

THE ORGANIZATION OF JEWISH COMMUNITIES

IN TANNAITIC TIMES.

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These works deal with the general subject of Jewish community organization.  
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### ABBREVIATIONS.

For the names of books of the Bible, Talmud and Midrash the standard abbreviations have been used as listed in the Jewish Encyclopedia:

Other abbreviations follow:

- Art. - Article
- Bar. - Baraita
- C.I.G. - Corpus Inscriptionum Graecarum.
- "Gemeindeverf." . . . "Die Gemeindeverfassung der Juden in Rome" - Schürer
- J.E. . . . . Jewish Encyclopedia
- J.Q.R. . . . "Jewish Quarterly Review."
- Josephus, "Ant." . . . "Antiquities of the Jews."
- "B.J." . . . "The Jewish War."
- "Vita" . . . "The Life of Flavius Josephus"
- M.G.W.J. - . . . "Magazin für die Wissenschaft des Judenthums."
- Monatsschrift . . . "Monatsschrift für Geschichte und Wissenschaft des Judenthums."
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## INTRODUCTION

After biblical times the history of the Jews is not discernible in detail until the opening century of the Christian era. But with what light the more numerous sources of that day shed upon the picture certain facts of their institutions and customs begin to assume visible form. And we learn by looking at the facts revealed what had been going on in the shadowy centuries before and we have a background then which helps us understand the later development also.

Among the more important and interesting subjects for historical research into the institutions of the Jews is that of the organizations they developed for the direction of the affairs of their local communities. Important as national life may be civic life has a previous claim upon attention being nearer to the life of the individual. And civic life is of particular importance among the Jews and during the opening centuries of the Christian era because the local community was then and there the primary unit of organization. Though we must not deny the "sensitive fibres" which connected all communities with Jerusalem, and after the destruction of Jerusalem with the seat of the academy wherever it was located, we must also realize the practical autonomy of the individual cities in the administration of local affairs. For granting of local autonomy was a part of the policy of the Roman government which was in those days dictating policy<sup>the</sup> most of the time.

Since the most of our source material is not datable except within large periods we need to consider our subject not at a definite time but over a certain stretch of years. And we are justified in taking two centuries--the first and the second of the Christian era--as we do, by the fact that though momentous national events happened during that long time there was, as far as we can ascertain, but slow development and slight change within the local communities.



The change of masters through the centuries had little or no effect upon the inner organizations of the Jewish municipalities. Greek, Jewish or Roman supremacy meant little more in the organization of the local community than that the collected taxes were sent to one governor or to another (cf Schurer, "Gesch.", <sup>3</sup> II, p. 78). The great movements in national politics, even the epochal destruction of Jerusalem by Titus, and the failure of the Bar Kochba revolt, occurred and passed without the local communities being greatly or permanently affected in their inner structure.

There were Jews from the Persian Gulf to the Straits of Gibraltar already at the beginning of the Christian era. They were "in every region of the inhabitable world." <sup>(1)</sup> Babylonia, Palestine, Asia Minor, Rome and Northern Egypt were the principal centers. In most of the cities of Judea the Jews formed the majority of the population and their organization was thus the organization of the municipality. Where they were not the majority, both in Judea and in the diaspora, they were yet organized as communities and generally enjoyed the privileges of self-government.

Wherever Jews lived during the first and second Christian centuries and were organized within the city for the direction of their local affairs, we shall be concerned with them and their organizations, in this presentation.

We shall treat the five outstanding organizations of the local community: the first, the general executive body for the administration of secular affairs; the second, the local judiciary; the third, the synagogue and its officers; the fourth, the educational institutions of the city as far as these were directed by the community; and the fifth, the organizations for the administration of charity.

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(1) cf. Th. Reinach, in J.E. art. "Diaspora", sec. II.

# I. THE ORGANIZATION FOR THE DIRECTION OF CIVIC AFFAIRS.

For information upon the organization of the Jewish municipality for the direction of civic affairs we are dependent largely upon non-Rabbinic sources: Josephus, Philo, the book of Judith, and inscriptions. Into the settings furnished by these works it is possible to place what material does exist in the early Hebrew sources, and it is frequently possible to understand the Rabbinic references better against this background.

There is specific data upon a number of the Jewish communities known at the opening of the Christian era by which their municipal organization may be described.

In Josephus, for example, we discover Tiberias as it was when he lived--a city governed by an ἀρχων and a council of six hundred elders of whom ten were "principal men". The archon, when Josephus came to Tiberias, was one named Jesus, son of Sapphias. Of his activity Josephus tells that he set the people against him (Josephus) addressing them assembled in the hippodrome and urged them to bring him to justice ("Vita" 27); that he wrote a letter to Jonathan and his colleagues promising them that the multitude would receive them if they came and consent to be governed by them ("Vita" 53); that before a popular assembly held in the Prosencha, he openly advised revolt against Josephus ("Vita" 54); that he instituted an inquiry, before the populace in the Prosencha, into the disposition of certain funds by Josephus ("Vita" 57); and that he called a session of the Senate to discuss the matter further ("Vita" 58). These facts inform us that the archon, Jesus, was the leader of the assembly with power to invoke it, and political leader of the city--almost its independent governor.

The Senate (βουλή) consisted of six hundred elders whom Josephus ordered imprisoned in Tarichea upon a time, as a military stratagem (B.J., "2,21,9; "Vita" 34). To this Senate Josephus wrote to discuss a state affair ("Vita" 12); this Senate assembled with the people to hear Jonathan's accusations against Josephus ("Vita" 55); it was bidden to an inter-city council to consider



military measures and refused to join the council ("Vita" 61) and certain of its members wrote to the king on a time bidding him interfere in the affairs of the city ("Vita" 68).

The special committee of elders, called the *δέκα πρῶτοι* were ten in number and it seems that the six hundred delegated to them the power to act except in crises. Josephus was more desirous of getting them into confinement than the rest of the senate when he wanted to remove the senate from governing the city ("B.J." 2,21,9; "Vita" 34); to them, and another man Capellus, Josephus committed for safe-keeping certain articles belonging to the royal household ("Vita" 13); and they (the *δέκα πρῶτοι*) were respected by the people ("Vita" 57).

In the city of Alexandria the terminology was somewhat different but the pattern similar. The emperor Augustus instituted a *gerousia*, in his day, to replace the Ethnarch who appears previously to have had supreme power--"administering the affairs of the nation, judging their cases, supervising the execution of contracts and rules, exactly as the archon of an independent state" (quoted from Strabo in Jos. "Ant." 14,7,2). The *gerousia* assumed these functions: Philo ("In Flaccum", 10) speaks of "our council of elders which our savior and benefactor, Augustus, elected to manage the affairs of our nation." Alexandria may have differed from Tiberias in that there seems to have been no one man in Alexandria at the head of affairs--at least there is no mention of such a one after Augustus. The *gerousia* was the government. The members of the *gerousia* seem to have been called "archons", <sup>(1)</sup> as the phrase: τοὺς ἀρχοντας τὴν γερουσίαν of Philo (loc. cit.) indicates. But the opinion is also held that the archons were an executive committee of the *gerousia*. <sup>(2)</sup> Whatever their title it is clear at least that there were "principal men of the senate" ( *πρωτεύοντες τῆς γερουσίας*, they were called) comparable to the *δέκα πρῶτοι* of Tiberias <sup>(3)</sup>

(1) So Büchler, J.E. art. "Archon"

(2) So Schürer, "Gesch." 3 III, p.41

(3) So Schürer, "Gemeindeverf." p. 22

for upon a certain occasion we hear of them, exhorting the Jewish populace to deliver the Sicarii to the Romans as a measure of public safety (Jos. "B.J." 7,10,1). How many composed this committee of the gerousia and how many were the members of the gerousia itself is not known. It may be that the שבועים ואחת קהילתא in the great Alexandrian synagogue seated the gerousia and consequently that the number of its members was seventy-one (cf. Tosef. Suk. p. 198, l.22). In the parallel passage in Suk. 51 b, the seventy-one are called the סנהדרין גדולה. Flaccus caused thirty-eight members of the gerousia to be scourged in the theater in Alexandria (Philo. loc. cit.)

The Jewish communities of Rome had also their councils. The titles were not the same as in other cities but the organization was similar. The governing body of a Roman congregation was a gerousia with a gerousiarch at the head of it and archons as a special committee. There was a gerousia for each synagogue, as the inscriptions prove: For there is mention of a "gerousiarch of the Augustinian synagogue", (1) and of archons from the synagogue of the Καμπήσιοι and from the synagogue of the Σιβουρηῖοι. (2) The gerousiarch was the head of the gerousia. Inscriptions from grave stones testify to the title. (3) We do not know anything about the character of the office other than is implied by the name.

"Schurer denies that the commonly recurring title ἄρχων can denote a member of the gerousia since this is contrary to all usage and the archons are regularly a committee of a boule or gerousia, and he wonders therefore at the absence of the titles γέροντες and πρεσβύτεροι from all inscriptions. He posits it that one of these titles must have been applied to the members of the gerousia but that strictly speaking, they were not officers that their titles

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- (1) Cited by Schürer, "Gemeindeverf." p. 18: C.I.G. 9902: κυντιανὸς γερούσιάρχης συναγωγῆς αὐγουστινῶν.  
 (2) Ibid. p. 20: C.I.G. 9906: Ἰουλιανὸς ἱερεὺς ἄρχων Καμπείων...  
 C.I.G. 6447: Νεικόδημος ὁ ἄρχων Σιβουρηῖων.  
 (3) Ibid. p. 18.

should be mentioned on the stones.<sup>(1)</sup> The archons were the managing committee of the gerousia corresponding to the *δέκα πρῶτοι* of Tiberias, the *πρωτεύοντες τῆς γερουσίας* of Alexandria and the nine archons of Berenice, (see below p. 7)--a committee patterned apparently after the Athenian constitution.<sup>(2)</sup>

Archons appear frequently among the inscriptions and from their mention certain facts concerning the office may be gathered. From two which read (C.I.G. 9910): *Σαββάτις δις ἄρχων* and (Garr. Cim. pa. 47): *Μαρῶν β' ἄρχων* (3) it may be concluded that the archons were appointed for a specified time. But other inscriptions indicate that some held the office for life, namely, such inscriptions as contain the title *ὑὰ βίου, διὰ βίου, διαβίο,* *diawiu* and *iabins* which Schurer takes to be elliptical for *ἄρχων διὰ βίου* (4). In others the title *ἄρχων* is attached to the names of children and infants (5). which is an indication that, more than a life-office, the office became even hereditary.

(1) Ibid p. 18 f.

(2) Ibid p. 19 f.

(3) Ibid p. 21.

(4) C.I.G. 9903, 9907; Garr. Diss. II, 184 No. 29; Mommsen I.R.N. 2555, 7190; cited by Schurer, op. cit. p. 23.

(5) Garr. Diss. II p. 161, No. 10, 11; p. 163, No. 13; Orelli 3222; cited by Schurer, op. cit. p. 24.



So much for Tiberias, Alexandria and Rome. At this point we extend our knowledge of specific communities by a supposition, for we are permitted to assume that where these titles are found in other cities, the organization of these other cities was after the same pattern as Tiberias, Alexandria and Rome. Working from that assumption we ascribe this type to Berenice in Africa where there were nine ἀρχοντες, (1) to Antioch where an archon is mentioned by Josephus, (2) to Porto and Capua from which places come grave inscriptions of men who were archons, (3) to Marano, a city near Naples where "Ti. Claudius Philippus" was 'dia viu et gerusiarches', (4) and to Ostia, a city near Rome where an inscription informs us of the existence of a Jewish gerusiarch. (5)

The first book of Maccabees, contains material upon the organization of the community of Jerusalem, but less as a municipality than as a capital city. Reference is made to the national assembly or gerosia (12:6) (6), to πρεσβυτέροι who appear to have been members of the gerosia (12:35, 13:36, and 14:20), (7) and to the high priest (12:6), which are all national institutions. But in 14:28, ἀρχων (8) seems to apply to local or municipal officers and the ἐκκλησία of 14:19 is very like the local popular assembly described by Josephus in Tiberias, and by the author of Judith in Bethulia (see below, p. 9 ).

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(1) C.I.G. 5361, cited by Schürer, "Gemeindeverf", p. 21; cf. Buchler in J.E. Art. "Archon", who ascribes this institution to the end of the first century.

