

Paul and Gamaliel

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Subjects and in even halakic principles important in formal constructions of the Mishnah plausibly identified with the patriarchate, in general, or with Gamaliel (or at least a Gamaliel), in particular, are compared with constructions that are also covered in Paul's letters.

Key Words: Acts 22:3, Patriarchate, Gamaliel, Paul, Pharisees, Halakah, Mishnah

WHAT DID PAUL LEARN FROM GAMALIEL? THE PROBLEM

Acts 22:3 claims on Paul's behalf that, as a Pharisee, he studied "at the feet of Gamaliel," that is, with the patriarch of the Pharisaic party of the land of Israel in the succession from Hillel, thence, via the chain of tradition, from Sinai. What could he have learned from Gamaliel? Here we identify a program of topics that Paul can have taken up in his discipleship with Gamaliel, specifically, subjects and in some cases even halakic principles important in certain formal constructions of the Mishnah plausibly identified with the patriarchate in general, with (a) Gamaliel in particular.¹ We propose to outline subjects

1. Which Gamaliel is meant by Acts and which by the counterpart rabbinic sayings attributed to a Gamaliel? Two Gamaliels flourished in the first century, the one, Hillel's heir, the other, the grandson of Hillel's heir. The chain of tradition set forth in tractate *'Abot* chap. 1 knows, from Shammai and Hillel forward, the following:

1:16 A. Rabban Gamaliel says,

1:17 A. Simeon his son says,

1:18 A. Rabban Simeon b. Gamaliel says.

It is generally assumed that "Simeon his son" is duplicated by "Rabban Simeon b. Gamaliel." Thus Gamaliel I is represented as Hillel's successor in the chain of tradition, followed by Simeon b. Gamaliel I. Elsewhere, a statement attributed to Judah the Patriarch claims Hillel as Judah's ancestor. The patriarchal links are explicit. There is, moreover, a second Gamaliel in the first century, who flourished after the destruction of the Second Temple. This Gamaliel II produced a second Simeon b. Gamaliel, the one

treated in such constructions that are also covered in Paul's letters—a limited proposal indeed, but one that, in context, bears profound theological implications, as we shall make clear.

Formulating the problem in so minimalist a framework bears the judgment that we cannot open the Mishnah and reconstruct the teachings of its named authorities, including Gamaliel. Why not take whatever the rabbinic sources—early, late, and medieval—attribute to (a) Gamaliel at face value? The reason hardly requires elaborate statement but bears repeating. No critical scholar these days expects to open a rabbinic document, whether the Mishnah of ca. 200 C.E. or the Babylonian Talmud (*b. Bavli*) of ca. 600 C.E., and there to find what particular sages on a determinate occasion really said or did. Such an expectation rests on gullibility: believing everything without criticism.² There is a second problem, separate from the critical one. Even if we were to accept at face value everything Gamaliel is supposed to have said and done, we should not have anything remotely yielding a coherent biography or even a cogent theology of more than a generic order. All we have are episodic and anecdotal data, bits and

who flourished in the second century and fathered Judah the Patriarch, sponsor of the Mishnah. The two Gamaliels and the two Simeon b. Gamaliels, continuing the Hillelite line, are further identified as patriarchs in their generation, a convention of the documents that will play a role presently. How does this fit together with Paul's having studied with (a) Gamaliel? The first Gamaliel was Hillel's son and would have flourished in the first third of the first century, when Paul was getting his education. Then Simeon b. Gamaliel ("Simeon, his son . . . Rabban Simeon b. Gamaliel . . .") would figure in the second third of the century, active in the time of the First War against Rome. Now, since Josephus claims him as worthy adversary (*Life* 191-92), Simeon b. Gamaliel would have thrived down to the destruction. Then comes his son, Gamaliel (II), after 70. What of the Gamaliels of whom the Mishnah speaks? It must follow that the Mishnah's Gamaliel can be either the first, with whom Paul in Acts is alleged to have studied, or his grandson. When a Gamaliel is mentioned in the company of Eliezer, Joshua, and Aqiba, that is the second. So the problem of the historical Gamaliel proves complicated by the question, which Gamaliel, and to whom do otherwise-indeterminate Gamaliel-sayings and stories belong? And the answer we give is: a particular corpus of Gamaliel-sayings represent the patriarchate. But which ones? We answer that question in detail.

2. A choice example of false premises for a scholarly program is supplied by Shaye J. D. Cohen, "The Significance of Yavneh: Pharisees, Rabbis, and the End of Jewish Sectarianism," *HUCA* 55 (1984) 27-53. To formulate and prove his theory, he has exhibited the gullibility that seems to characterize retrograde scholarship even now in the encounter with the rabbinic sources for historical purposes. Except for arbitrary reasons of his own, Cohen consistently takes at face value the historical allegation of a source that a given rabbi made the statement attributed to him. That is his starting point throughout. This is spelled out in Jacob Neusner, *Reading and Believing: Ancient Judaism and Contemporary Gullibility* (BJS; Atlanta: Scholars Press, 1986). There I show that only on the premises of believing pretty much everything as historical fact can a variety of scholars have built their constructions.

pieces of this and that, that scarcely cohere to form an intellectual biography.

If, however, the particular person of Gamaliel is not accessible, we do have a corpus of compositions that portray convictions characteristic of the institution of which in his time he was head³ and that is represented by passages in the Mishnah that exhibit a distinctive form and *Sitz im Leben*. We refer to what became the patriarchate. Gamaliel, as we shall see, is identified as part of the patriarchal chain of tradition beginning at Sinai and culminating in the Mishnah. What became the patriarchate is embodied in Hillel, Gamaliel I, Simeon his son, Gamaliel II (after 70), Simeon b. Gamaliel II (of the mid-second century), and the Mishnah's own sponsor, Judah the Patriarch (ca. 170-210). Whatever its standing and form prior to 70, its theological tradition is situated by tractate *'Abot* chaps. 1 and 2 squarely within that traditional continuum. Form-analysis of traditions formally particular to Gamaliel and Simeon b. Gamaliel affords episodic access to a number of theological convictions and topics important to the continuing tradition of the patriarchate preserved, on its own terms, in the Mishnah. These, then, in our view will adumbrate the topical program and perspective to which Paul would have been exposed in his discipleship to the patriarch Gamaliel—a program characteristic of the patriarchate throughout its history, as we shall show.⁴

THE PATRIARCHATE AND THE COLLEGIUM OF SAGES

Our account of the theologies of the patriarchate and sages' collegium begins not with the Mishnah but with *'Abot*, its first apologia,

3. We hasten to add: that "institution" is unlikely to have replicated in the pre-70 period the political-religious authority of the early-third-century patriarchate, with its Roman sponsorship. Clearly, the transformation of a sect, the Pharisees, into the administrative arm of the Roman government in the land of Israel (meaning: for the ethnic community of the Jews), such as unfolded in the later first through the early third century, requires study on its own terms. What is important is that the fully-articulated patriarchate, represented by Judah the Patriarch, sponsor of the Mishnah, traced itself back to Hillel via Gamaliel I and II and Simeon b. Gamaliel I and II, and, as we shall show, in the Mishnah preserved their traditions in a privileged literary formation, the domestic *Ma'aseh*, distinct in its formal traits from the judicial *Ma'aseh*, the former the report of personal practice treated as exemplary virtue, the latter the report of a court ruling not validated by the person, by the office of the sage who made the ruling, or by the consensus of sages. We maintain, then, that the topical program characteristic of the domestic *Ma'aseh* forms an ongoing tradition, preserved in its own literary construction, by the family of Hillel--Gamaliel--Simeon b. Gamaliel--Gamaliel--Simeon b. Gamaliel --Judah the Patriarch.

4. Obviously, we claim no more than that. We do not allege that it was only from the patriarchate (or its earlier, Pharisaic, formation of the pre-70 age) that Paul could have derived the portion of his topical program represented in this study.

which reached closure in ca. 250 C.E., a generation or so beyond the completion of the Mishnah. There we begin, as the cited passage indicates, with a chain of tradition that extends from Sinai to Hillel—and that links the figures of the patriarchal house, Gamaliel, Simeon, Gamaliel, Simeon, and Judah, to Sinai through Hillel. An abbreviated citation suffices:

TRACTATE *ʿABOT* 1:1-18

- 1:1 A. Moses received Torah at Sinai and handed it on to Joshua, Joshua to elders, and elders to prophets.
 B. And prophets handed it on to the men of the great assembly.
 1:2 A. Simeon the Righteous was one of the last survivors of the great assembly.
 1:3 A. Antigonos of Sokho received [the Torah] from Simeon the Righteous.
 1:4 A. Yosé b. Yoezer of Seredah and Yosé b. Yohanan of Jerusalem received [it] from them.
 1:6 A. Joshua b. Perahiah and Nittai the Arbelite received [it] from them.
 1:8 A. Judah b. Tabbai and Simeon b. Shatah received [it] from them.
 1:10 A. Shemaiah and Abtalion received [it] from them.
 1:12 A. Hillel and Shammai received [it] from them.
 1:16 A. Rabban Gamaliel says,
 1:17 A. Simeon his son says,
 1:18 A. Rabban Simeon b. Gamaliel says.

The following chapter carries the list forward with the names of Judah the Patriarch, sponsor of the Mishnah, and his sons; then breaks off and reverts to Yohanan ben Zakkai—as heir of Hillel and Shammai. Here are the pertinent names:

- 2:1 A. Rabbi says . . .
 2:2 A. Rabban Gamaliel, son of R. Judah the Patriarch, says . . .
 2:4 C. Hillel says . . .

The stem of the Sinai tradition that encompasses sages, not the patriarchate, begins with the explicit intrusion of an authority who received the tradition not from Simeon b. Gamaliel via Gamaliel but directly from Hillel and Shammai, a stunning shift possible only as part of an accommodation of the authority of the sages with that of the patriarchate: both derive from Sinai, both pass through Hillel.

- 2:8 A. Rabban Yohanan b. Zakkai received [it] from Hillel and Shammai.
 C. He had five disciples, and these are they: R. Eliezer b. Hyrcanus,
 R. Joshua b. Hananiah, R. Yosé the priest, R. Simeon b. Netanel, and
 R. Eleazar b. Arakh.
 2:15 A. R. Tarfon says . . .

What is important is that the chain of tradition is picked up by Rabbi (= Judah the Patriarch) and his two sons, named for the first-century figures, Gamaliel and Hillel. Then, as we said, comes a new and comparable institutional continuator to receive the Torah from Hillel and Shammai, namely, the sages' collegium. That is embodied in the fig-

ure of the founder of the Yavnean academy after 68 C.E., Yohanan b. Zakkai, and his disciples, including the two principal masters of the generation of Yavneh, Joshua, and Eliezer, masters of Aqiba.

The critical language therefore presents itself in the duplicated genealogy of the dual Torah: Hillel to Gamaliel and Simeon his son, Hillel and Shamma to Yohanan b. Zakkai and his disciples, principals of the period after 70. The Mishnah, sponsored by the patriarchate and embodying the normative law of the rabbinic sages, joins two distinct institutional partners. The upshot may be simply stated: (1) the chain of tradition runs from Sinai to the masters of the Mishnah through the patriarchate—Hillel, Shammai, and Hillel's heirs and successors, Gamaliel, Simeon, Gamaliel, Simeon; and (2) it is also taken up by the collegium of the sages, represented by Yohanan b. Zakkai and his disciples.

The pertinence of this fact to our problem will become clear when we ask, how do the two foci of authority, patriarch and sage, relate? In the portrait of the Mishnah, the following anecdote, famous in the study of Rabbinic Judaism, captures the conflict and the way it is resolved—that is, the conflict between institutional authority vested in the patriarch (here, Gamaliel) and the judicial authority vested in qualified sages. This is how the sages, who dominated in the formation of the Mishnah, represent matters, with the obvious acquiescence of the patriarchate.

MISHNAH TRACTATE ROŠ HAŠŠANA 2:7

2:7 C. Whether it appears in the expected time or does not appear in the expected time, they sanctify it.

D. R. Eleazar b. R. Sadoq says, "If it did not appear in its expected time, they do not sanctify it, for Heaven has already declared it sanctified."

MISHNAH TRACTATE ROŠ HAŠŠANA 2:8-9

2:8 A. A picture of the shapes of the moon did Rabban Gamaliel have on a tablet and on the wall of his upper room, which he would show ordinary folk saying, "Did you see it like this or like that?"

B. M'SH S: Two witnesses came and said, "We saw it at dawn on the morning [of the twenty-ninth] in the east and at eve in the west."

C. Said R. Yohanan b. Nuri, "They are false witnesses."

D. Now when they came to Yavneh, Rabban Gamaliel accepted their testimony [assuming they erred at dawn].

E. And furthermore two came along and said, "We saw it at its proper time, but on the night of the added day it did not appear [to the court]."

F. Then Rabban Gamaliel accepted their testimony.

G. Said R. Dosa b. Harkinas, "They are false witnesses."

H. "How can they testify that a woman has given birth, when, on the very next day, her stomach is still up there between her teeth [for there was no new moon!]"

