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Autor: Neusner, Jacob
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Weise auf Bibelstellen verwiesen, die zu der Zeit als Verheißung auf die Erlösung beziehungsweise auf den Untergang der herrschenden Weltmacht gedeutet worden sind. So konnten biblische Texte, die sich auf das Frühlingserwachen in der Natur beziehen, auf die heraufkommende Heilszeit bezogen werden, und was auf den ersten Blick als Naturgedicht erscheint, entpuppt sich bei genauerem Zusehen als eschatologisch-revolutionäres Flugblatt in poetischem Gewand[66]!

Zum Abschluß noch ein Gedicht Jehuda Hallevis[67], in dem gerade der Bezug zwischen erwähltem Volk und Welt, zwischen Schöpfungs- und Heilsgeschichte, besonders deutlich zum Ausdruck kommt:

Sonne und Mond dienen ewig
Tag und Nacht ohne Fehl —
als Zeichen, daß Jakobs Geschlecht,
ein ewiges Volk, nie vergeht.
Verstößt Er sie links — rechts nimmt Er sie auf,
nie sollen sie mutlos verzagen,
vielmehr vertrau'n, daß sie ewig bestehen
und erst mit Tag und Nacht einst vergehen[68]!

NEW PERSPECTIVES ON BABYLONIAN JEWRY IN THE TANNAITIC AGE

Von Professor Jacob Neusner, Dartmouth College, Hanover N. H., USA

To Professors Nahum N. Glatzer and Alexander Altmann in homage.

Babylonian Jewry has long held the interest of other ages. From hoary antiquity, it made its mark on Judaism. Jeremiah

[66] Dies gilt besonders für den Dichter Elazar ha-Qalir (s. Jud. 20, 1964, S. 51), aber auch für später, siehe z. B. Judaica 20, 1964, S. 102.

[67] Nach dem Text bei Ch. Schirmann, *Haš-šîrāh*... (s. Anm. 53), S. 468; ders., *Šîrîm*... (s. Anm. 53), S. 56 (Nr. 58).

[68] Wörtlich: und daß sie nicht aufhören bis daß Tag und Nacht aufhören.

addressed an oracle to Babylonia; two of the greatest literary prophets, Ezekiel and Second Isaiah, prophesied there. From Babylonia in Persian times came the spiritual and material resources for the rebuilding of the land of Israel and the return to Zion. Seven centuries later, Babylonian Jewry began the great enterprise of transforming the Mishnah of R. Judah the Prince into the constitution for the life of a varied and vigorous people in a land greatly different from that for which the lawbook was originally designed; and that enterprise resulted, within three hundred years, in the production of the Babylonian Talmud, which is one of the greatest literary, legal, and moral achievements of the mind of man. From the close of the Talmudic period for more than five hundred years Babylonia remained the center of world Jewry, as from its academies went forth instruction, and the word of the Lord from its religious leaders. In the second century C. E., R. Hananiah the nephew of R. Joshua was ridiculed for acting as if he expected that from Babylonia would Torah go forth, and the word of the Lord from Nehar Pekod. If this was once supremely ironic ridicule, in later ages it became a fact.

Yet shadow covers much of Jewish history in Babylonia, for while we have an impressive record in the Hebrew Scriptures and in the Babylonian Talmud and afterward, for the period from the time of Ezra, 454 B. C., to R. Judah the Prince, ca. 200 C. E., we have almost no direct evidence of what was happening in the Jewish community which so very soon after R. Judah's death (ca. 220 C. E.) was to blossom forth in a myriad of ways, and the legacy of which from that time to the present illumines Jewish history. Proof of the paucity of our knowledge is the fact that Rashi and the Tosafists debate (Bab. Talmud Gittin 6a, ʿEruvin 28a, Bava Qama 80a) whether the Oral Torah existed before the return of Rav to Babylonia ca. 220 C. E. or not, Rashi holding that it did not, the Tosafists holding that it did, and both contending on the basis of ahistorical, scholastic inquiry unsupported by historical study of sources. Modern scholarship engaged in the debate in the same sterile terms. Simon Dubnow and J. H. Weiss held that Rav indeed "brought the Torah" to Babylonia because

before his time it was absent. Dubnow states outright: "In Babylonia at the time of Rav and Samuel, there were neither great sages nor academies." Dubnow and Weiss simply did not inquire very deeply into the available literature, for if they had, they could not have made such statements.

To my knowledge, the first modern scholar to devote himself to a critical, systematic historical study of Babylonian Jewry in the period from Ezra to Rav was Nahman Zvi Getzav, who published, in Warsaw in 1878, a book entitled, "By the Waters of Babylonia". I have never seen a citation to Getzav's book and discovered it only accidentally. After I had completed my own work, and had sent it to the press, I found and read Getzav's book, and to my pleasure, found that every major methodological advance I believed I had made had, in fact, been utilized by this unknown writer. It is reassuring indeed to know that one is not an orphan — even after the fact. Two further scholars made lasting, and irreplaceable contributions to our knowledge of Babylonian Jewish history in the Tannaitic age and afterward, I.Y. Halevi, in *Dorot HaRishonim* (vol. Ic and II) Ze'ev Yavetz in *Sefer Toldot Yisrael* (volumes VI and VII). Yavetz was writing an essentially popular history, but because of his sound training in traditional literature and the seriousness with which he attempted to utilize this literature, he had the merit, which I do not believe Weiss and Dubnow had, of making a very careful, detailed study of Tannaitic and early Amoraic literature, and prepared on that basis a thoroughly systematic, and, if apologetic, reasonably rich account of the subject. The real foundation of our knowledge is to be found, however, in Halevi's work. Halevi has been neglected where he is not ridiculed. Yet his work must be the basis for all research into Talmudic history, because of the penetrating reason, historical understanding, and unusually thorough and meticulous character of his inquiry. One may readily understand why superficial students have not paid much attention to Halevi. He writes in a very difficult style; he conducts a vigorous polemic, so that one not infrequently loses touch with his argument in the maze of his pugnacious and fiery denunciations of one scholarly hypothesis after another. His work consists mainly of a collection and deep analysis

of relevant sources, so that in the end, the reader must himself recover whatever history Halevy makes available. It is, nonetheless, well worth trying.

Numerous scholars have, of course, made substantial contributions to limited aspects of Babylonian Jewish history in the period under study, for example, Felix Lazarus on Adiabene (in *Jahrbücher für Jüdische Geschichte und Literatur*, K, 1874, p. 58—86) and N. Brüll on the exilarch (in the same place, X, 1890, p. 1—183). Furthermore, Talmudic scholars, who have elucidated literary, legal, and philological questions, but who have ignored historical ones, have made possible whatever historical understanding we may be able to achieve. These are too numerous to mention. In my *History of the Jews in Babylonia, I. The Parthian Period* (Leiden 1965) a very full bibliography of most useful work is provided. Here I want to emphasize only the specifically *historical* studies, of which, as I said, only Halevi and Yavetz are significant. On the later period, one would have to consider also S. Funk, *Die Juden in Babylonien* (Berlin, 1902), and Jacob Obermeyer, *Die Landschaft Babylonien im Zeitalter des Talmuds und des Gaonats* (Frankfurt a. M., 1929), to name only two of the most important works, as well as that of the living scholars, Geo Widengren, M. Ber, and H. Mantel. Nor is it possible here to cite the substantial contributions of the Iranists to our subject.

Apart from Getzav, however, no one has brought to the subject an interest in the external history and culture, mainly that of the Parthians. In the pages that follow, I shall lay stress on the interrelationships between Parthian and Jewish history in Babylonia, because I believe these to have been a predominate theme in that history.