(2) "B.J." 7;3,3: "a certain person whose name was Antiochus, being, one of the Jewish nation, and greatly respected on account of his father, who was governor ( ἀρχων ) of the Jews of Antioch."

(3) Cited in Schürer, op. cit., p. 21, No. 39 and 42

(4) Ibid. p. 18, No. 41.

(5) Cited by Radin, "Jews among the Greeks and Romans", p. 327.

(6) See also II Macc. 1;10, 4;44, 11;27; and III Macc. 1;8,23,25, 6:1

(7) The word πρεσβυτέρος is also used in general sense and as an honorary title (1;26, 7:33, 11:23).

(8) Ἀρχων is also used as a mere title of honor (1:26, 2:17) and otherwheres the term ἀρχων, like ἡγούμενος and στρατηγός, denotes a military leader (5:56, 6:60,61, 9:30, 10:37, 3:55, 6:57, 14:35,41).

In other words, we are presented by I Macc. with the probability that Jerusalem was organized as a municipality and that the Temple with its officers and the national gerousia or Sanhedrin, which were located at Jerusalem and were of more than local significance, had the same relation to the city of Jerusalem that they had to other cities. We are acquainted with the fact that there were several courts in Jerusalem by the passage in Mish. Sanh. XI,2;<sup>(1)</sup> One of these may have been the municipal court of Jerusalem.<sup>(2)</sup> And we know that other synagogues were located in Jerusalem than the synagogue of the Temple--each synagogue doubtless having its own officers.<sup>(3)</sup>

The Sanhedrin was certainly not the governing body of the city of Jerusalem, for after the destruction of Jerusalem it was transferred to a number of other cities of Judea in succession and continued to have the authority to arbitrate questions of more than local import; and these other communities were doubtless organized for the administration of their own affairs before the arrival of the Sanhedrin.

The archons of Jerusalem are mentioned in the New Testament by John who says (3:1): "There was a man of the Pharisees named Nicodemus, an archon of the Jews;" and (12:42) "Many of the archons believed in Jesus but they did not confess him because of the Pharisees, lest they be put out of the synagogue." By Luke also they are mentioned (23:13) and in the acts of the apostles (13:27).

R. Jose said that the Boulentes of Jerusalem would watch for persons coming to that city and then try to persuade them to become archontes or Boulentes---<sup>26</sup> <sup>ארכי יושם וברב</sup> (Jer. Taan. 69a). Buechler suggests that this is to be explained by the fact that the burden of Roman taxes fell with particular severity upon the municipal officers--as R. Johanan (Gen. R. 76:5)

(1) ג' בתי דינים היו שם

(2) See below P. 15 ff

(3) See below P. 27



remarks of the Roman government that it envies a man his property and says:  
 "This man is rich, let us make him archon; this man is rich, let us make him  
 Bouleutes". (1)

To this list of known communities another is to be added which is a  
 fiction but therefore presumably a city typical for Judea for the time of  
 the writing of the book it is found in, namely Bethulia, the scene of the story  
 of Judith. An author casts his story consciously or unconsciously into the  
 mould of his surroundings, and he who wrote Judith described some city of Judea  
 as it was in the second pre-Christian century (2) --not however Jerusalem. (3)

Bethulia was under the direction of three governors known as ἀρχοντες. (4)  
 They have the authority to call a general popular assembly to consider an im-  
 portant civic matter (6:16) but they need the advice of the populace to act  
 upon this question of the surrender of the city (7:23). They are consulted by  
 Judith, an individual about to undertake a venture for the sake of the community  
 and they have the authority to sanction her act (8:10,35). They send her on her  
 way (10:6) and meet her when she returns (13:12). They are civil executives,  
 concerned, in this source, solely with the secular affairs of the municipality.

One of the three was the presiding officer--the chief of the governors.  
 He is mentioned together with the others in a number of cases (7:23, 8:35, 10:6)  
 but he is also seen giving advice and acting independent of the others (6:16,  
 7:30,31; 8:28). This man is a man of wealth apparently and his house a popular  
 meeting place (6:21, 7:23, 14:6).

In certain passages where the context clearly shows that the governors  
 are meant, the Greek term employed is προεβύτεροι (in 8:10; 10:6 and 13:12?):

- 
- (1) "Jewish Commun. of Sepphoris" p. 40--  
 ח מלכות הרשעה שהיא מכנסת עין רעה במסגורו של אדם. כל  
 עתיד לעבירנה ארכוניות. כלן עתיד לעבירנה בליאוס  
 (2) So Charles, "Apoc. & Pseudep. of O.T." p. 245  
 (3) Correspondence passes between Bethulia and Jerusalem; cf. Judith 4:6 and 11:14.  
 (4) Ibid. 6:16; 7:23; 8:10; 35; 10:6.

Evidently the archons were a committee of the elders of the city. There are others who are called *πρεσβύτεροι* besides the governors, and these elders meet with the rest of the people and the governors in assembly (6:16, 21: 7:23). Judging from the fact that (as in 6:16)<sup>(1)</sup> the elders of the city and the women and the youths apparently make up "all the people" the body of elders is not inconceivably the entire male population above middle age.

The popular meeting to advise the governors is called *ἐκκλησία* (6:16, 7:29, 13:12, 14:6).

The city Jerusalem has certain claims upon the local community. The national assembly, here called *γερονσία* as in I Macc., orders Bethulia to be fortified when an enemy is approaching (4:8) and commends the action of the city in its self-defence (15:8). Jerusalem receives taxes from the local community, tithes for the Temple (11:14).

This, then, was the organization of the city the author of Judith had in mind; a city governed by the people but especially by the elders of the people, and of the elders particularly a group of three, one of whom had independent power at times. This is similar, indeed, to the organization of Tiberias as Josephus describes it a century or more later, and similar to what we surmise was the organization of Jerusalem.

That other cities of Judea were so organized is indicated by Hebrew sources.

The word *אַרְחוֹן* ( *אַרְחוֹן, אֶרְכוֹן, אֶרְכוֹן* ) with its derivatives occurs in rabbinic literature: In B.B. 164 b it is suggested that notes be dated "In the year of Archon N" --- *בשנת פלוני ארכון* --and then as R. Hananya b Gamaliel --of the second century says, we can look to see when that archon was in office. "But what if he stays in office more than a year?" the gemara asks. And Hoshaya of the fourth century says: "It is the custom of this people to call the archon his first year 'Archon' and his second year ' / י ל ד ' (Gr. *διχῶς* --twice.)<sup>(2)</sup>

(1.) Καὶ συνεκάλεσαν πάντας τοὺς πρεσβυτέρους τῆς πόλεως καὶ συνέδραμον πᾶς νεανίσκος αὐτῶν καὶ αἱ γυναῖκες εἰς τὴν ἐκκλησίαν καὶ ἔστησαν τὸν Ἀχιὼρ ἐν μέσῳ πάντος τοῦ λαοῦ αὐτῶν.  
(2.) cf. Naz. 8b *שנה אחת די*

R. Jirmeya adds that this title ארכון דיגון is likewise applied to an archon reelected after some years spent out of office. Besides indicating the existence of archons in another Judean community this passage supports the conclusion of Schurer that archons were elected for a specified period and suggests that the period \_\_\_\_\_ was a year (see above p. 6). The archon ( ארכון ) of Sepphoris at the time of R. Johanan (3rd century) is mentioned in Jer. Ber. 9a<sup>32</sup>. In Jer Peah 21a<sup>31</sup> it is declared in the name of R. Hiyah bar Ba that God sets up archons - ר' חיה בר בא מקים ארכונים.

There are, moreover, a number of Hebrew terms in the literature which are titles apparently of civic officers.

The words שבעה טובי העיר appear in Meg. 26a-b and the words ר' מלבי in Jer. Meg. 74a<sup>18</sup>. In the former passage it is said that the "seven leading citizens" after conferring with the populace may sell a synagogue, and an instance is cited where the site of a ruined synagogue was sold with such an authorization to be planted with grain.<sup>(1)</sup> The rule is given in the name of רבא who lived in Babylon in the fourth century and the story is told of Babylonian Amoraim of the next century which makes the datum of dubious value for determining the conditions in Judea in the early Christian centuries. However the similar phrase שבעה מבני העיר appears in the Palestinian Talmud (loc. cit.) in the same connection. "Seven of the citizens", it is there stated, "have the authority to act for the city:"

The "seven prominent citizens" forming a municipal council are not therefore a Babylonian institution only. And they appear in earlier times as well. In the passage in the Tosefta, which is parallel to Meg. 26a, R. Jehuda, an

(1) בני העיר שמכרו... בית הכנסת לוקחין תיבה... אמר רבא לא שנו אלץ שאל מכרו  
שבעה טובי העיר במאמר אנשי העיר מכרו שבעה טובי העיר במאמר אנשי העיר אפילו  
למשתא ביה שנגז שפיר דמי רבינא הוה ליה החוצ תינה דבי כנישתא אתא נקמיה דרב  
אשי אמר ליה מהו למזדאק? אמר ליה דל זבנה משבעה טובי העיר במאמר אנשי העיר וזרעה



earlier Palestinian authority speaks of the פְּרָנָס אֲתָהּ הָעִיר with similar intent.<sup>(1)</sup> (It is of interest to observe, in passing, that in the early Christian church, as we see in Acts 6:1-3, seven men were given executive power upon a time, which act probably had a Jewish pattern).

Beside the fact that the Tosefta passage permits us to carry the institution of the municipal council as found in the fifth century back into Tannaitic times we are introduced through it to the term פְּרָנָס as designating a municipal authority. We find the term so used in other connections.

But the references permit the question whether פְּרָנָס is a mere term of honor or the title of an officer with — authority. The evidence favors the latter conclusion. It is recorded that after the death of Simon b. Gamaliel (Cir. 70 C.E.) a cup of wine was added in the house of mourning for the פְּרָנָס הָעִיר and one for the חֲזַן הָעִיר (Ket. 8b). In the Palestinian parallel (Jer. Ber. 6a<sup>3</sup>) the חֲזַן הַכְּנֶסֶת and רֹאשׁ הַכְּנֶסֶת, synagogal officers, are mentioned instead. The פְּרָנָס הָעִיר were seemingly officers, too. R. Elazar, a Palestinian Amora of the third century said that every פְּרָנָס who directs the community (הַצְבּוּר) gently will deserve to be its leader in the world to come (Sanh. 92a). Here also the פְּרָנָס is one with authority.

The local community is clearly implied in the question of R. Johanan (a third century Palestinian) "Who is the scholar whom they would appoint leader of the community (פְּרָנָס מִלְּפָנֵי הַצְבּוּר)?" (Shab. 114a), and in the similar passage in Taan. 10b where a פְּרָנָס is said to be "anyone who is fit to be appointed head of the community (כָּל שְׂרָאִי לְמִנְיָתוֹ פְּרָנָס מִלְּפָנֵי הַצְבּוּר)".

R. Bar Bar Zabda (a Palestinian of the 3rd cent.) said: "we never have less than three Parnasim" and R. Johanan, his contemporary, said "we do not make two brothers Parnasim together" (Jer. Pea 21a 20 and 23).

(1) Meg. p. 224. l. 10. - ר' יוסי אומר בני הכנסת לא יקחו את הכתובה . . . אמר ר' יהודה במה דברים אמורים: בזמן שהיו (Var. - שנא התנו) אמהם פְּרָנָס אֲתָהּ הָעִיר - לא היתה (Var. - אבל אם התנו) אמהם פְּרָנָס אֲתָהּ הָעִיר רשאים ששנותו לכל דבר שירצה:

The title פְּרוֹנָס is frequently applied to one who is more than a local magistrate. Many who are mentioned by name in rabbinic literature, and there called parnasim, are national figures; Moses, Aaron, Miriam, Joshua, David the King, R. Gamaliel II who was head of the Sanhedrin at Jabneh, Akiba, and Judah II the Patriarch are in one place or another so designated.<sup>(1)</sup> That the same word can apply to community officers is a suggestion that the office so designated is of importance, probably the chief function of the municipality, surely no less than that of a member of the city council.