- I. Said to him [Dosa] R. Joshua, "I can see your position [and affirm it over Gamaliel's]."
- 2:9 A. Said to him [Joshua] Rabban Gamaliel, "I decree that you come to me with your staff and purse on the Day of Atonement which is determined in accord with your reckoning [so publicly renouncing his ruling in favor of Gamaliel's]."
- B. R. Aqiba went and found him [Joshua] troubled.
- C. He said to him, "I can provide grounds for showing that everything that Rabban Gamaliel has done is validly done, since it says, 'These are the set feasts of the Lord, even holy convocations, which you shall proclaim' (Lev. 23:4). Whether they are in their proper time or not in their proper time, I have no set feasts but these [which you shall proclaim] [vs. *m.* 2:7D]."
- D. He came along to R. Dosa b. Harkinas.
- E. He [Dosa] said to him, "Now if we're going to take issue with the court of Rabban Gamaliel, we have to take issue with every single court which has come into being from the time of Moses to the present day, since it says, 'Then went up Moses and Aaron, Nadab and Abihu, and seventy of the elders of Israel' (Ex. 24:9). Now why have the names of the elders not been given? To teach that every group of three [elders] who came into being as a court of Israel—lo, they are equivalent to the court of Moses himself."
- F. [Joshua] took his staff with his purse in his hand and went along to Yabneh, to Rabban Gamaliel, on the Day of Atonement that is determined in accord with his [Gamaliel's] reckoning.
- G. Rabban Gamaliel stood up and kissed him on his head and said to him, "Come in peace, my master and my disciple—My master in wisdom, and my disciple in accepting my rulings!"

The key language is, "My master in wisdom," which concedes to the collegium of sages superior knowledge of the Torah. But the patriarchate gets its share too: "My disciple in accepting my rulings." The obvious bias in favor of the sages' claim need not detain us. How the patriarchate will represent matters institutionally remains to be seen. The Gamaliel-stories we shall consider signal the answer to that question.

Aqiba holds that the action of the sages' court in sanctifying the new month is decisive, Eleazar b. R. Sadoq maintains that the decision is settled in Heaven, whatever the state of sightings of the new moon on earth. Aqiba supports Gamaliel's ruling, not because it is the patriarchal decision but because it is the decision of the Torah-authorities on earth (including the patriarch to be sure). Dosa still more strongly invokes the authority of sages in support of the patriarch. So both affirm Gamaliel's authority, by reason of his acting in behalf of the sages' collegium. This theme recurs in the Mishnah, which both acknowledges the patriarchal authority and insists on its subordination to that of the collegium of sages: the normative Halakah defined

by them. How the contrary position, that of the patriarchate, is represented remains to be seen.

What reliable historical information do we claim to derive from this story? It concerns not the historical patriarch, Gamaliel II, nor the historical Joshua, Aqiba, and Dosa; and we do not allege that we know what happened in determining the advent of Tishré and the date of the Day of Atonement in some specific year beyond 70. What we claim is that the institutional arrangements upon which the Mishnah rests come to the surface in the narrative at hand. There the sages' perspective on matters governs: the patriarchate has the power, but the sages have the learning, and he concedes this fact in so many words.

Within this perspective, we may ask how representations of incidents involving (a) Gamaliel yield an account of the man in the institutional framework. The answer now is clear: what we allege to define is a reliable picture of enduring attitudes and institutionally supported teachings of, if not a particular patriarch, then the patriarchate over time, including the earlier times—from the third century back to the first. But then the formally-distinct composites and compositions concerning an individual patriarch, a Gamaliel, embedded within the Mishnah but distinct from its normal media of discourse, will lead us from the institutional figure to the representations of a particular individual within the institution. So everything rests on the identification of individuated compositions and composites: formally-distinct writings that in form and content stand for a particular patriarch within the larger patriarchal view of matters.

THE PATRIARCHAL AUTHORITY AS PORTRAYED BY THE COLLEGIUM OF SAGES

The governing criterion for identifying stories and sayings that portray Gamaliel within the patriarchal framework requires definition. First comes a negative indicator. The sages' ideology of the patriarchate, paramount in the Mishnah and explicit in the famous story of Gamaliel and Joshua cited earlier, represents the patriarch as subject to the same principles of legitimacy as govern all (other) sages but as possessed of authority by reason of position: "My master in wisdom, and my disciple in accepting my rulings." A story in *y. Horayot* 3.1 fills in the gap: Why, apart from the patriarch's superior power represented as Roman in origin, inclusive of a platoon of Gothic troops assigned to his service, sages should submit is beyond all reason. In the translation below, bold type represents the Mishnah, italics the use of Aramaic, and plain type the use of Hebrew.

YERUSHALMI HORAYOT 3.1

[A] An anointed [high] priest who sinned and afterward passed from his office as anointed high priest,

[B] and so too, a ruler who sinned and afterward passed from his position of greatness--

[C] the anointed [high] priest brings a bullock,

[D] and the patriarch brings a goat [m. 2:6].

[E] An anointed [high] priest who passed from his office as anointed high priest and then sinned,

[F] and so a ruler who passed from his position of greatness and then sinned

[G] a high priest brings a bullock.

[H] But a ruler is like any ordinary person.

[I:1.A] Said R. Eleazar, "A high priest who sinned—they administer lashes to him, but they do not remove him from his high office."

[B] Said R. Mana, "It is written, 'For the consecration of the anointing oil of his God is upon him: I am the Lord' (Lev. 21:12).

[C] "That is as if to say: 'Just as I [stand firm] in my high office, so Aaron [stands firm] in his high office.' "

[D] Said R. Abun, "'He shall be holy to you [for I the Lord who sanctify you am holy]' (Lev. 21:8).

[E] "That is as if to say: 'Just as I [stand firm] in my consecration, so Aaron [stands firm] in his consecration. "

[F] R. Haninah Ketobah, R. Aha in the name of R. Simeon b. Laqish: "An anointed priest who sinned—they administer lashes to him by the judgment of a court of three judges.

[G] "*If you rule that* it is by the decision of a court of twenty-three judges [that the lashes are administered], it turns out that his ascension [to high office] is descent [to public humiliation, since if he sins, he is publicly humiliated by a sizable court]."

[H] R. Simeon b. Laqish said, "A ruler who sinned—they administer lashes to him by the decision of a court of three judges."

[I] What is the law as to restoring him to office?

[J] Said R. Haggai, "*By Moses! If we put him back into office, he will kill us!*"

[K] R. Judah the Patriarch heard this ruling [of Simeon b. Laqish's] and was outraged. *He sent a troop of Goths to arrest R. Simeon b. Laqish. IR. Simeon b. Laqish] fled to the Tower, and some say, it was to Kefar Hittayya.*

[L] *The next day R. Yohanan went up to the meeting house, and R. Judah the Patriarch went up to the meeting house. He said to him, "Why does my master not state a teaching of Torah?"*

[M] *[Yohanan] began to clap with one hand [only].*

[N] *[Judah the Patriarch] said to him, "Now do people clap with only one hand?"*

[O] *He said to him, "No, nor is Ben Laqish here [and just as one cannot clap with one hand only, so I cannot teach Torah if my colleague, Simeon b. Laqish, is absent]."*

[P] *[Judah] said to him, "Then where is he hidden?"*

[Q] *He said to him, "In the Tower."*

[R] *He said to him, "You and I shall go out to greet him."*

[S] *R. Yohanan sent word to R. Simeon b. Laqish, "Get a teaching of Torah ready, because the patriarch is coming over to see you."*

- [T] [*Simeon b. Lai-fish*] came forth to receive them and said, "The example that you [*Judah*] set is to be compared to the paradigm of your Creator. For when the All-Merciful came forth to redeem Israel from Egypt, he did not send a messenger or an angel, but the Holy One, blessed be he, himself came forth, as it is said, 'For I will pass through the land of Egypt that night' (Ex. 12:12)—and not only so, but he and his entire retinue.
- [U] "[What other people on earth is like thy people Israel, whom God went to redeem to be his people (2 Sam. 7:23).] 'Whom God went' [sing.] is not written here, but 'Whom God went' [plural—meaning, he and all his retinue]."
- [V] [*Judah the Patriarch*] said to him, "Now why in the world did you see fit to teach this particular statement [that a ruler who sinned is subject to lashes]?"
- [W] He said to him, "Now did you really think that because I was afraid of you, I would hold lack the teaching of the All-Merciful? [And lo, citing 1 Sam. 2:23F.,] R. Samuel b. R. Isaac said, '[Why do you do such things? For I hear of your evil dealings from all the people.] No, my sons, it is no good report that I hear the people of the Lord spreading abroad. [If a man sins against a man, God will mediate for him; but if a man sins against the Lord, who can intercede for him? But they would not listen to the voice of their father, for it was the will of the Lord to slay them' (1 Sam. 2:23-25).] [When] the people of the Lord spread about [an evil report about a man], the remove him [even though he is the patriarch]."

The sage who stands up to the patriarch—both parties subject to the same Torah but only the sage knows its meaning—this construction conveys the sages' view of matters. The patriarch is given no counter-part statement. But in due course we shall see elements of one. The ideology of this talmudic account of the patriarch's authority does not greatly differ from that of the story in *m. Roš Haš.* 3:8-9. So much for the negative account supplied by the collegium of sages. What positive evidence do we find in the Mishnah to afford access to the theological and legal agenda of the patriarchate?

THE GAMALIEL-CORPUS IN THE MISHNAH'S *MA'ASEH*: FORM-ANALYSIS

We find within the Mishnah a distinct strand of materials particular to the patriarchate in a Mishnah-form that is linked in particular to the patriarchate via the names of the patriarchs, Gamaliel or Simeon b. Gamaliel. To understand the data, we need to recall that, in addition to its apodictic statements of law, the Mishnah occasionally sets forth a kind of narrative that it marks with the label *Ma'aseh*, which stands for a case or a precedent.

Usually the Mishnah's *Ma'aseh* follows a simple, fixed form: statement of a situation in court or school session or a transaction, a sage's ruling, thus:

MISHNAH TRACTATE *SUKKAH* 3:8

- A. "They bind up the lulab [now: palm branch, willow branch, and myrtle branch] only with [strands of] its own species," the words of R. Judah.
- B. R. Meir says, "Even with a rope [it is permitted to bind up the lulab]."
- C. Said R. Meir, "M'SH B: The townsfolk of Jerusalem bound up their palm branches with gold threads."
- D. They said to him, "But underneath they [in fact had] tied it up with [strands of] its own species."

The precedent that is adduced is rejected in the transaction, the *Sitz im Leben* of which clearly is the court or school-session. The Mishnah contains numerous such cases or precedents, all situated in the same life-situation, and these include Gamaliel in the status of a sage among sages.

But there is another kind of *Ma'aseh*, which I call the domestic *Ma'aseh*, characteristic only of patriarchal figures, Gamaliel and Simeon b. Gamaliel, exceedingly rare for prominent sages. We now turn to the complete Gamaliel-corpus among the Mishnah's *Ma'asim*. Through the use of diverse margins, broad for the narrative, indented for the context, we preserve the narrative in its larger halakic setting, while signaling its particular limits. We cannot point to any narrative that stands autonomous of its context. We present in detail the *Ma'asim* that speak of (a) Gamaliel or other patriarchal figure (Simeon b. Gamaliel; occasionally, Hillel). To place the Gamaliel-*Ma'asim* into their larger form-analytical context, the entire corpus of *Ma'asim*, division by division, is summarized at the end of the presentation of each division of the Mishnah's six divisions.

Seder Zera'im

MISHNAH TRACTATE BERAKOT 1:1

- A. From what time do they recite the Shema' in the evening?
- B. From the hour that the priests [who had immersed after uncleanness and awaited sunset to complete the process of purification] enter [a state of cleanness, the sun having set, so as] to eat their heave offering
- C. "until the end of the first watch," the words of R. Eliezer.
- D. And sages say, "Until midnight."
- E. Rabban Gamaliel says, "Until the rise of dawn."
- F. *Ma'aseh*: His sons came from the banquet hall.
- G. They said to him, "We have not recited the Shema'."
- H. He said to them, "If the morning star has not yet risen, you are obligated to recite [the Shema']."
- I. And not only [in] this [case], rather, all [commandments] which sages said [may be performed] until midnight, their religious duty to do them applies until the rise of the morning star.
- J. [For example], as to the offering of the fats and entrails—the religious duty to do them applies until the rise of the morning star.

- K. All [sacrifices] which are eaten for one day, their religious duty to do them applies until the rise of the morning star.
- L. If so why did sages say [that these actions may be performed only] until midnight?
- M. In order to keep a man far from sin.

The ruling concerns the household, not the court, and treats Gamaliel's conduct as exemplary. Gamaliel's domestic rulings are then treated as normative law. The narrative, *m. Ber.* 1:1F–H, consists of an incident, (1) the sons came home late and (2) consulted their father on whether it was still appropriate to recite the Shema', and (3) his ruling that it was. The ruling repeats his abstract opinion, E, that the time for reciting the Shema' extends to dawn. The case is freestanding. The narrative is ignored in I–M, which carries forward the ruling of Gamaliel at E and at the end bears a mediating explanation of the positions of the sages and Gamaliel.

The form of the Mishnah's *Ma'aseh* is captured here: (1) statement of the case and (2) the sage's ruling, utterly unadorned and stripped down to its simplest elements. Rarely do we find analysis of the problem, secondary development of the ruling, or other marks of revision in context. But, as we shall see, characteristic of Gamaliel's and the patriarchs' *Ma'asim* is the focus on domestic conduct. This bears the implication: the matriarchs' household represents the model for normative conduct within the community of Israel, and his rulings in private bear public, halakic weight. What is important, as we shall see in due course, is that domestic rulings in the *Ma'aseh* form are common for the patriarchal names and rare for other names.