II

Nahman Zvi Getzav opens his book by expressing his astonishment that in the dark hour of exile, the Psalmist *had* to take an oath to keep thoughts of Jerusalem in his heart over his chiefest joy. "But in such a time, when his heart was full of sorrow and

his eyes were a fountain of tears... should there come to his mind the very thought of rejoicing and happiness?... In the hour of anger and bitterness, how would it enter his mind to think of a happy occasion at all?" Getzav remarks, therefore, about the wonderful capacity of the Psalmist to sustain a thought of hope for future prosperity in the strange land, and to perceive that in time, when he would be at home on soil no longer alien, such an oath would indeed find its test. H. L. Ginzberg likewise pointed out that conditions in Babylonia must have proved prosperous indeed, for Ezekiel had to invent a new *mitzvah*, the commandment to pine away (temikkah) in the strange land, lest the point and purpose of the punishment of exile be lost. Basing his teaching on Leviticus 26: 39, "And those of you that are left shall pine away in your enemies' lands because of their iniquity, and also because of the iniquities of their fathers shall they pine away...", Ezekiel taught (24. 21–23) that even on the occasion of death, one should not mourn, but he should pine away and groan. If there was one *mitzvah*, however, which the exiles kept faithfully, it was that of Jeremiah (29. 5–8): «Build houses and live in them, plant gardens and eat their produce... seek the welfare of the city where I have sent you into exile on its behalf, for in its welfare you will find yours." It was exactly this that they did.

Jewry was able to take root in Babylonia and to flourish, as it was clear to Ezekiel and to Jeremiah that they would flourish, in part because they had come to the richest and most productive part of what became the Persian empire. The land was rich and well-watered. An ancient canal system ensured a proper distribution of water, and rich land was available for the farmer. Moreover, Babylonia served the economy of antiquity as a cross-roads of many trading routes. One city after another grew up at the confluence of these routes, extending eastward to India and to China, on the one hand, and westward, and north, across the fertile crescent, and, during the first and second centuries, straight out across the desert via Palmyra as well, precisely because for geographical reasons the routes met in central Babylonia and nowhere else. Thus as Babylon flourished as a center of world trade, so did Seleucia, Vologasia, Ctesiphon, and Bagdad later on all

within a few miles of one another. Until the discovery of sea routes from Egypt to India, and, later on, from Europe to India and the far east, Babylonia enjoyed the benefits of its situation as a natural and necessary emporium for international commerce, and prospered above other regions less favorably situated. Furthermore, if economic conditions were favorable, political conditions fostered even more the development of a stable, generally peaceful communal life. First of all, Babylonia was ruled by a succession of world empires, each of which was eager to establish its capital (or one of its capitals) there. The Persians, the Seleucids, the Parthians, and the Persians again, in succession, sought the peace of the region as eagerly as did its inhabitants, because of its strategic location on the crossroads not only of trade but also, quite obviously, of routes of communication. Thus though the Achaemenids came from or based their power in Persis, the Seleucids Syria, the Parthians Parthia, and the Sasanians Persis again, all established a major center of military and political power in Babylonia. The ethnic constitution of the region, finally favored the continued existence of a minority group such as the Jews. The Jews were only one of many peoples and varying cultural groups which made their home in the region. For more than twenty centuries, Babylonia was settled territory, and one conqueror after another left a cultural and demographic deposit in the land, so that by the time the Jews reached there, no one group dominated, apart from the native Babylonians who after a brief time no longer had the political power to enforce their religious and cultural convictions on a newly-arrived group. (Nor did they try to do so when they could.)

These favorable conditions continued to prevail during what we call the Tannaitic period. This period dates, conventionally, from 10 to 220 C. E.; the former date is that generally given to the death of Hillel, the latter, to that of Judah the Prince. Since the Parthians reached Babylonia ca. 140 B. C. E., and firmly established their hold on the region only twenty years later, my study of the pre-Amoraic period begins with 140, but we shall focus our attention on the first and second centuries C. E. simply because these centuries have yielded far more information than the preceding 150 years.

III

When the Parthians broke out of the Iranian plateau onto the low lands of the Mesopotamian valley, they inherited the government of a land of many peoples, who formed a mosaic of ethnic groups in Babylonia as a kind of living palimpsest. Of these, the oldest and best established was the Babylonian-Akkadian civilization, which continued to pursue its ancient forms, pray to the old ods, and make astronomical observations in the old ways, into the first century C. E. Recent scholarship, as exemplified, for example, in the current researches of Professor Baruch Levine and Professor Joḥanan Muffs, among others, has demonstrated significant Babylonian influence on Talmudic law and philology. Given the long period of symbiosis, and the continuing interaction between Jewish and Akkadian civilization, one should expect to find substantial evidence of such influence. During the Tannaitic period, Babylon itself gradually lost population, as trade was shifted elsewhere by the Parthians (as by the Seleucids beforetime), and by the second century C. E. the city was mostly ruined, being visited by Jewish "tourists" who were shown the ruins of the place and who pronounced blessings to him "who destroyed the palace of the wicked Nebuchadnezzar" (Bab. Talmud Berakhoth 57b).

Greeks formed a more vigorous cultural group in the region. Their settlement had been encouraged under the Seleucids, and very large numbers lived mainly in the cities, and engaged in trade and urban commerce and in government employment. Seleucia on the Tigris, the largest city of the region, was Greek, as were many other centers of population. They maintained schools and academies, theaters, and other traditional cultural institutions. The Parthians, moreover, adopted the culture of their Greek subjects. They used Greek on their coins; preserved Seleucid political institutions and forms, and cultivated Hellenistic literature at their court. Thus the Jews regarded the Parthians as "Greeks". For example, Rav told R. Kahana (Bab. Talmud Bava Qama 117a) "Until now, the Greeks, who did not take much notice of bloodshed were [here and ruled but] now the Persians who are particular regarding bloodshed are here and they will certainly cry murder."

(Rav's opinion reveals also the wide degree of self-government allowed to the Jews by the Parthians, as we shall see.) The Parthians moreover permitted the Greek cities to govern themselves, and the Arsacid chancellery at Ctesiphon, like the polis at Susa and Seleucia, followed Hellenistic forms and employed a large number of Greeks. Moreover, the Greeks cultivated their philosophy in academies in Babylonia, and metaphysicians, astronomers, naturalists, historians, geographers, and physicians worked there.

Babylonian Jews had every opportunity to acquire a knowledge of Greek culture, for they lived in large numbers in Seleucia, Charax Spasinu, and other cities. Jewry in Dura certainly acquired substantial knowledge not only of the Greek language, but also of other aspects of Greek culture. Nonetheless, by and large, the Jews, like the Greeks, Babylonians, other Semitic groups, and the Parthians, formed a separate cultural-ethnic group, influenced by their neighbors, but mainly engaged by their inherited tradition. Between the 5th and the 2nd C., B.C.E. we have very little information about them. Josephus reports that Jews fought in the army of Alexander, but refused to assist in the restoration of the ruined temple of Bel at Babylon. The Persian shah-an-shah Artaxerxes Ochus earlier had transported a large number of Jews to Hyrcania, ca. 340 B.C.E., possibly on account of a revolt. At any event, the Seleucids made use of Babylonian Jewry, just as the Romans did of the occidental diaspora. Antiochus the Great, for example, sent two thousand Jewish families from Mesopotamia and Babylonia to Lydia and Phrygia, in Asia Minor, to help pacify the country. We learn in II Maccabees 8: 20 that Jews cooperated in the defense of Babylonia alongside the Macedonians, though we do not know when or against which invader. Like the Jews in Alexandria, Babylonian Jewry was loyal to the imperial power and favored by it. As a minority, they depended upon its protection, and could at the same time be made a mainstay of the imperial regime. Thus at the time of the Maccabean war against the Seleucids, Babylonian Jewry remained quiescent, just as the diaspora communities of Alexandria, Cyrenaica, Antioch, and Cyprus kept the peace during the war against Rome of 66—73, though they rebelled violently when their own interests were seri-

ously threatened by Trajan's Mesopotamian and Babylonian campaign of 114f.