The term חֵבֶר אֵיךְ as used in Meg. 27a seems also to apply to a community leader with authority. חֵבֶר אֵיךְ does not everywhere have this same meaning, is applied at times to the congregation and also at times to the meeting place of the congregation<sup>(2)</sup> but in Meg. 27a it can only mean a chief official. Here, to limit the provision that strangers in a city who are assessed there for charity may receive their money back when they return to their own communities, R. Huna says this applies only when there is no חֵבֶר אֵיךְ but when there is a חֵבֶר אֵיךְ it is given to him. "How much the more", he adds, "when your poor also depend upon me."<sup>(3)</sup> By most all commentators חֵבֶר אֵיךְ in this place is taken to mean תַּלְמִיד חֵבֶר as by Rashi.<sup>(4)</sup>

(1) שני פרנסים טובים אמרו זהם לישראל משה ודוד  
; ג' פרנסים טובים אמרו לישראל ואברהם  
; נתמנה פרנס על הצבור - משה אהרן ומרים  
Joshua: Sifre, Deut. 26, 334 -  
R. Gamaliel: Ber 28a - (ח) פרנס  
Akiba: Jer. Sota 24a<sup>27</sup>; Judah: 'ar 17a - In the baraita in Horay. 13b  
which refers to בני ת"ח שממנו אביהם פרנס מנהיגים, the head  
of an academy is clearly designated.

(2) cf. Art. "חבר אֵיךְ" by Jakob Horovitz in "Festschrift zum Siebzigsten  
Geburtstage Jakob Guttmanns" pp. 125-142.

(3) ר' חונא גזר תעניתא על לגביה רב חנא בר חנילא' וכך בני מתיה רמו עליה  
צדקה ויהבו כי בעו למיתא אמרו ליה נותבה נן מר זנוז ונפרנס בה מני  
מאתין אמר להו תנינא במה דברים אמורים בשאין שם חבר אֵיךְ אבל יש שם  
חבר אֵיךְ תינתן לחבר אֵיךְ וכל שכן דאנוי דדי ודיכו מני סמיכי ;

(4) cf. Horowitz, op. cit., pp. 129-131



The Greek term *πρεσβύτεροι* is identical with the Hebrew *זקנים*, which was probably applied, as the term *πρεσβύτεροι* was, to leaders of the local community--at least in certain uses of the word. (1) But the question is askable whether the *זקנים* were officers of the synagogal or of the municipal community and, the references which apply being so few, the question is difficult to answer. The *זקנים* are mentioned in Tosef. Meg. p. 227, l. 11, when it is said they had special seats in the synagogue facing the people, with their backs to the ark. Allusion is doubtless made to their special seats in the passage in Jer. Meg. 73d<sup>61</sup> in the reference to a *קטורת* of the synagogue, which Bacher emends to *קטורת* after Jer. Shab. 6a<sup>2</sup>, and also in Mat. 23:6, Mark 12:39, Luke 11:43, et al., in the references to *πρωτοκαθεδρίας ἐν ταῖς συναγωγαῖς*.

The seventy-one golden seats in the great Alexandrian synagogue (cf. Tosef. Suk. p. 198 l. 22) were likewise for *זקנים* and because of the significant number we suppose that the Alexandrian *זקנים* were the governing body of the Jewish civic community (cf. above p. 5). If this supposition is correct, the *זקנים* who sat facing the people in Judean synagogues were possibly municipal councillors also.

This about exhausts the information obtainable upon the officials of the Jewish municipality concerned with the direction of civic affairs. The known variations in the several cities of the diaspora have been separately recorded, and the various terms and titles enumerated, acknowledging all the differences and admitting the possibility of many more variations than are on record we yet have data pointing to a more or less uniform pattern. The local government was, as a rule, in the hands of a large group of elders of no certain number, a smaller executive committee likewise numerically undefined although the numbers three, seven and ten appear, and an individual who was at their head and was possessed at times of independent executive power.

(1)

(1) It was not always to local officials that the title *זקן* was attached. As *πρεσβύτερος* did, it applied as well to members of the national assembly at Jerusalem. cf. Tosef. Shek. p. 179, 23; Mish. Taan. III:6; and above p. 7.

## II. THE LOCAL JUDICIARY.

Local courts of Justice are presupposed by the New Testament. "Beware of men", said Jesus to his disciples, "for they will deliver you up to the councils ( *eis souvéδρια* ) and they will scourge you in their synagogues" (Mat. 10:17 = Mark 13:9; cf. Luke 21:12). He told the "scribes and Pharisees" that God sends them prophets but they scourge them in the synagogues and "persecute them from city to city" (Mat. 23:34.) And he said, "Who says to his brother, Raca, shall be in danger of the council" ( *τῷ σουβερῶ* ) (Mat. 5:22).<sup>(1)</sup> He advised against quarreling "lest at any time the adversary deliver thee to the judge and the judge deliver thee to the officer ( *ὁ κριτὴς τῷ ὑπηρέτῃ* ) and thou be cast into prison" (Mat. 5:25). Otherwheres he spoke of a judge ( *κριτὴς* ) in a certain city to whom a woman appealed for protection against her enemy (Luke 18:2-3) and Paul, speaking of his own activities as an appointee of the priests to root out the Christian heresy said "Many of the saints did I shut up in prison, having received authority from the chief priests....and I punished them oft in every synagogue .....and I persecuted them even unto strange cities" (Acts 26:10-11). He later confessed "Lord, they know that I imprisoned and beat in every synagogue them that believed in thee" (Acts, 22:19). In the city of Phillipi in Macedonia the apostles, Paul and Silas were tried in the marketplace before rulers and magistrates ( *ἀρχόντες* and *στρατηγοὶ* ) and they were flogged and cast into prison and put in stocks (Acts 16:19-24) This last incident occurring in a non-Jewish community has bearing only in so far as the Jewish and non-Jewish organization for justice may be assumed to have been similar. So

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(1) cf. Montefiore, "The Synoptic Gospels", p. 80, where this term is taken to mean the local court.

also with the case at Thessalonica where Jason and other "brethren" were hailed before the rulers of the city (ἐπὶ τοὺς πολιάρχας) (Acts 17:6-8).<sup>(1)</sup>

In the writings of Josephus also, local courts are frequently mentioned. The court of seven men which Josephus describes in "Ant." 4, 8,14 as having been ordained by Moses can only have belonged to his own time because it is nowhere mentioned in the Law of Moses. "Let there be seven men to judge in every city", he says, "Let every judge have two officers allotted him out of the tribe of Levi... Let those that judge be permitted to determine according as they think to be right.....But if these judges are unable to give a just sentence about the causes that come before them, let them send the cause undetermined to the holy city and there let the high priest, the prophet, and the Sanhedrin determine as it shall seem good to them." In "Ant." 4, 8,38 these same seven judges are invoked with regard to a specific case where goods held in trust were lost - a simple case of civil law. In "B.J." 2,14,1 Josephus tells of men committed to prison by the courts of their cities (ὕπὸ τῆς παρ' ἐκάστου βουλῆς)<sup>(2)</sup> and in "B.J." 2,20,5 he tells how he himself "chose seven judges in every city to hear the lesser quarrels."

In the Mishnaic rule: "A virgin shall marry on Wednesday and a widow on Thursday, because twice a week the courts have sessions in the cities, on Monday and Thursday, and if she prove not to be a virgin she can be taken into court" (Ket. I:1) is clear reference to local courts which held sessions in their respective cities on two days of every week (Mondays and Thursdays--the market days)<sup>3</sup> That there were such courts is equally clear from the provisions laid down in Mish. Sota I:3-4, Sanh. XI:4, and Sheb. X:4. These passages describe respectively the procedure in the case of a woman accused of adultery, the procedure in the case of a ממרא תקן and the wording of the "prosbul". The woman

(1) The numerous other cases of court procedure narrated in the new testament are to be connected with the national court at Jerusalem.

(2) "From what is here stated," says Schürer, "we can further gather that it was the Boule itself that exercised police and judicial functions"-- "Gesch." 3 II. p. 177.

(3) This custom is reflected in the tradition in B.K. 82a that among the institutions of Ezra was the holding of courts upon Mondays and Thursdays: משנה תקן ביום רביעי וביום ראשון. The custom was evidently an ancient one.



accused of adultery and the *ממרא* *מן* were always to be sent from the local court (*ב'ר שבאותה מקום*) to Jerusalem, and the "prosbul" contained the words: *קדיינים* - "the judges in such and such a place".

→ A baraita in Mak. 7a gives us the biblical authority for the establishment of the local courts. The comment is upon Deut. 17:8. The derived rule is this: "In your gates (i.e., in Palestine) you must place judges in every district and in every city; outside of Palestine, in every district."<sup>(1)</sup> It is probably these local courts to which the historian in Sem. VIII (37a) refers: *מכאן ואילן* *בולאות שביהודה* - "for a year (during the Bar Kochba revolt) the Judean *בולאות* ceased." The Hebrew word is derived from the Greek *βουλή* meaning "assembly" or "council."

The sources do not give us complete satisfaction with respect to the number of members a local court had. We may say one, three, five, seven, ten or twenty-three as we rely upon this piece of evidence or that. Possibly we do wrong to look for uniformity in this matter. Perhaps in villages one judge had sufficient authority to decide the cases that arose (and if not, the cases were taken to larger courts); perhaps in towns and cities the smallest courts were of three or more; and in cities special courts of twenty-three sat in addition to what minor courts there may have been with fewer members.

The number seven is most favored by scholars. Schürer says that "the most subordinate of local courts consisted of seven persons."<sup>(2)</sup> S. Funk modifies this conclusion slightly with the statement that "a rather widespread opinion existed that for civil cases five was the minimum number of persons, to which must be added two scribes who were, as a rule, in the class with judges so that the total number of judges was general<sup>ly</sup> seven."<sup>(3)</sup>

(1) cf. Tosef. Sanh. p. 420. 1.4 - The provision in Mak. 1:10 - *ממרא* *מן* reflects the same opinion.

(2) "Gesch."<sup>3</sup> II pp. 178-9

(3) "Die Männer der Grossen Versammlung und die Gerichtshöfe im Nachexilischen Judentum" in the Monatschrift - 1911, pp 33 ff. 699 ff. (esp. 33-37).

From Josephus' statement quoted above (Ant. 4,8,14) and his action also cited ("B.J." 2,20,5) in appointing a court of seven, we should suppose that a local court had seven members. This is substantiated by the statements of Bar Kapara and R. Joshua b. Levi in Jer. Sanh. 18b<sup>65-71</sup> who agree that cases which involve no greater penalty than flogging are decided by seven judges - differing only as to what scriptural passage gives the basis for the number. And it is of interest that the council which directed the municipal affairs had seven members - in some instances (cf. *מבית דין* as discussed above p. 11). S. Funk's modification is supported by the passage Jer. Sanh. 18c<sup>3</sup>; "One scripture says five and one seven - the latter includes the *אשר יהיה*." Courts of five to which two scribes may have been added are not lacking. In the time of Akiba five judges tried a certain case recorded in the Tosefta (Toh., p. 671, 1.1). Tosef. Sheb. p. 67, 1. 21 and Mish. 'Erub. III:4, tell of ritual decisions rendered by five *אנשי חכמה* in the time of R. Jose. From Naz. 44a it appears that R. Joshua b. Elisha with four elders once constituted a court. The Mishnah enumerates a long list of cases which might be handled by a court of three (Sanh. I:1-3), and even tells how judges were chosen for a civil suit - each suitor choosing one, and they two, a third (Sanh. III:1). The specification of three for civil suits is repeated in Sanh. 8a where a proviso is added to the effect that they must be three who are skilled - even ten if they are not *אנשי חכמה* do not suffice. Now it is possible to argue that the number three is only a theoretical minimum, courts of three never having actually existed<sup>(1)</sup> or that there had to be three deciding the case, as Rabbi said (Tosef. Sanh. p. 414, 1. 36 and Jer. Sanh. 18a<sup>33</sup>), and that therefore the court had five judges, which with two scribes made seven. This would simplify matters and support the seven theory, but these arguments seem scarcely tenable in view of the passage Sanh. III:1, quoted above, and it likewise seems unnecessary to demand uniformity.

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(1) So. Schurer, "Gesch."<sup>3</sup>, II, p. 177



A. J. Karlin (1) who agrees with Funk that seven was a customary number for local courts objects to the surmise that two of these were סופרים on the ground that the סופרים were not counted among the judges in the sanhedrins of 71 where they also functioned. The Talmud quotes decisions rendered by individual rabbis or by courts of three scholars. That no local court procedure other than this sort is recorded in the Talmud is the contention of A. Buchler (2) based on data collected by H.P. Chajes. (3) Says Buchler: "Only incidental references in the Talmudic literature give scanty information; and even those merely report occasional decisions and judgments by individual rabbis in their schools or by three scholars constituting a formal court for that occasion." He quotes a number of examples of such local judges giving decisions as individuals. (3a) R. Ishmael b. R. Jose, for example, granted alimony to a woman in the market-place in Sepphoris (Jer. Ket. 35d3) and Rabbi did the same in Beth-She'arim (Ket. 107b). We must likewise call attention to the judges certain small communities applied to the Nasi to appoint for them (See below p. 21 ).