MISHNAH TRACTATE *BERAKOT* 2:5

- 2:5 A. A bridegroom is exempt from the recitation of the Shema' on the first night [after the wedding] until after the Sabbath [following the wedding],
 - B. if he did not consummate [the marriage].
 - C. *Ma'aseh* S: Rabban Gamaliel recited [the Shema'] on the first night of his marriage.
 - D. Said to him [his students], "Did our master not teach us that a bridegroom is exempt from the recitation of the Shema' on the first night?"
 - E. He said to them, "I cannot heed you to suspend from myself the kingdom of heaven [even] for one hour."
- 2:6 A. [Gamaliel] washed on the first night after the death of his wife.
 - B. Said to him [his students], "Did not [our master] teach us that it is forbidden for a mourner to wash?"
 - C. He said to them, "I am not like other men, I am frail."
- 2:7 A. And when Tabi, his servant, died, [Gamaliel] received condolences on his account.
 - B. Said to him [his students], "Did not [our master] teach us that one does not receive condolences for [the loss of] slaves?"

- C. He said to them, "Tabi my slave was not like other slaves. He was exacting."

The formal pattern, repeated three times, involves a report of what Gamaliel did, *m.* 2:5C, *m.* 2:6A, and *m.* 2:7A; the question raised by the disciples; and his response. The set involves diverse classifications of the Halakah—reciting the Shema⁴, washing in the mourning period, receiving condolences for a slave—and what holds the stories together as a composite is the formal pattern, including the name of Gamaliel. In each case, the point of the narrative is reached only at the end: Tabi is different. That answers the question of the students and explains the data of the case. Without the climax of 2:5C/ 2:6C/ 2:7C, the three cases have no context, and the students' question, at B, only articulates the context and focuses attention on what is to come. The patriarch is represented as unique and still exemplary.

The halakic context serves only *m.* 2:5A–B, but *m.* 2:6, 2:7 encompass within the narrative discourse the halakic context, which is cited in formulaic language but is portrayed as the master's own words. The topical principle of category-formation dominant in the Mishnah is set aside in favor of the selection of teachings about the named patriarch, whose household is regarded at the same time both exemplary and unique. He is a model of piety, unwilling to relinquish the performance of religious obligations, even beyond the measure of the law; so too, his slave was exceptional; and he was frail, a mark of piety within the rabbinic framework:

LAMENTATIONS *RABBAH* 74:12

- A. A member of the household in the establishment of Rabban Gamaliel had the habit of taking a basket carrying forty *seahs* of grain and bringing it to the baker.
 B. He said to him, "All this wonderful strength is in you, and you are not engaged in the Torah?"
 C. When he got involved in the Torah, he would begin to take thirty, then twenty, then twelve, then eight *seahs*, and when he had completed a book, even a basket of only a single *seah* he could not carry.
 D. And some say that he could not even carry his own hat, but others had to take it off him, for he could not do it.
 E. That is in line with this verse: "encrusted with sapphires" [for study of the Torah drains the strength of people].

Stories such as the foregoing attest to the attitude that finds virtue in physical weakness, a mark of prowess in Torah-learning.

MISHNAH TRACTATE *PE'AH* 2:5-6

- 2:5 A. One who sows his field with [only] one type [of seed], even if he harvests [the produce] in two lots
 B. designates one [portion of produce as] peah [from the entire crop].
 C. If he sowed [his field] with two types [of seeds], even if he harvests [the produce] in only one lot,

- D. he designates two [separate portions of produce as] peah, [one from each type of produce].
- E. He who sows his field with two types of wheat
- F. [if] he harvests [the wheat] in one lot, [he] designates one [portion of produce as] peah.
- G. [But if he harvests the wheat in] two lots, [he] designates two [portions of produce as] peah.
- 2:6 A. Ma'aseh: R. Simeon of Misphah sowed [his field with two types of wheat].
- B. [The matter came] before Rabban Gamaliel. So they went up to the Chamber of Hewn Stone, and asked [about the law regarding sowing two types of wheat in one field].
- C. Said Nahum the Scribe, "I have received [the following ruling] from R. Miasha, who received [it] from his father, who received [it] from the Pairs, who received [it] from the Prophets, [who received] the law [given] to Moses on Sinai, regarding one who sows his field with two types of wheat:
- D. "If he harvests [the wheat] in one lot, he designates one [portion of produce as] peah.
- E. "If he harvests [the wheat] in two lots, he designates two [portions of produce as] peah."

A–B serve C–E. Without A–B, C–E stand on their own. Read as a unitary construction, the narrative is, (1) case, (2) Gamaliel was asked to rule and referred it to the higher court. Referring cases to the higher court is rare among the *Ma'asim* of the Mishnah.

Let us now consider the Gamaliel-compositions with the other *Ma'asim* of Mishnah *Seder Zera'im*. These follow the same form in that they uniformly describe a situation and specify the halakic ruling that governs.

1. *M. Ber.* 2:5: Gamaliel /bridegroom/Shema'
2. *M. Ber.* 2:6: Gamaliel/mourning/washing
3. *M. Ber.* 2:7: Gamaliel/mourning/condolences for slave
4. *M. Ber.* 5:5: Hanina b. Dosa /how he knows when prayer will be answered
5. *M. Šebi 'it* 10: : Hillel /access to loans/prosbul
6. *M. Ḥal.* 4:10 11: priests' decision in cases of priestly gifts, dough-offering, firstfruits, firstborn, from wrong place or at wrong time

The narratives of Mishnah *Seder Zera'im* are few, uniform, and subordinate to the purposes of the Mishnah-composition in which they are situated. That is, the halakic context frames the narratives and in most instances is required to make sense of them. The sages' halakic *Ma'asim* follow a single form, *described incident + ruling*. The exposition of the described incident is simple and never complex; the presentation is one-dimensional, limited to a laconic, economical account of the

action a person took that requires classification or the situation that requires resolution. There is no character differentiation, let alone development, no consideration of motive, no picture of details that amplify the incident or action, no sequence of action and response, but only the stripped down sequence: X did so and so with the following consequence. The context supplies the remainder of the information required for comprehension—meaning, the rules of narrative respond to and take for granted the documentary setting. Out of that setting, none of the halakic narratives is fully comprehensible; none exemplifies much beyond itself. So the narratives of the *Ma'aseh*-classification take for granted the mishnaic-halakic context as much as the expository prose that defines their setting.

The patriarchal names, Gamaliel and Hillel, are represented as halakic models, and in the narratives and pseudonarratives no one sage corresponds. The patriarchate may have represented their principals as halakic models and sources of authoritative law, through their very deeds. But this explanation for the phenomenon competes with others. We do not know what to make of the omission of the signal *Ma'aseh* from the priests' cases, which otherwise conform to the precedent-form. Provisionally, we may decide that *Ma'aseh* signals a sages' precedent only.

At no point do we leave the limits of the halakic setting in which the narrative is situated. The principal purpose of the narrative is to show how an anomaly is resolved or to illustrate how the halakah functions in everyday life or to provide a precedent for a ruling. None of these entries carries us to some viewpoint outside of the halakic framework. In the narratives as authentic stories that we meet in *m. Roš Haš. 2:8-9* (and *m. Ta'an. 3:9-10*, not cited here), we see how a narrative finds its focus outside the limits of the halakic context altogether.

Seder Mo'ed

MISHNAH TRACTATE ŠABBAT 16:8

16:8 A. A Gentile who lit a candle

B. an Israelite may make use of its light.

C. But [if he did so] for an Israelite, it is prohibited [to do so on the Sabbath].

D. [If a Gentile] drew water to give water to his beast, an Israelite gives water to his beast after him.

E. But [if he did so] for an Israelite, it is prohibited [to use it on the Sabbath].

F. [If] a Gentile made a gangway by which to come down from a ship, an Israelite goes down after him.

G. But [if he did so] for an Israelite, it is prohibited [to use it on the Sabbath].

H. Ma'aseh B: Rabban Gamaliel and elders were traveling by boat, and a Gentile made a gangway by which to come down off the ship, and Rabban Gamaliel and sages went down by it.

The incident, H, forms a precedent and an illustration of the law, not a narrative in which the order of events or sequence of actions registers. The action of the patriarch is deemed authoritative for "elders," and they are not represented as ruling in concurrence, only as replicating his action and accepting his ruling. The sages clearly acknowledge his authority and subordinate themselves to it.

MISHNAH TRACTATE *'ERUBIN* 4:1-2

- 4:1 A. He whom Gentiles took forth [beyond the Sabbath limit],
 B. or an evil spirit,
 C. has only four cubits [in which to move about].
 D. [If] they brought him back, it is as if he never went out.
 E. [If] they carried him to another town,
 F. or put him into a cattle pen or a cattle-fold,
 G. Rabban Gamaliel and R. Eleazar b. Azariah say, "He may walk about the entire area."
 H. R. Joshua and R. Aqiba say, "He has only four cubits [in which to move about]."
 I. Ma'aseh S: They came from Brindisi [Brundisium] and their ship was sailing at sea.
 J. Rabban Gamaliel and R. Eleazar b. Azariah walked about the whole ship.
 K. R. Joshua and R. Aqiba did not move beyond four cubits.
 L. For they wanted to impose a strict ruling on themselves.
- 4:2 A. On one occasion [P 'M 'HT] they did not enter the harbor until it had gotten dark [on Friday night]
 B. They said to Rabban Gamaliel, "Is it all right for us to disembark?"
 C. He said to them, "It is all right, for beforehand I was watching, and we were within the Sabbath limit before it got dark."

The two *Ma'asim*, each bearing the conventional marker ([1] *Ma'aseh*, [2] P 'M 'HT), hardly qualify as narratives. The first of the two, *m.* 4:1I–L, illustrates the rulings of in. 4:1G, H; there is no progression toward a conclusion that makes the rest cohere. *M.* 4:1E–H, *m.* 4:1I–L are out of context. The second of the two, *m.* 4:2, is tacked on and does not connect to the abstract Halakah of *m.* 4:1A–H. Here is no domestic *Ma'aseh*; rather, the patriarch is deemed no more authoritative than any other sage.

MISHNAH TRACTATE *'ERUBIN* 6:1-2

- m.* 6:1 A. "He who dwells in the same courtyard with a Gentile,
 B. "or with [an Israelite] who does not concede the validity of the fictive fusion meal--
 C. "lo, this one [the Gentile or nonbeliever] restricts him [from using the courtyard]," the words of R. Meir.

- D. R. Eliezer b. Jacob says, "Under no circumstances does anyone prohibit [the believer in the fictive fusion meal to make use of the courtyard] unless two Israelites prohibit one another."
- m.* 6:2 A. Said Rabban Gamaliel, *Ma'aseh* B: "A Sadducean lived with us in the same alleyway in Jerusalem.
- B. "And father said to us, 'Make haste and bring all sorts of utensils into the alleyway before he brings out his and prohibits you [from carrying about in it]."

Once more, the function of the *Ma'aseh* is to provide a setting for the ruling. Without the ruling, *m.* 6:1, *m.* 6:2 is wholly out of context. Of greater interest here: the ruling involves the domestic practice of the patriarch's household, not the public decision of a sages' court.

MISHNAH TRACTATE *'ERUBIN* 10:10

- A. A bolt with a knob on its end
- B. R. Eleazar prohibits.
- C. And R. Yose permits.
- D. Said R. Eleazar, *Ma'aseh* B: "In the synagogue in Tiberias they permitted [using it on the Sabbath],
- E. "until Rabban Gamaliel and elders came and prohibited it for them."
- F. R. Yosé says, "They treated it as prohibited. Rabban Gamaliel and the elders came and permitted it for them."

A situation is described, with the sages' decision recorded, following the pattern of the *Ma'aseh* as precedent. This remains wholly within the halakic framework. The form persists in singling out Gamaliel from the collegium of elders.

MISHNAH TRACTATE *PESAHIM* 7:2

- A. They do not roast the Passover offering either on a [metal] spit or on a grill.
- B. Said R. Sadoq, "Rabban Gamaliel said to Tabi his servant, 'Go and roast the Passover offering for us on a grill.'"
- C. [If] it touched the earthenware part of an oven, one should scale off that place [which has been roasted by the heat of the oven side].
- D. [If] some of its gravy dripped on the earthenware and went back onto it, he must take some [of the meat] away from that place [and burn it].
- E. [If] some of its gravy dripped on the flour, he must take a handful away from that place.

Gamaliel's action is recorded in a domestic framework. His action is treated as equivalent to an abstract ruling. It is not "They do not roast . . . and R. Sadoq said Rabban Gamaliel said, They do roast. . . ." Rather, the formal ruling is set aside and left implicit in the exemplary, authoritative deed of the patriarch in instructing his slave.

MISHNAH TRACTATE *SUKKAH* 2:1

- A. He who sleeps under a bed in a Sukkah has not fulfilled his obligation.
- B. Said R. Judah, "We had the practice of sleeping under the bed before the elders, and they said nothing at all to us."

- C. Said R. Simeon, "Ma'aseh B: Tabi, Rabban Gamaliel's slave, slept under the bed.
- D. "And Rabban Gamaliel said to the elders, 'Do you see Tabi, my slave—he is a disciple of a sage, so he knows that slaves are exempt from keeping the commandment of dwelling in the Sukkah. That is why he is sleeping under the bed [rather than directly beneath the Sukkah-covering, which is what defines the Sukkah and renders it effective in fulfilling the commandment of dwelling in the Sukkah, that is, under its shade, during the festival],'
- E. "Thus we learned that he who sleeps under a bed has not fulfilled his obligation."