We do not know anything at all about the demography of Babylonia or Mesopotamia in this region, and have no way to assess, even approximately, the number of Jews. We do know, however, that Jews lived throughout the area, from Adiabene, and Armenia in the north to the Persian Gulf, from the Mygdonius-Khabur system, tributary of the Euphrates, at Nisibis to Media in the east (and perhaps further east than Media), and of course, flourished in large numbers in central Babylonia, near the great city of Seleucia and across the whole stretch drained by the Royal Canal. One may venture a guess that the Jews were fewer in numbers than the indigenous Babylonians, and surely no more numerous, probably less so, than the Greeks and, taken as a whole, the smaller Semitic ethnic groups. But while these groups were mainly concentrated, either in cities or in specific satrapies, the Jews probably formed a minority in many cities of the Euphrates valley and throughout the western satrapies of Parthia, and some were in the east as well, in Afghanistan and India, though we do not know when they got there, and a majority in many towns and villages in central Babylonia as well.

Of Babylonia's many conquerors, the Parthians least affected the life of the settled peoples. The culture of the area was not significantly influenced by northern Iranian elements during the Parthian period, though one should qualify that judgment by noting that the Iranian loan-words in the Talmud are mainly of Parthian, and not Sasanian, origin, according to S. Telegdi, and by examining in close detail the discussion of Geo Widengren on Jewish-Parthian cultural contacts (Supplements to *Vetus Testament* IV, Leiden, 1957, p. 197—242, and see the same author's *Iranian-Semitic Cultural Relationships*, Cologne, 1958, and his "Status of the Jews in the Iranian Empire", *Iranica Antiqua*, I, 1961, p. 117—162). The Parthians were not greatly concerned with the cultural or religious affairs of the conquered lands. They had no interest in changing the language or affecting local government. They made every effort to conciliate various groups in their empire. When they founded new cities for Iranian settlement, they were careful

to preserve the rights of older ones, and avoided imposing upon commercial centers the inconvenience of military colonies. The Parthians were a military aristocracy, and chose to rule not directly but through various kinds of authorities, Greeks for the Greeks, Jews for the Jews, Armenians for the Armenians, to each of whom they maintained a feudal relationship. Their vast empire stretched from the Oxus river to the Persian gulf, from the Euphrates to the Punjab. It never evolved toward a powerful central government under a monarch who held virtual monopoly of real power, unlike Rome. On the contrary, the monarch, who was called "the king of kings" was that in fact as well as in name. The Parthians prized a heroic life. Their days were spent in the chase, in banquet, in noble exploits of arms. Their name in modern Persian is *pahlavan*, which means hero, brave man. And so they were. Their religion, like many other aspects of their culture, is barely known to us today. It was within the Iranian religious idiom, in which were many subdivisions and even aberrations. The dominant influence was that of the Magi.

Modern scholars have called the Parthians, in the classical tradition, a "mere herd of a people", and viewed them as a kind of interim state, between Achemenid and Sasanid empires, whose culture was a kind of decadent, orientalized Hellenism. In a word, they were regarded as nomadic barbarians. This was the Greek and Roman view of Parthia, and until recent archaeological disdoveries were properly interpreted by Rostovtzeff, Tarn, Wolski, and others, the same view prevailed in modern times. S. Krauss, for example, states that "Of course the uncultivated Parthians could exercise no religious influence upon the Jews". Whether or not this was so remains to be demonstrated. Certainly the influence of Iranian ideas, images, and myths upon Judaism in this period was powerful, and it is difficult to explain it as the legacy of the Achemenids. In any case, when one reflects upon the wide and mediating influence of Parthian art and architecture, one ceases to regard the Parthians as a mere herd of a people. They filled moreover a major political and geographical role in the Middle East, not only reuniting most of the Achemenid empire, but also holding the Euphrates frontier against Rome, with brief

intervals, for centuries. The Seleucids never broke Parthia, but were broken by them. The Romans at the height of their power could not overcome them. Most important, the Parthians held the eastern and northern frontiers against the waves of nomadic peoples from the Asian heartland who swept time and again against their borders. Thus they preserved the Middle East as a cradle for civilization against those who ultimately (under the Mongols) were to ravish it. And they did so with the vigorous help of the small peoples of the Euphrates valley whom they tied to their empire by ties of economic and political self-interest. Moreover, in their time, they served as the intermediary for trade and culture between the occident and China. The Arsacid dynasty held power in the Middle East for more than four and a half centuries, a longer time than any other dynasty ever ruled Iran and its neighboring lands before that time or afterward. To sustain themselves over such a long and turbulent time, the Parthians had to have created a strong and cultured state, possessed a flexible structure of military and political power, and won the vigorous loyalty of disparate and resourceful peoples.

This survey of Jewish history in Parthian Babylonia will deal with economic, political, and cultural, including religious and literary, issues. In it, I shall state positively some of the hypotheses and conjectures which I have offered in my book cited above. At some point, a historian has the right to state in definite, positive terms what he believes to have happened, even though his belief rests upon conjecture and interpretation to a substantial degree, as does mine concerning a subject for which we have so few sources. Here I shall exercise that right. The serious student will want to turn to the documentation and argumentation of my *History* to evaluate the bases upon which the following statements are made.

IV

For this period, our knowledge of the economic life of Babylonian Jewry is limited. We know from the later literature that large numbers of Jews engaged in agriculture, and have no reason to believe that matters greatly changed with the coming of the

Sasanians. Therefore one may presume that in the Parthian period, the agricultural conditions of Jewry were not greatly different from those described, mainly on the basis of Amoraic materials, in J. Newman, *The Agricultural Life of the Jews in Babylonia, 200—500 C. E.* (London, 1932). As we noted above, these conditions were generally prosperous, commensurate with the fertility of the land and abundance of water.

What is especially interesting is the fact that Tannaim born in Babylonia and resident in Palestine and in Babylonia were engaged in the silk trade (some were in other forms of commerce), and were normally wealthy men. This was true of R. Hiyya, and hence of his sons, and his nephews Rav and Rabba b. Hana; of Abba b. Abba the Father of Samuel; and of R. Judah b. Bathyra of Nisibis. Further, the Jews of Edessa were engaged in the silk trade, and chief among the Jewish-Christian apostles of the Euphrates valley was Haggai a silk dealer. Furthermore, Jewish merchants lived in Charax Spasinu, at the head of the Persian Gulf, and travelling merchants were provided with a hostel in the Dura synagogue. One source (Gen. Rabbah 77. 2 ed. Theodor-Albeck p. 910 1. 6) states explicitly that *R. Hiyya*, R. Simeon the son of R. Judah, and R. Simeon b. Gamaliel traded in silks at Tyre, and another (Midrash on Samuel 100. 13) that Samuel's Father and R. Judah b. Bathyra traded in silks.

Galilee was a center of silk-weaving enterprises. Jews were active in the manufacture, and tailoring of silk garments. Babylonian Jews were, moreover, in a particularly advantageous position to trade in silk. The trade routes normally passed through Mesopotamia, as we have noted. The Parthian government took extreme measures to prevent the Romans and Chinese from entering into direct trade relationships, for it profited greatly as intermediary. Thus it was not before 160 A. D. that Rome and China made direct contact, and since the best routes passed through Seleucia on the Tigris, the bulk of the silk trade continued to pass through Parthian hands. Since the chief market for raw silk was the manufacturing regions in the Roman orient, the Parthians found Jewish merchants to be ideal middlemen. They were a loyal group within the empire (of this, more below). They had excellent contacts with

Palestine. They could both receive and tranship the merchandise without its passing through many hands. Obviously, the Parthian government could make use of the silk merchants for other, political purposes as well.