S. Funk (4) is of the opinion that there were ten judges in some courts. This opinion is based upon two statements in Sanh. 7b: "R. Joshua b. Levi said: "When ten sit in judgment the responsibility rests on every one of them" and "Whenever a case would come before R. Huna he would call together ten rabbis." Karlin objects that "a court may never have an even number of judges" (5) and that therefore a court never had ten members. He explains the statement of R. Joshua to mean that when the number is ten, i.e. more than is necessary, the blame rests on all of them and says that the ten mem of whom R. Huna speaks were not a court but ten men in whose presence the opinion of the court was published.

(1) In an article "Über die Mitgliederzahl der Gerichtshöfe zur Zeit des Zweiten Tempels", in the Monatsschrift - 1911, pp. 24 ff.

(2) "Jewish Community of Sepphoris," p. 21

(3) "Les Juges Juifs en Palestine de l'An 70 a l'An 500" in R.E.J., 1899, pp. 37-52)

(3a) Op. cit. p. 22 ff.

(4) Op. cit. p. 35

(5) op. cit. p. 26

Schürer holds that the larger cities had courts of twenty-three members since the Mishnah permits such a *סנהדרין קטנה* in any community having more than 120, or according to another opinion 230 citizens (Sanh. I:6) although he makes the reservation that the provision may be merely theoretical. (1)

The composition of the court is described in the Talmud (Sanh. 17b). Besides the judges, witnesses and suitors there were two *סופרים* and two *חזנים*.

The *סופרים*, as their name suggests, were recorders of the proceedings of the court. This is apparent from a statement in the Mishnah where the method of taking a re-count of the opinions of the judges is described: "If one of the judges makes a mistake in regard to his original opinion the two *סופרי הדיונים* remind him." (2) They were the "writers", the keepers of the court records.

The *חזנים* of the court were of lesser dignity than the judges. They were not menial servants of the court--another is mentioned who served as *שטט*. (3) Two specific acts of *חזנים* in pursuance of their official duties are on record. After the judges took their seats in the court the *חזנים* went among them getting their opinions, (4) and when a sentence of flogging was pronounced by the court the *חזנים* executed the order. (5) There is of course no reason to suppose that these were the chief or only duties of the court *חזנים*--they may be mere casual examples. But if we generalize from the character of these two duties, albeit minor, we picture the *חזנים* of the court as assistants to the judges who made themselves useful as they could.

(1) Op. cit. p. 179

(2) Sanh. V:6, Tosef. Sanh. p. 428, l. 29 - also quoted in Jer. Sanh. 23a<sup>2</sup>

(3) Jer. Kid. 65c<sup>18</sup> and Sanh. 23d<sup>16</sup> - *שכל דוד וקרא להם מה לכם ולבית שאול* - *אמרין ליה על אשר המית ממנו ז' אנשים שני חוטבי אצים ושני שואבי לים וחזן וסופר ושמש*

*מה שממה דרבי נחמיה והוא שיהא שם בית דין של* - Sanh. 19c<sup>44</sup> *כ"ג והנידונין והאדים וזולמיהן וזולמיהן וזולמיהן וזולמיהן וזולמיהן*

(4) Jer. Sanh. 23a<sup>2</sup>, and Tosef. Sanh. p. 428, l. 25 - *חזני כניסות מחזנין אחרים*

(5) Mak. III:12; Mak. 23a; Tosef. Sanh. p. 444, l. 29 and 31.

Josephus' statement that "two men of the tribe of Levi were to be appointed to act as officers ( ὑπηρέται ) in every court" ("Ant." 4,8,14) is a reference to these assistants. The New Testament translates the Hebrew word *פֶּתִי* with ὑπηρέτης (Luke 4:20) and in Mat. 5:25 judges are mentioned along with the ὑπηρέτης.

Judges with *סופרים* and *חזנים* are mentioned again in Shab. 56a and judges with *סופרים* in Shab. 139a. In the former passage, R. Jonathan, who lived in Sepphoris about the middle of the third century, is quoted as saying that the sons of Samuel did not go about to act as judge in the various towns of the land as Samuel did, but stayed in their own communities to increase the reward of their *חזנים* and *סופרים*, doubtless scoring subtly a deplorable condition which he observed about him, and in the latter passage Resh Lakish, who lived in Tiberias a few years later, refers bitterly to the corruption of the judges and their *סופרים*.

A twice repeated tradition (Jer. Jeb. 13a<sup>15</sup>) and (Gen. R. Sec. 81:2) tells that the inhabitants of Simonias (a Galilean city in the neighborhood of Sepphoris) came to Rabbi (a tanna who lived at the end of the second century) and said to him: "Put over us a man who will be *ד"ר וחסן סופר מתנין* and care for all our needs." So in the Talmudic tradition; according to the traditions in Gen. R. they ask for "a man *ש"הא מקרא אותנו ושונה אותנו ודן את ד'ינו*. That the forensic motif was uppermost in their request as it is quoted in the Talmud is evident from the fact that the first duty the inhabitants of Simonias put upon the man appointed was the duty of deciding a case involving *הל'צה*. And the sequence *סופר וחסן ד"ר* in the Talmudic reference is very tempting. Grouping the three words so, the parallels in the passage are *ד"ר* to *ש"הא מקרא אותנו* and *ד"ר* to *שונה אותנו*. And *ד"ר וחסן סופר* is a form of expression for a person who shall carry out all of the functions of the court alone. In a similar tradition, recorded in Jer. Shab. 36d<sup>6</sup>, the inhabitants of Bosra ask R. Shim'on ben Lakish for a *ב"ש ד"ר ספר חזן מביד כל צרכיו*. Considering the fact that the body of law was derived from the Torah and that this activity



might be meant by the word *סופר* we may have in this tradition a fairly reasonable request for the appointment of a judge, and nothing more. And if, in these passages *סופר* may mean a court scribe it is possible to consider the *סופר* of Sota IX, 15<sup>(1)</sup> in the same sense and take *חזני* to mean court officials there also.<sup>(2)</sup>

The fact that we cannot draw unquestionable conclusions as to just what sort of a community officer the inhabitants of the towns asked the rabbis to appoint for them gives an ambiguous character to the results of any speculation as to the method of appointing community officers which is based on these quoted passages. We are in doubt as to whether it was judges or *כינוסים* whom the Nasi of a generation appointed for the local communities. An officer of the one character or the other certainly received his position in such a way. The term "appoint" is used frequently in connection with community officials. So with those officials appointed for Simonias and Bosra. So with *כינוסים*: When men were appointed *כינוסים* in a community they were forbidden to do work in public.<sup>(3)</sup> R. Jose (2nd cent.) appointed *כינוסים* for the community of Kaphra (Jer. Peah 21a<sup>26</sup>, Shek. 48d<sup>55</sup>). The *חזן* even is referred to as *הממונה* - "the appointed one." (Jer. Suk. 55a-b, and Tosef. Pes. p. 159, l. 9). Paul received a certain judicial commission, before his conversion, from the priests at Jerusalem (cf. Acts 9:2, 26:10-11). It is possible that only small communities depended upon a national authority for this service. The meaning of the passage in Tosef. Ta'an. p. 215, l. 13-14<sup>(4)</sup> appears to be that a local council appoints men to official positions. This may have been the custom in the cities. It seems that the appointment consisted in the bestowal of a diploma upon the official by the authority who appointed him.

- ר' א הגדול אומר מיום שחרג בית המקדש שרו חכמים צמחיה  
 (1) כספריא וספריא כחזנא וחזנא כמגא דארמא;  
 (2) But *סופר* in the Jer. Jeb. quotation is usually taken as parallel to *שקא*, *מקרא* in the Midrash, and said to mean a teacher of the Torah (so Elbogen, "Jud. Gottesdienst", p. 487) and *סופריא* in Sota IX, 15 is traditionally also *מלמד תינוקות* (cf. Tos. Yom Tov, ad loc.) And there is much also to be said for this interpretation.  
 (3) כיון שנתמנה אדם פרנס אמר הוצרך (3rd cent.)  
 Kid. 70a אסור במשי"ת מלכא כה בפני שששה;  
 (4) זא כס הרוצה לאשות עצמו יחיד מושה תלמיד  
 חכם מושה אלה עם כן מיתוהו בית דין אמר הוצרך

The clue to this supposition is found in the various comments upon the words *אגרת ש רשות* found in M.K. III,3 and in the Talmud M.K. 18b. Rashi says the *אגרת ש רשות* is a *ש רשות* *ש רשות*. Tos. Yom Tov repeats this statement of Rashi and repeats also Rabenu Nissim's explanation (2) that by means of the *אגרת ש רשות* the Nasi gives permission to such a one to act as judge:

*ש רשות* *ש רשות* *ש רשות* *ש רשות*. It seems also that the people ratified the appointment. R. Yitzhak said: "We do not put a *פנים* over a congregation, without consulting the congregation." (2) They did not need to accept the Nasi's choice. The people of Simonias questioned the choice which Rabbi made (Jer. Jeb. 13a<sup>22</sup>) and the people of Kafra the selections of R. Jose (Jer. Peah 21a<sup>26</sup> and Shek. 48d<sup>55</sup>). (3) Weinberg (4) derives the supposition that the community had to agree upon the officials from the words *בטקובל מלין* of Jer. Meg. 74a<sup>19</sup>: "If they accept the men as their representatives even one (can make a binding sale), if not, no number suffices." The appointment was probably accompanied by a ceremony of some sort. R. Haggai would give the appointee a Torah to signify that all authority comes from God. (Jer. Peah 21a<sup>29</sup>).

This is the description of the appointment and installation of officers over Jewish communities. It has a certain ambiguity, as we have indicated because either officers of the judiciary or governors of the municipality may be the functionaries to whom reference is made. One solution of the ambiguity is that they both were appointed in the same way. This is possible. But there is another

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- (1) In the unpublished text of his commentary to M.K. cf. J.E., vol IX, p. 317b.
- (2) Ber. 55a - The passage continues: "For it is said 'and Moses said to the children of Israel. See, God has called the name of Bezalel'. God said to Moses: 'Moses, is Bezalel satisfactory to you?' Moses answered: 'O Master of the World, if he is suitable in Thine eyes, would he not certainly be so in mine?' But God said: 'Nevertheless, go! speak!' He went and spoke to Israel: 'Is Bezalel satisfactory?' And they replied: 'If he is suitable in God's and in your opinion, is he not certainly so in ours?'"
- (3) Most of this material is contained in the J.E. art. "Parnas" by Deutch.
- (4) "Die Organization der Jüdischen Ortsgemeinden in der Talmud Zeit" -- Monatsschrift, 1897, p. 644



solution which is attractive and that is that the judicial and executive functions coincided in some Judean communities and were given over to one official or to one official body. This was possibly the situation in the smaller Jewish communities: one man even, receiving his authority from a national figure, presided over the congregation and acted also as judge.

The administration of justice was in some way connected with the synagogue. The term for the ban in the new Testament is "putting out of the synagogue" (John 9:22, 12; 42, 16:2). We find, too, that scourging was administered there (Mat. 10:17, 23:34, Mark 13:9, Acts 22:19, 26:11). Whether or not the synagogue was the scene of the court sessions is not ascertainable but it being the most likely building in the community for such activity, it is antecedently probable that such use was made of it. And the probability is supported by the cited references connecting the synagogue and the institutions of the ban and flogging. The statement in Luke 21:12: "they shall deliver you up to the synagogues and into prisons, being brought before kings and rulers for my name's sake" seems to view the synagogue as a tribunal. So also the passage in Luke 12:11: "when they bring you unto the synagogues and magistrates and powers, take no thought how or what thing ye shall answer or what ye shall say." Saul sought of the high priest letters to the synagogues of Damascus giving him authority to arrest any Jews guilty of the Christian heresy and bring them bound to Jerusalem (Acts 9:2). There are supporting references in later rabbinic literature. It would be strange for the term חזן to be applied as in Mak. III:12, to the officer who administers the flogging, unless the court were in some way connected with the synagogal community (כנסת). Two cases of court procedure in a Caesarean synagogue are on record: "R. Abbahu (4th cent.) sat in judgment in the Synagogue of the Rebellion in Caesarea"-- ר' אבא (Jer. Sanh. 18a<sup>72</sup>) and ר' יוחנן rendered a decision regarding a Kethuba there also - ר' יוחנן (Jeb. 65b). Similarly in Lev. R. 6:2 a theft is announced by the חזן in a synagogue and a civil oath taken by a witness to the robbery.