As in the triplet of cases in *m. Ber. 2:5-7*, what marks the *Ma'aseh* as a narrative is E, which imparts cogency and significance to the record of action and speech of C–D. The conflict is between halakic rulings, A versus B. Then the *Ma'aseh*, C–D, realizes the same conflict in the narrative, which is resolved at E. The narrative qualifies as a halakic precedent, pure and simple. What is required to fulfill the formal requirement is a report of an action and a comment on that action. The correspondence of *m. 2:1A* and E underscores that the domestic arrangement of the patriarch qualifies as valid ruling, no different in standing from an explicit halakic ruling of a sage or of sages as a collegium.

MISHNAH TRACTATE *SUKKAH* 2:4-5

- 2:4 A. He who makes his Sukkah among trees, and the trees are its sides—it is valid.
- B. Agents engaged in a religious duty are exempt from the requirement of dwelling in a Sukkah.
- C. Sick folk and those who serve them are exempt from the requirement of dwelling in a Sukkah.
- D. [People] eat and drink in a random manner outside of a Sukkah.
- 2:5 A. *Ma'aseh* W: They brought Rabban Yohanan b. Zakkai some cooked food to taste, and to Rabban Gamaliel two dates and a dipper of water.
- B. And they said, "Bring them up to the Sukkah."
- C. And when they gave to R. Sadoq food less than an egg's bulk, he took it in a cloth and ate it outside of the Sukkah and said no blessing after it.

The halakic ruling, *m. 2:4D*, is illustrated by *m. 2:5A–B* versus C. That is, eating in a random manner outside of a sukka during the festival is illustrated by Sadoq, who consumed less than the amount of food required to constitute a meal, while Yohanan b. Zakkai and Gamaliel reject the rule of *m. 2:4D* and eat even a random meal in the sukka. The described action does not rise to the status of a narrative, because there is no point at which the logic of teleology imposes coherence on the components. What illustrates the Halakah does not qualify. That point distinguishes *m. 2:4-5* from *m. 2:1*.

The *Ma'aseh, m. 2:8C*, takes on meaning only in the halakic context. There is no teleological logic that holds the details together otherwise.

MISHNAH TRACTATE *BEFFIAH* 3:2

- 3:2 A. Nets for trapping a wild beast, fowl, or fish, which one set on the eve of the festival day
 B. one should not take [what is caught therein] out of them on the festival day,
 C. unless one knows for sure that [creatures caught in them] were trapped on the eve of the festival day.
 D. *Ma'aseh* B: A Gentile brought fish to Rabban Gamaliel, and he said, "They are permitted. But I do not want to accept them from him."

The *Ma'aseh* supplies an illustrative case in the halakic framework. Here again the patriarch shows himself distinguished in piety, not taking advantage of lenient rulings that are commonly accepted.

MISHNAH TRACTATE *ROŠ HAŠŠANA* 1:5-6

- 1:5 A. Whether [the new moon] appeared clearly or did not appear clearly,
 B. they violate the [prohibitions of] the Sabbath on its account.
 C. R. Yose says, "If it appeared clearly, they do not violate the prohibitions of the Sabbath on its account."
 1:6 A. *Ma'aseh* S: More than forty pairs of witnesses came forward.
 B. But R. Aqiba kept them back at Lud.
 C. Rabban Gamaliel said to him, "If you keep back the people, you will turn out to make them err in the future."

The *Ma'aseh* coheres only in line with *m. 1:5*, with the conflicting positions, *m. 1:5A* versus B, C, replicated at *m. 1:6C* versus 1:6A–B. This is another halakic illustration, lacking the indicative qualities of a narrative.

The foregoing corpus of *Ma'asim* in Mishnah *Seder Mo'ed* are part of a larger group as follows:

1. *Mishnah Tractate Šabbat* 1:4—These are some of the laws which they stated in the upper room of Hananiah b. Hezekiah b. Gurion when they went up to visit him. They took a vote, and the House of Shammai outnumbered the House of Hillel.
2. *Mishnah Tractate Šabbat* 3:3-4—The people of Tiberias brought a pipe of cold water through a spring of hot water.
3. *Mishnah Tractate Šabbat* 16:8—Rabban Gamaliel and elders were traveling by boat, and a Gentile made a gangway by which to come down off the ship, and Rabban Gamaliel and sages went down by it.
4. *Mishnah Tractate Šabbat* 24:5—In the time of the father of R. Sadoq and of Abba Saul b. Botnit, they stopped up the light hole with a pitcher and tied a pot with reed grass [to a stick] to know whether or not there was in the roofing an opening of a handbreadth square.
5. *Mishnah Tractate 'Erubin* 4:1-2—They came from Brindisi [Brundisium] and their ship was sailing at sea. Rabban Gamaliel and R. Eleazar b. Azariah walked about the whole ship. R. Joshua and R. Aqiba did not move beyond four cubits.

6. *Mishnah Tractate 'Erubin* 6:1-2--Said Rabban Gamaliel, Ma'aseh B: "A Sadducean lived with us in the same alleyway in Jerusalem. And father said to us, 'Make haste and bring all sorts of utensils into the alleyway before he brings out his and prohibits you [from carrying about in it].'"
7. *Mishnah Tractate 'Erubin* 8:7—From 'the water channel of Abel did they draw water at the instruction of the elders on the Sabbath.
8. *Mishnah Tractate 'Erubin* 10:9—In the poulterers' market in Jerusalem they used to shut up their shops and leave the key in the window above the door.
9. *Mishnah Tractate 'Erubin* 10:10—In the synagogue in Tiberias they permitted [using it on the Sabbath], until Rabban Gamaliel and elders came and prohibited it for them.
10. *Mishnah Tractate Pesahim* 7:2—Rabban Gamaliel said to Tabi his servant, "Go and roast the Passover offering for us on a grill."
11. *Mishnah Tractate Yoma* 6:3—Arsela led it out, and he was an Israelite.
12. *Mishnah Tractate Sukkah* 2:4-5—They brought Rabban Yohanan b. Zakkai some cooked food to taste, and to Rabban Gamaliel two dates and a dipper of water. And they said, "Bring them up to the Sukkah."
13. *Mishnah Tractate Sukkah* 2:7—Was not the precedent so, that the elders of the House of Shammai and the elders of the House of Hillel went along to pay a sick call on R. Yohanan b. Hahorani, and they found him sitting with his head and the greater part of his body in the Sukkah, and his table in the house, and they said nothing at all to him.
14. *Mishnah Tractate Sukkah* 2:8—Shammai the Elder's daughter-in-law gave birth, and he broke away some of the plaster and covered the hole with Sukkah roofing over her bed, on account of the infant.
15. *Mishnah Tractate Sukkah* 3:8—The townsfolk of Jerusalem bound up their palm branches with gold threads.
16. *Mishnah Tractate Beṣah* 3:2—A Gentile brought fish to Rabban Gamaliel, and he said, "They are permitted. But I do not want to accept them from him."
17. *Mishnah Tractate Beṣah* 3:8—Abba Saul b. Botnit would fill up his measuring cups on the eve of a festival and hand them over to purchasers on the festival itself.
18. *Mishnah Tractate Roš Haššanah* 1:5-6—More than forty pairs of witnesses came forward. But R. Aqiba kept them back at Lud.
19. *Mishnah Tractate Roš Haššanah* 1:7—Tobiah, the physician, saw the new moon in Jerusalem—he, his son, and his freed slave. And the priests accepted him and his son [as witnesses to the new moon], but they invalidated the testimony of his slave.
20. *Mishnah Tractate Ta'anit* 2:5—In the time of R. Halapta and R. Hananiah b. Teradion someone passed before the ark and completed the entire blessing, and they did not answer after him "Amen."

This list shows the singularity of the items in which Gamaliel figures; the domestic *Ma'asim* in which he is principal have few counterparts or parallels. We cannot ignore the special interest of m. *Roš Haš. 2:8-9* concerning Gamaliel and Joshua, cited above, and the famous story

of Honi the Circle-Drawer and Simeon b. Shatah, in *m. Ta'an.* 3:8-9, which in this context requires no discussion. The complex stories of Gamaliel and the sages, on the one side, and Honi and the sages on the other side, concern the power relationships within the institutional frameworks of rabbis in relationship to others, the patriarch, and the wonder-worker, respectively. But they attest to the rabbinic viewpoint on Honi, and we are inclined to think, on Gamaliel as well, whose authority prevails even when his decision errs. In both cases the message is that greater force sometimes prevails over rabbinic wisdom and learning. In both cases it is Heaven's right to override sages' knowledge. So the remarkable narratives of *m. Roš Haš.* 2:8-9 and *m. Ta'an.* 3:9-10 about Honi and the sages and Gamaliel and the sages, respectively, set forth the perspective of the rabbinic narrator and his politics. They attest to rabbinic thought, which has coalesced and been realized in an other-than-conventional way.

Seder Našim

We find no domestic case-reports. Here is the repertoire of *Ma'asim* in this division.

1. *Mishnah Tractate Yebamot* 16:4—A certain person fell into a large cistern, and came up [alive] after three days. A blind man went down to immerse in a cave, and his guide went down after him, and they stayed [in the water] long enough to drown. A certain man in Asya was let down by a rope into the sea, and they drew back up only his leg.
2. *Mishnah Tractate Yebamot* 16:6—A certain person stood on top of a mountain and said, "Mr. So-and-so, the son of So-and-so, of such-and-such a place, has died." And they went but did not find anyone there. And they [nonetheless] permitted his wife to remarry. In Salmon, a certain person said, "I am Mr. So-and-so, the son of Mr. So-and-so. A snake has bitten me, and lo, I am dying." And they went, and while they did not recognize him, they permitted his wife to remarry.
3. *Mishnah Tractate Yebamot* 16:7—Said R. Aqiba, "When I went down to Nehardea to intercalate the year, Nehemiah of Bet Deli came upon me. He said to me, 'I heard that only R. Judah b. Baba permits a wife in the Land of Israel to remarry on the evidence of a single witness [to her husband's death].' The Levites went to Soar, the date town, and one of them got sick on the road, and they left him in an inn. And upon their return, they said to the inn hostess, 'Where is our good buddy?' She said to them, 'He died, and I buried him.' And they permitted his wife to remarry [on the strength of her evidence]."
4. *Mishnah Tractate Ketubbot* 1:10—Said R. Yose, *M'SH B*: "A girl went down to draw water from the well and was raped."
5. *Mishnah Tractate Ketubbot* 7:10—In Sidon there was a tanner who died, and he had a brother who was a tanner. Sages ruled, "She can claim, 'Your brother I could take, but I can't take you [as my levir].'"

6. *Mishnah Tractate Nedarim* 6:6—R. Tarfon prohibited me from eating eggs which were roasted with it [meat].
7. *Mishnah Tractate Nazir* 2:3—A woman was drunk, and they filled a cup for her, and she said, "Lo, I am a Nazirite from it." Sages ruled, "She intended only to say, 'Lo, it is unto me as a Qorban.'"
8. *Mishnah Tractate Nazir* 3:6—Helene the Queen—her son went off to war, and she said, "If my son comes home from war whole and in one piece, I shall be a Nazir for seven years." Indeed her son did come home from war, and she was a Nazir for seven years.
9. *Mishnah Tractate Nazir* 6:11—In behalf of Miriam of Tadmor [Palmyra] one of the drops of blood was properly tossed, and they came and told her that her daughter was dying, and she found her dead.
10. *Mishnah Tractate Gittin* 1:5—They brought before Rabban Gamaliel in Kepar Otenai the writ of divorce of a woman, and the witnesses thereon were Samaritan witnesses, and he did declare it valid.
11. *Mishnah Tractate Gittin* 4:7—In Sidon a man said to his wife, "Qonam if I do not divorce you," and he divorced her. But sages permitted him to take her back, for the good order of the world.
12. *Mishnah Tractate Gittin* 6:6—A healthy man said, "Write a writ of divorce for my wife," and then went up to the rooftop and fell over and died.
13. *Mishnah Tractate Gittin* 7:5—In Sidon there was a man who said to his wife, "Lo, this is your writ of divorce, on condition that you give me my cloak," but the cloak got lost. Sages ruled, "Let her pay him its value."
14. *Mishnah Tractate Qiddišin* 2:7—Five women, including two sisters, and one gathered figs, and they were theirs, but it was Seventh-Year produce. And [someone] said, "Lo, all of you are betrothed to me in virtue of this basket of fruit," and one of them accepted the proposal in behalf of all of them.

We do not see that any of these items qualifies as a narrative focused on conduct in the household as halakically exemplary.

Seder Neziqin

MISHNAH TRACTATE *'EDUYOT* 7:7

- A. They gave testimony concerning the boards of bakers, that they are susceptible to uncleanness.
- B. For R. Eliezer declares [them] insusceptible.
- C. They gave testimony concerning an oven which one cut up into rings, between each ring of which one put sand,
- D. that it is susceptible to receive uncleanness.
- E. For R. Elieze declares it insusceptible.
- F. They gave testimony that they intercalate the year at any time in Adar.
- G. For they had said, "Only up to Purim."
- H. They gave testimony that they intercalate the year conditionally.
- I. Ma'aseh B: Rabban Gamaliel went to ask for permission from the government in Syria and he did not come back right away, so they intercalated the year on the condition that Rabban Gamaliel concurred.

- J. And when he came back, he said, "I concur."
 K. So the year turned out to be deemed to have been intercalated.

The sages' explicit subordination to the patriarch's ruling is illustrated, but this is not a domestic *Ma'aseh*.