R. Hiyya and his nephew Rav[1] were related to the exilarchate, though I do not know the exact degree of relationship. If so, then it was through the Jewish exilarch that the Parthian government directed some measure of the trade in silk. The exilarch's agents in Palestine dealt with the patriarch, probably with Roman approval, as the story about the joint business trip of R. Hiyya and the son of R. Judah the Prince suggests. The Roman market included Jewish silk merchants as well. Thus the Jewish traders took advantage of their peculiar political situation, as part of a large group settled on both sides of a fluctuating, contested frontier, and served their respective imperial governments as intermediaries in a trade profitable to each. The Jewish traders imported goods from the orient to Babylonia, and transhipped them from there through Nisibis, a major way station in the trade between the two empires, where R. Judah b. Bathyra was settled, to Northern Palestine, where the raw wool was spun and woven into cloth, and tailored into garments for the Roman market. In the second century C. E. this trade greatly expanded. Some Jews were able to profit. Those, specifically, who maintained connections with both the Palestinian market and the Babylonian suppliers were of particular value to their respective governments, which, in Palestine through the patriarchate, and in Babylonia through the exilarchate, regulated the immensely profitable trade.

The late second century was a time of emigration from Palestine, in the wake of the continuing economic decline brought on by the disastrous war of 132—135. The Tannaim heaped extravagant praise on him who remained in the holy land, precisely because so many did not, and could not. They told stories, for instance (Deut. Sifre 80) of how leading Tannaim, specifically R. Eliezer b. Shamua, R. Judah b. Bathyra, R. Mattia, and others, proposed to emigrate but recalling the verse in Deuteronomy, "And you

[1] See E. S. Rosenthal on their relationship in S. Lieberman et al., ed., *Sefer Ḥanokh Yalōn* (Jerusalem, 1963), 281—337.

shall dwell therein", repented their decision and weeping, returned to the land. Yet at the same time, we know of considerable migration from Babylonia to Palestine. Hiyya, Jonathan b. Eliezer, Rav, Rabba b. Hana, Levi b. Sisi, Hanina b. Hama, and others went up to Palestine, and participated in the academy and consistery of R. Judah the Prince. How did they support themselves? They generally bought land lived as absentee-rentiers or engaged in commerce. We know that several of these, particularly Levi b. Sisi and Rav, made repeated strips to Babylonia. Thus the "two houses in Israel" greatly profited from the influence they exerted with their respective governments and from the direct contacts they enjoyed with their opposite numbers abroad.

V

The economic activities of Jewish merchants were only one expression of a centuries-old Parthian-Jewish entente. From the time the Parthian invaders reached Babylonia, to the second quarter of the third century when the Arsacids fell from power, a bond of mutual interest tied the Jews, both in Palestine and in Babylonia, to the Iranians. When Ardavan V died, and Rav lamented (Bab. Talmud Abodah Zarah 10b), "The band is broken", the lament was not only for a lost emperor, but also for the end of a dynasty under which the Jews had flourished and in which they had placed great hopes. We have no similar expression from Parthian lips, but since the Jews' rebellion in 66 C. E. had prevented a Roman invasion of Parthian Armenia, since the Jews' fortunate uprisings in Mesopotamia, Egypt, Lybia, Cyprus, and possibly in Palestine had saved the Parthians in the darkest days of Trajan's invasion, since there were Jews in Palestine who in 150—160 helped to create the unrest desired by the Parthian shah Ardavan III before his invasion in the next decade, since some Jews made trouble for the Romans in the troubled decade from 190 to 200, when the Parthians again invaded the Roman orient, one must assume that the Parthians recognized how useful the Jews could be, and frequently were, in their international affairs. Iran and Israel today maintain cordial political and commercial relations,

just as had the Achemenids and the Jews under Ezra and Nehemiah. One must recognize continuing geo-political factors which fostered this cooperation from the earliest time to our own day. From the Iranian perspective, Palestine represents one window on the west and a point where allies could be most useful. It is the road to Egypt and adjacent to Syria and Asia Minor. If held by a friendly power, as Artaxerxes made certain it would be, Palestine might serve as a useful focus of Iranian influence. At the same time, it was in the interest of both the Jews and the Iranians to prevent other, stronger powers from occupying the Middle East. Faced with the intrusion of Rome (in antiquity), they could force upon the invader the necessity of fighting a southern front in Palestine and a northern one in upper-Mesopotamia and Iranian Armenia as well. When, on the other hand, Armenia became a major power, as it did under Tigranes the Great in the First Century B.C.E., it was to the interest of the Jews, under the Hasmonean Alexander Jannaeus, and the Parthians to make a common cause, as they did. Finally, the Iranians forced the Romans to evacuate Palestine in the time of Herod, and so for the coming centuries were associated by some Jews with the hope that Rome might be driven out of Palestine. Just as the Maccabees and the Arsacids helped one another, by independent action, to overcome Seleucid power, so some hoped that in days to come, a Jewish ruler might with Iranian help recover Palestine from the Romans. Having no conflicts and much in common, the two peoples benefited one another in antiquity as today.

Another important aspect of Parthian-Jewish relations concerned Babylonia alone. There the Jews required some form of government. We do not know what if anything the Parthians devised for them between the conquest of Babylonia in 140—120 B. C. E., and the rise of Vologases I and his reorganization of the empire ca. 70 C. E. It may be that the traditional Jewish authority, in the Persian period in the hands of a Davidic heir, was recognized by them. We know from Josephus' account of the return of Hyrcanus to Palestine at the urging of Herod that the Jews of Babylonia treated Hyrcanus "as their high priest and king", which would suggest, as seems reasonable in any case, that they enjoyed a sub-

stantial measure of self-government under Jewish authorities possessing considerable influence and prestige. Our first solid information, however, dates from the first century C. E. Josephus relates the story of two Jewish weavers, Asineus and Anileus (in Hebrew, Ḥasinai and Ḥanilai) who, during the troubled times between 20 and 35 C. E., when Parthian central government collapsed in a welter of conflicting claims for the throne, established a Jewish state, recognized by the weak central authorities, in part of Babylonia around Nehardea. In the same period, the Greek city of Seleucia on the Tigris, not far away, likewise separated itself from the central government, and it is doubtful that stable government existed in the whole region. The brothers eventually fell from power when they overreached their boundaries, and the local Semites, Greeks and Babylonians, with Parthian help, drove "the Jews" into exile in Nehardea and Nisibis, the former a strong point in the area, the latter a center of Jewish settlement in northern Mesopotamia. Thus in the first half of the first century anarchy reigned in Babylonia. When Vologases I (51—79) came to power, he sought to curb the power of the nobility, to establish a secure frontier with Rome, to pacify the whole empire, and to encourage stable government and trade. In dealing with the Jews, Vologases constituted a stable ethnic authority, dependent upon the throne and loyal to its interests, which consisted of a Jewish official who claimed Davidic origin (because anyone, even Herod, attempting to rule Jews would best win their respect through such a genealogy, just as Vologases himself put forward a claim to be descended from the Achemenids as a means of reenforcing the charisma of his rule). This ethnarch, who was later called the *resh galuta* (exilarch), exercised authority not over a unitary territory but rather over Jews in a number of places, scattered in communities among other ethnic groups, though M. Ber holds, mainly in Babylonia. As a high official within the empire, the *resh galuta* was able to secure the protection of the Jews, and at the same time, to help to win their support for the regime. We have seen that he was one means by which the Parthians regulated trade with the Roman orient. It seems reasonable to suppose that the exilarch helped to mobilize Jewish support for the Parthian empire in times of crisis,

for one can hardly regard the fortunate uprisings of Jews behind the Roman lines in 114—117 and at subsequent periods as totally accidental. Since Parthia was such a highly feudalized state, the provision of an ethnic authority bearing fealty to the throne was perfectly natural, just as an effort to set up a territorial authority would have been inconvenient and probably the source of new unrest among non-Jewish groups.

