large, Jerusalem would have an intermediate level of courts that would first consider cases brought to it from local courts, and then any cases that could not be resolved by these intermediate level courts would go to one highest court. The Pentateuch does not assign any specific role to the high priest within the court system, but priests do have a prominent role throughout the court system (Deut 17:9; 19:17; 21:5).

Several years after Josephus wrote his *Antiquities of the Jews*, he wrote his last work c. 100, *Against Apion*. In this last work he was not giving a thorough treatise on the law of Moses, but he did mention the attitude of the Jews toward this law, and then he made a few statements about the law in relation to the court system. In Apion 2:183 (p. 367 of Josephus_1) he wrote, “To us [Jews], on the other hand, the only wisdom, the only virtue, consists in refraining absolutely from every action, from every thought that is contrary to the laws originally laid down.” Concerning the court system he contradicted his earlier statements above where he previously diminished the role of the priests in the court system and governing in general, except for the high priest. In Apion 2:187 (pp. 367, 369 of Josephus_1) he wrote, “But this charge [for the priests] further embraced a strict superintendence of the Law and of the pursuits of everyday life; for the appointed duties of the priests included general supervision, the trial of cases of litigation, and the punishment of condemned persons.” In Apion 2:193-194 (p. 371 of Josephus_1) he wrote, “The priests are continually engaged in His worship, under the leadership of him who for the time is head of the line. With his colleagues he will sacrifice to God, safeguard the laws, adjudicate in cases of dispute, and punish those convicted of crime. Any who disobey him will pay the

penalty as for impiety towards God Himself.” In this context Josephus is summarizing the ideal form of government as a theocracy controlled by priests as it was supposed to be in the sacred writings of the Jews. Here he makes no explicit mention of what happened in his lifetime, but the assumption is that this did parallel what occurred in his lifetime. Of course he knew the correct biblical role of the priests in the court system when he wrote his earlier work, but in that earlier work he deflated the role of the priesthood within the court system. This does show inconsistency in Josephus. However, even in his last work he did not mention Levites, but only the subgroup of the Levites called priests. Often scholars disagree with one another in their conjectures for his motives.

When reading Josephus concerning the court system, we must carefully distinguish between his portrayal of the law of Moses and his statement of what actually happened in Jerusalem according to his personal experience as he chooses to tell it. After devoting a considerable number of pages to history, Josephus returns to discussing the law of Moses, and provides a preparatory comment as follows in Ant 4:196 (pp. 569, 571 in Josephus_4), “But here I am fain first to describe this constitution, consonant as it was with the reputation of the virtue of Moses, and withal to enable my readers thereby to learn what was the nature of our laws from the first, and then to revert to the rest of the narrative. All is here written as he left it: nothing have we added for the sake of embellishment, nothing which has not been bequeathed by Moses.” The readers of Josephus understand the constitution to be the laws by which the seat of Jewish authority, the Temple is governed, and he uses this word to refer to the laws of Moses that pertain to the governance of the Temple sphere.

In Josephus's version of the local courts in the law of Moses, he wrote (p. 579 in Josephus_4), Ant 4:214, “As rulers let each city have seven men long exercised in virtue and in the pursuit of justice; and to each magistracy let there be assigned two **subordinate** officers of the tribe of Levi.” Here Josephus adds specific numbers of people to serve as rulers, and he certainly does not leave out the tribe of Levi entirely, but he does not require any role for priests and insists on at least a minor role for Levites. This is clearly a reduction of the major biblical role for priests. At this time in the life of Josephus, though this interpretation of the Law of Moses he is promoting the Pharisees in the sense

that they do not have a requirement for lineage from Aaron (as is required by priests), and is therefore enabling the promotion of a greater role for the Pharisees.

We next examine the situation in which a case is too difficult for a local court. This is parallel to Deut 17:9. A careful translation of Josephus's Ant 4:218 is given on p. 32 of Pearce, "But if the judges do not understand how they should give judgment about the things that have been laid before them - and many such things happen to people - let them send the case up untouched to the holy city, and when the chief priest and the prophet and the senate [Greek: *sunedrion* (Sanhedrin)] have come together, let them give judgment as to what seems fit." Note that Deut 17:9 gave a primary role to the priests and Levites without mentioning the high priest. Josephus adds the high priest, but does not insist on any other priests, although he may assume this is to be included in the Sanhedrin. He also maintains that Moses intends there to be only one high court, the one national Sanhedrin. Josephus also includes "the prophet" within the meeting of the Sanhedrin, a matter about which Moses wrote nothing. In several ways Josephus distorts the natural meaning of the biblical account.

Explaining an Apparent Contradiction

In his last work, in Apion 2:188-189 (p. 369 of Josephus_1), Josephus wrote, "Could there be a more saintly government than that? Could God be more worthily honoured than by such a scheme, under which religion is the end and aim of the training of the entire community, *the priests are entrusted with the special charge of it*, and the whole administration of the state resembles some sacred ceremony?" Here Josephus gives the priests the sole authority over the religion and sacred ceremony centered at the Temple. Of course this assumes that Jewish society is normal, i. e., that the priesthood is practicing in the Temple, unlike the present situation when he wrote this c. 100.

In Ant 20:250-251 (pp. 521 and 523 of Josephus_9), Josephus wrote, "Now those who held the high priesthood from the times of Herod up to the day on which Titus captured and set fire to the temple and the city numbered twenty-eight in all, covering a period of one hundred and seven years. Of these some held office during the reigns of Herod and Archelaus his son. After the death of

these [two] kings [Archelaus died in 6 CE according to typical dating], the constitution became an aristocracy, and *the high priests were entrusted with the leadership of the nation.*” Now this is a claim concerning history that included some of his own life! In this context this should be understood to relate to leadership in the arena of the Temple and its worship because the Jews in Judea were subject to the Roman government and there were different shades of Jews that had freedom to practice Judaism as they chose according to both Josephus and the Dead Sea Scrolls.

In *Wars of the Jews*, published c. 79, Josephus makes no clear statement concerning whether the Pharisees or Sadducees have control over one another. This could be understood to imply that when the Temple stood, there was mutual respect for the two groups.

In *Antiquities of the Jews* there are a few places in which he compares the Sadducees, the Pharisees, and the Essenes. In these places he claims that the Pharisees have more authority and power than the Sadducees, and from the viewpoint of authority, he leaves the Essenes in the background. Note the following example. ***Antiquities was written about 14 years after Wars, so that when Josephus wrote at this later time, if there is no mention of the Temple in the context, it may reflect the later condition that prevailed after the Temple was destroyed.***

In Ant 18:16-17 (pp. 13 and 15 of Josephus_9), Josephus wrote, “The Sadducees hold that the soul perishes along with the body. They own no observance of any sort apart from the laws; in fact, they reckon it a virtue to dispute with the teachers of the path of wisdom that they pursue. There are but few men to whom this doctrine has been made known, but these are men of the highest standing [nobility and wealth]. They accomplish practically nothing, however. For whenever they **assume some office**, though they submit willingly and perform, ***yet submit they do to the formulas of the Pharisees, since otherwise the masses would not tolerate them.***”

This section from Ant 18 in bold is a sharp contrast with the prior sections from Apion 2 and Ant 20 in bold. The context of Ant 18:16-17 does not imply the existence of the Temple, but the other two contexts do imply its existence!!

On p. 25 of Goodblatt 1989 he makes the following comment on this: “I also note that in the four other passages where Josephus used the phrase translated above as ‘obtain office,’ he clearly alluded to a political, as opposed to a purely cultic, office. Thus I believe 18:17 refers to the political influence of the Pharisees, complementing the references to their influence in cultic affairs at 18:15.” Here Goodblatt has the following footnote. “See *Antiquities* 20:251 [quoted above] and cf., for example, E. Mary Smallwood, ‘High Priests and Politics in Roman Palestine,’ *Journal of Theological Studies* [vol.] 13 (1962), pp. 14-34.”

One plausible way to reconcile this contradiction is to presume that in *Against Apion* 2 and *Antiquities* 20 he was referring to the time before 66 when the priesthood still functioned in a normal fashion with the Temple services, and in *Antiquities* 18 he was referring to the time after 70 when the Sadducees lost its power base associated with the Temple because it no longer existed, and it lost the recognition that was previously given to it by the Roman authorities. Thus all the grandeur was gone from the Sadducees. This reconciliation of the contradiction has the advantage of obtaining an agreement with the New Testament. Ant 18 above, if thought to be prior to 66 in the first century, contradicts the New Testament as well as the other quotations.

Notice John 12:42, “... because of the Pharisees they [the Jewish rulers] were not admitting, lest they should be put out of the synagogue.” This shows the sway of the Pharisees over the people in the synagogues. The Temple was not a synagogue.

On p. 445 of Deines, he gives the following careful translation of Josephus’ Life 12, “In the nineteenth year of my life I began to lead a public/political life, whereby I joined with the program of the Pharisees, which is comparable to that which the Greeks call stoicism.” The sweep of the life of Josephus shows that he was a political opportunist, and in Life 12 he wrote that at the age of 19 he decided to follow the program of the Pharisees. It is reasonable to conjecture that he was not a fully recognized Pharisee because he did not personally comply with all the requirements necessary for that. Thus his wording is merely that he decided to follow its principles, not that he was a member. As a political opportunist, he would have recognized the essential long-term reality indicated

in John 12:42, and thus knew that there was power in having the loyalty of the masses behind him as the Pharisees had, even if this power was checked in the environment of the Temple. It appears that Josephus preferred the political power from the people compared to the money and grandeur from the contributions.

On pp. 198-199 of Grabbe 2000 we see the following concerning Josephus's remarks about Jewish leadership, "Those sources [in Josephus] which give the Pharisees a general dominance of a religious belief and practice are those which come later in relation to parallel sources [*Antiquities of the Jews* compared to *Wars of the Jews*]. Thus, it is only two later passages in the *Antiquities* which state that public worship is carried out according to Pharisaic regulations and that the Sadducees are required to follow them even when they hold office. This is not stated in the *War* and is not borne out in Josephus's other passages on the Pharisees [in the first century]."

Now to repeat and discuss the above dated historical quote from Ant 20:250-251, "Of these [high priests] some held office during the reigns of Herod and Archelaus his son. After the death of these [two] kings, the constitution became an aristocracy, and **the high priests were entrusted with the leadership of the nation.**" This statement in context must be understood in the arena of the Temple and its worship. Roman authority was supreme in other ways and Jewish sects were allowed to practice as they chose away from the Temple.