### III. THE SYNAGOGUE

The time of the emerging of the synagogue as an institution from its early voluntary amorphous state can not be fixed with accuracy. There is evidence to point to the antiquity of the synagogue in the Temple at Jerusalem (1) and the synagogues in and near Alexandria. (2)

- (1) The report of Hecataeus of Abdera as quoted in Reinach, "Textes," p. 14 ff, dates from the opening of the third century B.C. but it is clear in this account that the historian refers to a ceremony similar to that described in Neh. 8 and patently connected with the Temple at Jerusalem. - The report of Theophrastus (+287 B.C.) quoted by Porphyry (who wrote cir. 275 C.E.) ("De Abstinencia" II 26 ed. Hercher, cited in Reinach "Textes" p. 8 and Radin "Jews among the Greeks and Romans" pp. 81-83) describes a service similar in certain particulars to the later synagogue service but it is clear from the context that he is describing a ceremony which occurred in the Temple.-- The writer of I Esdras 9:39, whether as Charles suggests ("Apoc. and Pseudepigrapha" Vol I. p. 56) he believed the "water-gate" was in ruins when the incident in Neh. 8 took place, or whether he thought the Temple a more likely place, for the reading of the law in public assembly than the gate in the city wall, yet carries the scene "into the broad place of the holy porch towards the east". This is the place where sacrifices were offered (I Esd. 5:47) and where the assembled people were exhorted by Ezra (I Esd. 9:6 ff). These incidents indicate that a form of synagogue service was being held in the Temple at Jerusalem at the time the Greek Ezra was written.--Mishna Yoma 7:1 and Sota 7:7-8 refer to a practice similar to the synagogue service but performed in the Temple at Jerusalem.--Reference to this synagogue occurs in the New Testament: Luke 2:46, 18:10, 19:47, 20:1, Acts 5:42.-- A baraita quoted in Jer. Suk. 54a<sup>45</sup> may also refer to this synagogue although it is possibly another of the synagogues of Jerusalem which is meant.-- Joshua b. Chananya describes a ceremony in a Jerusalem synagogue previous to the year 70 - Tosef. Suk. p. 198, l. 18.
- (2) An inscription quoted by Elbogen "Jud. Gottesdienst", p. 446, tells of a synagogue in Schedia near Alexandria, dedicated to Ptolemy Euergetes III, 247-221 B.C. cf. R.E.J. 1902, pp. 161-164 and Schurer, "Gesch.", 3 III, p. 86.  
 --A Greek papyrus from Egypt (Brit. Mus. III, 183) records that the ἄρχοντες Ἰουδαίων προσευχῆς paid their water tax (note 13 to ch VIII, Radin, "Jews among the Greeks and Romans")--Philo, "Leg. ad Caium", 20: "The multitude.....cut down some of the synagogues, of which there are a great many in every section of the city" (Alexandria). cf. "Quod omnis probus liber" 12.

How widely otherwise the synagogue was recognized in pre-Christian centuries can not be ascertained but we are certain that the local synagogue was an old and established institution by the beginning of the Christian era. For this fact Josephus, Philo and the New Testament bring ample testimony. They ascribe its origin to ancient times---even to Moses. (1)

In the first century C.E. there were local synagogues in Jewish communities throughout Palestine, Asia Minor and Egypt. There were synagogues in Jerusalem other than the synagogue in the Temple. (2) There were synagogues in Tiberias, Caesaria, Sepphoris, Tibe'in, Nazareth, Capernaum, and "all of Galilee", in Damascus, Ephesus, Salamis in Cyprus, and Antioch, in Iconium, Sardis, Halicarnassus, Thessalonica, Berea, Philippi in Macedonia, Athens and Corinth. —

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(1) Josephus: "Contra App." 2:17: "Moses did not suffer the guilt of ignorance to go unpunished but demonstrated that the Law is the best and most necessary instruction of all, permitting the people to leave off their other employment, and to assemble together for the hearing of the law, and learning it exactly, and this not once or twice or oftener, but every Sabbath". "Ant." 16,2,4: "The seventh day we set apart from labor; it is dedicated to the learning of our customs and laws." "Ant." 16,6,2: Mention is made of synagogues (συναγωγῶν — "houses of Sabbath-keeping") in a decree of Caesar Augustus here cited by Josephus.--Philo "Vit. Mos." III,27) ascribes the origin of the synagogue to Moses.--Acts 15:21: "For Moses from times of old (ἐκ γερων ἀρχαίων) has them that preach him in every city, being read in the synagogues every Sabbath day."

(2) Acts 6:9 -- "The synagogue which is called the synagogue of the Libertines and Cyrenians and Alexandrians and of them of Cilicia and of Asia "; it is not clear whether one synagogue or five of them is meant.



Unmistakable contemporary evidence attests to the existence of these synagogues (1) and in some cases later sources as well (2). These later sources

- (1) Tiberias: Jos. "Ant". 19,6,3; "Vita" 54 (Prosencha):  
 Mish. 'Er. 10:10--Caesarea: Jos. "B.J." 2,14, 4-5. "Sepphoris:  
 Tosef. Meg. p. 223, l. 16. --Tibe'in: Tosef. Meg. p. 223, l. 19.  
 --Nazareth: Matt. 13:54; Mark 6:2; Luke 4:16--  
 Capernaum: Mark 1:21; Luke 4:31; 7:5; John 6:59.  
 --"All of Galilee": Matt. 4:23; 9:35; Mark 1:39; 6:6;  
 Luke 4:15; 13:22. --Damascus: Acts 9:2 (plural).--  
 Ephesus: Acts 18:26; 19:8. --Salamis: Acts 13:5(Plural);  
 Jos. "B.J." 7,3,3. --Antioch: Acts 13:14. --Iconium:  
 Acts 14:1. --Sardis: Jos. "Ant" 14,10,24. --Halicarnassus:  
 Jos. "Ant" 14,10,23. --Thessalonica: Acts 17:1. --  
 Berea: Acts 17:10. --Philippi: Acts 16:13.--  
 Athens: Acts 17:17. --Corinth: Acts 18:14.
- (2) In Jerusalem: Jer. Suk. 54a<sup>45</sup>: תניי חמין כר היה המנהג בירושלם  
 'אדם הונך לבית הכנסת 5/5 ב' ד' ו' (which may, of course,  
 refer to the synagogue in the Temple).-- Ket. 105a: והאמר יב פנחס  
 אמר ר' אושעיא שלש מאות ותשעים וארבעה בתי דין היו  
 בירושלם כנגדן בתי כנסיות וכנגדן בתי מדרשות וכנגדן בתי סופרים  
 Jer. Meg. 73d<sup>25</sup> is similar to Ket. 105a with the added tradition that these  
 were destroyed by Vespasian.-- Tosef. Meg. p. 224, l. 26, mentions a  
 בית הכנסת של אלכסנדרים שהיו בירושלם  
 b. Zadok (2nd Cent.)--  
 In Tiberias: Ber. 8a where mention is made of the thirteen synagogues  
 of Tiberias. --Ber 30a mentions eleven synagogues from the time of  
 Ami and Asi (4th cent)-- Jer. Taan. 64a<sup>52</sup> mentions a synagogue called  
 כנישתא דב' where R. Jirmeja, an amora of Tiberias taught. -- In  
 Caesarea: "Jer. Bik. 65 d<sup>17</sup> where mention is made of "The Synagogue of  
 the Rebellion" (כנישתא מרדתא דקיסרי). - In Sepphoris:  
 Pesik. R.K. (Ed. Buber, Lyck 1868) 136b mentions "the great Synagogue  
 of Sepphoris. - Jer Sota 22a<sup>23</sup>, Jer. Ber. 9a<sup>32</sup>, Jer. Shab. 8a<sup>42</sup>  
 and Jer. Sanh. 28a<sup>53</sup> mention the כנישתא דבגל דפרי' --  
 Jer. Ber. 6a<sup>1</sup> and Jer. Naz. 56a<sup>9</sup> mention the כנישתא דגופתא in  
 Sepphoris.





that the inhabitants of a city might assess one another for the purpose of building a synagogue. (1) A synagogue was included in the assumed property of a Jewish city along with the public square, bath-house, Holy Ark and Holy Books. (2) It was a part of the natural equipment of the municipality without which the community was incomplete. In the third century it was the rule that a synagogue could not be torn down until another had been built to replace it, (3) which indicates that it was considered imperative that a Jewish community always have a synagogue. The importance of the institution is shown likewise by the Tannaitic statement that the building should stand on the highest spot in the city, (4) the rule was possibly a sign of the regard in which the synagogue was held and the pre-eminence of its position in the life of the community. (5) Since we have information to show that the synagogue frequently served as house of worship, school-house, court-house, town-hall, and institution for the collection and administration of charity, we have reason to expect that it would be regarded, as it was, as an indispensable person in the community.

Of the several functions of the synagogue, its function as a house of worship--a cult center, as it were--is doubtless the primary one. The synagogue was a local shrine where Jahwe was praised and his will ascertained. Not that the synagogues as cult centers were local counterparts of the temple. Ritual acts were performed in the Temple which could never, in accordance with the law be

(1) Tosef. B.M. p. 396 l. 29 — כוסין בני העיר זה אתה לבנות להם בית הכנסת

(2) Ned.V. 5 — אזהו דבר של אותה העיר: כגון הרחוב והמרחץ ובית הכנסת ותבנה והספרים

(3) Meg. 26b, top — אמר רב חסדא לא סמך בי כנישתא אד דבני — and the parallel passage in B.B. 3b: 'אמר רב חסדא לא סמך בי כנישתא אד דבני'

(4) Tosef. Meg. p. 227, l. 16 — אין פותחין אותה (i.e., the door of the synagogue) אלא שני בג"ר: בראש הועיות תקרא בפתח שנים בג"ר: of. also Midr. Tanh. par. 5, and Shab. 11a top.

(5) Although K. Kohler (Art. "Synagogue", "Dict. of Apostolic Church") citing Wellhausen "Ist. und Jud. Gesch."<sup>6</sup> pp. 149-194, holds that this position of the synagogue is evidence that synagogues replaced the במות.

performed elsewhere; moreover there was a synagogue in the Temple while it stood, and other synagogues in Jerusalem at the same time, which would have been without *raison d'être* if the synagogue was a counterpart of the Temple. Ritual of a different character belonged to the synagogue. And the synagogal ritual supplemented the ceremonies of the Temple, survived the destruction of the Temple, and constituted the only religious expression of the Jewish communities when Jerusalem lay in ruins.

The ritual of the synagogue was intimately connected with the public reading of the Law and the study of it. Where the New Testament mentions the synagogues there is usually a reference to the Law and the public reading and teaching of it,<sup>(1)</sup> with occasional reference to prayer.<sup>(2)</sup> Torah reading and prayer were the essentials of the synagogal service.<sup>(3)</sup>

For the ordering of the religious service two officers were appointed by the congregation, one known as the ראש הכנסת and one as the חזן הכנסת. They did duty as the masters of ceremonies in the synagogue.

The principal function of the ראש הכנסת was to supervise the religious service. This is attested to first of all by the name by which he was called: שׂר הכנסת - "head of the gathering," which is rendered by the Greek term ἀρχισυνάγωγος. It is clearly the synagogal community over which he was "head." The ראש הכנסת is to be distinguished from the high-priest who supervised the sacrificial service at the Temple, and from the כהן who belonged also to the priesthood and the priestly service in the Temple. Two passages in the Mishnah (Joma VII,1 and Sota VII, 7,8) describe services in the Temple synagogue in which the ראש הכנסת takes part. The Torah is being read: in one case by the High Priest and in the other by the King.

(1) Matt. 4:23; 9:35; Mark 1:21; 6:2; Luke 4:15-21,31; 13:10; Acts 13:14-15, et al.