In the second century, the exilarchate became an effective power. It was very much an amalgam of Jewish and Parthian forms. We know, for one thing, that the father of R. Nathan was a high government official, for when, in ca. 150—155, R. Nathan with R. Meir engaged in a conspiracy to weaken the prestige of R. Simeon b. Gamaliel's patriarchate, R. Simeon referred to the *kamara*, or ceremonial sash, of R. Nathan's father, which had helped him to win a high position within the Palestinian consistory, one may assume, with G. Alon, as the representative of Babylonian Jewry. We know, also, that when R. Hananiah the Nephew of R. Joshua intercalated the calendar in Babylonia, an action which, if successful, would weaken the authority of the Palestinian patriarchate in one of its most crucial functions in the diaspora, he was joined by a man (Ahiah or Nehunyon), who was a local authority. But it should be noted that R. Nathan was among those who told R. Hananiah to desist. Further, when the apostles Yosi b. Kefar and R. Dosetai b. R. Yanna went to Babylonia to collect funds for the Palestinian patriarchate (ca. 150), they reported difficulties with Babylonian Jewish authorities who enjoyed a retinue of horses, possessed great influence with the government so that they might issue sentences of imprisonment and death, and bore Parthian military names and wore Parthian equestrian dress. The names, Arda/Arta and Pil-y Barish, meant "Righteous" and "elephant-rider", respectively, and indicate that the high Jewish officials bore good, Parthian names, as did some Jews in Dura-Europos.

In the time of R. Judah the Prince the exilarch had achieved great prestige and power. His claim of Davidic origin was widely accepted, for R. Judah himself professed willingness to take second place to the exilarch. The agent of the exilarch in Palestine was,

as we have seen, probably R. Hiyya, assisted by his sons and nephews Rav and Rabbah b. Hana. That Hiyya was related to the exilarch and functioned as part of his court is suggested by four facts. First of all, Hiyya and the Resh Galuta of the next generation, Mar Ukban, came from the same place in Babylonia, Kifri, and, they both laid claim to Davidic ancestry. I find it impossible to believe that men who came from the same place and regarded themselves as descended from the same alleqed ancestor did not at the same time recognize a blood relationship. Second, Hiyya may haue accompanied the exilarch to the Parthian court on at least one occasion, for he expressed perplexity (Yer. Talmud Berakhot 2. 4) on who sees the king of kings first, the exilarch or the arkapat (a government official, whose precise functions are still disputed). Third, Hiyya repeatedly called his nephew Rav "the son of the PHTY". The Aramaic title PHT, used in Ezra and Daniel, referred in Parthian documents from Nisa to a satrap. Thus Hiyya called his nephew the son of a satrap, and referred to him by a title not only of earlier, Aramic usage, but a living and significant Parthian heterogram. If Frye is correct in regarding PHT' as a heterogram for batesa, and in proposing an analogy to bitahs in both Georgian and Armenian, then the title refers to the representatives of the shahanshah living at the courts of subkings or vassal kings. Applied to a Jewish authority, the title may indicate that the holder was either direct representative of the shahanshah among the Jews, or the representative of the throne to the court of the exilarch, I think the former. Fourth, in his relationships with R. Judah, R. Hiyya repeatedly reminded R. Judah about the existence of a "rival" in Babylonia, and R. Judah responded with great anguish, at the same time severely curtailing the rights of R. Hiyya to teach publicly.

In a real sense, the exilarch (called variously R. Huna and R. Anan in the late second century) and R. Judah the Prince did fulfil equivalent functions within the Parthian and Roman empires respectively. Both institutions, the exilarchate and the patriarchate, originated in the same period, namely, at the time of the destruction of the Temple, and both were political efforts to take account of that fact. The Romans had to find a means of governing Jewish

Palestine, and had, more importantly, to assure that the substantial influence of the Palestinian Jewish authority over the diaspora would be exerted to their benefit and not subversively. When the Temple was destroyed, the Pharisees had offered them a useful opportunity: in exchange for the freedom to cultivate their traditions and to govern the inner life of Palestinian Jewry, they would undertake to keep the peace and behave as loyal subjects. In the first sixty years after the destruction of the Temple, the Romans supported R. Yohanan ben Zakkai and his successor, R. Gamaliel, and after the disastrous interlude of Bar Kokhba's war, in which the Hillelite house had been thrust aside in favour of revolutionary leaders, the Romans ever more vigorously supported the Hillelite scions, R. Simeon b. Gamaliel and R. Judah the Prince, with far more satisfactory results. R. Judah for his part used his consistory to keep the peace in Palestine; for example, in the troubled years of 193—195 he even sent his agents, R. Eleazar b. R. Simeon and R. Ishmael b. R. Yosi to hand over guerillas to the Romans, which both men's fathers, R. Simeon b. Yohai and R. Yosi b. Halafta, had gone into hiding to avoid having to do. The result was that the Jews in Palestine were ruled by loyalist leaders, who exerted their influence in the diaspora in wholly non-political ways. The patriarchate's history finds its parallel in the exilarchate. If I am correct in holding that the exilarchate was founded, or restablished after a period of turmoil, during the reign of Vologases I, probably around 70, then it stands to reason that the destruction of the Temple was a major, though perhaps not decisive, cause. In former times, Babylonian Jewry, like that in the other diaspora communities, was loyal to the Temple. They sent up pilgrims and offerings; the temple collections were gathered regularly in Nehardea, in the south, and Nisibis in the north, and forwarded in armed caravans to Jerusalem. The Temple authorities for their part sent letters to Babylonia, as did the Pharisaic party, to advise them on matters of the calendar and other issues. Afterward, the Parthians, who enjoyed the services of an excellent intelligence bureau, must have known that the Palestinian Jewish authority would no longer be held by quasi-independent officials, but would be very closely super-

vised by Rome, as was the case. If the Parthians were willing to allow limited, and on the whole politically neutral authority to be exerted from Jewish Jerusalem, it seems quite unlikely that they would permit a Roman functionary to do the same. On the contrary, just as the Romans sought to mobilize Jewish officials to carry out their purposes, so, quite obviously, the Parthians attempted, and with greater success than Rome as it turned out, to exploit the fact that within their enemy's territories as within their own flourished a large religious-ethnic group with strong ties across the border, and a deep sense of grievance against Rome. The Parthians always tried to foment unrest among minority groups within the Roman empire. The Romans, for their part, were keenly aware of the danger of leaving a substantial ethnic group to straddle their borders, and for this reason, for example, invaded Britain and attempted to retain Armenia in the preceding century and a half. (Likewise, the Romans hired Josephus to insure that their view of the guilt for the war of 66—73 and the consequent destruction of the Temple, a catastrophic event in the minds of the diaspora communities, would be well known in the Parthian Empire, and Josephus explicitly directed his remarks to his "co-religionists" across the Euphrates.) It is clear, therefore, that the exilarchate and the patriarchate were parallel institutional devices by which contending empires sought to manage one of the potentially useful ethnic groups within their own, and their enemy's borders. In both cases, the Jewish authorities enjoyed the support of imperial troops, R. Judah having a detachment of Goths, the exilarch enjoying an armed retinue. In both cases, the Jewish authorities achieved great influence over the local Jewish communities. The end of Arsacid rule might well have struck Rav as a grievous turn in events, for a very close alliance indeed, between the government and the Jewish community, was ended.

VI

The main reason that Rashi and the Tosafists debate whether the Oral Tradition was cultivated in Babylonian Jewry before the return of Rav is that Talmudic literature provides no clearcut

historical evidence on which to come to a positive conclusion. Nonetheless, Halevi's unerring knowledge of the sources led him to conclude that there were such academies and that the Oral Tradition preexisted the establishment by Rav and Samuel of major academies in Sura and Nehardea respectively. (I do not believe Samuel founded the Nehardean academy in any case.) He based his conclusion on the fact that several Tannaim were known to have flourished in Babylonia. We shall consider the facts below.