Josephus is writing to the Roman nobles who are familiar with the word "constitution" as the method and legal document by which Roman society is governed. He is applying this term to the method of governance of the Jews in matters that relate to the Temple, but he also uses this term as a synonym for the Law of Moses as applied to the Temple. In the above quote, the word aristocracy clearly refers to the high priests with their nobility and wealth. This quotation from Josephus indicates that from the year 6 CE until the Temple was destroyed, the Romans, allowing for potential veto power by the governor appointed from Rome, gave governance related to Temple worship to the high priesthood. Josephus also mentions in many places that the individual who became high priest gave over a considerable sum of money to the Roman authority for the privilege of becoming high priest. The Roman governor appointed and removed

high priests. If the high priest did not have real authority and power to govern in the sphere of the Temple, it would have been a worthless fraud to give considerable money to the governor for this privilege.

Since the Aaronic priesthood did not prevent the war that broke out in 66, the Romans had a negative attitude toward the priesthood, and they no longer officially recognized the priesthood as having authority in relation to the Roman governor and the other Jews in Judea. This meant that the only support the priesthood could get had to come from the Jews, not the Romans. The loss of the priesthood (as a functioning institution) from history is the clear evidence that the Pharisees let the priesthood vanish because of the friction between the two groups and through the Pharisees' greater influence over the people in the synagogue environment.

After 70, the priests generally still owned much property and were still wealthy and well educated. But their power to govern was removed, and their individual authority within the environment of *some* of the synagogues in greater Judea was dependent upon their individual willingness to conform to the program of the Pharisees and their successors without necessarily bearing the name Pharisee. This does not imply that all beliefs in the myriad of details in the Tanak was uniform among Jews, nor does it imply that there was one centralized Sanhedrin through which interpretations must filter in order to be generally accepted. Josephus mentions that there were Pharisees, Sadducees, and Essenes. His description of Essenes partially differs from Philo's description of a significant group of atypical Jews, and both differ in some details from beliefs in sectarian writings in the Dead Sea Scrolls. Scholars believe that there were a variety of splinter groups, and that Josephus was oversimplifying by lumping them together, representing them all as Essenes having one belief system. It is certainly plausible that some synagogues having a personable priest and needing monetary support from the priest still functioned with that priest and with his teachings not in conformance with those of the Pharisees. We have no history on such details.

Philo of Alexandria never once mentions the word *Pharisees* or the word *Sadducees*. It is not clear that in the first century any of the Jews living in the region of Babylonia and having a background from the Babylonian exiles called

themselves by either of these two terms. For all we can tell, these terms were localized to greater Judea and gradually fell into disuse.

With the above reconciliation of the apparent contradiction in Josephus (i. e., some referring to the time before 70 and others to the time after 70), the conclusion is that the priesthood controlled the Temple before 66.

On p. 290 in the concluding chapter of his second book about Josephus, McLaren wrote the following:

“This study has focused on the implications of trying to make use of the gold-mine [the writings of Josephus], particularly in terms of the nature of the relationship between Josephus, his narrative of events, and contemporary scholarship, in the reconstruction of first-century CE Judaea. Scholars have increasingly voiced the need to display caution in the application of Josephus's narrative in an effort to understand the dynamic of the society. In fact, reference to Josephus without some introductory words of caution is now extremely rare. With Josephus we are dealing with a biased source. In itself, such a statement should not be a concern. Josephus has provided his own understanding of what happened and scholarship has labeled this his bias.”

“The gold-mine begins to take on the appearance of a minefield. The one and only substantial narrative of events pertaining to the first century CE is biased. If we are to establish a means of understanding the data it is of fundamental importance that we be able to distinguish between the bias and the narrative of actual events. Where the real problem lies is being able to stop before we become dependent on Josephus's interpretation.”

The following are my conclusions about Josephus, and these concern my overall view, not merely the view based on the above examples.

(1) Josephus goes out of his way to exaggerate and boast about his own abilities in intelligence and knowledge of Jewish and biblical matters. He never claims to have any particular knowledge of mathematics or astronomy.

(2) Josephus goes out of his way to exaggerate and boast about the accomplishments of the Jewish people through history.

(3) Josephus portrays the actions of the Roman generals Vespasian and his son Titus in a manner that makes them appear more virtuous than reality. These men provided for the needs of Josephus, and he returns their favor.

(4) The primary audience for the writings of Josephus is the nobility in Rome whose culture included the Greek language and famous Greek writers and themes. He is writing to them with their definitions of terms in his mind. Josephus is biased toward the thought process and appeal of this audience.

(5) Near the beginning of his autobiography, which is called “Life”, Josephus wrote that before he was 20 years old he made the decision to follow the position of the Pharisees in his public life. Therefore, in Jewish doctrinal matters, we should expect Josephus to be biased toward the sectarian views of the Pharisees.

(6) For matters that pertain to things that happened before the birth of Josephus, there were many writings that claimed to be historical in nature, concerning the Jews. Josephus picked whatever he wanted from these writings and used them for his purposes. Some of these are false, though Josephus has no way to know this.

(7) Josephus sometimes purposely distorts the biblical account for his own purposes. Therefore, one must be very cautious to accept what he writes as definitely true. He makes general statements that he will not distort anything, yet he boldly makes distortions, sometimes even contradicting himself.

Scholars see no need to reject all of the writings of Josephus merely because there are biases in his writings. They seek to understand his biases so that they may evaluate where to accept and where to reject what he wrote. He is a mixed bag and must be read with caution and evaluation. There is no need to completely avoid him merely because some of what he wrote is not trustworthy.

[6] The Myth of the Oral Law in Rabbinic Literature

(A) Problem of Justifying the Oral Law as Valid

One significant hallmark of rabbinic literature is the concept called, in English, “Oral Law”. A particularly informative statement about this is the following from Fraade 2011 p. 370, “Our earliest midrashic [= rabbinic commentary] collections (mid- to late third century C.E.) express the idea that the originary revelation [to

Moses] of Torah at Mount Sinai already comprised two parts, consigned to two distinct channels of communication: Written and Oral. Although the designation of *torah she-bikhtav* (Torah that is by writing) and *torah she-be'al peh* (Torah that is by mouth) have not yet [in those writings c. 250] become standard, other designations – especially the more performative distinction between *miqra* (that which is read / recited) and *mishnah* (that which is taught / repeated) – denote much the same idea.”

Here Fraade is saying that the word *miqra* is symbolic for the Written Law and the word *mishnah* is symbolic for the Oral Law.

The concept that is called “Oral Law” is more accurately and literally expressed above by Fraade in translation from the Hebrew as “Torah that is by mouth”. Since that expression is too lengthy and awkward, scholars simplify this to Oral Law. Fraade dates this first commentary that indirectly indicates the Oral Law from c. 250.

Many readers who are new to rabbinic literature may think that the Oral Law is only the added laws in rabbinic writings that are not written in the Pentateuch (the written law of Moses). This is a misconception; it is not true. The key element that is missing in this idea is the ***reason given*** for the ***belief and justification*** that these added laws are indeed inspired and true.

(B) Solution to Justifying the Oral Law as Valid

The concept of the Oral Law needs to be documented by a primary source. The earliest known primary source that explains the concept of the Oral Law is the rabbinic document called “The Fathers According to Rabbi Nathan” (abbreviated ARN from the last four words), composed c. 250 CE as a very rough estimate. There are two versions of ARN that are similar in content but not identical, called ARNA and ARNB (Saldarini 1974, p.97). There is also a tractate of the Mishnah called “Avot” (= Fathers) that also has similarities to ARN. Scholars in this field believe that Avot was a later addition (c. 250) to the Mishnah and is not dated c. 200 with the rest of the Mishnah. One aspect that is common to all three is called the “Chain of Tradition”, consisting of a chronological list of people or groups through which it is alleged that a non-written (oral) part of the Law of Moses was passed down unchanged from the

time that Moses received the law on Mt. Sinai. Among these three sources there are variations in the names in the Chain of Tradition, which are compared in a chart on pp. 68-69 of Saldarini 1982.

Quotations from ARNA will be taken from the translation Neusner 1986, which documents the text with chapters, sections, subsections, and minor parts. Only the very relevant specific parts are quoted below.

The beginning line from p.2 follows:

I.I.1.A. "Moses was sanctified in a cloud and received Torah at Sinai."

Now skip down into p. 4.

I.II.1.A. "By means of Moses the Torah was given at Sinai.

I.II.1.B. as it is said, *And he [the Almighty] wrote them down on two stone tablets and handed them over to me [Moses] (Deut. 5:19).*"

Now skip down into p. 5.

I.III.1.A. "Joshua received it from Moses,

I.III.1.B. as it is said, *And you shall set part of your honor on him, so that the entire congregation of the children of Israel will obey (Num, 27:20).*

I.III.2.A. And the elders received it from Joshua,"

Now skip further into p. 5.

I.III.3.A. "The judges received it from the elders,

I.III.3.B. as it is said, *And it came to pass during the time that the judges judged (Ruth 1:25).*

I.III.4.A. The prophets received it from the judges,

I.III.4.B. as it is said, *And I sent to you all of my servants, the prophets, sending them every day (Jer. 7:25).*

I.III.5.A. Haggai, Zechariah, and Malachi received it from the prophets.

I.IV.1.A. The men of the Great Assembly received it from Haggai, Zechariah, and Malachi.

I.IV.1.B. And they said three things: Be prudent in judgment. Raise up many disciples. Make a fence for the Torah.”

The Chain of Tradition that began with the revelation given to Moses at Sinai is the justification for the validity of the added laws.

This means that according to rabbinic literature the Oral Law was just as valid and inspired as the written law because it was given to Moses on Mt. Sinai. That is the justification for the validity of the Oral Law that contained all the additions to the law in rabbinic literature.

Speaking of the beginning of tractate *Avot* in the Mishnah, which is the Chain of Tradition from Sinai, on p. 189 Swartz wrote, “This passage is a key argument in the validation of rabbinic authority. By arguing that rabbinic law and culture are the product of a continuous process by which one generation of disciples received their instruction from their teachers going back to Sinai, *Avot* links the authority of the current generation of rabbis with the original act of revelation. In addition, the agency of each group or individual named [in the chain of succession] is bound up with the source of revelation by the use of those very quotations. This myth has implications not only for rabbinic theology but for how the rabbis sought to function as leaders within Jewish society as well.”

(C) The Fallacy of the Great Assembly

The Great Assembly above refers to the Sanhedrin in Jerusalem that Ezra allegedly established upon his return from Babylon according to rabbinic literature, although this is absent in the Tanak, and Josephus is silent about a Sanhedrin until he mentions it from a few hundred years later.