MISHNAH TRACTATE 'ABODAH ZARAH 3:4

- A. Peroqlos b. Pelosepos asked Rabban Gamaliel in Akko, when he was washing in Aphrodite's bathhouse, saying to him, "It is written in your Torah, And there shall cleave nothing of a devoted thing to your hand (Dt. 13:18). How is it that you're taking a bath in Aphrodite's bathhouse?"
 B. He said to him, "They do not give answers in a bathhouse."
 C. When he went out, he said to him, "I never came into her domain. She came into mine. They don't say, 'Let's make a bathhouse as an ornament for Aphrodite'. But they say, 'Let's make Aphrodite as an ornament for the bathhouse'.
 D. "Another matter: Even if someone gave you a lot of money, you would never walk into your temple of idolatry naked or suffering a flux, nor would you piss in its presence.
 E. "Yet this thing is standing there at the head of the gutter and everybody pisses right in front of her."
 F. It is said only, ". . . their gods" (Dt. 12:3)—that which one treats as a god is prohibited, but that which one treats not as a god is permitted.

Correctly not labeled as a *Ma'aseh*, this composition establishes a narrative setting merely to dramatize the exchange of opinions; it does not fall into the halakic framework at all, and Gamaliel is not represented as a singular authority in the Halakah.

These are the only items that include Gamaliel within a composition bearing the marker, *Ma'aseh*. The pertinent *Ma'asim* of *Seder Neziqin* are as follows:

1. *Mishnah Tractate Baba Meši'a* 7:1—*Ma'aseh* B: R. Yohanan b. Matya said to his son, "Go, hire workers for us."
2. *Mishnah Tractate Baba Meši'a* 8:8—In Sepphoris a person hired a bathhouse from his fellow for twelve golden [denars] per year, at the rate of one golden denar per month [and the year was intercalated].
3. *Mishnah Tractate Baba Batra* 9:7—The mother of the sons of Rokhel was sick and said, "Give my veil to my daughter," and it was worth twelve maneh. And she died, and they carried out her statement.
4. *Mishnah Tractate Sanhedrin* 5:2—Ben Zakkai examined a witness as to the character of the stems of figs [under which the incident took place].
5. *Mishnah Tractate Sanhedrin* 7:2—The daughter of a priest committed adultery. And they put bundles of twigs around her and burned her.
6. *Mishnah Tractate 'Eduyyot* 5:7K—Karkemit, a freed slave girl, was in Jerusalem, and Shemaiah and Abtalion administered the bitter water to her.
7. *Mishnah Tractate 'Eduyyot* 7:7—Rabban Gamaliel went to ask for permission from the government in Syria and he did not come back right away, so they intercalated the year on the condition that Rabban Gamaliel concurred.

8. *Mishnah Tractate 'Abodah Zarah 3:7*—In Sidon there was a tree which people worshiped, and they found a pile of stones underneath it. Said to them R. Simeon, "Investigate the character of this pile of stones."
9. *Mishnah Tractate 'Abodah Zarah 5:2*—Boethus b. Zonen brought dried figs by ship, and a jar of libation wine broke open and dripped on them, and he asked sages, who permitted [the figs, once they had been rinsed].
10. *Mishnah Tractate 'Abodah Zarah 3:4*—Peroqlos b. Pelosepos asked Rabban Gamaliel in Akko, when he was washing in Aphrodite's bathhouse, saying to him, "It is written in your Torah, And there shall cleave nothing of a devoted thing to your hand (Dt. 13:18). How is it that you're taking a bath in Aphrodite's bathhouse?"

Numbers 1 and 3 enter the category of a domestic Ma'aseh. They do not conform to the domestic Ma'aseh form, containing no ruling, just an anecdote from which a ruling may be adduced.

Seder Qodašim

MISHNAH TRACTATE *KERITHOT* 1:7

- A. The woman who is subject to a doubt concerning [the appearance of] five fluxes,
- B. or the one who is subject to a doubt concerning five miscarriages
- C. brings a single offering.
- D. And she [then is deemed clean so that she] eats animal sacrifices.
- E. And the remainder [of the offerings, A, B] are not an obligation for her.
- F. [If she is subject to] five confirmed miscarriages,
- G. or five confirmed fluxes,
- H. she brings a single offering.
- I. And she eats animal sacrifices.
- J. But the rest [of the offerings, the other four] remain as an obligation for her [to bring at some later time]
- K. Ma'aseh S: A pair of birds in Jerusalem went up in price to a golden denar.
- L. Said Rabban Simeon b. Gamaliel, "By this sanctuary! I shall not rest tonight until they shall be at [silver] denars."
- M. He entered the court and taught [the following law]:
- N. "The woman who is subject to five confirmed miscarriages [or] five confirmed fluxes brings a single offering.
- O. "And she eats animal sacrifices.
- P. "And the rest [of the offerings] do not remain as an obligation for her."
- Q. And pairs of birds stood on that very day at a quarter-denar each [one one-hundredth of the former price].

While not a domestic Ma'aseh, the item belongs because the patriarch's ruling is represented as absolute. The Ma'aseh at K would ordinarily carry in its wake a description of sages' response, e.g., "sages' ruled" + N–Q, and that would serve the purpose.

All the *Ma'asim* of the fifth division are halakic, some of them formally more conventional than others.

1. *Mishnah Tractate Menahot* 10:2—*Ma'aseh* S: It was brought from Gaggot Serifin, and [the grain for] the two loaves [Lev. 23:17] from the valley of En Sokher.
2. *Mishnah Tractate Bekorot* 4:4—The womb of a cow was removed. And R. Tarfon had it [the cow] fed to the dogs. The case came before sages, and they declared it permitted.
3. *Mishnah Tractate Bekorot* 5:3—An old ram, with its hair dangling—quaestor saw it. He said, "What sort of thing is this?" They said to him, "It is a firstling. And it is slaughtered only if there is a blemish on it." He took a dagger and slit its ear. And the case came before sages, and they declared it permitted.
4. *Mishnah Tractate Bekorot* 6:6—One squeezed and it did not descend. And it was slaughtered. And it [the testicle] was found cleaving to the groin.
5. *Mishnah Tractate Bekorot* 6:9—*Ma'aseh* S: The lower jaw stretched beyond the upper one.
6. *Mishnah Tractate 'Arakin* 5:1—*Ma'aseh* B: The mother of Yirmatyah said, "The weight of my daughter is incumbent on me." And she went up to Jerusalem, and weighed her [Yirmatyah], and paid her weight in gold.
7. *Mishnah Tractate 'Arakin* 8:1—*Mdaseh* B: One man sanctified his field because of its poor quality. They said to him, "You declare first." He said, "Lo, it is mine for an issar." They said to him, "It's yours!"
8. *Mishnah Tractate Kerithot* 1:7—A pair of birds in Jerusalem went up in price to a golden denar. Said Rabban Simeon b. Gamaliel, "By this sanctuary! I shall not rest tonight until they shall be at [silver] denars." He entered the court and taught [the following law]. . . ."

We see no domestic *Ma'aseh* comparable to those involving Gamaliel.

Seder Teharot

MISHNAH TRACTATE *KELIM* 5:4

- A. An oven which was heated from its outer sides, or which was heated without his [the owner's] knowledge, or which was heated in the craftsman's house, is susceptible to uncleanness.
- B. *Ma'aseh* S: Fire broke out among the ovens of Kefar Signa, and the matter came to Yavneh, and Rabban Gamaliel declared them unclean.

This is a standard *Ma'aseh*, following the established form. It does not qualify as domestic, and the deed of the patriarch is not represented as authoritative, only his ruling in the manner of the sages. We do not log it into our list of authoritative rulings based on narratives of domestic arrangements of the patriarch.

MISHNAH TRACTATE *YADAYIM* 3:1

- A. He who pokes his hands into a house afflicted with a Nega--
- B. "His hands are in the first remove of uncleanness," the words of R. Aqiba.
- C. And sages say, "His hands are in the second remove of uncleanness."
- D. Whoever imparts uncleanness to clothing, when in contact [with them], imparts uncleanness to the hands--

- E. "So that they are in the first remove of uncleanness," the words of R. Aqiba.
- F. And sages say, "So that they are in the second remove of uncleanness."
- G. Said they to R. Aqiba, "When do we find that the hands are in the first remove of uncleanness under any circumstances whatsoever?"
- H. He said to them, "And how is it possible for them to be in the first remove of uncleanness without his body's [being] made unclean, outside of the present case?"
- I. "Food and utensils which have been made unclean by liquids impart uncleanness to the hands so that they are in the second remove of uncleanness," the words of R. Joshua.
- J. And sages say, "That which is made unclean by a Father of Uncleanness imparts uncleanness to the hands. [That which has been made unclean] by an Offspring of Uncleanness does not impart uncleanness to the hands."
- K. Said Rabban Simeon b. Gamaliel, "*Ma'aseh* B: A certain woman came before Father.
- L. "She said to him, 'My hands entered the contained airspace of a clay utensil.'
- M. "He said to her, 'My daughter, By what had it been made unclean?' [He thus wished to ascertain the remove of uncleanness that had affected the contained airspace of the clay utensil.]
- N. "But I did not hear what she said to him."
- O. Said sages, "The matter is clear. That which has been made unclean by a Father of Uncleanness imparts uncleanness to the hands. [That which has been made unclean] by an Offspring of Uncleanness does not impart uncleanness to the hands."

Here is a standard *Ma'aseh*, not based on the domestic arrangements of the patriarch or sage. But the patriarch, Gamaliel, is represented as a legal authority certainly as learned as any other, contrary to the claim of in. *Roš Haš. 3:8-9*.

The *Ma'asim* are as follows:

1. *Mishnah Tractat Kelim 5:4*—*Ma'aseh* S: Fire broke out among the ovens of Kefar Signa, and the matter came to Yavneh, and Rabban Gamaliel declared them unclean.
2. *Mishnah Tractate 'Ohalot 17:5*—Letters were coming from abroad to the sons of the high priests, and there was on them a seah or two seahs of seals, and sages were not scrupulous about them on account of uncleanness.
3. *Mishnah Tractat Migwa'ot 4:5*—*Ma'aseh* B: A trough of Jehu was in Jerusalem, and it was perforated with a hole as large as the spout of a water-skin.
4. *Mishnah Tractat Niddah 8:2*—One woman came before R. Aqiba. She said to him, "I have seen a bloodstain."
5. *Mishnah Tractate Makširin 1:6*—People in Jerusalem hid away their fig cakes in water because of the usurpers.
6. *Mishnah Tractate Makširin 3:4*—The people of Mahoz were dampening [wheat] in sand

7. *Mishnah Tractate Makširin* 3:1—Said Rabban Simeon b. Gamaliel, "*Ma'aseh* B: A certain woman came before Father. She said to him, 'My hands entered the contained airspace of a clay utensil.' He said to her, 'My daughter, by what had it been made unclean?'"

Domestic Precedents in the Mishnah: Practice in the Household of a Named Authority, by Authority

One can make a case for a *Sitz im Leben* in the patriarchal setting (inclusive of Hillel). The domestic conduct of the named authority in a specific incident is represented as equivalent to a sage's ruling in the following cases involving *household practice*, not in a sages' court, as a precedent or exemplary case:

DOMESTIC MA'ASIM ASSIGNED TO PATRIARCHS GAMALIEL AND SIMEON

Gamaliel/Simeon b. Gamaliel: *m. Ber.* 1:1, 2:5, 6, 7 (triplet focused on Gamaliel's unique actions); *m. Pe'ah* 2:5-6; *m. Šabb.* 16:8 (Gamaliel's action is deemed ample precedent, sages concur and follow suit); *m. 'Erub.* 4:1-2 (Gamaliel rules for Joshua, Aqiba, Eleazar b. Azariah); *m. 'Erub.* 6:2 (Gamaliel reports his father's ruling); *m. Pesah.* 7:2; *m. Sukkah* 2:1 (Gamaliel/Tabi); *m. Sukkah* 2:5; *m. Bešah* 3:2; *m. Yad.* 3:1 (ruling attributed to Gamaliel I).

Total 13

DOMESTIC MA'ASIM ASSIGNED TO MEMBERS OF THE COLLEGIUM OF SAGES

Abba Saul b. Botnit: *m. Bešah* 3:8-1

Aqiba:—

Daughter of Shammai the Elder: *m. Sukkah* 2:8:-1

Eleazar b. Azariah:—

Eliezer:—

Hillel:—

Ishmael:—

Joshua:—

Judah:—

Meir:—

Sadoq: *m. Sukkah* 2-1

Shammai:—

Simeon:—

Tarfon: *m. Ned.* 6:6-1

Yohanan b. Zakkai: *m. Sukkah* 2:5— 1

Yohanan b. Matya: *m. B. Meši'a* 7:1— 1

Yohanan Hahorani: *m. Sukkah* 2:7— 1

Yosé:—

Total 7

By our estimate, the Mishnah contains 20 domestic *Ma'asim*, and out of these, 65% involve patriarchal names. We see that, while in the corpus of Gamaliel (and his father and son), the domestic precedent plays a considerable role, no other authority is represented as setting

forth his halakic rulings on the basis of domestic arrangements and conduct. What is characteristic of the presentation of the rulings of patriarchs is rare in the report of sages, and even there, at least occasionally (Yohanan b. Zakkai) sages' domestic conduct is reported along with that of the patriarch. What the sages could do only in the context of the collegium of sages, the patriarchal figures could do within their households. And the form of the domestic *Ma'aseh* should register: a deed described, not a ruling set forth in abstract terms. The specific actions of the patriarchal figure weighed as heavily as the general ruling of a sages' court. The patriarchal theology implicit in this contrast, its bearing on the definition and standing of the Torah of Sinai in its acutely contemporary realization—these matters are now blatant and hardly require comment.⁵

THE INSTITUTIONAL PERSPECTIVE IN THE GAMALIEL MA'ASEH-CORPUS

What have we learned about the historical Gamaliel, whichever Gamaliel we contemplate? Nothing at all. What we have learned about the institution of the patriarchate and its theology, by contrast, is not negligible.