It is important, first of all, to define the issue carefully. We know that the Oral Tradition was born in the Palestinian schools organized by the scribes and sages from the time of Ezra. We know that the cultivation of this tradition was necessitated by the fact that a fixed, written document, the Torah, came to dominate the life of Jewish Palestine, in various ways and in a number of differing interpretations. Once a written constitution establishes its domination over the cultural and religious life of a society, it becomes necessary to preserve the abiding contemporaneity of such a document by means of continuing, authoritative exegesis, which claims to discover, by disciplined and acceptable hermeneutical devices, the meaning of the document, as it was from of old, for a new and unexpected age. We have no way of knowing what, if anything, developed within Babylonia to parallel this phenomenon in Palestine. Frank Cross, Jr. and others have argued, wholly plausibly in my opinion (see my "Škand Miscellanies", *Iranica Antiqua*, in press, and, most recently, Frank Cross, Jr., "The History of the Biblical Text in the Light of Discoveries in the Judean Desert", *Harvard Theological Review*, 57, 4, 1964, p. 281—300) that Babylonian Jewry produced a biblical-textual tradition quite independently of Palestine[2]. It is certainly reasonable to suppose that the Scriptural traditions of Babylonia were of great antiquity, for the Babylonian exiles brought with them great spiritual resources, and, as we have noted, themselves produced both prophets and other kinds of religious authorities. It follows that there were schools and academies for the nurture of

[2] But the plausibility is entirely for historical reasons, and not for technical ones. I am not qualified to assess Cross' technical argument, which must be evaluated in its own terms by those who are.

these traditions. We know that the Greeks possessed such academies, and that the Iranians, in the Parthian period, likewise cultivated their traditional literature. It has been asserted that the Avesta was written down and redacted for the first time in the first century C. E., and while the matter is subject to much dispute, it is clear, at the very least, that the Magi in Parthian times conducted some kind of schools, as they did in the Sasanian period. (On this, see especially H. W. Bailey, *Zoroastrian Problems in the Ninth Century Books*, Oxford, 1943). Likewise we have references in Talmudic literature to both "the laws of the Babylonians"[3] (Gen. R., 33. 3, Theodor-Albeck ed., p. 306, 1. 3–7) and to a rule of exegesis "transmitted to us from the captivity" (Esther Rabbah Proem 11, see also Gen. R. 42. 3, Bab. Talmud Megillah 10b, etc.). There is absolutely no reason to doubt, therefore, that Babylonian Jews did possess academies and *an* oral tradition by which both Scriptural laws and lore were exposited. It is equally likely that such a tradition was indigenous, based upon specifically Babylonian-Jewish traditions, and likely to lay greatest emphasis upon local matters. Thus, for example, the Dura synagogue apparently devoted the entire western wall to scenes from the life of Ezekiel, which one should expect in a community which regarded Ezekiel as a native prophet. Furthermore, it is likely that the Merkavah tradition was cultivated, again in part because of its peculiarly local venue, in Babylonia. (Evidence on this will be found in p. 155—160 of my book, and is too extensive to warrant repetition here.) Thus one cannot disagree with Halevi and Yavetz that *an* Oral Tradition flourished in Babylonia. But we have no way whatever, of knowing whether it was exactly the same Oral Tradition, in general or in detail, as in Palestine, and it seems to me entirely unlikely that it was, simply because the potential varieties of biblical exegesis are so vast, even by the hermeneutical principles within a single school of thought, namely Pharisaism, that chances are most remote that people separated from one another by considerable distance and very different conditions of life and thought would by accident reach identical conclusions. One example of

[3] For one such Babylonian custom, see Bab. Talmud Shabbat 35 B.

the differences between Palestine and Babylonia in a very simple legal matter suffices. When Rav returned to Babylonia he found that the laws of separation of milk and meat then practiced in Palestine were unknown in the part of Babylonia he visited. When Levi b. Sisi visited Nisibis, he was offered the head of a peacock in milk, which he refrained from eating. Babylonian-Mesopotamian exegesis held that while milk and meat may not be mixed, fowl is not meat (it does not enter the category of a "kid in its mother's milk", for fowl do not nourish their children with milk) and hence might be eaten with cheese or milk. A number of explicit references support this statement. It seems therefore unlikely that the Oral Tradition on this particular point was widely accepted in Babylonia. Likewise there is reason to believe that Babylonian Jews laid greater stress on the laws of the ʿeruv, than was customary in Palestine at the same time. It is wrong to conclude that Babylonian Jewry was a great void into which Rav poured out Torah. It was, on the contrary, what it was, and was changed in time by the effective application of the Mishnah and its accompanying traditions.

But it was not the advent of Rav that brought about the change. Palestinian traditions were cultivated in Babylonia from the beginning of the second century, if not before. Rav's coming simply accelerated a process which was well underway, and which by that time was carried on not by isolated teachers only, but within at least two major academies. All of the evidence that Halevi amassed to prove the pre-existence of the oral tradition in Babylonia concerned precisely these two academies! Before the second century, we have evidence that some kind of learning flourished in Babylonia. We know the names of Nahum the Mede (but about him, little else), and Hillel the Babylonian. Hillel is one of the great enigmas of our subject. Some have foolishly asserted that he "really" came from Alexandria, but the bases of such assertions are so flimsy that they reveal more about the lack of historically rigorous thought of those who propose them than about Hillel's origins. He came to Jerusalem, and quickly achieved prominence both in the Pharisaic party and in the Temple administration. His teachings were allegedly acquired mainly

from Palestinian authorities, for his elevation to power was based upon his ability to cite earlier, recognized Palestinian teachers of the law, in addition to his acute reasoning through Scriptural exegesis (some have held that in Babylonia, exegesis was mainly through casuistic reasoning, rather than through traditional teachings, because the absence of "*the* oral tradition" necessitated the cultivation of the power to reason, but I do not know what to make of such an argument). Hillel's early career tells us that he came and studied, so presumably he had learned enough in Babylonia to want to come and study. To this extent only may we conclude that Hillel's career indicates the probability of Jewish schools in Babylonia. Since on much firmer grounds we have good reason to accept such a probability, there is not much to be gained in further speculation about Hillel's Babylonian origins.

The first representative of Pharisaism across the Euphrates came as agent not of the Pharisaic party but of the Temple administration. He was Judah ben Bathyra, who lived in Nisibis, a northern Mesopotamian frontier garrison town frequently disputed by Rome and Parthia before Trajan finally conquered it for Rome. Nisibis was, as we noted earlier, one of the chief collection points for Temple funds. Judah was sent to oversee the trans-shipment of these funds, which were probably collected mainly in the region around the city itself, including Armenia and Adiabene,[4] where large numbers of the Ten Tribes exiled in the time of the Assyrians continued to live in the places of their resettlement, in the Khabur River valley and its environs. Judah watched out for the interests of the Temple, and on one occasion (Bab. Talmud Pesahim 3b) he sent a warning to Jerusalem that a Semitic pagan was about to desecrate the Temple. At the same time, Judah was most certainly a Pharisee. We know this, first, because he is frequently cited in Pharisaic literature, where his opinions are taken very seriously, and second, because he offered a proof for the validity of the water-offering (Bab. Talmud Shabbath 103b, Sifre Numbers 150), which was one of the chief points of cultic procedure on which the Sadducees and Pharisees differed. After the destruction, he

[4] And possibly, from Iran Proper.

remained in Nisibis, and communicated with the Yavneh academy; one may suspect that he was in touch with the opponents of R. Yohanan ben Zakkai, the B'ne Bathyra. Since his legal opinions were passed on, he most certainly conducted an academy in Nisibis. A second Tanna in Babylonia was Nehemiah of Bet Deli, a student of Rabban Gamaliel I. He lived in Nehardea, where he received R. Akiba during his visit to the Parthian empire, and passed on to him a teaching of R. Gamaliel concerning an issue then current in the Palestinian academy. We have no further knowledge of Nehemiah.