The Great Assembly is supposedly referred to in Ezra 10:12, 14. The problem with this interpretation is that the Hebrew word *kahal* (Strong’s number 6951) used there for “assembly” is also used in Ezra 10:1; Neh 8:2, 17 where the context shows that it means the entire group of returned exiles. For this word BDB p. 874 under meaning 2b states “restored community in Jerus[alem]”, and it lists Ezra 10:1, 12, 14; Neh 8:2, 17 under this category of meaning. Thus rabbinic literature distorts the meaning in its context and invents the meaning “Great Synagogue”. A reasonable supposition for doing this is to bestow decision-making responsibility upon non-Levites for government in Jerusalem.

(D) Fallacy of Demoting the Aaronic Priesthood

The following Scriptures show the responsibility of the priesthood to teach the law to the people, so that the priesthood would have to know all the details of the law for their teaching.

Lev 10:8, “And YHWH spoke to Aaron saying,”

Lev 10:9, “you shall not drink wine or strong drink, you nor your sons with you when you go into [the] tent of meeting so that you shall not die; [it shall be] an everlasting statute for your generations”

Lev 10:10, “so that you may distinguish between the holy and between the common, and between the unclean and between the clean,”

Lev 10:11, “so that you [= the Aaronic priesthood] may teach [the] children of Israel all the statutes which YHWH has spoken to them by [the] hand of Moses.”

Mal 2:7, “For [the] lips of a priest should keep knowledge, and [people] should seek [the] law from his mouth, for he [is the] messenger of YHWH of hosts.”

The Chain of Tradition omits any reference to the priesthood and its responsibility in teaching all of the law of Moses. This shows a bias against the priesthood and its lawful responsibility in Lev 10:11.

(E) Fallacy of the Oral Law

Josh 8:34, “And afterward he [Joshua] read all [the] words of the Torah, the blessing and the curse according to all that is written in [the] book of the Torah.

Josh 8:35, There was not a word from all that Moses commanded that Joshua did not read before all [the] congregation of Israel, and the women, and the little ones, and the resident-aliens who dwelt among them.”

The above shows that whatever Moses commanded (regardless of whether written or oral!) was in fact read from the book of the Torah, so that it was all written – nothing oral apart from what was written! **Hence the concept of the Oral Law is a myth, a historical fabrication within the rabbinic writings.** Now concerning what was written, we also see the following (and Deut 12:32 is similar).

Deut 4:2, “You shall not add to the word that I command you, nor delete from it, so that you may keep [the] commandments of YHWH your Almighty that I commanded you.”

The mythical concept of the Oral Law is the justification for the acceptance of the Mishnah and other rabbinic writings by Orthodox Judaism. When we see additional laws in the rabbinic writings that are not found in the Tanak, we should not accept it because it is part of the myth of the Oral Law. When we see alleged history in rabbinic literature from before the Temple was destroyed, we need to keep in mind that the Oral Law itself is alleged history from before the Temple was destroyed that is false!

In Deut 29:21; 30:10; Josh 8:31 we find the expression “written in the Book of the Law”. Once it is written, assuming the writing is preserved, it does not have to be committed to memory” as the Chain of Tradition implies.

(F) Continuation after the Great Assembly

The chronological list of men or groups does not end with the Great Assembly, but the names that continue are not known to those who are unfamiliar with rabbinic literature. Eventually the list continues through Hillel. On p. 69 of the comparative chart by Saldarini 1982, both Gamaliel the Elder and his son Simon are listed for ARNA and ARNB as authors of sayings that are written in those documents, but these two rabbis are not listed in the Chain of Tradition. On the other hand, in Avot these two are listed in sequence as part of the Chain of Tradition. On p. 69 of this chart only ARNB lists Judah *ha-nasi* (= Judah the Patriarch = *Rabbi* (only that single word) in the Mishnah). Judah the Patriarch is traditionally considered to be the author (or compiler) of the Mishnah.

The first major matter to observe in the quotations above is the notion of “**Chain of Tradition**” in the sense of a handed down time continuity from Moses. In all this, instead of mentioning a written document to be read, it is a successive chronological list of significant holy and learned people, with the implication that *their oral words* are handed down memorized exactly. Ultimately the oral words get handed down to Judah the Patriarch in ARNB and those others who composed the rabbinic literature, which is the first time the oral handed down words are put into writing. The second and last major matter to observe above is

the last concept: “**Make a fence for the Torah.**” *This fence is an embellishment of words beyond the written Law of Moses to protect this Written Torah from misunderstanding.* In the above strange kind of descriptive narrative there is “**the Chain of Tradition from Moses to make a fence for the Torah by retaining the handed down words from Moses**”. In a nutshell, the last item in quotes is a definition of the Oral Law, but it requires recognition that the rabbinic literature is where the Oral Law can be found in written form for the first time. The combination of the Written Torah (in the Pentateuch) and the Oral Torah (= Oral Law) is often called the Dual Torah, which is embraced by Orthodox Judaism and collected in the rabbinic literature.

[7] The Meaning of *aviv* in the Tanak and in Rabbinic Literature. Wave Sheaf Day

The Hebrew word *aviv* occurs eight times in the Tanak. It occurs in Ex 9:31 where it describes a condition of the barley crop that explains why the hail destroyed the crop throughout Egypt. This implies that ears (of grain) had formed on the stalks from southern Egypt where it ripens first (because it is hot sooner in the south) to northern Egypt where it ripens last. There is a five week time difference in ear ripening from far south to far north in Egypt. However, the word *aviv* describes the status of the barley crop throughout Egypt, which is not the same status for the variation of five weeks. Thus *aviv* includes a range of meaning that encompasses at least five weeks of development. If the barley was ripe enough in the far north to obtain flour, then it would have already been harvested in the far south and would thus not have been ruined there. This implies that some of the barley that was ruined was unripe in the north and called *aviv*. Once the ears are destroyed, they will not grow back on the same stalk. Hence *aviv* means ears (of grain), which includes a range of development with a lack of implied ripeness.

The word *aviv* occurs in Lev 2:14 where it is used in a description of a firstfruits (= Hebrew: *bikurim*) cereal offering. In this verse the ears (= *aviv*) are fresh (= Hebrew: *karmel*), parched/roasted (= Hebrew: *kali*) with fire, and then crushed/mashed (= Hebrew: *geres*) into a cereal. Further discussion of this firstfruits offering continues through verse 16. Lev 2:14-16 cannot be proved from the Tanak to pertain to the wave sheaf offering in Lev 23:10-14 because

bikurim (the only technical word for firstfruits) does not occur in Lev 23:10, although some translations use the word “firstfruits” in Lev 23:10, thereby adding confusion to the matter.

In the Mishnah, in Menahoth 10:1-4 (Danby’s translation on pp. 505-506, and Neusner’s translation on pp. 753-754) there is a description of what is claimed to have been done with the wave sheaf offering when the Temple still stood. In 10:1-3 there is explicit wording to show that the wave sheaf offering was performed on any day of the week, not only on a Sunday as the literal wording in the Hebrew in Lev 23:15-16 would have it. In 10:3 it mentions that the description as stated there in the Mishnah is explicitly formulated in spoken words that are repeated three times in the ceremony before the crowd of people to irritate the “Boethuseans” and thereby show their opposition to the position taken by them that the wave sheaf ceremony should only be offered on a Sunday. Danby’s footnote to the word Boethuseans on p. 506 states: “In rabbinical terminology synonymous with Sadducees.” This spoken description in the Mishnah is a verbal taunt in opposition to the Sadducees who sought to adhere to the literal meaning in Lev 23:15-16.

Lev 23:10 states, “Speak to [the] children of Israel and say to them, ‘When you come [plural form of the verb come] into the land which I am going to give to you and reap [plural form of the verb reap] its harvest, then you shall bring [plural form of the verb bring] [the] first sheaf of your harvest to the priest.’”

In this context the above is to be performed at the Feast of Unleavened Bread when the populace is to be gathered at one central place to keep the festival. The time at which the people were to bring their first sheaf to the priest is stated in Lev 23:15-16, which literally states, “And you shall count for yourself on the morrow of the Sabbath from [the] day you brought the sheaf of waving [to the priest], seven complete [or perfect] Sabbaths they shall be, until on the morrow of the Sabbath the seventh, you shall count 50 day[s], and you shall present a new offering to YHWH.” Here the Hebrew phrase *mee macharat*, meaning “on the morrow”, occurs twice. This shows the ending of the count to 50 on a Sunday (morrow of the Sabbath) and the starting of the count also on a Sunday.

An examination of “on the morrow” in the Tanak shows it to mean during the daytime, but most often during the morning.

Both Lev 23:10 and 23:15 shows that “you [the people] bring/brought the sheaf”.

There are three violations to the above in Menahoth 10:3. (1) It describes the ceremony taking place at night instead of “on the morrow”, during the daytime. (2) It describes advance preparations by messengers of the court to tie bundles of standing stalks together near the beginning of Nisan 15 in order to make it easy for them to be cut for the ceremony of the wave sheaf offering on the night of Nisan 16. This bypasses the commanded role of the people to bring their first sheaf to the priest, and for the people to have cut their own sheaf before bringing it with them to the feast. (3) It violates the literal words to do it “on the morrow of the Sabbath”, i.e., on Sunday.

In Menahoth 10:4 there is a description of what is to be done with the wave sheaf offering. This description contains phrases from Lev 2:14-16, showing clearly that the author(s) of the Mishnah taught that the wave sheaf offering was a *bikurim* (= firstfruits) offering, although the word *bikurim* is absent from Lev 23:10-14, and there is no requirement in the Tanak that the wave sheaf offering satisfy the concept of *bikurim*.

Since the Pharisees were in opposition to the Sadducees, it would be sensible to believe that the author(s) of the Mishnah were successors of the Pharisees. It would also appear that the Pharisees originated these practices that run counter to the plain meaning of the Tanak. Since much evidence has already been presented from four sources showing that before the Temple was destroyed in 70, the priesthood controlled practices associated with the Temple, this would imply that in the Mishnah, in Menahoth 10:1-4, where the entire discussion involves mention of Jerusalem and messengers of the court, so that the Temple is still standing, the priests would have conducted the wave sheaf ceremony according to their own understanding instead of the contrary description in the Mishnah. The fact that the Temple was still standing in the context is made obvious in Menahoth 10:5 where we read from Danby p.506, “After the Temple was destroyed R. Johanan b. Zakkai ordained that it [= selling and eating the new grain crop] should be forbidden throughout the day of the waving [= throughout Nisan 16 according to the view of the Pharisees].”

This last quote implies that once the Temple was destroyed, there was no longer any wave sheaf offering performed because, supposedly the absence of the Temple prevented the priests from performing any of their functions including their role in the wave sheaf offering. Of course this shows that the Pharisees were using the loss of the Temple as an excuse to exercise their political power with the people from outside the environment of the Temple to remove all authority from the priesthood. The last quote also shows that the actual performance of the wave sheaf offering was only conducted when the Temple stood as well as we are able to determine. Hence Menahoth 10:1-4 must recognize that the Temple was still standing.