1. LOGIC OF COHERENT DISCOURSE AND ORGANIZATION: We have learned that the patriarchate, represented by the Mishnah's domestic *Ma'aseh*, had its own theory of how the Mishnah should be composed. It preferred organizing data by the name of an authority, rather than by a topic, as shown in the Gamaliel stories that cross topical boundaries. The very name of the patriarchal authority, on its own, imposed coherence on data that, organized topically, would not cohere.

2. RHETORICAL PREFERENCE: The patriarchate rejected the notion of preserving disputes but focused on the rulings of a single unchallenged authority, as shown in the utter absence of contrary opinions in the domestic *Ma'asim*. Disputes represented exchanges between equals, and the special standing accorded to the patriarch in the halakic exposition could not be conveyed if his opinion were balanced against other equally authoritative rulings.

3. TOPICAL PREFERENCE AND PROPOSITIONS: Above all, the patriarchate regarded the record of the patriarch's deeds as sufficient to

5. Whom Paul would have identified as a Christian counterpart to the patriarch or *nasi'* of the Pharisee is not at issue at this point. But he clearly conceived of a hierarchical church order; and being outside of the genealogy of Jesus (unlike James) and not possessed of living traditions received in the lifetime of Jesus (unlike Simon Peter), he would have had to frame a useful theory of authority on other grounds than the conventional ones.

illustrate the normative law. Not only so, but the patriarchate did not concede the characterization of the patriarch as less in knowledge of the Torah than the body of sages, let alone as bereft of moral authority and dependent on Gothic troops. On the contrary, the patriarch demanded of himself a more rigorous observance of the law than of ordinary people and claimed for himself the markers of mastery of the Torah, physical weakness commensurate with his intellectual power. The patriarch needed not to apologize for his mastery of the Torah, but he distinguishes himself from other masters of the Torah by reason of his ancestry, and with that, the ancestry of the Torah in Israel: a chain of oral tradition from Sinai, in which the patriarchs formed the links of the chain.

What was at stake for the patriarchate clearly concerned who carried forward the tradition of Sinai embodied in the Torah. These components of a theological system sustaining the authority and centrality of the patriarchate in the disposition of the Torah's power point to the heart of the matter, which defined our starting point. At issue is the theology of the patriarchate: the patriarch, deriving from Judah the Patriarch back to Hillel, in his own right possessed the Torah of Sinai and stood in a chain of tradition to Sinai. Then tractate *'Abot* forms the patriarchal apologia for the Mishnah, as much as the patriarchal institutional theology. The Mishnah stands on the integrity of the claim of its sponsor, the patriarchate, to possess a free-standing oral tradition from Sinai.

A further formal peculiarity of the Mishnah underscores the specificity of that claim. In the aggregate, the Mishnah only occasionally adduces proof texts on behalf of its legal rulings. The contrary view—"whence this ruling . . . as it is said . . ."—embodies the apologia for the Mishnah that would represent the sages, possessed, as they constantly allege, of superior knowledge of the Torah, with special reference to its exegesis. The Tosefta frequently, and the two Talmuds very commonly, adduce scriptural foundations for laws that the Mishnah sets forth without proof texts, as freestanding traditions. In that context, Hillel's confrontation with the sons of Beterah on the matter of the Paschal lamb and the Sabbath, *t. Pisha* 4.13ff., resolves itself precisely where the patriarchate would have wished. After logical arguments by analogy, based on shared language, and a fortiori, Hillel triumphs, in *t. Pisha* 4.14C, with the argument that the patriarchate deemed decisive: "And furthermore: I have received a tradition from my masters that the Passover-sacrifice overrides [the prohibitions of the Sabbath]—and not [solely] the first Passover but the second Passover-sacrifice, and not [solely] the Passover-sacrifice of the community but the Passover-sacrifice of an individual." Then, and only then, the opposition gave way.

The claim of tradition governs, and the chain of tradition continues from Sinai to Judah the Patriarch through Hillel, Gamaliel, Simeon b. Gamaliel, Gamaliel, and Simeon b. Gamaliel, father of Rabbi. Domestic doings then form links in this chain, and the successive patriarchs embody the Torah in exemplary realizations through their household activities. No wonder then that, in re-presenting the Mishnah, the two Talmuds' sages would preserve domestic Ma'asim about sages' and not just patriarchs' or exilarchs' deeds in the household. But that is another story. However, the story that we cannot recover at the end we should recall: the biography of the historical Gamaliel.

These are topics on which traditions reliably assigned to patriarchal authorities ruled:

1. *Mishnah Tractate Berakot* 2:5—Gamaliel /bride groom/Shema'
2. *Mishnah Tractate Berakot* 2:6—Gamaliel /mourning/washing
3. *Mishnah Tractate Berakot* 2:7—Gamaliel/mourning/condolences for slave
4. *Mishnah Tractate Šabbat* 16:8—Rabban Gamaliel and elders were traveling by boat, and a Gentile made a gangway by which to come down off the ship, and Rabban Gamaliel and sages went down by it.
5. *Mishnah Tractate 'Erubin* 4:1-2 They came from Brindisi [Brundisium] and their ship was sailing at sea. Rabban Gamaliel and R. Eleazar b. Azariah walked about the whole ship. R. Joshua and R. Agiba did not move beyond four cubits.
6. *Mishnah Tractate 'Erubin* 6:1-2—Said Rabban Gamaliel, Ma'aseh B: "A Sadducean lives with us in the same alleyway in Jerusalem. And father said to us, 'Make haste and bring all sorts of utensils into the alleyway before he bring out his and prohibits you [from carrying about in it].'"
7. *Mishnah Tractate 'Erubin* 10:10—In the synagogue in Tiberias they permitted [using it on the Sabbath], until Rabban Gamaliel and elders came and prohibited it for them.
8. *Mishnah Tractate Pesahim* 7:2—"Rabban Gamaliel said to Tabi his servant, 'Go and roast the Passover offering for us on a grill'."
9. *Mishnah Tractate Bešah* 3:2—A Gentile brought fish to Rabban Gamaliel, and he said, "They are permitted. But I do not want to accept them from him."
10. *Mishnah Tractate 'Eddiyyot* 7:7—Rabban Gamaliel went to ask for permission from the government in Syria and he did not come back right away, so they intercalated the year on the condition that Rabban Gamaliel concur.
11. *Mishnah Tractate Yadayim* 3:1—Said Rabban Simeon b. Gamaliel, "Ma'aseh B: A certain woman came before Father. She said to him, 'My hands entered the contained airspace of a clay utensil.' He said to her, 'My daughter, By what had it been made unclean?'"

If we had to construct components of the curriculum of studies that Paul would have followed at the feet of Gamaliel, that is, under the auspices of the patriarch, it would include questions of liturgy, mourning, treatment of slaves, observance of the Sabbath (travel on

the Sabbath, carrying objects from one domain to another on that day), preparation of the Passover offering, preparation of food on the festival, intercalation of the calendar, and matters of uncleanness—nearly the whole of the Pharisaic program involving Sabbath and festival observance and cultic cleanness, which are well attested in a first-century venue. Working our way forward from the topical program that Paul may have followed in his studies with Gamaliel to the topics important in Paul's corpus begins, then, with these highly likely areas of halakic learning. But it cannot end there.

PAUL: THE NARRATIVE OF ACTS

Those who programmatically maintain the historicity of Acts express confidence about Paul's study with Gamaliel,⁶ but caution is appropriate.⁷ Paul himself proudly asserts that he was a Pharisee (Phil 3:5) but nowhere identifies his principal teacher. A recent school of thought holds that Paul remained a Pharisee during his activity as an apostle of Jesus Christ (both in Acts and in his own mind).⁸ But for all that his Pharisaic status prior to his conversion is evident and that his standing as such in some regards is conceivable, his own letters never mention Gamaliel in any connection.

Acts may be said to be apologetic in purpose, but Paul's silence in this regard is also tendentious: his theme when he speaks of his conversion in Galatians is that his gospel came from heaven by apocalypse and that human contacts in that connection are beside the point (Gal 1:11-12). Who actually immersed Paul in Jesus' name? Acts might be wrong in saying it was Ananias (Acts 9:17-18; 22:12-16), but someone evidently did (so Gal 4:3-7), despite Paul's reticence to say who. Where was he baptized? Galatians 1:16-17 gives the appearance of an immediate departure for "Arabia" after God "uncovered his Son in" Paul, but he admits in the same breath that, after an Arabian sojourn of three years, he "returned" to Damascus. In this case, he lets a circumstantial detail slip, rather than giving anything

6. For an informative defense of this view, see Brian Rapske, *The Book of Acts and Paul in Roman Custody* (The Book of Acts in Its First Century Setting 3; Grand Rapids: Eerdmans, 1994) 94-99.

7. See the strictures of Donald Harman Akenson, *Saint Saul: A Skeleton Key to the Historical Jesus* (Oxford: Oxford University Press, 2000) 246-47.

8. See Jacob Jervell, *The Unknown Paul: Essays on Luke-Acts and Early Christian History* (Minneapolis: Augsburg, 1984) 71, who characterizes him as "the Pharisee Paul who remains a Pharisee after his conversion and never becomes an ex-Pharisee." The characterization is taken up by Rapske, 94. A similar analysis is arrived at independently by Akenson (*Book of Acts*, 248-53, 251), who describes Jesus and Paul as Pharisees "of a slightly off-brand sort."

away. Although Paul speaks of his mastery of patriarchal tradition in Galatians (1:14), the only source of the Torah he studied that he mentions is Moses and the angels (Gal 3:19). Even this mention is ultimately designed to show that he, Paul, confronts the divine glory more directly than Moses ever did (2 Cor 3:12-18). (How such assertions can be squared with the thesis that Paul remained a Pharisee after his conversion is beyond the scope of this consideration.) Paul wrote in the bold strokes of an eternal paradigm, where the details that mattered were how salvation could be won and sanctification effected; the little matter of his Pharisaic and Christian teachers was lost in the shuffle of his conversion from Moses' covenant to Jesus' fulfillment of the Abrahamic covenant.

The principle of John Knox, that Paul's letters are to be accorded precedence over Acts in writing about Paul, has been broadly accepted in the present phase of Pauline scholarship, although it has also been refined to allow for the place of Acts as a resource for the study of earliest Christianity.⁹ But absent confirmation from Paul's letters, the reference to Gamaliel in Acts is often dismissed as a legend. When accepted, it is usually on the a priori grounds of Acts' alleged reliability.

It has been asserted that the debate must be resolved on the basis of such global considerations as the balance between legend and reliability in the book of Acts. Jerome Murphy-O'Connor has observed that "the details of Gamaliel's teaching are not relevant" to this consideration. Yet in the same study, he does cite Gamaliel's teaching in regard to the two Torahs in a relatively late source (*Sipre* 351),¹⁰ in order to support the contention of Acts that Gamaliel was a prominent Pharisee.¹¹ In this article, we wish to avoid both excluding reference to Gamaliel's teaching in relation to Paul's thought and adducing the position of Gamaliel on the basis of its latest attested forms.

Although the identity of Paul's teacher cannot be established on purely literary grounds, we will suggest in our "Analysis" below that there are affinities between Paul's teaching in his letters and views of Gamaliel as articulated in the Mishnah, Tosefta, and Talmud. These affinities are the only interest here; in this sense, the concern is literary. The "historical" Paul or Gamaliel is not the issue, but the figures that the New Testament and rabbinic documents refer to as such. In the case of Paul, letters sometimes called "authentic," whose priority over the others has been well established, are privileged, because they set the standard within any literary comparison. For Gamaliel,

9. For a fine consideration, see Jerome Murphy-O'Connor, *Paul: A Critical Life* (Oxford: Clarendon, 1996) v-vii.

10. Cf. Neusner, *The Rabbinic Traditions about the Pharisees before 70* (South Florida Studies in the History of Judaism; Atlanta: Scholars, 1999) 1.343.

11. Murphy-O'Connor, *Paul*, 54-56, at p. 56.

we will make a start with passages of the form-critical category of the *Ma'aseh*—the "deed" form—because they have been shown to constitute a genre that was established prior to the redaction of the Mishnah, approximately 200 C.E. Other passages will be cited in their increasing distance from the Mishnah. In this way, we do not compare historical figures but Paul and Gamaliel as literary references at key moments within the evolution of the relevant literature. One might take a further step of inference from literary history to history as such, but that is a separate project.

Following our "Analysis," we infer that within some topics Paul's argumentation was analogous to Gamaliel's; we leave open the identity of the Pharisee who personally instructed Paul.

THE PATRIARCHAL NARRATIVES OF (A) GAMALIEL AND THE PAULINE CORPUS

In that the present purpose is comparison with the Pauline corpus, the material attributed to Gamaliel will be reviewed heuristically, by topic: (a) calendar, travel, and contact with idols in the Diaspora, (b) keeping house, marriage, work, and slaves, and (c) rules for festivals and the Temple. These are appropriate rubrics in line with our findings on the domestic *Ma'asim*, their topics, and their tendency. Once the topic is established, we will be able to take up other details besides those covered by the domestic *Ma'aseh*. At a few points, we will recapitulate sources already set forth. Unless otherwise signified, all passages derive from the Mishnah.