(2) E.g. Matt. 6:5

(3) Elbogen: "Jud. Gottesdienst," pp. 247;250; Zunz, "Gottesdienstl. Vorträge", pp. 3-13; Schurer, "Gesch.", 3 II, p. 428; I. Abrahams, "Studies in Pharisaism and the Gospels," pp. 4-9; cf. Jos. "Contra App." 2,17, "Ant," 16,2,4, and Acts 15:21 cited above. p. 26..



Receiving the Torah roll from the  $\text{קריא}$ , the  $\text{גאון הכנסת}$  hands it in both cases to the  $\text{קריא}$  who gives it to the High Priest or King. It is as if the Torah is entrusted to the care of the synagogal officers who give their permission to the Temple dignitaries to read from it. The  $\text{קריא}$  quite naturally hands it to the  $\text{גאון הכנסת}$  being less in honor than he; and the  $\text{גאון הכנסת}$ , as highest officer of the synagogue, hands it to the priestly functionary. These accounts of the ceremony in the synagogue at the Temple are the oldest references to the  $\text{גאון הכנסת}$ . They reflect conditions existing, at the latest, in the time of Agrippa I, 41 A.D.

Aside from this special function, in a ceremony which occurred but once a year, the  $\text{גאונים הכנסת}$  were occupied in the local synagogues with functions in connection with the weekly religious services. When Paul, the Apostle, and his company came to Antioch in Pisidia (Asia Minor) they went into the synagogue on the Sabbath day, and after the Law and the prophets had been read the rulers of the synagogue ( $\alpha\iota\ \alpha\rho\chi\iota\sigma\upsilon\nu\acute{\alpha}\gamma\omega\gamma\omicron\varsigma$ ) sent to them inviting them to speak a word of exhortation to the people. (Acts 13:14.15)

>This incident represents the officers of the synagogue as directing the service. In Luke 13:14 it is said that the ruler of the synagogue ( $\delta\ \alpha\rho\chi\iota\sigma\upsilon\nu\acute{\alpha}\gamma\omega\gamma\omicron\varsigma$ ) became indignant because Jesus healed in one of the synagogues on the Sabbath day. Without doubt he was acting within his power as director of the service when he reprimanded the stranger. This seems to be his basic function.

Several inscriptions mention the Archisynagogue. One from Smyrna speaks of a Jewess Rufina,  $\alpha\rho\chi\iota\sigma\upsilon\nu\acute{\alpha}\gamma\omega\gamma\omicron\varsigma$  (1) and another tells of the building of a synagogue in Aegina being directed by the archisynagogue. (2) Two from Rome merely name the men who bore this title. (3) Another mentions an "Arcosynagogus" in Capua. (4) An edict of Emperor Honorius (399 C.E.) speaks of "Archisynagogues and elders and those whom the Jews call Apostoli . . . ." (5) It is of importance

(1) Cited by Reinach in R.E.J. 1883, p. 164 ff.

(2) C.I.G. No. 9894 - cited by Schürer, "Gemeindeverf.," pp. 28 and 41; No. 45.

(3) Schürer, "Gemeindeverf.," pp. 25 ff. No. 5 and No. 19.

(4) Ibid., No. 42.

(5) Cited in J.E. Art. "Apostle and Apostleship."



that the two inscriptions from Rome and the one from Capua are of men who were during their life-times both archisynagogues and archons. This shows that these two officers were not identical although Mark 5:22 and Matt. 9:18 confuse them. And the citation from the edict of Honorius shows that the archisynagogues may not be identified with the elders either. The synagogal officers were not the municipal authorities--they had special jurisdiction.

No conclusions as to the character of the archisynagogue can be drawn from the mere mention of the title in Mark 5:22,35,36,38 and Luke 8:41,49 nor the mention of the title in Acts 18:8 and 17 except that this last mention is evidence that the office was occupied in Greece as well as in Palestinian communities. That there were ἀρχισυναγωγοί in Rome also was shown by four inscriptions quoted by Schürer ("Gemeindeverf.," p. 25). But the Babylonian Talmud has to translate the ראש הכנסת of Jer. Ber. 6a<sup>33</sup> with the words פירסי הכנסת (Ket. 8b) which shows either that a different custom with respect to the cups of wine in the house of mourning prevailed in Babylonia or that the Babylonian communities had no officers who could bear this title.

It should be asked with regard to the ראש הכנסת whether there was one such in a community or several. For although the passages in the Mishnah and the one in the Tosefta speak of the ראש הכנסת and those in Luke 13:14 and Acts 18:8,17 of the ruler of the synagogue (ὁ ἀρχισυναγωγός), Acts 13:15 mentions the rulers of the synagogue; Mark 5:22 refers to one of the rulers of the synagogue, and Luke 8:41 to a ruler of the synagogue (οὗτος ἀρχων τῆς συναγωγῆς) as if there were others. It was probably the rule for a congregation to have but one "head." Were there several congregations in a city there might be several ראשי כנסות, and if, as it seems, the title was applied to the family of the official and became hereditary even an entire social class might arise bearing the title. Schürer agrees with Weiss ("Marcusevangel" p. 184) whom he quotes ("Gemeindeverf.," p. 27), that the meaning of Mark 5:22 and its parallel, Luke 8:41, is one of the

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class of rulers of the synagogue." This appears to be the use of ראשי כנסיות in Pes. 49b, top, where they constitute a social class. The term of ἀρχισυν-  
 ἀγωγος in Acts 13:15 may have been applied loosely to the "officers of the congrega-  
 tion"--to the חזן, the ראש הכנסת, and others, who united in inviting their  
 guest to speak.

The families of the ראשי כנסיות constituted a social group as well defined  
 as the תלמידי חכמים the גדולי הדור, the גבאי צדקה and the מלמדי  
 תינוקות, as the mention of them alongside of these groups in the baraita quoted  
 in Pes. 49b, top, and in the passage Gittin 60a, top, indicates. Their place  
 in the social scale is above charity overseers and teachers of children but below  
 the תלמידי חכמים and the גדולי הדור. That the ראשי כנסיות became a social class  
 points to the probability that the office could be held for life and be transmitted  
 through the family. The use of the title ἀρχισυνάγωγος with the names of women  
 and children, as in inscriptions cited by Schürer, (1) indicates that the honor of  
 the officer was shared by the family of the holder of it. One inscription cited  
 by Schürer is of Julianus an archon whose father was an ἀρχισυνάγωγος. (2)

Less in dignity than the ראש הכנסת but with duties no less well-defined  
 or important was the חזן הכנסת. The tendency has been to derive the word  
 חזן from the Assyrian "hazanu" or "hazannu" - meaning overseer or director. (3)  
 When designating a synagogue officer חזן applies most frequently to one who has  
 duties connected with the religious service particularly with the reading of the Law.

While the Temple was yet standing there were חזנים in the districts of  
 Judea. In Tosef. Bik. (p. 101, 1.29) is a description of how the first fruits were  
 brought by the pilgrims to the temple at Jerusalem; they are mentioned accompanying  
 the pilgrims. (4)

(1) "Gesch." 3 II, p. 439.

(2) "Gemeindeverf." p. 25, No. 5, C.I.G. 9906.

(3) So in J.E. Art. "Hazzan;" and Delitzsch, "Assyrisches Handwörterbuch," p. 272 a.

(4) חזנים היו מוליכי יחידים ולא פלכים פלכים וחזני בית הכנסת (Var. lect.)  
 חזנים וכל בית הכנסת מוליכי אמהם;  
 We may not confuse with the חזנים of the synagogue the חזנים of the Temple who  
 appear to be something quite different. They are mentioned in Tamid V:3, taking  
 care of the garments of the priests, and in Suk. IV:4 receiving the lulabim  
 brought to the temple and laying them out on the gallery.

The earliest references to the *חזן* as taking part in a synagogue service are the two passages in the Mishnah which describe the ceremony attendant upon the reading from the Torah by the High Priest upon Yom Kippur and by the King at the conclusion of the first day of Succoth of the year after the Sabbatical year. (1) The custom belongs to the first half of the first Christian century (2) and was doubtless followed in the synagogue of the Temple at Jerusalem.

A similar association of the *חזן* with the *ספר תורה* appears in the three times repeated statement in the Palestinian Talmud (Joma 44b<sup>5</sup>, Sota 22a<sup>22</sup>, Meg. 75b<sup>59</sup>): "R. Jose (2nd cent.) commanded Bar Ulla, the *חזן* of the Babylonian congregation: "When there is one Torah let it be rolled behind the curtain . . ." (3) An instance is on record where the *חזן* himself read from the Torah: R Hanina b. Gamaliel (2nd cent.) went to Cabul and heard the *חזן* reading a passage from Genesis. (4) In the Tosefta too, (Meg. p. 227, l. 11-13) the *חזן* appears to have the duty of reading from the Torah in the presence of the congregation. He seems also to have one who takes his place at that time and waits on him (*אחד מומד* 15 *בחזן* - var. Lect. 15 *בחזן* - Hapax leg.)

(1) Joma VII,1 and Sota VII 7-8. The *ספר תורה* took up the *ספר תורה* and handed it to the *כֹּהֵן גָּדוֹל*, he handed it to the *סֹגֵן*; and he to the High Priest. If the King was to read the High Priest in turn gave the *ספר תורה* to the King.

(2) The Agrippa mentioned in Sota VII, 8 is Agrippa I and the incident belongs to the year 41 A.D. according to Schurer (Gesch. First Div. Vol. II p. 157 ft. nt. 26,27).

(3) ר' יוסה מפקד לגר מוסא חזן דכנ' שתא דבב' א' כד דה'א - חדא אוריג' תהא ג"ל זכ' להדי' פורכתא וכו'

(4) אמר ר' חנינא בן גמליאל שהלך לכבול וקיה קורא חזן הכנסת ויהי בשכן ישראל:

But in the parallel passage in the Tosefta (Meg. p. 228, l. 13) it is Hanina himself who reads.



We see this same connection in the passage in Jer. Sota 21d<sup>8</sup> where Shim'on b. Jakim says of the one who "lifts up the Torah": הַחֲזִין.

We are assisted in identifying the חזן by the sentence in Epiphanius ("Contra Haeresis" XXX,II): ἀθανάτων τῶν παρ' αὐτοῖς διακόνων ἐρμηνευομένων ἢ ὑπηρέτων "----and חזן by which name they call deacons or ministers") which makes ὑπηρέτης synonymous with ἀθανάτης (חזן) and by the passage in Luke 4:20 where it is said of Jesus who has just finished reading from the Torah, that "he closed the book, gave it again to the ὑπηρέτης and sat down." The title ὑπηρέτης occurs in an inscription from a Jewish cemetery in Rome, (1) indicating that the office was occupied in Rome also.

In the first part of the fourth century the חזן was still connected with the Torah reading. R. Huna, an Amora of that time, was sitting in a synagogue and saw the חזן trying to persuade a man to come up for the Torah reading (Jer. Ber. 9c<sup>61</sup>). There is evidence in rabbinic sources that in later times the חזן recited prayers before the congregation. Two Palestinian Amoras of the third century entered a synagogue and heard the חזן reciting a certain prayer (Jer. Ber. 12d<sup>46</sup>)<sup>2</sup>. Kohut believes this to have been interpolated after Midr. Teh. to Ps. 19:2 (Buber p. 82) which is almost parallel to the Talmudic passage. (3) If it is not such an interpolation it is the earliest reference to a function acquired by the חזן in the post-Tannaitic centuries.

Another mention of the חזן is in connection with the ברכת כהנים. By comparing the passage in Jer. Gittin 47 b<sup>61</sup> where it is stated that those who offer the blessing are priests but the חזן must be an ordinary Israelite, (4) with the similar passages in Bab. Sota 38a below, (5) and in Sifre on Nu. 6<sup>23</sup> 39 end, (6) we find that the function of the חזן in this ceremony was to say the word which

(1) Cited by Schürer op cit. p. 28

(2) רבי יוחנן ורבי יונתן אצלן מלאכד שלמא בצ"ל קר"ת דדרומה  
עלון נחל אתר ואשכחון לחזן דאמר ה אל הגדול הגבור והנורא ;

(3) cf. J.E. Art. "Hazzan".

(4) ר' אחא ור' תנחום בר חייה בשם רבי שמלאי א"ר שכולה כהנים כולן נושאין  
את כפתן... אמר רב חסדא ולריך שיהא חזן ישראל ;

(5) אמר אבי נקיטין קורא כהנים נאחד אינו קורא כהן שנאמר קורא כהנים ;

(6) גבין שחזן עריך נאמר כהן אמר : דל אומר כהן ;



started the priests in their utterance.