One conclusion from the above is that the successors of the Pharisees are rewriting history to make it conform to their own doctrinal position even before the Temple was destroyed. It shows that the Mishnah is not always a credible source of history from before the Temple was destroyed.

Let us now return to discussing the word *aviv*, which does not occur in the context of the wave sheaf offering, although it does occur in Lev 2:14 as discussed above.

The other six times that the word *aviv* is used is in the expression “month of *aviv*” (Ex 13:4; 23:15; 34:18 (twice); Deut 16:1 (twice)). There is nothing in the Tanak to indicate any meaning other than ears (of grain). The expression may be translated “month of ears”. However, there are several months during which there are ears on standing stalks of cereal crops in Israel. Because of the wide variation in climate in different parts of Israel, the barley harvest begins in Israel in the earliest place, the lower Jordan River valley, seven weeks before it begins in the northern higher elevations. Hence the expression “month of ears” does not uniquely identify one month, although as a label for the month, the label is only applied to the first month. In the Tanak *aviv* always has the same form, indicating that it may be understood as both singular and plural.

The word *aviv* is used one time in the Dead Sea Scrolls in “The Temple Scroll” (abbreviated 11QT) 19:7 where it is used in the plural for grain that is used to make bread.

The word *aviv* is used one time in the Mishnah in Tractate Kil'ayim 5.7 to indicate a pre-ripe condition of an ear of barley. This is harmonious with Ex 9:31 as explained above. There is no other place in rabbinic literature where *aviv* occurs in a context that explicitly relates to barley.

There are a few places in the rabbinic writings where *aviv* is used when quoting one of the Scriptures mentioned above that contain the phrase “month of *aviv*”.

The word *aviv* is used in the rabbinic document “Sifre to Deuteronomy”, in Pisqa 127, where it means “spring” (the season) when it paraphrases Deut 16:1 in an extended discussion about part of this verse. See Neusner 1987 p. 312 for a complete translation of this Pisqa. In Neusner and Green 1989 p. 78 it indicates that there is a partial justification for dating this rabbinic document between 300 and 400 CE. Here the agricultural term *aviv* in the Tanak is given the meaning of the astronomical season of spring in this rabbinic source. This demonstrates the unpredictable meanings that might be given to some Hebrew words of the Tanak within rabbinic writings.

Jerome translated the entire Tanak from Hebrew into Latin during 391 to 405. Jerome wrote that he tried to avoid interpretations of the Hebrew words that were distorted by later Jewish bias. He was aware of distortions by his Hebrew teachers, and he was on guard about this, but he was not always successful in detecting errors. His letters even show him to refer to false meanings given to him as errors of Pharisees, although technically no one was a Pharisee when Jerome lived.

In three of the six places where “month of *aviv*” occurs in the Tanak, Jerome translated it into Latin to mean “month of new grain”. In Ex 13:4; 23:15; Deut 16:1A for *aviv* he wrote “*novarum frugum*” = “new fruit”, although *frugum* is a very general word that includes grain. In Ex 34:18 where “month of *aviv*” occurs twice, for the first occurrence he only wrote *novorum* for *aviv*, and notice that the middle vowel is different from above. A translator of Ex 34:18 might decide to add the missing word as done below. The second use in Ex 34:18 will be seen below where the whole verse is translated. In Deut 16:1B Jerome wrote “in this month” instead of repeating the full phrase for “month of *aviv*”.

The literal translation that is used below preferred to use the word “corn” instead of “grain” or “fruit”. The word “corn” used to mean “grain” in English. The word “new” simply means that it is not from last year’s crop but from the new crop.

The best current effort to recover the complete Latin original by Jerome is by Robertus Weber, but this only has the Latin without translation. For Jerome’s Latin translation into English I like to use the very literal translation that has the Latin on one side of the page and the English on the other side of the page called DRC_1. This last source is based on a careful attempt to recover the original Latin of the Douay-Rheims version of the Vulgate. The Vulgate is based on Jerome’s Latin from the Hebrew except that the Psalms of the Vulgate does not come from Jerome’s Hebrew translation. When a critical verse of importance occurs, I compare the Latin of DRC_1 with the Latin in Weber. Until now for the small number of places that I checked word for word, I have not come across differences, but there are supposed to be some differences. Here is the translation in DRC_1 for the two unusual places from Jerome.

Jerome’s Ex 34:18, “Thou shalt keep the feast of the unleavened bread. Seven days shalt thou eat unleavened bread, as I commanded thee in the time of the month of the new corn, for in the month of the springtime thou camest out from Egypt.”

Jerome’s Deut 16:1A, “Observe the month of new corn, *which is* the first of the spring, that thou mayst celebrate the phase to ...”

Notice that in Ex 34:18 for the second usage of the whole expression, Jerome substituted “month of springtime” for “month of *aviv*”, and in Deut 16:1A Jerome added a whole phrase to explain that “month of *aviv*” means “first month of spring”. The conclusion here is that the meaning of *aviv* from “Sifre to Deuteronomy” has been accepted by Jerome from his Hebrew teachers. This aspect of rabbinic literature has rubbed off onto Jerome through his teachers.

Jerome was not immune from rabbinic influence although he desired to be. **We see that the rabbinic document Sifre to Deuteronomy has a distorted meaning of *aviv*.**

We have also seen above that the Mishnah distorted history from before the Temple was destroyed because it portrayed priestly practice at the Temple to conform to false views of how the wave sheaf offering was conducted in opposition to the Sadducees and the Tanak. The Mishnah admitted that its description of the date of the wave sheaf offering before the Temple was destroyed was contrary to the date that the Sadducees understood to be correct (which conformed to the Tanak).

[8] The Meaning of Sheaf in the Wave Sheaf Offering

The passage on the wave sheaf offering in Lev 23:10-16 contains the word sheaf [6016 *omer*] in Lev 23:10, 11, 12, 15. This Hebrew word occurs in the following ten other places: Ex 16:16, 18, 22, 32, 33, 36; Deut 24:19; Ruth 2:7, 15; Job 24:10. From Ex 16:36 we see that it is a dry measure of volume, but Ruth 2:7, 15 provide an alternate meaning, namely a sheaf of stalks with expected ears (of grain). We are faced with the problem of resolving the ambiguity between the two meanings of *omer*.

Before examining the context of Ruth 2:7, 15 in some detail, the method of reasoning to resolve the ambiguity of the meaning of *omer* in the context of Lev 23 is now undertaken. Except for the period of the Babylonian exile and some period of laxity due to a lack of zeal, the Aaronic priesthood existed and performed their ceremonies every year in Jerusalem until the Temple was destroyed in 70. This ceremony of the wave sheaf offering was witnessed by all people who attended the Festival of Unleavened Bread. This ceremony continued to be performed every year, and with the existence of only one priesthood, their practice should not have changed through the centuries. People came to Jerusalem from great distances to be at this festival and thus see this ceremony, including Jews from Alexandria, Egypt, which was only about 200 miles away. Specialists in the Septuagint, the Greek translation of the Hebrew text, recognize that its translators had a better command of the Greek language than of the Hebrew, and that the translation for the Pentateuch was undoubtedly made in Alexandria. Some of the Jews in Alexandria, possibly even some of the translators themselves, could surely explain what happened during the wave sheaf ceremony, so that the Greek translation could be accurate in its description. The translation of the Pentateuch of the LXX was made c. 280 BCE. The Greek

language does not have the ambiguity of the Hebrew language for the two meanings of the word *omer*.

The Greek text uses one word, *gomer*, for the dry measure of the manna in Ex 16, and a different word, *dragma*, as the translation for *omer* in Deut 24:19; Ruth 2:7, 15 and the wave sheaf offering. This resolves the ambiguity of the meaning of *omer* in the context of Lev 23 from its use in the Septuagint. All the uses of *dragma* in the Septuagint are listed on p. 348 of Hatch and Redpath. If there existed any historical hint that the nature of the *omer* (either the dry measure or a group of stalks) was a controversial issue at that time, then this would not resolve the question. But there is no such hint from before the destruction of the Temple, nor does rabbinic literature hint that there was a debate over this.

Moreover, in Gen 37:7 where the Hebrew word for sheaves is *aluma* (Strong's number 485), its Greek translation in the Septuagint is also *dragma*. The Septuagint translation by Brenton for Gen 37:7 is: "I thought ye were binding sheaves [= *dragma*] in the middle of the field, and my sheaf [= *dragma*] stood up and was erected, and your sheaves [= *dragma*] turned round, and did obeisance to my sheaf [= *dragma*]." (Plural forms of *dragma* are used where the translation is plural.) **Thus a bundle of tied stalks is called a sheaf (*dragma* in Greek).** Hence this would be its meaning where *dragma* is used for *omer* in the wave sheaf offering in the LXX.

Ruth 2:7, "And she said, 'Please let me glean and gather among the sheaves [= *omer*] after the reapers.'" (This has the plural of *omer*.) Gleaning is gathering the grains still having their husks. The reapers swing the sickles that cut the stalks.

Ruth 2:15, "And she rose to glean. Then Boaz commanded his young men saying, 'Let her glean even among the sheaves [= *omer*] and do not rebuke her.'" (This has the plural of *omer*.)

Ruth 2:17, "So she gleaned in the field until the evening and beat out what she had gleaned, and it was about an ephah of barley." The beating was necessary to separate the husks from the grains.

On p. 73 of H. L. Ginsberg 1982, he translates *omer* in Lev 23 as "armful", judging the quantity that might be tied into a bundle.

The Syriac Peshitta uses the word *kf*, meaning “bundle” or “sheaf” to translate the word *omer* from Lev 23. This Syriac word is found on p. 222 column 1 of Payne Smith 1903 and the Syriac text is from Peshitta 1991. This is the Syriac equivalent of the Greek *dragma*. In Ex 16 where the Hebrew has *omer* for the dry measure volume, the Syriac text from Peshitta 1977 transliterates *omer* into Syriac characters.

When Jerome translated the Hebrew Bible into Latin c. 400, which became known as the Vulgate (except for the Psalms), he translated the Hebrew word *omer* in Ex 16 as *gomer*, merely a transliteration. But he translated *omer* in Lev 23 into the Latin *manipulus* or *manipulos* (according to Weber). This means “bundle, sheaf, truss” from p. 1074 of Glare. The Knox translation of the Vulgate has “gomer” in Ex 16 and “sheaf” in Lev 23.

The Aramaic Targums (various versions) use the same transliteration of *omer* in both Ex 16 and Lev 23, thus carrying the ambiguity of the Hebrew into the Aramaic. The Aramaic word has the same two meanings as the Hebrew.