Hananiah, the nephew of R. Joshua b. Hananiah, one of the greatest Tannaim in late first century Yavneh, was sent down to Babylonia because he was placed under the spell of the sorcery of the "*minim* of Capernaum", which presumably means that he was attracted by the teachings of Jewish-Christians. Babylonia at that time did not have a Christian community; its first bishop dates from 300 C. E. On the contrary, in Babylonia and in Nisibis, Christianity was unable to get a foothold before the third century, while already at the beginning of the second century, Adiabene and, a little later on, Edessa had been evangelized. The reason for the substantial delay in the spread of Christianity was that while Nisibis and Babylonia Jewries were under the influence of Tannaim, the communities in Edessa and Adiabene, the latter only recently converted to Judaism, were not, and the Christian interpretation of prophetic literature met with little opposition there. In any case, in Babylonia Hananiah certainly continued to pursue the study mystical lore of a gnostic kind, which may have brought him near the "minim of Capernaum" in the first place. He was a learned man, who had studied the opinions of many of the leading figures of his uncle's time, and in Babylonia he engaged in teaching and applying the law. In time he became a major authority, and when the Palestinian consistory was dissolved by the Bar Kokhba war, he carried on functions formerly reserved to it, and to Palestine, specifically by intercalating the calendar. When, about 145 C. E., the Palestinians were again able to assert their prerogatives, they sent several messengers, in particular R. Nathan, the son of the exilarch, and R. Isaac, possibly also

R. Yosi b. Kefar, a Babylonian, and the Grandson of Zechariah b. Kevutal, the last high priest in the Jerusalem Temple, to order him to desist. By an appeal to public opinion the Palestinian agents were able to reestablish the predominance of the Holy Land. Since Hananiah was advised by R. Judah b. Bathyra in Nisibis, and probably also by R. Josiah (in Huzal, see below) to submit, he did so, but not before he had reminded the Palestinians that he was far better qualified than they to calculate the calendar.

The Judah b. Bathyra whom Hananiah consulted was the namesake of the first century Pharisee. He lived also in Nisibis, and was born ca. 90—100 C. E. and died ca. 160—170 C. E. When the Bar Kokhba war broke out, many of the students of R. Akiba were forced to flee the country, for having been ordained, contrary to Roman orders, by one of the last of the pre-Bar Kokhba sages, R. Judah b. Bava. They fled, perhaps as a group, to R. Judah b. Bathyra in Nisibis, who sheltered them for a period of at least ten years, before the return of peace and cessation of repression permitted them to come back to Palestine. At Usha they reestablished the patriarchal consistory. Through most of the second century, therefore, a major Tannaitic academy flourished in the north. After R. Judah b. Bathyra, the academy was probably headed for a time by R. Eliezer b. Shamua. He taught not only Palestinian refugees, but also native Babylonians, in particular Joseph the Babylonian and Yosi b. Kefar.

Between 135 and 200, the major center of Tannaitic learning in Babylonia was at Huzal. Like the Akibans, the students of R. Ishmael had to flee from Palestine because of the Bar Kokhba war. We know the names of only two of R. Ishmael's students, R. Josiah and R. Jonathan. Since R. Josiah was originally a Babylonian, born in Huzal, it was quite natural for him to return home with his colleague. There may have been some kind of an academy in Huzal long before, for R. Josiah gives a law in his father's name (Bab. Talmud Pesahim 54a), which would suggest that an earlier, lesser known generation of Babylonian Tannaim existed. In any case, R. Josiah was mainly educated in Palestine, though he also studied with R. Judah b. Bathyra in Nisibis. In Huzal, he and his colleagues conducted an academy where they

trained the generation of Tannaim to come. These included R. Ahai, R. Josiah's son, a leading Tanna in R. Judah's day, R. Hiyya, Rav, and Issi ben Judah

R. Jonathan, R. Josiah, and R. Nathan are cited in substantial disproportion in tractates Pisha and Nezikin of the Mekhilta, and R. Josiah is frequently cited in connection with R. Nathan in other places. The disproportion is as follows: Of all the places in the Mekhilta where the men are cited, 37 out of 51 of Josiah's, 35 out of 41 of Jonathan's, and 31 out of 62 of Nathan's sayings are found in these two tractates; additionally, of 5 sayings of R. Ahai, 4 are in the two tractates, and 75 of 101 of R. Ishmael's are in Pisha and Hezikin. This is a highly abnormal distribution, for a random, relatively equal distribution would have found (approximately) not more than 11 of Josiah's, 9 of Jonathan's, 14 of Nathan's, and 23 of Ishmael's sayings in the designated tractates. Since R. Josiah and R. Jonathan are never cited in post-Bar Kokhba sayings in Palestine and most certainly did not attend the consistory at Usha in 145, it seems most reasonable to suppose that the designated tractates of the Mekhilta took shape originally (though not in their final redaction) at Huzal. Further, since R. Nathan probably spent the war years and a few years afterward in Babylonia, but did return to Palestine, it is clear that the tractates in question were probably based upon exegetical traditions cultivated in Huzal between ca. 135 and 150, years in which the three men were in Babylonia together. In any case, the Ishmaelite school transferred its activities to Babylonia, and since sayings of these Tannaim were cited by Samuel and some of his Babylonian contemporaries and students, they probably provided at least part of the education of a new generation of Babylonians, who, in addition to indigenous traditions, began after the Bar Kokhba war to have direct access to the Palestinian Oral Tradition.

The contents of the Oral Tradition in Tractates Pisha and Nezikin contain no pecularly Babylonian elements, so far as I can see. What is striking is that the Palestinian teachings were preserved without perceptible change. One infers that much more of the Oral Tradition must likewise have been taught at Huzal, and that the great body of Pharisaic-Tannaitic tradition began to

provide at this time a central part of the curriculum. It was, therefore, on account of the emigration at the time of the Bar Kokhba war that *the* oral tradition as we know it to have existed in Palestine reached Babylonia and struck roots there. I do not believe that the Pharisaic Oral Tradition flourished in Babylonia before the Bar Kokhba War, though it may have been represented in the persons of one or two Palestinian emigrés (and perhaps also may have been studied by Babylonians who went up to Palestine and returned home, but of these we know absolutely nothing). But it was, as I said, most certainly established not only through individuals, but in permanent academies, by both Akibans in the north and Ishmaelites in the south, as a result of the Bar Kokhba war. Whatever was changed by Rav's coming, one thing did not require his attention, and that was the establishment, for the first time, of rabbinic academies. These were, without any doubt at all, well established and flourishing by his time, and for nearly a century before.

In the next generation, that of R. Judah the Prince in Palestine, the Babylonian Tannaitic academies produced a large number of students, some of whom migrated to Palestine. At Huzal the chief students were R. Ahai, R. Josiah's son, R. Hiyya, Rav, and Issi b. Judah. A group of Tannaim originated in Kifri, including R. Hiyya and his sons, and his nephews Rav and Rabba b. Hana. Other figures were Hanina b. Hama, Jonathan b. Eliezer, and the Nehardeans Abba b. Abba the Father of Samuel, and Levi b. Sisi. Of these, R. Dosetai may not have been a Babylonian at all, but he made a number of journeys to Babylonia, in the company of R. Yosi b. Kefar, in behalf of R. Ahai. R. Dosetai's first visit was probably ca. 145 C. E., when he represented the patriarchate against Hananiah's intercalation of the year, and his last was in the time of R. Judah, probably between 170 and 180 C. E. R. Yosi likewise was sent to collect funds for the patriarchate. Issi of Huzal is another enigmatic figure, for he was known by several names, some of them closely related, as Joseph of Huzal, Joseph the Babylonian (Issi was a diminutive of Joseph), but others of them completely unknown, such as Issi b. Gur Arye, Issi b. Mehallel, Issi b. Akavya, etc. Issi kept a private notebook,