A duty very like this one is the duty of the  $\text{זקן}$  on the occasion of a public fast where it was he who indicated to the priests just when they should sound the trumpets. A description of the public fast is to be found in the baraita quoted in Taan. 16b; <sup>(1)</sup> such a fast was held under the directions of  $\text{חנינא בן$   $\text{חזקיהו}$  in Siknin at the beginning of the second century, under  $\text{ר' הושע}$  in Sepphoris and in New Testament times as well. <sup>(1a)</sup> Similarly in the services in the great temple at Alexandria, described by Judah b. Ilai, the  $\text{זקן}$  stood upon a  $\text{בית$  of wood waving a handkerchief at the proper times, to signal to the congregation to say "Amen" (Suk. 51b; Jer. Suk. 55a-b; Tosef. Suk. p. 198, l. 23).

The announcing proclivity of the  $\text{זקן}$  is further evidenced by the fact that it was he who blew the trumpet from the roof of his house to proclaim the advent of the Sabbath and of festivals and to warn the people to cease from their work, <sup>(2)</sup> he who called the rabbinic assembly to order <sup>(3)</sup> and he who informed the rabbis that the time to hunt for the  $\text{חמץ}$  had come. <sup>(4)</sup>

(1) The baraita is very like Tos. Taan. p. 215, l. 18 - p. 216, l. 11.

(1a) cf. Mat. 6:2 as interpreted by Büchler, according to Montefiore, "Synoptic Gospels" Vol. II, p. 531.

(2) Shab. 35b -  $\text{א"ר יוסי (בר) חנינא... נתנו חכמים שיצור חזן הכנסת להוציא שופרו לביתו אמר לו א"כ נמתה זכריך לשימורין אלא מקום צנוע יש לחזן הכנסת בראש גגו ששם מניח שופרו}$  The rest of the passage tells for what purpose the trumpet was kept on the roof. The entire quotation is a baraita similar to Tosef. Suk., p. 199, l. 16 which is probably also quoted in Jer. Shab. 16a<sup>53</sup>.

(3) Jer. Ber. 7d<sup>6</sup> -  $\text{אמרו לרבי זינן החזן אמור התק' ואמר התק'}$  - cf. Shab. 118b -  $\text{ואמר ר' יוסי יהא חנק' ממושיב' בית המדרש וא"א מלא מיד' בית המדרש}$

(4) Tosef. Pes. p. 159, l. 9 -  $\text{היינו יושבין לפני רבן גמליאל גבית - המדרש בלוד ובא זונין הממונה ואמר הגיע את צמח חמץ}$  - cf. Jer. Suk. 55b<sup>23</sup>.

From the form of the words  $\text{חַזַּן דְּכַשְׁמֵתָא}$  ( $\text{ח' צ' ז' ט' ז'}$ ) of Jer. Joma 44<sup>b</sup>, Jer. Sota 22a<sup>22</sup>, and Jer. Meg. 75b<sup>59</sup>, it appears that there was but one  $\text{חַזַּן}$  to a congregation. Tosef. Bik. p. 101, l. 29, according to one reading of the text is opposed to this view; the words  $\text{חַזַּן בֵּית הַכְּנֶסֶת}$  imply the existence of more  $\text{חַזַּנִּים}$  than one to the synagogue. But the variant —  $\text{חַזַּן וְכֹהֵן בֵּית הַכְּנֶסֶת}$  — leaves the question open.

As with the *תוספתא* doubt is cast upon the existence of the office of *חזן* among Babylonian congregations by the variation in the reading of the baraita found in Jer. Ber. 6a<sup>33</sup> where it appears in the Babylonian Talmud (Ket 8b). The Babylonian source translates *חזן תוספתא* of the Palestinian source with *חזן* (1) The sources quoted above in the description of the *תוספתא* are all (except the inscription from Rome) Palestinian in origin.

In Jer. Suk. 55a-b the *חנן* is referred to as *הממונה*. So *חנן* who lived in Lydda at the time when Rabban Gamaliel was conducting the academy (end of 1st cent.) is called *הממונה* in one case (Tosef. Pés. p. 159 l.9) and *חנן* in another (bar. quoted in Jer. Ber. 7d<sup>6</sup>). Possibly the *חנן* of a synagogue was appointed to his office in much the same way as a judge, by some recognized authority (cf. the discussion above p. 22f )

It appears from Joma 11b that the ~~person~~ <sup>person</sup> occasionally lived in the synagogue. (2)

There are a few statements and remarks preserved for us which tell of how the funds and materials for the building of the synagogue were secured. The first is the statement that the inhabitants of a city may assess one another for the purpose of building a synagogue. (3) This was, we judge, the customary way of doing: a self-imposed tax, which may have been the same for all but was more probably borne

(1) The חזני were not in any respect similar to the synagogal officer called חזן. They were guards or overseers of the city. We know, for example, of the חזני צבא ('Ar. 6b), and have mention also of "watchmen" (חזני) in the time of the Babylonian teachers Rabbah and Abaye - 300 A.D. (B.M. 93b)

תנ"י בית הכנסת ש"ס בו בית דירה צחצח / הכנסת ח"ב (2)  
במחזה ושאין / בה בית דירה י"ט (2nd Cent.) לח"ב וממס פוסח

כופין בני העיר זה את זה לבנות להם בית הכנסת - Tos. B.M. p. 396, 29- (3)

to a large extent by the prominent and wealthy members of the community. (1)  
Weinberg suggests that since transients had a claim upon the synagogues of cities (2) they had been taxed, no doubt, for the erection of the building. (3)

There are cases on record where a synagogue was built by an individual. In Alexandria a man named Onias built <sup>the</sup> a temple to rival that at Jerusalem. (B.J. 7,10,2-3). In Capernaum a centurion built a synagogue for the Jews. The elders said of him: "He loves our nation and has built us a synagogue." (Luke 7:5) The Palestinian amora Rami bar Aba in the fourth century built a house of prayer. (4)

It was permissible for one to forswear use of his own house and let it be made use of as a synagogue. (5) Similarly the house of Aquila and Priscilla in a city of Asia-Minor was used as a church by the Christians of the time of Paul (I Cor. 16:19).<sup>(8)</sup> Schurer suggests that the "synagoga Bolumni" of Rome may have been so named either because it was founded by one named Volumnus or because the congrega-

(1) cf. Bueshler "The Jewish Community of Sepphoris," pp. 35-43.

(2) Meg. 26a; Jer. Meg. 73d<sup>38</sup>, 74a<sup>57</sup>

(3) Op. cit. p. 601.

(4) Meg. 26b רמי בר עבא הוה קא בני בי כנישתא-

(5) Ned. IX,2 - If one says קונס לבית זה שאני נשבע and then נעשה בית הכנסת וצמר צילו הייתי יודע שהוא נעשה בה' כ' צא הייתי נודע ר' אבהו מוסיף וזכרתי אומר: This is repeated and the converting of a private house into a synagogue is approved of in Jer. Meg. 73d<sup>49ff</sup>.

(6) cf. Coloss. 4:15, Philem. 2, Mark 2:1-2; Acts 28:30-31.



tion met in his house. (1)

At times one would hold himself responsible for a part of the structure. In the Tosefta the situation is considered where one has subscribed a beam to build a synagogue. (2) From the ruins of a synagogue in Kefr Bir'im we have the inscription which seems to have read "Jose, the Levite, the son of Levi, put up this lintel; a blessing rest upon his work." (3) The site upon which the synagogue of Sardis was erected was donated to the Jewish members of the community of Sardis by the senate of the Sardians. (4) It was not unusual for an ornament or utensil of the synagogue to be donated as a free will offering (5) even by non-Jews (6). The ruins of the synagogue of Hammam-Lif retain the names of certain persons who contributed mosaic work for the floors. (7)

Aside from its services as a cult house, school building, court and center for administering charity which uses are designated otherwheres, the synagogue seems to have rendered many other services to the community.

In the middle of the 3rd century R. Asi of Babylonia made the statement that nothing not sacred was in place in the synagogue, and suggested that reckoning

(1) "Gemeindeverf"., p. 16.

(2) Tos. Meg. p. 224, l. 20 f.

(3) "Survey of Western Palestine," Vol. I, p. 232; quoted in J.E. Art. "Paleography": חסי קל"ב בן כ"י משה השקיף הזה חגג ברכה במיומאש:

(4) Ant. 14, 10, 24.

(5) Tosef. Meg. p. 224, l. 15.

(6) 'Ar. 6b - א"ר יונתן מנ"ס שהתנדב לנורה או נר צב"ת הכנסת וכו' Jer. Meg. 74a<sup>29</sup> - הדא אנשונ' לנ"ס משה לנורה צב"ת הכנסת -

(7) cf. Elbogen, "Jud. Gottesdienst." p. 478.

But his Palestinian contemporary, R. Johanan permitted the discussion of public affairs there, even on the Sabbath. (2) And in the days of Josephus a great mass-meeting for the arrangement of a communal matter was held in the Prosecha of Tiberias. (3)

In the Tosefta-another early Palestinian source-the rule against profanation is repeated with the added specifications that we do not take refuge there from the heat of the sun, from cold or from rain, neither eat nor drink nor sleep there, do not go walking or seek pleasure in the synagogues but only read the Torah. in them, study and expound, and hold public mourning services. (4) --this while they are habitable; if they are ruined we let them grow over with grass. Indeed, as R. Jose remarked, their sacredness survives their destruction---- we may not even hold a funeral upon the site. (5)

But doubt is cast upon the universality of the prohibitions by such a contradictory bit of evidence as the question of R. Jeremiah upon the reason for בדיקה in the synagogue. (6) If no eating was done there ever, there would never arise a question of בדיקה. Kiddush also was recited in the synagogue and this could be done only at a meal. It was done, according to Samuel, because transients had their meals in the synagogue. (Pes. 101). There is record of certain Rabbis who ate in the synagogue (Jer. Ber. 5d<sup>14</sup>, Shab. 3a<sup>56</sup>). There was eating in

(1) Meg. 28b - א"ר אסי בתי כנסיות שבבבל... אין נוהגין בהן קלות ראש ומה נ"הוץ חשבונות.

(2) Ket. 5a and Shab. 150a - א"ר יאקוב אמר רב' יוחנן הולכים לבתי כנסיות ובתי מדרשות - זפקה אל אסקי רביס בטבת!

(3) "Vita" 56, 57.

(4) Tos. Meg. p. 224 l. 27 - p. 225 l. 4. = Meg. 28a-28b - בתי כנסיות אין נוהגין בהן קלות ראש כל יכנס בהן בחמה מפני החמה ובצינה מפני הצינה ובגשמים מפני הגשמים אין איכנין בהן ואין שותין בהן ואין ישינין בהן ואין משיינין בהן ואין נ"אותין בהן אבל קורין ושותין וזונשין בהן ומספידין בהן הספד של רביס א"ר יהודה ביה דבניס אמוריס גישובן צב בחורמן מנחין אותן ומגדלין בהן אשנים כסני עגבת נפשי ואדא א"ר ביהכ"נ שחרב אין מספידין בתוכו ואין מפשיילין בתוכו חבניס ואין - Mish. Meg. III:3 - פורשין לתוכו מצודות ואין שושחין אל גלו פירות ואין לושין קפנדניא שנאמר זה שימורתי את הקדשיכם קדושותן אף כשהן שוממין.

(5) Jer. Pes. 27b<sup>7</sup> - ר' ירמיה (Tiberias, cir 330) באי בתי כנסיות ובתי מדרשות מהו - שיהו צריכין בדיקה?

the early church (I Cor. 11:17-22, 33-34). And if one never slept in the synagogue R. Imni should hardly have instructed *x'v'v'v'* to provide quarters in the synagogue for travellers.<sup>(1)</sup> Jerome speaks of a synagogue which was used as a library ("Epistolae" 36, beginning).<sup>(2)</sup>

After the destruction of the Temple announcement of lost articles was made in the synagogues. So it was decreed (bar. in B.M. 28a) and such was the practice (Jer. B.M. 8c<sup>70</sup>). We read also of the rebellion of a woman against her husband being announced in the synagogue (Ket. 63b). A slave was manumitted in a synagogue in Pantikapaum in the year 81.<sup>(3)</sup>

And the very fact that court sessions were sometimes held in the synagogue (see above p.24) and charity contributions made there (see below, p. 56), shows that the specified restrictions were not taken literally or generally applied. Practice doubtless varied and we do wrong to look for uniformity. The fact remains that the synagogue building did serve, if not always, at least often, as a public meeting-place and center for communal affairs.