Thus the LXX, the Peshitta, and Jerome all agree that in Lev 23 the *omer* is a bundle or armful of stalks. Nothing is said about any stage of growth of the ears in the stalks here in Lev 23.

On p. 506 of Danby's translation of the Mishnah in Menahoth 10:4, talking about the wave sheaf ceremony and specifically the ears of barley (after they were separated from the husks), we find, “They put it in a grist-mill and took therefrom a Tenth [of an Ephah of flour] which was sifted through thirteen sieves.” Danby added the explanation in square brackets, “a Tenth [of an Ephah of flour]”. Ex 16:36 states, “Now an *omer* is one-tenth of an ephah.” Danby is showing the common rabbinic understanding that the Mishnah accepts the viewpoint that in Lev 23:10-16 the Hebrew word *omer* means the dry measure quantity instead of a tied bundle of stalks. This contradicts the understanding given above using the Greek word *dragma* from the Septuagint, which was translated long before the Temple was destroyed, although we have no surviving copies of Exodus in the LXX from the first century or before.

On the other hand, if we examine further in this part of the Mishnah, we notice that the Mishnah does not claim that this is always what happened in practice!!

On p. 507 of Danby at Menahoth 10:9 we find, “The rule of the *Omer* is that it shall be brought from standing corn; but if this cannot be found it may be brought from the sheaves. The rule is that it shall be brought from fresh grain; but if this cannot be found it may be brought from dried grain.”

For the first sentence immediately above, the meaning is: “The rule of the *Omer* is that it shall be brought to the priest from standing corn [growing next to him at that moment]; but if this cannot be found it may be brought from the sheaves [previously cut from elsewhere].”

For the second sentence immediately above from the Mishnah, the meaning is: “The rule [of the Omer] is that it shall be brought from fresh grain [the new crop]; but if this cannot be found it may be brought from dried grain [last year’s crop].” The amazing thing about this statement is that it shows that the author(s) of the Mishnah did not believe that the state of the barley was an absolute requirement to determine the first month, because this allows last year’s crop to be used for the ceremony as described for the volumetric measure meaning of *omer* as quoted from Menahoth 10:4 earlier above.

Because of the Mishnah's false concept that the *omer* for the wave sheaf offering is a dry volumetric measure of grain, it took the position that sometimes when the day of this offering arrived, if this *omer* could not be obtained from currently growing grain, then last year's crop was acceptable for the *omer*.

On p. 206 of vol. 1 of Field 1875, it is preserved that when Aquila translated Lev 23 into Greek c. 130, he used the Greek transliteration *gomer* where the Hebrew has *omer*. Aquila did not use the Greek word *dragma*. Aquila’s translation was given approval in rabbinic literature, and this hints that his training in Hebrew was by some leading rabbis of his time. Aquila gave the same meaning as the Mishnah for *omer*.

Leviticus 23 does not say that the wave sheaf offering was used for any purpose other than this specific ceremony of being lifted up for the person’s acceptance, but the Mishnah as seen above did give added use for the *omer* in the overall ceremony. Leviticus 23 does not use the technical Hebrew word *bikurim* [1061 firstfruits] applied to this ceremony or this *omer*.

In the intertestamental book of Judith, at Judith 8:3 the context where *dragma* occurs shows it to mean a bundle of stalks (see pp. 110-111 of Enslin 1972).

The meaning “bundle of stalks” says nothing about the state of the ripening of the ears on those stalks or even that there are ears of grain on those stalks.

Other than the action of the lifting of the sheaf, Leviticus 23 does not mention anything that is required to be done with the sheaves that were brought on that day.

The Leviticus translation and commentary in the series of the Jewish Publication Society (Baruch A. Levine 1989) gives the meaning from the Septuagint as correct in contrast to the meaning from the Mishnah, pp. 157, 210.

Concerning the Mishnah in tractate Menahoth, the above shows that while 10:4 seems to imply that ripe barley was required for the wave sheaf offering, 10:9 shows that the wave sheaf offering could be carried out without ripe barley. We have seen that the Oral Law in the tractate Menahoth in the Mishnah sometimes contradicts the Tanak and sometimes adds to the Tanak, contrary to Deut 4:2.

[9] Rabbinic Distortion of Leadership in Jerusalem before 66

(A) Rabbinic office of *nasi* and the Elevation of the Authority of Pharisees

In the Babylonian Talmud, specifically on p. 63 of BT-SHAB in Shabbath 15a, we find (where the note in square brackets was added by the translator H. Freedman), “Hillel and Simeon [his son], Gamaliel and Simeon wielded their Patriarchate during one hundred years of the Temple’s existence”. Footnote 6 states that these four were all in a male succession of lineage, each the father of the next one. This 100-year period would be from 30 BCE to 70 CE. The above quotation has the word “Patriarchate”, which is translated from the Hebrew *nasi*. The title *nasi* is a biblical Hebrew word (Strong’s number 5387) that refers to the primary leader within some context. When the title Patriarch is used as a translation of *nasi* from rabbinic writings, the document intends to imply that the bearer of this title is the sole spiritual leader (perhaps also quasi-political leader as well, depending on the year and circumstance) of the Jewish people generally.

The word *nasi* is used in the latter chapters of Ezekiel to refer to a unique future leader of Israel. According to p. 493 of the article “NASI” by Christine Hayes, when mentioning historical matters before the destruction of the Temple, rabbinic literature uses the title *nasi* to refer to “the presiding officer of the Sanhedrin in the Temple”, although in later times it refers to one individual who is recognized as the political head of the Jews scattered among the nations.

The definition of *nasi* is not stated in the rabbinic literature itself, but is surmised from the various contexts. In fact, it is primarily the New Testament and Josephus that cause scholars to reduce the rabbinic significance of the title *nasi* before the destruction of the Temple and even before Judah the *nasi* who published the Mishnah. From rabbinic literature itself there is no indication that *nasi* means something different before and after some year, such as the year 70 or the year 200. Thus the Babylonian Talmud Shab 15a (see above) informs us that between 30 BCE and 70 CE the presiding officers of the Sanhedrin in the Temple were among the lineage Hillel to Simeon to Gamaliel to Simeon. According to rabbinic tradition, Hillel was descended from King David, so that they were from the tribe of Judah, and hence not priests.

Acts 5:34 calls this Gamaliel a Pharisee. The language of Acts 5:34, as previously discussed, denies that this Gamaliel was the president of the Sanhedrin.

Josephus mentions Simon the son of Gamaliel as a prominent Pharisee, but does not indicate that he was the leader of the Sanhedrin or of some other ruling body. Since Josephus applauds Simon's achievements, if he had been the head of the Sanhedrin, he should have mentioned it.

The conclusion is that the rabbinic texts elevate the lineage from Hillel to the primary leadership of the Sanhedrin, contradicting the account of the New Testament and Josephus. Gamaliel and his son Simon are known to be Pharisees, so that the Pharisees are distorted to be the leaders of the Sanhedrin according to the rabbinic texts. This is a distortion of history in rabbinic texts regarding the leadership role of the Pharisees at the headquarters of Judaism.

A previous chapter showed that the priesthood controlled the Temple and its practice in the first century before the Temple was destroyed. This is in harmony with Psalm 133 as previously explained.

(B) Rabbinic Texts imply the Pharisees Controlled the Temple before 66

Rivkin 1969 avoids the New Testament and Josephus, and uses rabbinic texts to define the Pharisees. He concentrates on selections in which the Pharisees and Sadducees are opposing one another.

On pp. 212-213 Rivkin discusses an incident mentioned in the Babylonian Talmud, Yoma 19b, where a high priest who is called a Sadducee will soon enter the Holy of Holies on the Day of Atonement, so that the context is before the Temple was destroyed. The father of the Sadducee says, “My son, although we are Sadducees we fear the Pharisees.” Later in this incident when this high priest finishes performing his duties in the Holy of Holies according to the interpretation of the Sadducees and contrary to the Pharisees, as soon as he exits from the Holy of Holies he is found dead with the heel of an animal between his shoulders. The incident reports that Rabbi Hiya taught that an angel did this to the Sadducee. Then Rivkin mentions another similar type of incident found in Tosefta Hagiga 3.35.

From these incidents Rivkin concludes, on p. 213, “They [the Pharisees] exercise great power, striking fear in the hearts of the High Priestly families, and they [the Pharisees] are depicted as those who have control of the Temple.”

As explained previously, the New Testament, Tacitus, Trogus, and Josephus all depict control of the Temple by the priests in the first century before the Temple was destroyed. The rabbinic texts imply that the Pharisees controlled the Temple. I conclude that the rabbinic texts in this matter are fabricated history and lead to incorrect conclusions.

I conclude that frequently the rabbinic texts cannot be trusted for accurate history, and its writers invented certain history to promote the lineage of Gamaliel, which was aligned with the Pharisees in the first century. Some teachings of the Pharisees are promoted, although the term “Pharisees” is not

used frequently in the rabbinic texts, and this term changes meaning when used in contexts beyond the first century in rabbinic texts.

(C) Historical Reception of Rabbinic Literature and False Jewish Unity

After the Temple was destroyed in 70, except for rabbinic texts that first began to be published c. 200, we have very little by way of explicit writing concerning the beliefs and divisions of the Jews in the Mediterranean region and the Babylonian region. We have some very useful indications of the overall direction in greater Judea from Josephus, but there are no names and no details. His assessment published in 93/94 CE in *Antiquities of the Jews* is only that the Pharisees exercise the primary control over the masses in greater Judea away from the Temple. Josephus mentions Pharisees, Sadducees, and Essenes to show the diversity of Judaism.

The rabbinic texts provide its own views from its own bias, and except for priests (= approximately Sadducees = Boethusians) or heretics, it rarely indicates any diversity within the total Jewish community, and this creates the impression that nearly all of Judaism embraced its own views.

The rabbinic texts speak against drawing and displaying images of living things, both people and animals. From excavations of cemeteries and synagogues from c. 200 – c. 400, p. 550 of Levine 2006 states, “... we witness a return to figural representation in many communities of ancient Palestine and the diaspora.” This shows a gap between the ideal in rabbinic texts in speaking out against producing images of living things compared to the actual practice of permitting such images among Jews. This indicates of lack of acceptance of this rabbinic belief of shunning images among Jewish society, even in synagogues.

Another indication of diversity from the ideal expressed in rabbinic literature compared to early written texts showing reflections of reality are the varied meanings of translations / paraphrases of certain biblical words in the several versions of the Aramaic Targums. Even in the Targum Onqelos that has the blessing of the rabbinic sages we find certain meanings that contradict teachings in the Babylonian Talmud.