which Rav found in the school of R. Hiyya, which was in Tiberias, and both Rav and R. Hiyya cited Issi's teachings. He was therefore an important figure in both countries. R. Hiyya bore a name traditionally associated with Babylonia. According to Samuel Daiches (*The Jews in Babylonia in the Time of Ezra and Nehemiah according to Babylonian Inscriptions*, London 1910, p. 12) the name Ahiahu was found in a number of Nippur documents. In Dura, likewise, Hiyya was very commonly found in the synagogue graffitti (C. Kraeling, *The Synagogue*, New Haven 1956, p. 272). R. Hiyya came, as we have noted, from Kifri, and was related to the exilarch, who made his court there, and probably represented his commercial, and possibly also political, interests in Palestine as well. Huzal was a center of Benjaminites, and since Hiyya was a Benjaminite (as a Davidide) he may have had some relatives in the town. In any case, he was educated at Huzal, though whether this was under R. Josiah and R. Jonathan seems unlikely, since R. Hiyya outlived R. Judah the Prince (d. ca. 220 C. E.) and would have been born about 150, and attended the Huzal academy about 165—175. He also had some contact with R. Judah b. Bathyra in Nisibis. By the time he reached Palestine he had achieved considerable mastery of the traditions, and was respected for his knowledge not only of Babylonian traditions of law and exegesis, but also of autochthonous medicine. He continued to keep in touch with Babylonia throughout his stay in Palestine. (His nephew Rabba b. Hana studied in Palestine with his uncle, and returned to Babylonia before 220, subsequently coming to Palestine at least once.)

Hanina b. Hama was a student of R. Hamnuna, Scribe of Babylonia, before his migration. Like other Babylonian Tannaim, particularly Nathan, Hiyya, and Jonathan b. Eliezer, he acquired some knowledge of medicine, a subject pursued in Babylonia from ancient days. Hanina continued to maintain relations with Babylonia. He was the "typical" Babylonian Tanna: rich, engaged in commerce, trained in medicine, educated partly in Babylonia but mainly in Palestine, regarded as a Babylonian throughout his life, and always in touch with his homeland.

Two of the most important transitional figures were Levi b. Sisi and Abba b. Abba the Father of Samuel. Levi may have come

from Susa, if his name means anything, and though he spent much of his life in Palestine, he frequently went back and forth, like Yosi b. Kefar, as the agent of the Palestinian consistory, and eventually settled in Nehardea. He studied at R. Judah's academy, probably as a youth, for he lived to ca. 240 C. E. and discussed many issues with Rav and Samuel. He was appointed by R. Judah as a provincial judge in Palestine, but failed in the position. He traveled with Samuel's Father, and may, like him, have been in the silk trade. Like him and like R. Hiyya and Rav, he pursued esoteric, mystical traditions. Like Hiyya, he was believed to have miraculous powers. His friend and colleague, Abba b. Abba, was born and educated in Babylonia. In the silk trade, he visited R. Judah b. Bathyra in Nisibis, presumably before ca. 160/170, and Palestine as well. Since he was born ca. 140 C. E., and was alive in Babylonia when Levi came after 220 C. E., he probably lived to a very old age. In Nehardea he was widely respected. As a rich man and learned in the traditions, he arranged the 'eruv for the entire town, took charge of the affairs of orphans, and issued legal decrees, including divorces.

The religion of Babylonian Jewry in the Tannaitic period is mostly unknown, and irrecoverable. We do not have a single source, apart from the designated sections of the Mekhilta, which originated in the first instance in Babylonia. All we have is what may be inferred from Palestinian sources which, in the first place, exhibit no keen interest in abstract theological issues, and, in the second, tell us nothing whatever about Babylonian Judaism. Nonetheless we do know that Ishmaelite teachings were strongly represented. The Huzal academy certainly transmitted the exegetical viewpoint of the Ishmaelite students. On Deut. 15. 10, for one instance we know that the viewpoint attributed to the school of R. Ishmael was expressed by R. Ahai the son of R. Josiah, R. Hiyya after him, and by R. Nahman, a student of Samuel more than a half-century later. We know, too, that an indigenous exegetical tradition flourished; though we have only very limited evidence of what it taught, we may be sure that it included considerable attention to the Merkavah chapters of Ezekiel and other mystical lore.

We have general references to Babylonian courts and laws. For example, R. Dosetai b. R. Yannai and R. Yosi b. Kefar reported that the Jewish-Parthian officials who thwarted them constituted a *bet-din shaveh*, a court of one mind, accordine to Professor Saul Lieberman. The knowledge of that particular court was considerable, for the issue at hand involved whether a quittance had to be given for the legal liability of property handed over to the Palestinian agents. When the Palestinians were unwilling to accept legal responsibility for the property while in transit, the Babylonian Jews applied physical force to recover the goods. Such a legal principle leads us to infer that Babylonian Jews had impressive knowledge of law. Furthermore, Babylonian synagogues preserved their own, local customs, for we know that such synagogues existed in Sepphoris and Tiberias, which suggests that Babylonians followed a liturgy somewhat different from that prevailing in Palestine. Likewise, Rav taught R. Hiyya "the laws of the Babylonians", during one of the latter's periods of excommunication. R. Sherira Gaon states that there was a Mishnah in Babylonia, entitled "The Mishnah of R. Nathan", which was taught in Babylonian schools before the time of Rav. The definition of the Babylonian Tannaitic tradition depends upon legal and literary analysis of conflicting Mishnaic interpretations of Rav and Samuel, for Samuel's opinions (where specifically supposed to be traditions, and not merely interpretations or ad hoc decisions) would provide evidence of the content of the non-Palestinian viewpoint. In any event, no one can doubt that Babylonian Jewry possessed a rich legal tradition, for it was substantially self-governing, and thus must have possessed rich bodies of antecedent decisions to govern its collective social, commercial, and moral life long, long before the return of Rav. This body of law must have been based, as Jewish law normally was, on Scripture and its interpretation. Just as Palestinian Judaism, in its several modulations, was always Scriptural, so was that of Babylonian Judaism. And just as the Scripture was interpreted according to the hermeneutical, and, more broadly, historical and theological viewpoints of those doing the interpreting, so this must have been the case in Babylonia. But I do not believe we shall ever know very about what those viewpoints consisted of.

Rav's coming has been regarded as marking a decisive turning-point in the history of Babylonian Jewish community, and so it was. But it should by now be entirely clear that Rav did not "bring the Torah" to Babylonia, for it had never left. Nor did he bring knowledge of Tannaitic Judaism, for it was present close to a century before his arrival. What he did bring must become clear in a close study of the early Sasanian period of Babylonian Judaism[5]. What he did *not* bring has become abundantly obvious through this survey of the Tannaitic sources on the history of Babylonian Jews and Judaism in the Parthian age.

MOSE, DER BLUTBRÄUTIGAM

Erwägungen zu Ex 4,24–26

Von Herbert Schmid, Kaiserslautern

Mit diesem rätselhaften Abschnitt hat sich in Auseinandersetzung mit H. Kosmala[1] neuerdings G. Fohrer[2] befaßt, der auch Ansichten von Forschern erwähnt, die Kosmala nicht referiert. Nach Fohrer gehört die Perikope, die in der Regel als jahwistisch gilt, zur «Nomadenquelle» (N), die weitgehend mit O. Eißfeldts[3] «Laienquelle» (L) identisch ist, der in Ex 2–4 als ursprüngliche Reihenfolge annimmt: 2,23; 4,19–20a; 24–26; 3,21–4,9.20b–23. 30b–31a. Es läßt sich freilich nicht beweisen, daß 3,21–4,9.20b–23

[5] See my *History of the Jews in Babylonia*, II. *The Early Sasanian Period*, in press at E. J. Brill, Leiden, Holland.

[1] The «Bloody Husband», VT 12, 1962, S. 14—28.

[2] Überlieferung und Geschichte des Exodus, BZAW 91, Berlin 1961, S. 45—48. Siehe Judaica 21, 1965, S. 211ff.

[3] Hexateuch-Synopse, Neudruck Darmstadt 1962, S. 115. Zu N siehe Sellin-Fohrer, Einleitung in das Alte Testament, 10. Aufl., Heidelberg 1965, S. 173—179.