Calendar, Travel, and Contact with Idols in the Diaspora

Gamaliel's authority in establishing the calendar, his contacts with the government, and his influence in the Diaspora are attested in what has been shown to be an early form of tradition in the Mishnah called the *Ma'aseh*. In this form, what a sage did is shown to establish *halakah* ('Ed. 7:7):

Rabban Gamaliel went to ask for permission from the government in Syria and he did not come back right away, so they intercalated the year on the condition that Rabban Gamaliel concurred. And when he came back, he said, I concur. So the year turned out to be deemed to have been intercalated.

What kind of permission did Gamaliel seek in Damascus (the seat of government in all Syria, and therefore the center of government for Jerusalem and Judea as well)? The Mishnah provides no direct an-

swer. The sages who produced that work were much more interested in getting the year right than in the politics of the Empire.

Rome nonetheless had an interest in when great feasts were held and in arrangements for security during those feasts. Festal celebrations could and sometimes did tip over into riot or revolt, and the governor in Damascus and the prefect in Judea jealously guarded the Emperor's arrangement to have the sacrifices he provided offered by Israelite priests in the Temple.¹² This vignette reflects a time when Gamaliel was a go-between who negotiated the interests of the Temple with the government, demonstrating his role in international Judaism as well as in Jerusalem proper.

As in the case of Christian texts, Roman histories, Greek philosophical discourses, and Gnostic speculations, the Mishnah and other rabbinic sources sometimes speak from the context of a cultural environment and people that we can identify. In the case of Gamaliel, we have found above that the form of *Ma'aseh* is often used in a way that refers clearly to the period prior to the destruction of the Temple. Guided by our observation of that form, we can discern Gamaliel's location in the society of Jerusalem.

The Tosefta (*Sanh.* 2:6)¹³ depicts Rabban Gamaliel and elders writing to Galilee and the Diaspora by means of a scribe named Yohanan:

- A. M'SH B: Rabban Gamaliel and sages were in session on the steps to the Temple.
- B. And Yohanan the scribe was before them.
- C. He said to him, "Write:
- D. "[In Aramaic]: 'To our brethren, residents of Upper Galilee and residents of Lower Galilee, May your peace increase! I inform you that the time for the removal has come, to separate the tithes from the olive vats.'
- E. "'To our brethren, residents of the Upper South and residents of the Lower South, may your peace increase! We inform you that the time for the removal has come, to separate the tithes from the sheaves of grain'.
- F. "'To our brethren, residents of the Exile of Babylonia, and residents of the Exile of Media, and of all the other Exiles of Israel, may your peace increase! We inform you that the pigeons are still tender, the lambs are thin, and the spring-tide has not yet come. So it is proper in my view and in the view of my colleagues, and we have added thirty days to this year.'"

Setting the calendar—in this case by introducing an intercalated month to coordinate Passover with springtime—obviously impinged directly on the cycle of sacrifice in the Temple, and this tradition no doubt makes Gamaliel appear more autonomous in relation to the

12. See Chilton, *The Temple of Jesus: His Sacrificial Program within a Cultural History of Sacrifice* (University Park: Pennsylvania State University Press, 1992) 69-111.

13. See Neusner, *Rabbinic Traditions*, 1.356-57, 360-61, 368, 372-73 (cf. *y. Ma'as. Šeni* 5.4 and *Sanh.* 1.2; *Sanh.* 11b).

priesthood than he really was. Still, Gamaliel clearly emerges from the sources as a force to be reckoned with in Jerusalem and beyond, although that influence is also something of a puzzle.

The "brothers" are unlikely to be pharisaic colleagues, since the evidence for Pharisees in the Diaspora is scarce at best. But it does seem reasonable that the Pharisees would attempt to influence practices such as tithing far outside their own immediate circle (see the charge in Matt 23:15).¹⁴ For this reason, the existence of "some sort of archive for the preservation and transmission of written materials" has been suggested.¹⁵

Gamaliel's influence in this field was such that his son Simeon also was involved in such correspondence according to a later source, *Mid. Tannaim to Deut. 26:13*.¹⁶ The issue here, of course, is not the fact of this correspondence but Simeon's reputation for engaging in such correspondence. This reputation is consistent with the mishnaic statement that people appealed to him to adjudicate how to charge rent during a year in which there was an extra month (*m. B. Meṣi'a* 8:8). The case concerned derives from Sepphoris, so the presence of Pharisees or pharisaic sympathizers is presupposed. The recent evidence concerning first-century buildings suitable for synagogues and *Miqva'ot* in Galilee would tend to provide context for that finding.¹⁷

The memory of Gamaliel's contacts with the Diaspora is persistent. The Talmud recollects that he had 500 young men in his "house" (meaning his quarter of the city) who studied Torah and 500 who studied Greek wisdom (*b. B. Qam.* 83a). Even allowing for hyperbole, this attests an influence far beyond Jerusalem proper. In fact, the text goes on to relate that Gamaliel was exceptional because he had close contacts with the Roman administration.

Contacts with the Diaspora, we have seen, are said to be both physical (in the case of the Syrian journey) and literary (in the case of the encyclical letter). Gamaliel's practices when at sea also became legal precedents, because he defined how to maintain the prohibitions on work and extensive travel on the seventh day under those conditions (*m. Šabb.* 16:8¹⁸):

Rabban Gamaliel and elders were traveling by boat, and a Gentile made a gangway by which to come down off the ship, and Rabban Gamaliel and sages went down by it.

14. Cf. Scot McKnight, *A Light among the Gentiles: Jewish Missionary Activity in the Second Temple Period* (Minneapolis: Fortress, 1991).

15. Neusner, *Rabbinic Tradition*, 1.358.

16. *Ibid.*, 1.378-79.

17. See Jonathan L. Reed, *Archaeology and the Galilean Jesus: A Re-examination of the Evidence* (Harrisburg: Trinity, 2000).

18. There is another story about Gamaliel at sea in *m. 'Erub.* 4:1, but this seems to refer to a later member of Gamaliel's family, judging by the other rabbis named.

He exemplified a practice in which an Israelite could avail himself of the results of what a Gentile did, although such work would be prohibited to an Israelite. Still, this was a permissive teaching, not a requirement. When a Gentile brought fish to Rabban Gamaliel under similar circumstances, he said, "They are permitted. But I do not want to accept them from him" (*m. Beṣah* 3:2). Another deed-story (*m. 'Erub.* 4:2) portrays Gamaliel as permitting his colleagues to disembark from a ship on the Sabbath, because he observed that, before the Sabbath had begun at sundown, their boat was so near to port it did not go beyond the limit permitted for a Sabbath-journey.

Living among Gentiles as he often did, Gamaliel could be called upon to justify his behavior. An elaborate story (not a simple *Ma'a-seh*, albeit still in the Mishnah) conveys this kind of defense (*m. Abod. Zar.* 3:4):

Peroqlōs b. Pelosepos asked Rabban Gamaliel in Akko, when he was washing in Aphrodite's bathhouse, saying to him, "It is written in your Torah, And there shall cleave nothing of a devoted thing to your hand (Deut. 13:18). How is it that you're taking a bath in Aphrodite's bathhouse?" He said to him, "They do not give answers in a bathhouse." When he went out, he said to him, "I never came into her domain. She came into mine. They don't say, Let's make a bathhouse as an ornament for Aphrodite. But they say, Let's make Aphrodite as an ornament for the bathhouse. Another matter: Even if someone gave you a lot of money, you would never walk into your temple of idolatry naked or suffering a flux, nor would you piss in its presence. Yet this thing is standing there at the head of the gutter and everybody pisses right in front of her . . . that which one treats as a god is prohibited, but that which one treats not as a god is permitted."

Gamaliel's principle is simple, and its application would permit any Jew to pass as a participant in Greco-Roman bathing culture: provided an Israelite realized that what is treated as a god is no such thing, the little matter of an idol in a bathhouse was neither here nor there.

The assumption of this story, of course, is that it is pleasant to bathe, and this was a feeling Gamaliel shared with his predecessor (according to *m. 'Abot* 1:18, cf. 1:13-16; 2:5), Hillel. Hillel once remarked (according to a late tradition in *Lev. Rab.* 34:3, which nonetheless accords with the perspective of Gamaliel in the Mishnah) that, if idolaters think it an honor to wash the images of their gods, so an Israelite should embrace the honor of bathing his body, which is made in the image of God.

Keeping House, Marriage, Work, and Slaves

Mishnah 'Erubin 6:2 is embedded in a consideration of what to do when there is objection to the construction of an *'erub*. Gamaliel

taught his family that, if they had to share an alleyway with priests, they should awaken early to put any vessels outside the house. That way, the priests would have no opportunity to set out their own vessels and insist that only their receptacles could be in the alleyway that day. Staking a claim to an *'erub* may have been the point of the teaching prior to its incorporation here, but it is notable that there is no direct reference to the *'erub* in what Simeon reports in his father Gamaliel's name. The issue might initially have been a more routine question of how to deal with nearby Sadducean families who claimed that the presence of their vessels in an alleyway precluded others, on grounds of priestly purity. In either case, however, we infer from this story that there was a Sadducean neighborhood in proximity to a Pharisaic neighborhood (in Jerusalem, presumably), and that they disputed about who could use the alleyway. This supports the assertion that the father in the story is Gamaliel and the plausibility of the attribution to Simeon ben Gamaliel.¹⁹

The extent of Gamaliel's influence is shown by his capacity to establish that a single witness could establish a man's death and, therefore, freedom for his wife to marry again (*m. Yebam.* 16:7).²⁰ This discussion unfolds in a consideration of the calendar, because the Israelite calendar also involved the taking of testimony (in relation to phases of the moon, especially). Just as the application of Gamaliel's principle allowed the testimony of slaves and female slaves in the case of a man's death, Samaritans could witness a writ of divorce in his view (*m. Git.* 1:5). Indeed, the testimony of a man who commanded a writ of divorce and then committed suicide was in Simeon ben Gamaliel's opinion to be accepted (*Git.* 6:6). He was familiar with cases as far away as Sidon (*Git.* 7:5). But, although the influence of Gamaliel's house was felt widely, there was no question of its exerting central authority. In the matter of conditions for work, for example (*m. B. Meši'a* 7:1), Simeon ben Gamaliel insisted that "the practice of the province" should be honored.

Gamaliel was so attached to Tabi, his slave, that he allegedly broke his own rule that a man should not receive condolences for the death of a slave (*m. Ber.* 2:7). His justification? "Tabi my slave was not like other slaves. He was exacting." By contrast, when his wife died, Gamaliel washed on the first night after the death of his wife (*m. Ber.* 2:6). His disciples remonstrated: "Did not our master teach us that it is forbidden for a mourner to wash?" He said to them, "I am not like other men. I am frail."

19. Neusner, *Rabbinic Traditions*, 1.379-80.

20. Neusner, *Rabbinic Traditions*, 1.348-50.

Rules for Festivals and the Temple

Influence such as Gamaliel's did not come just from acting wisely and speaking to the point. His house could also, by means of devoted *disciples*, enforce his teachings, even in the Temple. A deed-story in *Mishnah Tractate Šeqalim* (3:3) demonstrates this. When he gave the annual Shekel tax, he had a member of his household throw it right in front of the collector, to make sure his money went for public sacrifices. If the collector needed prompting, a little gang of Pharisees gathered, yelling out, "Take up the offering, take up the offering." Gamaliel's crowd was learned and also resourceful. The result was that they defended their own way of determining when an animal should be excluded from sacrifice (*m. Bek.* 6:9), cooking the Passover lamb (*m. Pesah.* 7:2), sleeping in a Sukkah (*m. Sukkah* 2:1), determining how much of a field should be left unharvested for the poor to glean (*m. Pe'ah* 2:5-6), and adjudicating when an unclean oven might convey impurity to a woman's hand (*m. Yadayim* 3:1). In the cases of Passover preparation and bedtime in a Sukkah, Gamaliel's Gentile slave Tabi features prominently.

Simeon ben Gamaliel's resourcefulness and influence in Temple praxis is implicit in a case in which he was angered by how much a pair of sacrificial birds cost for any woman who wished to purify herself after a miscarriage or an irregular period (*m. Ker.* 1:7). He responded by teaching that a woman in this position could wait until five such cases had passed before bringing the birds. The priests and the merchants that they authorized to sell on the Mount of Olives got the message, and the price of birds in Jerusalem plummeted.

Ad hoc interventions are instanced in several deed-stories. When his sons returned late from a banquet with the embarrassing news that they had failed to recite the Shema' that evening, Gamaliel ruled that they could do so until the appearance of Venus, the morning star (*m. Ber.* 1:1). But this attitude was not simply one of leniency. He himself agreed (*m. Ber.* 2:5) that a bridegroom is exempt from the recitation of the Shema' on the first night of his marriage. But his disciples heard him recite it on his own wedding night. When they reminded him of his teaching next morning, he said, "I cannot heed you to suspend from myself the kingdom of heaven [even] for one hour."

Gamaliel, finally, is associated with particular devotion to the remembered place of the ark in the Temple (*m. Šeqalim* 6:1-2):

- A. (1) Thirteen shofar chests, (2) thirteen tables, [and] (3) thirteen acts of prostration were in the sanctuary.
- B. The members of the household of Rabban Gamaliel and the members of the household of R. Hananiah, Prefect of the Priests, would do fourteen prostrations.

- C. And where was the additional one?
- D. Toward the woodshed,
- E. for so did they have a tradition from their forebears that there the ark was stored away.

- 6:2 A. M'SH B: A priest was going about his business and saw that a block of the pavement was slightly different from the rest.
- B. He came and told his fellow.
 - C. He did not finish telling [him] before he dropped dead.
 - D. Then they knew without doubt that there the ark had been stored away.