Therefore, even without a written narrative history, it is clear that rabbinic texts represent a theoretical ideal of how to live that differed greatly from real life among Jews from the eastern Mediterranean to Babylonia. The rabbinic literature was not received positively by the masses of Jews in its early centuries. From p. 525 of Levine 2006 we note that in the Jewish Bet Shearim cemetery in the Galilee in which there were over 1000 burial sites that spanned c. 200 – c. 400, 78 percent of inscriptions were in Greek, 21 percent of inscriptions were in Latin, and 1 percent of inscriptions were in Hebrew or another Semitic language. This area of Galilee was the hotbed of production of rabbinic literature during this period.

Thus the rabbinic literature misrepresented reality within Judaism in the sense that later generations who examined this literature had cause to imagine that this brand of Judaism was dominant to the exclusion of virtually all others during the centuries of its initial output.

The school for rabbis in Caesarea and the other rabbinic academies in Babylonia along with continued output of Hebraic rabbinic literature eventually helped propel rabbinic Judaism to become accepted Orthodox Judaism. However, initially rabbinic Judaism was not the norm among most Jews. Partly by the silence in rabbinic literature of the existence of opposition to its teachings and especially by its myth of the Oral Law as supposedly the historical norm for beliefs in Jewish history, rabbinic literature gives a fake façade of its dominance and almost universal acceptance among Jews during its formative stage.

The alleged supreme authority of the Pharisaic sages of the first century before the destruction of the Temple was a fraudulent rewriting of history.

(D) The First Century Calendar Fraud of Rabbinic Literature

We shall see that the rabbinic literature promotes the historical fraud that certain Pharisees had the authority to determine the calendar before the Temple was destroyed. Here is an example where Gamaliel the Elder had the primary authority to declare when the 13th month would be intercalated. On p. 435 of Danby's translation of the Mishnah in Tractate Eduyoth 7.7, we read, "Once Rabban Gamaliel went to have authority given him from the governor in Syria, and he was long in returning; so they declared the year a leap-year on the

condition that Rabban Gamaliel should approve; and when he returned he said, 'I approve'; and so the year was reckoned a leap-year." This alleged authority of Gamaliel the Elder, a Pharisee, does not ring true to the known authority of the chief priests in the context of the Temple as previously demonstrated. Hence the supposed authority of Gamaliel concerning the calendar according to the rabbinic texts must be rejected as a fabrication of history.

In the Babylonian Talmud, Sanhedrin 11a, on pp. 47-48 of BT-SAN, it states that in Simon b. Gamaliel's letter to the communities he wrote, "We beg to inform you that the doves are still tender and the lambs still young, and the grain has not yet ripened. I have considered the matter and thought it advisable to add thirty days to the year." Here Gamaliel's son Simon, a Pharisee, is claimed to possess similar authority before the Temple was destroyed in 70.

In Sanhedrin 11b, on p. 49 of BT-SAN, it states, "Our Rabbis taught: A year may be intercalated on three grounds: on account of the premature state of the corn-crops; or that of the fruit-trees; or on account of the lateness of the *Tkufah*. Any two of these reasons can justify intercalation, but not one alone." This is one example among many in rabbinic literature where the biblical Hebrew word *tkufah* is used with the meaning of equinox or solstice, and in this context it is intended to refer to the vernal equinox.

The use of such alleged combined principles to determine intercalation of a 13th month would require a personal judgment and the recognition of some human authority for a decision. This is *not* an objective clear trigger. This cannot be accepted as true history from before the Temple was destroyed. Simplicity and objectivity in Gen 1:14 (observational astronomy) was replaced by confusion and subjectivity in the rabbinic literature.

What would be the reason that rabbinic literature would show Gamaliel the Elder and his son Simon to have supreme control over the calendar? Even though the Mishnah requires that a committee within the Sanhedrin decides this matter, for these two individuals, not even the Sanhedrin has a role.

Only selected leaders of the Jews down through history were part of the Chain of Tradition that is part of the meaning of the myth of the Oral Law. The last group within Avot (of the Mishnah) in this Chain of Tradition

included Gamaliel the Elder and his son Simon. In order to promote and give legitimacy to the office of Judah the Patriarch (= *nasi*), it would make sense to invent the myth that those in his lineage would also be *nasi*. Thus rabbinic literature invented the myth that these men held the office of *nasi* (Patriarch). The rabbinic literature's myth of their holding the office of *nasi* was given credence by the additional myth of their control over the calendar during part of their lifetime in the first century before the Temple was destroyed.

During the time of the Mishnah c. 200 and beyond, the author(s) of rabbinic literature had certain beliefs about how to determine when the first month of the biblical year should begin. Their beliefs were artificially projected backwards in time into the first century when the myth of the control of the calendar by Gamaliel and his son Simon was invented. Therefore, the historical myth was promoted that in the first century those multiple factors (the state of the young doves, young lambs, barley, fruit trees, and the vernal equinox) all needed to be considered together by a committee in the Sanhedrin to determine when the first month of the biblical year should begin. **In this way the biblical simplicity of observational astronomy was replaced with the myth of the complexity of multiple factors to determine the time of the first month.**

Both Philo of Alexandria and Josephus only mention astronomical concepts for the determination of the first month. This stands in opposition to the rabbinic literature.

[10] Modern Scholars and Jewish Leadership in the First Century before 70

Well known Jewish scholar Shaye J. D. Cohen 1986 discusses how to arrive at a more accurate picture of ancient Jewish history through weighing the reliability of each ancient source and attempting to place all sources in the total historical context of the geographical region. His goal is not to arrive at specific conclusions, but to give the reader questions to ponder. Cohen mentions that when religious bias enters into the writing of history, history is likely to be distorted to conform to that bias. He suggests that history should not be written by scholars whose primary interest is a religious bent.

On p. 38 Cohen wrote, “Similarly, those who would use rabbinic texts as sources for the history of the Second Commonwealth [= from the return from Babylon c. 450 BCE to 70 CE] must explain why these texts, none of them compiled before 200 C.E., should be regarded as reliable. No one denies that rabbinic texts preserve traditions that originated many centuries before the documents in which they appear, but how are we to separate these traditions from those of more recent date [thus for example falsely projecting a viewpoint from c. 200 CE backwards to c. 50 CE], and how are we to assess their reliability?”

On p. 39 Cohen wrote, “Our methodological dilemma is heightened when we confront a contradiction between rabbinic and nonrabbinic sources. The most prominent example of this sort of difficulty is the nature and composition of the sanhedrin. Rabbinic texts, both legal and anecdotal, regard the sanhedrin as a supreme court *cum* senate, populated by rabbis and chaired by two rabbinic [non-priestly] figures. Josephus refers to a *koinon* and *boule* as well as a *synedrion*. From Josephus we do not know whether these are all one and the same institution and whether these are permanent or ad hoc bodies, but we see that aristocrats and high priests as well as Pharisees figure prominently in the discussion of these matters. The testimony of the NT matches that of Josephus (except that the NT does not use *koinon* and *boule* to refer to a supreme council in Jerusalem). How do we resolve this contradiction [between rabbinic texts and the combination of Josephus with the NT]? Should we conclude that the composition and leadership of the Jewish supreme council changed over the centuries and that the rabbinic and Greek [= Josephus and NT] sources reflect different stages in this development? Or should we conclude that Josephus and the NT present a basically accurate picture which the rabbis have ‘corrected’ and improved either through wishful thinking or intentional distortion?”

On p. 198-199 Jonathan Price wrote, “A reliable methodology for extracting history from rabbinical sources does not exist. Rabbinic literature presents a unique set of problems which cannot be solved by application of techniques learned from analysis of Graeco-Roman historiography. The rabbis were not writing history – a Greek word and concept foreign to their thinking – and in their legal and exegetical arguments they freely modified historical memories or invented them out of whole cloth. Moreover, traditions about the Second Temple

were written down long after they originated and had developed orally for generations; the original ‘kernel’ is often encrusted with later accretions and interpretations, and may not be retrievable. Historical investigations, until quite recently [c. 1970], have usually taken rabbinic statements at face value, without rigorous tests for verity.”

Wilhelm Bacher 1902 wrote about the apparent discrepancies between rabbinic literature compared to the New Testament and Josephus. If scholars generally had given more attention to Bacher's work, much of the type of research that has been done since 1970 on this subject would likely have been done about 70 years earlier.

The following quotation shows a contradiction in the Mishnah that Lester Grabbe resolves. In footnote 38 on p. 98 of Grabbe 1997 we find, “[Talmudic tractate] Rosh ha-Shanah normally assumes that the sages [generally non-priests] sat to receive witnesses [of having seen the new moon]. However, [Mishnah] M. Rosh ha-Shanah 1.7 mentions that the witnesses reported to the priests; this datum which goes against the views of the rest of the tractate is likely to have been a genuine memory of pre-70 times when the priests - not the rabbis - declared the sacred calendar.” Thus the Mishnah preserves evidence that it was the priests who controlled the discussion with witnesses for sighting the new crescent.

Discussion about Gamaliel the Elder and his son Simon who, according to the rabbinic literature quoted above, controlled the calendar before the Temple was destroyed in 70 does have comment in modern scholarship. On p.357 of vol. 1 of Neusner 1971, he wrote the following, “Second, and more seriously, to whom are the [calendar] letters addressed? If to all the Jews in those regions, then we are asked to believe that Gamaliel and the Pharisees, rather than the Temple authorities, determined the calendar, and issued instructions on other matters – most unlikely. In fact the Temple authorities determined the calendar, and therefore the rituals associated with it would have been directed by them, not by Pharisees. The picture [in rabbinic literature] is consistently drawn that the Pharisees told the priests what to do and otherwise directed Temple procedures, but that picture is false.”

On p. 228 of vol. 3 of Neusner 1971, he wrote [where I have placed the word “not” in bold twice], “We have no considerable evidence of special interest [by the rabbis at Yavneh in the years after 70] in Temple laws, the Jerusalem pilgrimage [during the three annual festival periods], priestly dues, and the like. While it is alleged that some of the earliest tractates were formed for the purpose of preserving records of the Temple rites, the evidence before us would **not** seem to contribute much support for that thesis. Neither, however, does it refute it, since Temple practices before 70 were presumably settled by priestly law and were **not** matters about which disputes between the [two Pharisaic] Houses were likely to arise, or, if they arose, to be either important or remembered. The absence of any considerable record of such disputes implicitly contradicts the later rabbinic claim that before 70 the Pharisees settled questions of Temple procedures.”

It is most interesting that Neusner’s evidence here is not based upon the New Testament and Josephus in his presentation (though he is well aware of that), but internal evidence within rabbinic literature.

We have seen various places in rabbinic literature where the Law of Moses is distorted, and where alleged history is a fabricated myth. We cannot depend on rabbinic literature as a credible witness for controversial matters.

[11] The Sedar Olam Rabbah

The topic before us now concerns the chronological dating of biblical events along with other technical details about time as determined by the document known as the Sedar Olam Rabbah. From p. 11 of Frank 1956, we quote, “The oldest [Orthodox] Jewish chronicle is the *Sedar Olam Rabba*, edited by Jose ben Halafta, who died about 160 CE. It is mentioned in the [Babylonian] Talmud and lists the Biblical and post-Biblical events until the revolution of Bar Kochba [132-135 CE]. From its data, later sources have derived the years of various events.” Hence its date of composition is roughly c. 150, about 80 years after the Second Temple was destroyed. Pages x-xi of Guggenheimer 1998 provides good plausible evidence that the Sedar Olam Rabbah was edited in its final form in Babylonia, probably before 300. It is not referenced in the Palestinian Talmud,

but Orthodox Judaism recognizes the Babylonian Talmud as authoritative whenever a contrary conclusion is expressed in other rabbinic literature. Based upon its estimated date of publication c. 300, despite its primary composition c. 150, it is not considered earlier than the Mishnah.

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On p. xix of First 1997 we read, “According to Seder Olam Rabbah (SO), the work that forms the basis for almost all rabbinic chronology, the period from the defeat of the Babylonians by the Medeo-Persians until the beginning of Greek rule encompassed 52 years and spanned the reigns of three Persian kings. According to the chronology that is universally accepted by historians today (conventional chronology), this period of Persian rule over the land of Israel encompassed 207 years (539 to 332 BCE) and during this period more than ten Persian kings reigned.”

Conventional chronology is based upon records of ancient eclipses whose observations have been verified by modern computer programs, and from this it is possible to accurately date many events of the ancient near east from 747 BCE into Roman times. Lengths of reign of ancient Persian kings are also stated on ancient tablets from Persia that also verify the eclipse records. Chronology of the Persian period from the Greek historian Herodotus also agrees with eclipse chronology and Persian chronology. How does Orthodox Judaism today deal with this chronological discrepancy of 155 years from a comparison of conventional chronology with traditional Jewish chronology that is promoted in the Babylonian Talmud and the Seder Olam Rabbah?

On p. 150 of First 1997, he wrote, “Most importantly, this study has shown that the SO chronology can be completely explained under scenarios that assume that the author of the SO chronology had a desire to make the chronology stated fit with the 490-year period predicted at Daniel 9:24-27.”

In other words the SO chronology altered history and chronology to fit their interpretation of the biblical prophecy in Daniel! Evidently the final editors of SO were not concerned that certain highly educated Jews might someday discover that there was a serious discrepancy between their Jewish chronology and known secular sources. The history of Herodotus was well known among Greek speaking educated people, and one would imagine that educated Jews among the elite editors would want to check their chronology with Herodotus. There is highly detailed reasoning within SO, so that it was not a careless sloppy document, although there is certainly opportunity to argue with some of their results.

After First discusses ancient tablets with inscriptions from Persia, on p. 168 he states, “These inscriptions should unequivocally lay rest any claim that the Persian period was a short one and that the Greek historians somehow artificially created a long line of Persian kings and a protracted Persian period.” In other words First shows that the rabbinic chronology of SO must be admitted to be incorrect by Orthodox Jews.

In the discussion of Josh 5:10-12 in chapter 11 of SO, on p.111 of Guggenheimer 1998, he translates from SO as follows: “On the sixteenth of Nissan, Israel sacrificed the *'Omer* as it is said (Jos. 5:11): 'They ate from the yield of the land'” The Hebrew *'omer* means sheaf, and this is a reference to Lev 23:9-16 and the day of the wave sheaf offering.

The Hebrew of Josh 5:11 (specifically the phrase *mee-macharat ha-pesak* = on the morrow of the Passover) also occurs in Num 33:3, and in the latter verse it also states this was the fifteenth day of the first month. The above quote from SO claims this was on the sixteenth day instead of the fifteenth day. Thus SO incorrectly interprets Scripture to justify the Pharisaic method of when to begin the count to the Feast of Weeks (Pentecost). Here the Hebrew grammar is distorted in the interpretation to incorrectly justify the Pharisaic method to begin the count.

In I Chron 24:7-18 there is a list of 24 courses of priestly service at Jerusalem. This number is twice the number of months in a normal year, but no further details of how this might correlate with the calendar are provided in the Tanak. The first course is that of Jehoiarib (Yehoiariv). In chapter 30 of SO, on p.264 of

Guggenheimer 1998, he translates from SO as follows: “You find it said that the destruction of the first Temple [of Solomon] was at the end of Sabbath, at the end of a Sabbatical year, when the priests of the family of Yehoiariv was officiating, on the Ninth of Ab, and the same happened the second time [in 70 CE with the destruction of the Second Temple].” Concerning this claim about Solomon's Temple, this was many years before the chronologically incorrect dates for the Persian period by SO, so that the year of the destruction of Solomon's Temple should not have been known by the writers of SO. There is no good reason to imagine that such a record would have survived the burning of the Second Temple in 70, and thus this would be a fabrication of history. The month of Ab is the fifth month, which typically occurs in August. Thus SO places this first course of priestly families in the fifth month during the destruction of both Temples. The implication from SO is that this first course at that particular time of the year is rare and not annually repeatable. This implies there is a gradual rotation over the years concerning when the first course is expected to serve each year according to SO.

We have seen that SO has distorted biblical chronology in order to justify a preconceived theory of the Seventy Weeks Prophecy of Daniel, and has also distorted the proper understanding of Josh 5:11 in order to make it conform to the Pharisaic method of starting the count to the Feast of Weeks. Due to these examples of deliberate distortion in SO, we see that in matters of controversy, we cannot trust SO and the chronologically related material in the Babylonian Talmud (rabbinic literature in general) to provide accurate historical information from before 70. After the Aaronic priesthood vanished from the historical record beyond the destruction of the Second Temple, the calendar of the Jews was subject to the whims of Jewish leadership. Rabbinic literature should be expected to portray a false history to make it conform to their evolved ideas of the calendar.

Josephus is a witness that little survived the fire that broke out in the Temple at the time of its destruction. Many historical records were destroyed. After 130 years had passed, some false beliefs were mingled into the interpretation of biblical matters, and tradition received a life of its own in the Oral Torah. This included tradition associated with the calendar, which cannot be trusted.

[12] Words were put into the Mouth of Sages who did not say what was alleged

We have seen above that the first time the concept of the Oral Law is mentioned by description is from Avot c. 250. While it is true that the New Testament, Josephus, and Philo of Alexandria mention Jewish tradition or tradition of the elders, they never claim that this goes back to the time of Moses on Mt. Sinai, The idea of the revelation at Sinai for the Oral Law is new in Avot.

Cana Werman 2006 wrote the following on p. 181, “Admittedly, no Second Temple period source explicitly links the halakhic [= legal interpretation] system developed by the Pharisees with the Revelation at Sinai.”

On p. 182 Werman translated from the rabbinic document Sifre on Deuteronomy 351 as follows, “’And your Torah [sing.] to Israel’ (Deut 33:10) – this teaches that two *Torot* [here Torah is plural] were given to Israel, one oral and the other written. Agnitus the General once asked Rabban Gamaliel to tell him how many *Torot* were given to Israel. He replied: Two, one written and the other oral.”

(Here I added “[here Torah is plural] “.)

Of course Rabban Gamaliel died long before the Mishnah was written, so he was not aware of the Oral Law during his lifetime. Here we find a pretending that the Oral Law was known long before the concept was put forth. Thus, in rabbinic literature words may be placed in someone’s mouth that were never spoken.

David Kraemer, professor of Jewish and Rabbinic History at the Jewish Theological Seminary of America wrote the following in 1999 on p.201, “In the following pages, I will describe the obstacles that would have to be overcome before we could be sure that a Rabbinic record contains historically reliable evidence. I will conclude that these obstacles are effectively insurmountable and that most sorts of political, social, or religious histories cannot be constructed on the basis of Rabbinic testimony.”

Kraemer 1999 discusses archaeological remains that sometimes can be shown to contradict rabbinic literature. He writes on p. 206, “But it is precisely the contradictions that render this whole direction to be problematic. When the picture suggested by the material record contradicts the picture of the Rabbinic literary

record – as is not infrequently the case – then it is the Rabbinic record we must call into question. In such circumstances, the rabbis may be speaking for a small elite, or they may be speaking theoretically, but they are surely not preserving history. From such examples we learn to doubt the Rabbinic evidence.

Kraemer 1999 discusses the problem of inconsistency or perplexity within Rabbinic literature. Before the next quotation it should be stated that the word “Bavli” is a shorthand way of referring to the Babylonian Talmud and Yerushalmi is a shorthand way of referring to the Jerusalem Talmud. The Bavli was published roughly 150 years after the Yerushalmi.

From p, 209 of Kraemer 1999 we note, “In my analysis of traditions attributed to Yohanan [ben Zakkai] in Bavli tractate Shabbat, I found that only thirty-eight of one hundred-thirteen have any parallel in the Yerushalmi [which came earlier]. Of those thirty-eight, nine give the same opinion in the name of a different authority and three give different rulings. Only twenty-six are closely parallel - less than a quarter of the sample. Three-quarters of the sample, in other words, admit to no verification whatsoever. If this sample is representative, a large majority of attributed Rabbinic teachings may not be used for purposes of writing history.”

The conclusion of this, as many other rabbinic scholars have also stated with different illustrations, is that when rabbinic literature says that some sage said something, there is no way to know whether he really did say it because often that same statement is attributed to someone else. This makes it virtually impossible to write a true history of the teachings of any one sage.

[13] Some Supposed History is Falsified in Rabbinic Literature

Richard Kalman is professor of Talmud and Rabbinics at the Jewish Theological Seminary. For his book from 2007 he examined the historical context of the time of the Babylonian Talmud including archaeology, the geographical context, the political context, what others wrote about that region who were not within the rabbinic movement, etc. His goal was to attempt to correlate what was written in that Talmud with the total context that was knowable. He was able to reach some seemingly worthwhile conclusions about that Talmud and its editors. This effort was not easy and required going far beyond the bounds of the Talmud itself. He did show that it was possible to glean some useful history about the time that this

Talmud was written. This effort would not have been fruitful without a detailed examination of the total context in order to know how to evaluate what could make sense. Kalman could not take what was written at face value without deep analysis. A few passages from this book stand out with regard to our present subject.

From p. 12 of Kalman 2007, “To utilize the Talmud as a historical source, however, it is not enough to divide a story or a discussion into its component parts. For, as I will have occasion to observe elsewhere in this book, a tradition can be early but still a fiction, or Palestinian but still be worthless as evidence regarding Palestinian Jewish history. To use a tradition as historical evidence, it is also necessary to know who composed and transmitted it, what its intended message and its intended audience were, and, occasionally, what it looked like before it reached the rabbi’s hands.”