B-E clearly establish Gamaliel's association with Hananiah, which is consistent with our analysis of the traditions regarding the calendar. Moreover, 6:2 A-D underscores their common practice as having an esoteric and potentially dangerous dimension. Perhaps we should associate with this aspect of Gamaliel's teaching the claim that he "saw directly by the holy spirit" (*t. Pesah. 1.27*²¹) and preserved his separateness (*t. Sotah 9.15*) and that his son deliberately guarded his silence (*t. 'Abot 1.17*).

INFERENCE

Placing Gamaliel in Jerusalem in the period between 20 and 50 C.E.²² makes his overlap with Paul possible, and his influence in the Diaspora enhances any such overlap. The Temple-oriented material in several of the stories attributed to Gamaliel makes Acts 5:34 seem more plausible than might otherwise be the case.²³

But for all these incidental considerations, what stands out unmistakably is that there is nothing like a quotation from Gamaliel in Paul's teaching (or vice versa) or a common reference to a specific exegetical tradition or a comparable stance to an institution (in this case, the Temple). These three types of analogy, which have been instanced in the study of the Gospels in relation to rabbinic literature,²⁴ simply do not apply to the case of Gamaliel and Paul.

But a fourth type of analogy does apply: an analogy of logic or argumentation. If we review Paul's concerns through the lens of Gamaliel's *halakah*, we discover a resonance between the two which, at the level of thought, is as striking as the shared traditions that the Gospels sometimes evince with rabbinic documents.

21. See W. D. Davies, *Paul and Rabbinic Judaism: Some Rabbinic Elements in Pauline Theology* (London: SPCK, 1958) 331.

22. Neusner, *Rabbinic Traditions*, 1.294; 3.306.

23. *Ibid.*, 3.314.

24. See Chilton, "Reference to the Targumim in the Exegesis of the New Testament," *Society of Biblical Literature: 1995 Seminar Papers* (ed. L. H. Lovering; Atlanta: Scholars, 1995) 77-82.

*Calendar, Travel, and Contact with Idols
in the Diaspora*

Paul's upset with his readership in Galatia includes the complaint that they observe days and months and seasons and years (Gal 4:10); it makes him despair that he had labored for nothing (Gal 4:11). In that Paul had called his readers from the planetary worship of the local elementary substances, the abuse he has in mind is likely of Galatian (that is, Celtic/Gallic) origin. At the same time, he makes a transition through the section in which he elaborates on his despair (vv. 12-20) to speak in the most derogatory terms he ever uses of the law and covenant given on Sinai (vv. 21-31): the correspondence he posits with Hagar, rather than Sarah, and slavery as distinct from freedom would make him—if he were still a Pharisee—the oddest member of the class imaginable.

Here contrast with Gamaliel totally dominates any glimmer of similarity. In the same letter, Paul does evince interest in a "season" (*kairos*), but of a different sort: the eschatological harvest (Gal 6:9). This trumping of calendrical time with the eschatological moment is also exemplified in the effective sarcasm of 1 Thessalonians, where Paul, Silvanus, and Timothy remark that they have no need of writing concerning times and seasons, because their readers know accurately that "The Lord's day comes as a thief in the night" (1 Thess 5:1-2). In the foreshortened time in which Paul lived, feasting and fasting were as irrelevant as mourning and rejoicing, because the very structure of this world was passing away (1 Cor 7:29-31).

Where contrast with Gamaliel is blatant in the case of calendar, the instrument of the divergent teaching is interesting: in Paul's case, the use of letters as a means to influence communities is manifest. Indeed, he even attempts to convene a court of judgment in Corinth at a distance, demanding that the Corinthians gather with his own spirit and the power of Jesus to condemn a case of fornication (1 Cor 5:1-13), and he insists that such courts should be routine in the settlement of less drastic cases (1 Cor 6:1-11).

The issues of travel and Sabbath do not consume Paul's attention, but the issue of fellowship at meals does. The events of Galatians 2 need not be rehearsed here,²⁵ but it is worth noting that they are events in Paul's recitation. That is, Paul uses Peter's *deeds* to contradict his behavior. Because Peter once ate together with Gentiles and then withdrew when people from James arrived, Paul accuses him of hypocrisy (Gal 2:11-21). The form of *Ma'aseh* is here used to devastating effect. But this does not prevent him from specifying elsewhere the people

25. See B. D. Chilton and C. A. Evans (eds.), *James the Just and Christian Origins* (NovT Sup 98; Leiden: Brill, 1999).

one is not to eat with (so 1 Cor 5:11) and foods to be avoided, when eating them might promote idolatry (1 Cor 8:1-13; Rom 14:13-23).

The issue of idolatry brings us to an argumentative analogy between Gamaliel and Paul, rather than a contrast. Paul's principle is simple: "We know that there is no idol in the world and that there is no God but one" (1 Cor 8:4). So the notional sacrifice of food to idols (contrary to the position of James, as cited in Acts 15:19-21) must be beside the point. Yet if the freedom of action this principle implies were to lead a brother to falter, he says he would prefer not to eat meat at all (v. 13; cf. Rom 14:13, 20).

As Paul's statement of the principle is less colorful than Gamaliel's, his application is also more cautious. After all, he is dealing with some people who had actively served idols. For all that, it is striking that Paul simply asserts the view that idols are nonentities, as if a position along the lines of Gamaliel's had been widely accepted.

Keeping House, Marriage, Work, and Slaves

Paul's conception of an eschatologically foreshortened time did not prevent him from setting out famous advice in regard to marrying and not marrying, divorcing, and virginity in the same discussion in which he speaks of time's shortness (1 Cor 7). A particular point on which he and Gamaliel agree is that death frees a wife from the bonds of marriage so as to marry without any suspicion of adultery (see Rom 7:1-3).

Although he does not address the issue of purity in a household as such, Paul does in two ways speak of domestic matters in terms of the related issue of sanctification. First, he turns out in 1 Corinthians to be much less sanguine about idols than 1 Cor 8 alone might suggest. In the runup to his discussion of Eucharistic practice, he sets out a very tough analysis in the course of demanding his readers to flee idolatry (10:14-22). Referring to food sacrificed to idols, he says, "What they sacrifice, they sacrifice to demons and not God: I do not want you to become partners with demons" (v. 19). Further, he insists that "You cannot drink the Lord's cup and the demons' cup; you cannot take part in the Lord's table and the demons' table" (v. 21). These demons and their offerings might be nothing (as he repeats in v. 19), but they are to be avoided absolutely, because the sacred meal of Christ is directly compared with the sacrifices in the Temple (vv. 16-18). Sanctification in Eucharistic practice obliges a complete removal of idolatry at home.

Second,, this same principle of sanctification adheres to the physical bodies of those baptized into Christ. The idea of the body of Christ is fully worked out in 1 Cor 12:12-31, but already in chap. 10, Paul

refers to baptism (vv. 1-13) as well as Eucharist, and speaks of belonging to a single body (v. 17). Just as the body of the faithful forms the body of Christ, so individual believers form the body of the faithful. The individual, too, is "a temple of Holy Spirit, which you have from God" (1 Cor 6:19). This sanctification cuts two ways: against making your flesh one with that of a prostitute (1 Cor 6:15-20) and for the corollary that a man or a woman "sanctifies" an unbelieving spouse, so that their children are "clean" (1 Cor 7:14).

The issue of work as such does not appear to have disturbed Paul, except as a necessity (see 1 Thess 2:9; 1 Cor 4:12; 9:19; 2 Cor 11:7). But just as he argued for remaining married if one were married, and a remaining single if that were one's state, he also—and in this same discussion—advised against epispasm as well as circumcision, against seeking manumission as well as against putting oneself into artificial submission (1 Cor 7:17-24).

But if this intended as a global imperative, the letter to Philemon is a startling exception. There Paul pleads the case of Onesimus: as a servant he was taken from Philemon for a while, but Philemon should now accept him back as a "brother" (v. 16). Like Tabi before him, Onesimus could hope for a better deal than most in his station.

Rules for Festivals and the Temple

Given our findings on pp. 37-38, we might expect this section to be extremely thin. Once the body of a believer has been made into a temple, and the Eucharist is the altar of sacrifice, interest in the Jerusalem Temple would seem to be precluded. But famously, this is not the case. Even omitting Acts from consideration, which mentions Paul's vow (18:18) and his underwriting of Nazirites' offerings in the Temple (21:17-26), Paul manifests a cultic interest.

Paul was unquestionably capable of using cultic language as metaphor. Romans 12:1 provides the example of the addressees' being called to present their bodies as "a living sacrifice, holy and acceptable to God." Indeed, Rom 15:16 itself can only refer to Paul's priestly service metaphorically, as the means by which the offering of the nations might be completed. But is "the offering of the nations" itself to be taken only as a metaphor? Two standard commentaries suggest that this should be the understanding as a matter of course. C. E. B. Cranfield reads the metaphor explicitly within the context of a cultic theology of the significance of Jesus' death:²⁶

26. See Cranfield, *Epistle to the Romans* (ICC; 2 vols.; Edinburgh: T. & T. Clark, 1986) 2.757.

The sacrifice offered to God by Christ, which Paul has here in mind, consists of the Gentile Christians who have been sanctified by the gift of the Holy Spirit.

Otto Michel links the passage more strictly with 12:1, and takes it that, in both cases, the cult is transcended eschatologically:²⁷

Das Besondere an dieser Bildsprache des Paulus besteht darin, dass der Begriff auf den eschatologischen Vollzug der Heilsgeschichte hinweist. *Was der Kultus besagen will, erfüllt sich in der Endgeschichte.*

Both of these exegeses rely upon the invocation of contexts that may indeed be recovered from Paul's theology but that are not explicit here. It is, of course, impossible to exclude the meanings that Cranfield and Michel suggest, but it is striking that neither commentator considers the possibility that Paul might speak of an actual offering, provided by Gentile Christians for sacrifice in Jerusalem. This meaning should not be excluded, unless the straightforward sense of the words is found to be implausible.²⁸

In that Paul refers to the collection just ten verses after he speaks of the offering of the nations (cf. Rom 15:16, 26), it seems only prudent to associate the two. In 1 Cor 16:8, Paul even refers to his decision to stay where he is until the Feast of Pentecost: it has been suggested that he intends at that time to take the collection he refers to in 16:1-2.²⁹ Whether or not this is the case, Paul clearly keeps the calendar of Judaism in his own mind (even though he did not commend it to Gentile Christians, as we have seen) when the issue of the collection is in play.

A final contrast with Gamaliel completes this picture. While Gamaliel's prostrations suppose knowledge of where the ark had been in the Temple, Paul refers to Christ as a *hilasterion*. Because sacrifice in the Temple was still proceeding, Paul's assertion in Rom 3:25 is not to be understood as positing a formal replacement of the cult by Jesus' death. The standard references to similar usages in 2 Maccabees (6:28, 29; 17:20-22) ought long ago to have warned commentators against any reading that requires seeing sacrifice as set aside, whether in the manner of Hebrews (as in Cranfield's reading) or in the manner of a transcendent eschatology (as in Michel's reading).

27. Michel, *Die Briefe an die Römer* (Kritisch-exegetischer Kommentar über das Neue Testament; Göttingen: Vandenhoeck & Ruprecht, 1966) 458.

28. For a further defense of this point of view, see Chilton, *A Feast of Meanings: Eucharistic Theologies from Jesus through Johannine Circles* (NovT Sup 72; Leiden: Brill, 1994) 182-93.

29. See Hans Conzelmann, *I Corinthians: A Commentary on the First Epistle to the Corinthians* (trans. J. P. Leitch; Hermeneia; Philadelphia: Fortress, 1975) 294-97.

2 Maccabees 3:13, after all, simply speaks of a high priest's "making appeasement" by cultic means. This usage is an extension of the Septuagintal language of *hilasmos*, where the emphasis falls on the divine affect involved in forgiveness. Even 4 Maccabees, which is probably too late a composition to be used as representing the milieu that was the matrix of Paul's letters, maintains a distinction between God's pleasure in sacrifice and the means of that sacrifice. In 6:28-29, God is asked to be pleased (*hileos*) with his people by Eleazar, and to make his blood their purification and his life their ransom. The plea is that heroic martyrdom be accepted in an unusual way in light of a radical challenge to the usual means of sacrifice. 4 Maccabees envisages the restoration of cultic sacrifice in the Temple as a result of the sort of heroic sacrifice that is praised.

The usage of the Septuagint, particularly of 2 and 4 Maccabees, militates against the conflation of *hilasterion* in Rom 3:25 with the "mercy seat" of Lev 16, as of course does the absence of the definite article in Paul's usage. There is a natural relationship between the two, because the *hilasterion* of Lev 16 (vv. 2, 13, 14, 15) is where the high priest makes appeasement (*exilasetai*, v. 16; cf. vv. 17, 18, 20). Jesus for Paul is *hilasterion* because he provides the occasion on which God may be appeased, and for that reason an opportunity for the correct offering of sacrifice in Jerusalem.

CONCLUSION

What we have shown are points of congruence, an intersection of topics set forth in the two traditions, Paul's and the Mishnah's for the patriarchate. Our intent has been not only to move from the particular, (a) Gamaliel, to the general, the patriarchate, to the global, the topical program, and back via the global and the topical and the general to the particular, Paul, as we have done. It is also to identify the fundamental principles that animated the theological systems of Paul and the patriarchate. The particulars and the consequent topical interests attain cogency precisely where, in Judaism, they should: in the theology of the Torah and its contemporary realization (1) that animated the Mishnah; and (2) that in the counterpart to the Torah, Christ, formed the foundation of Paul's system as well.