Study of the above quotation shows that the task of attempting to discover valid history from a rabbinic text is very complex and hazardous without special expertise. One cannot simply accept what one reads at face value for historical purposes.

From p. 59 of Kalman 2007, “In addition I argued that subtle distinctions need to be drawn between early and later, Palestinian and Babylonian, and briefer and lengthier narratives, to determine whether some aggadot tend to be more accurate than others or to distort reality in particular ways but not in others. Editors and/or storytellers in Babylonia were particularly willing to emend earlier sources to reflect realities and/or attitudes in third- to seventh-century Babylonia,”

From Stemberger 1999, p.170, “If we were to take Rabbinic sources at face-value, already a century before the destruction of the [second] Temple [70 CE], the predecessors of the rabbis, led by the family of Hillel [he is reputed to be the father of the Gamaliel in Acts 5], were the dominant force in the Sanhedrin and powerful enough to tell even the high priests how they had to conduct the cult, After 70, they would have been the sole leaders of the Jewish people in Palestine.”

Here Stemberger assumes the reader knows enough of the New Testament and Josephus to realize that until 70, the Pharisees did not have the power to control the priesthood at the Temple. No source outside the rabbinic literature mentions Hillel. Josephus is somewhat contradictory because he does not specify dates. Josephus

wrote Antiquities in 93, and when he wrote that the Pharisees controlled the priests, that was no doubt after 70, not before.

[14] The Problem of Great Inconsistency when a Story is retold in Several Places

Isaiah Gafni is a professor of Jewish history and rabbinic studies at the Hebrew University of Jerusalem. He first entered that institution c. 1965. In Gafni 2010 p. 43 he introduced the subject of this chapter by writing, “And so I called it [= the subtitle of this the chapter] ‘The Tale of the Text,’ referring of course to the rabbinic text. Here too a dual message is implied. Do I mean ‘the tale’ or story of modern rabbinic textual studies, or do I wish to focus on ‘the tale that the text supplies,’ that is: what do rabbinic texts tell us about the rabbinic period, and in general about Jewish history in Late Antiquity? Hopefully I will provide some thoughts on both of these questions.”

Gafni begins this chapter by surveying the history of the thinking of Jewish scholars on this subject over the recent couple of hundred years. As scholars began to compare stories retold in different parts of rabbinic literature, it was noticed that there were significant differences that were not capable of being harmonized in the sense that the four Gospels can be harmonized. This led to two schools of thought on how to explain this.

One school postulated that even as early as when the story originated, there were already different versions of the story, so that one document preferred one version of the story, and another document preferred another version. This was an attempt to rescue the literature from claims of outright fake history. This view was favored by those who did not want to admit genuine problems with rabbinic literature.

Then Gafni focuses on the other school. He wrote on p, 56, “Not so the other school, which posits a far more creative editorial intervention, maintaining that traditions [retold in the tales] were constantly undergoing repackaging, aimed at improving their language, rendering them more comprehensible to later audiences or those living in an environment removed from the original, or – and this is crucial – with the aim of channeling the tradition to meet or support the opinions of the later transmitters [= writers of the later literature]. Parallel sources in the

Talmud, this school maintains, were reformulated to meet these needs, and are not the result of some ancient plurality of original versions.”

On p. 58 Gafni wrote, “Obviously I agree that stories frequently tell much more about the storytellers than about the heroes of the tale, and in that sense – while there might be a tale [that is true to genuine history] in the text, it is likely to be far different than the one we had originally been taught.”

On p. 60 Gafni wrote, “My point in all this is that we will have to mine the rabbinic corpus for a different type of history. We may be hard-pressed to talk about specific events, but we most certainly can note attitudinal changes and developments, and these must be contextualized into the political, social and cultural contexts surrounding the rabbinic world.”

When we see the tactful language of Gafni, we note that he politely avoids the outright statement that the writers of rabbinic literature invented items that are not historical, yet he obviously implies this.

[15] Orthodox Jewish Historian Louis H. Feldman

For several decades Louis H. Feldman has been a professor of Jewish history at Yeshiva University in New York City. This university primarily attracts Orthodox Jews. Orthodox Jews generally attempt to order their behavior in life according to the precepts of the Oral Law. Feldman is an Orthodox Jew who has devoted a significant portion of his research to publishing papers and writing books on Josephus. It may be argued that his penetrating knowledge on Josephus exceeds all others in this field. Some of his writings on subjects other than Josephus sometimes show a bias toward viewing matters favorable towards Orthodox Judaism, which is an expected natural consequence of his beliefs. In Feldman 1999 he contributes a chapter titled “Rabbinic Sources for Historical Study”. Almost two-thirds of this chapter compares the account of historical events discussed in Josephus that are also discussed in rabbinic literature. Feldman is very much aware of the fact that the nature of the volume in which he contributes this chapter concerns the question of the historical validity of rabbinic literature.

When Feldman wrote about Josephus in his many writings in the past, he pointed out the many biases of Josephus and his misrepresentations of the Bible despite the

claim by Josephus that he was presenting the full account of the sacred writings without adding or deleting anything. The audience (expected readership) of Josephus was the Roman nobles who were educated in Greek literature (not Latin, the common language of Rome), and he knew these nobles would not make the effort to determine how truthful he was. In this chapter by Feldman, he briefly reviews the problems with accepting what Josephus wrote at face-value. Feldman also mentions a few other ancient sources of reported events or biographies and gives reasons to suspect bias and lack of truth from these authors. He is illustrating that the task of the historian is always to look at ancient documents with a critical eye because human authors are subject to bias and distortion. Thus Feldman is indirectly implying by way of analogy that the authors of rabbinic literature were capable of the same problems in their accounts.

However, Feldman makes no attempt to defend the rabbinic literature from criticism against such matters as the revelation of the Oral Law to Moses at Sinai, the gross distortion of political leadership in Judea before the destruction of the Temple in 70, the contradictory attributions of what sage actually stated some legal opinion, and the contradictory portrayal of stories in various rabbinic documents. On p. 216 Feldman openly admits that rabbinic chronology is grossly in error.

Feldman also states that because Josephus often modifies the truth for various reasons, when there is a difference in the reporting of an event in Josephus compared to rabbinic literature, we cannot say which of the two accounts is historically correct. He claims that there is likely some historical value when rabbinic accounts add more details than Josephus.

Notice the last three words in the following quote from Feldman 1999 on p. 218, “In precisely such a situation, where the contemporary sources seem to be biased, that we may find the rabbinic sources of some value, if read carefully.”

From Feldman 1999 on p. 229, “Admittedly, though the first work in the canon of Jewish writings, namely the Bible, is, to a great degree, a history, the Rabbinic writings are not history books, and there is not a single Rabbinic work, with the exception of *Seder Olam* that may be classed as a history.”

At the beginning of this chapter by Feldman, he makes the admission that some prominent historians refrain from using anything from rabbinic literature in

writing their history. He wrote that he received a personal letter dated December 20, 1995 from the noted historian Fergus Millar (a professor from Oxford). The content of this letter that Feldman chose to quote is: **“I suppose that the truth is that I became more and more skeptical as to whether *any* use can be made of Rabbinic sources for the period before the fall of the Temple. I would certainly rule out absolutely any use of either the Jerusalem or the Babylonian Talmud, given the length of time which had elapsed and the profoundly changed circumstances under which both were written.... So, although there is a vast bibliography, in my present view it is pretty well all systematically misleading. One must start from the genuine contemporary documents (and of course contemporary literary texts, like Josephus).”**

[16] Only One Sanhedrin at the Temple in Jerusalem

Rabbinic literature calls all of those in the lineage of Judah the Nasi from Hillel onward by the title *nasi* (“Patriarch” of Israel) in their time, although before the Temple was destroyed, modern Jewish scholarship interprets the title *nasi* to mean merely the head of the Sanhedrin. Many Jewish scholars have recognized the conflict between the New Testament (with Josephus included) and the rabbinic writings concerning leadership and have postulated the existence of at least two most prominent national Sanhedrins having different roles before 70, so that the apparent conflict between the New Testament and the Rabbinic writings could be resolved with the latter retaining its credibility. This was the theory of the Political Sanhedrin and the Religious Sanhedrin.

This question of the hypotheses of multiple national Sanhedrins was handled well by Israeli historian Victor Tcherikover. First he recognizes that Josephus uses the Greek word *boule* meaning “council” (Strong’s number 1210) instead of Sanhedrin. Then he explores several contexts of *boule* in the writings of Josephus, after which, on page 70, he wrote, “We have concluded that the authority of the Jerusalem council was recognized in the whole of Jewish territory, that this institution represented the Jews before the Roman authorities, collected taxes, negotiated with King Agrippa and his Roman governor, and was in charge of the Jerusalem garrison during the procurator’s absence.” The New Testament does not provide as many varied contexts with Sanhedrin. The primary context is the

national civil court that is empowered to make official accusations and try cases. In Acts 22:30-23:1 we find [NKJV], “The next day, because he [the Roman commander] wanted to know for certain why he [Paul] was accused by the Jews, he released him from his bonds, and commanded the chief priests and all their council [Sanhedrin] to appear, and brought Paul down and set him before them. Then Paul, looking earnestly at the council [Sanhedrin], said ...” Here we see that the Roman commander recognized the Sanhedrin’s authority to provide an official accusation against the prisoner. This is part of the function of the Sanhedrin seen in Josephus. On page 71 Tcherikover concludes that “... the council in Josephus and the Sanhedrin in the New Testament were one and the same institution.”

Tcherikover’s goals in this article are to deal with the status of Jerusalem as a city within the Roman Empire, and to determine whether the rabbinic concept called the Great Beth-Din could be something different from the Sanhedrin in the New Testament. Many Jewish scholars have called the Sanhedrin of the New Testament a political Sanhedrin and the Sanhedrin of rabbinic literature a religious Sanhedrin. He concludes that Jerusalem did not have the status of a Greek city-state (it was not a Polis). In footnote 17 on page 71 Tcherikover gives two reasons why the Great Beth-Din in Rabbinic literature is the same as the Sanhedrin in the New Testament. The first reason is that “the religious-legal situation in Israel does not allow for any division of authority between institutions with political functions on the one hand and religious functions on the other. The law of the Torah, which is the basic law of the people of Israel, does not distinguish between politics and religion.” His second reason is that “those learned in the Torah (Pharisees, scribes) also participated in the Sanhedrin and certainly constituted the majority of the members of the Great Beth-Din.” This conclusion by Tcherikover does imply that he recognizes the historical problem in that the Pharisees Gamaliel and his son Simeon were Patriarch’s of the Great Beth-Din, yet neither the New Testament nor Josephus represent them with that authority.

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