Elbogen ("Der Jüdische Gottesdienst" p. 452) suggests that there may have been rooms adjoining the synagogue proper where secular matters were permissible. The fact that the *ḥazan* lived in the synagogue at times, testifies to the existence of such rooms (Joma 11b). Ruins of the synagogue of Hammam-Lif in N. Africa shows that it had fifteen rooms; this synagogue belongs to the third or fourth century (cf. Elbogen, p. 457 f.)

Distinction must be drawn between the synagogal community and the municipal community. The very fact that in many cities there existed a number of synagogues alongside of each other, as in Rome, Alexandria, Jerusalem, Sepphoris and Tiberias,

(1) (Palestine--3rd Cent.) *ר' חיה ר' יסא מיקבלין בגו כנישתא ר' ע'מ' מפקד ססס"ג עין אתא בר נש גביכון מנסכר באורית זבבין חו"ן מקבלין*  
*Give Reference! f.*

(2) "-----quum subito Hebraeus intervenit, deferens non pauca volumina, quae de Synagoga quasi lecturus acceperat."

(3) Quoted by Schürer, "Gesch." 3 III, p. 18.



shows that the *בני הכנסת* or members of the synagogal community, formed divisions within the larger group. They were all *בני העיר* or citizens of the municipality, but they belonged to a certain congregation in addition to this. The members of the congregation as it was assembled in the synagogue were called *בני הכנסת* (Tosef. Meg., p. 223, l. 20, p. 226, l. 5; Bar. in M.K. 22b, bottom). The divisions were along social lines, either according to origin or according to trade. The Babylonians had their own synagogue at Sapphoris (Jer. Ber. 9a<sup>32</sup>), the Alexandrians at Jerusalem (Tosef. Meg. p. 224, l. 26--cf. Acts 6:9), the Romans, possibly in a Babylonian city (Meg. 26b) and the Eleans and Rhodians at Rome (according to one theory of Schürer: "Gemeindeverf.," p. 17). The freed slaves (Libertines) of Jerusalem seem to have had their own synagogue (Acts 6:9), the lime burners of Rome (Schürer, loc. cit.), and in Alexandria the occupational groups had each their section of seats in the great synagogue (Tosef. Suk., p. 198, l. 25).

On the other hand we would suppose that in the smaller communities the congregation and the municipality would be conterminous. And in the literature we do find the term *בני הכנסת* used to designate the civic group; (1) and contrariwise the term *בני העיר* to designate the congregation: "If the *בני העיר* sell the city square they may purchase a synagogue with the proceeds." (Meg. III,1), or "The *בני העיר* may assess one another for the building of a synagogue" (Tosef. B.M. p. 396, l. 29). The *בית הכנסת* is enumerated among the objects that belong to the city in the inventory in the Mishnah (Ned. V:5). From which it seems that the civil and religious bodies were as a rule equivalent, where Jews form the majority of the city, and where the population is not so large that it divides into social groups.

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(1) Tosef. Meg. p. 224, l. 10 - *כל יום אומ' בני הכנסת צא יקחו את הרחבה*

## IV - EDUCATIONAL INSTITUTIONS

Inasmuch as the synagogal service partook of the nature of religious instruction and the synagogue itself was not different from a school the community organization for educational purposes can not be dealt with apart from the synagogue. To house studious ones who gathered day by day within its walls (1) no less than to serve as a place for Sabbath observance the synagogue was built, and the nature of the daily informal gatherings there for study did not require anything further by way of organization than the general constitution of the synagogal community provided.

But demanding additional organization and community concern came the public school for the instruction of children. There can be desultory education from father to son or from private tutor to his charge without particular public care. That in all likelihood was the state of affairs in the early stages of the history of Jewish education. But there came a time when system was introduced and the idea took hold that the education of the young is the concern of all; and it then became necessary for the community to provide the means.

It is not easy to determine just when the elementary school put in its appearance. The tradition is that Simeon b. Shetah (cir. 100 B.C.) first ordained that children must attend school-- שִׁהוּ הַתִּינוּקוֹת הַלֹּלֵכִין בְּבֵית הַסֵּפֶר (Jer. Ket. 32c<sup>4</sup>). Josephus tells of an incident which happened while Herod was yet a child and "going to school" (Ant. 15,10,5). A decree of Caesar Augustus

(1) R. Abaye studied in the synagogue customarily: Meg. 29a- א' אב'י מריש הוא גניסנא בביתא ומצלינא בב' כנישתא כון דשם בית נחא וג' הוא גניסנא בב'.

So Abbahu in Caesarea: Jer Ber. 6a<sup>6</sup> (7)--Joshua b. Levi, a Palestinian Amora of the third century, said that the synagogues and schools belong to the scholars and their disciples; Jer Meg. 74a<sup>64</sup>.-- Study is one of the specified uses of the synagogue: Tosef. Meg. p. 225, l. 2 and Meg. 28a:b- בתי כנסיות בקי"ר ושנין ודורשין בהן וגו'.

quoted by Josephus ("Ant." 16,6,2), mentions the public school as a peer of the synagogue. In the New Testament the nearest approach to the mention of a school is what is said of Mary (Luke 10:39) that she sat at Jesus' feet and heard his word, and the statement of Paul (Acts 22:3): "I am a Jew born in Tarsus in Cilicia yet brought up in this city at the feet of Gamaliel and taught according to the perfect manner of the law of the fathers." A tradition recorded in E.B. 21a states that Joshua b. Gamla, who was the high priest about 63-65 C.E., "enacted that teachers be appointed in every province and in every town and children of six or seven years of age be brought to them:" תִּיקַן שִׁיקוּ מוֹשֵׁיבֵין מֵשֶׁמַּדִּי מִיֵּרֵד וְעִיר וְעִיר וּמִכְנֵסִים אֹתָם כִּבְּן וְכִבְּנָת׃ Josephus and Philo, expressing the thought of their time in this regard, reflect a public opinion alive to the need and suggest that the need was being met: Said Josephus: "Our principal care of all is this, to educate our children well" (Contra App. 1,12). And again: "As for our people, if anybody do but ask anyone of them about our laws, he will more readily tell them than he will tell his own name, and this in consequence of our having learned them immediately, as soon as ever we became sensible of anything" (ibid. 2,18). Philo is just as explicit: "Since the Jews esteem their laws as divine revelations, and are instructed in knowledge of them from their earliest youth, they bear the image of the law in their souls" ("Leg. ad Caium", 31). "They are taught, so to speak, from their swaddling clothes by their parents, teachers (παῖδα γαργῶν), and those who bring them up, even before instruction in the sacred laws and the unwritten customs, to believe in God, the one Father and Creator of the world" (ibid., loc. cit.). A Tannaitic statement which is glossed by R. Akiba, says that no good Jew would live in a community which was without a teacher of children - אֵלֶּם מִנְּיוֹקִית (Sanhed. 17b). How long soever the school may have existed as an organization directed by the community previous to the opening of the Christian era it is evident that by the first Christian century the school had attained prominence in Jewish community life and had established itself throughout the Jewish world.

There is material at hand upon two questions connected with the school,



the question of what buildings housed the school and the question of how teachers were provided.

As to the place of instruction three customs can be distinguished. Occasionally the school was conducted in the home of the instructor; in other cases the synagogue was the school as well, and it was also the practice to erect a school-house alongside the synagogue.

Instruction in the home of the teacher was probably the original method--being comparable to instruction by the father. In the days of ben Sirah it was said "He that teaches his son makes the enemy jealous; and before his friends he rejoices in him" (30:3), and at about the same time it was recorded that Levi advised his sons: "Do ye also teach your children letters that they may have understanding all their life, reading unceasingly in the Law of God" (Test. of 12 Patriarchs; Levi, 13:2); but there was also current the advice: "See who has understanding and seek him early; and let your foot wear my threshold" (Ecclus. 6:36), and similar to it in tenor the saying ascribed to Joshua b. Perahya who lived in the second pre-Christian century: "Get yourself a teacher" - אבך לך רב (Aboth I:6).

It is as if a pedagogue or private tutor is secured to guide the steps of the child. Josephus speaks of "a servant of mine who was an ennuich and my son's tutor" ("Vita" 76); Paul compares the Law to a *παιδαγωγός* and the Jewish people to an heir "under tutors and governors until the time appointed of the father" (Gal. 3:24-25, 4:1-2). The many that attended upon Judas, the Essenic soothsayer, as his scholars, are as young men with a tutor (Jos. "B.J." 1, 3,5).

This is not yet of course, a public school, strictly speaking. It is however the approach thereto. The school (*σχολή*) of Tyrannus at Ephesus mentioned in Acts 19:9 was no Jewish institution probably, but it has the sound of a public school in the home of the teacher. Josephus also seems to refer to such a school in his story of Joseph, high priest back in the early years of the second pre-Christian century, who, he says, had once a mind to know which of his

sons had the best disposition to virtue, and when he sent them severally to those that had the best reputation for instructing youth, the rest of his children by reason of their sloth and unwillingness to take pains, returned to him foolish and unlearned" (Ant. 12,4,6.).

But the clearest reference to a seemingly public school in the house of the instructor is the mention in B.B. 21a of בית רב - "Children of the house of their teacher." In the baraita quoted in B.B. 21b to the effect that 'the occupants of a court may agree among themselves that no tailor or tanner, teacher of children or artisan may settle among them', (1) the objection seems to be that the clamor of the children in the house of the teacher is undesirable.

That frequently children were instructed in the synagogue is apparent from the frequent mention of children at their studies in the בית הכנסת: We are told in Shab. I:3 that the חזן הכנסת may look over the shoulders of the children who are reading from the Torah. Shim'on b. Gamaliel (2nd cent) is responsible for the statement that there were 400 synagogues in Bittar (near Jerusalem) each of which housed 400 teachers of children (Git. 58a). (2) It is recorded of the great grandson of חזן המעבד, who lived at the beginning of the Christian era, that he rewarded a child for his diligence in attending the בית כנסת (Ta'an 23b). Rab told R. Hiyya that a woman receives merit for sending her sons to the בית כנסת and her husband to the בית (Ber. 17a). It was the rule in the time of רב (299-352) that children might be transferred from one בית כנסת to another (B.B. 21a), R. Shim'on bar Jose bar Lakunaya told R. Johathan: "You have asked me a thing which children in school (בבית כנסת) say every day!" (Jer. Hor. 46d<sup>17</sup>). R. Simon speaks of women who say they will not take their children to the בית כנסת (Jer. Hal. 57b<sup>18</sup>). It was a custom in Talmudic times that if one summon another

(1) דמיא כופין בני מבואות זה את זה שצא להושיב ביהן צא חיש וצא בורסקי וצא ממדי תינוקות וצא אחד מבני בוגרי אומניות

(2) משים רבן שמעון בן גמליאל... ארבע מאות בתי כנסיות היו בכרך ביתר ובכל אחת ואחת היו בה מאות ממדי תינוקות של בית רבן





The many passages in which בתי חורשות and בתי כנסיות are mentioned, attest to the existence of separate buildings to accommodate the schools. While the fact that they are frequently mentioned together - in one breath, as it were - indicates their intimate association in the minds of the writers, and possibly also, that the two buildings were often adjoined. These conditions are reflected in the following quotations: Tosefta Suk., p. 198 l. 18 - "Joshua ben Hananya said they did not sleep all the days of the שבת בית השואבה but went from the morning sacrifice to the בית הכנסת and from there to the בית המדרש etc." Ber. 64a - R. Levi bar Hiyya said: "Who goes from a synagogue to a בית המדרש and busies himself with the Torah, etc." Meg. 27a - "It is permitted to convert a בית הכנסת into a בית המדרש."

The places where the words בתי כנסיות and בתי חורשות occur in rabbinic literature are too numerous to mention. Among them are Meg. 26a, 29a, Pes. 87a, 'Er. 21b, Ket. 105a, Jer. Ber. 7d<sup>37</sup> (in a prayer of Nechunya ben Hakkana - 1st cent.). 4b<sup>44</sup> and 8d<sup>76</sup>, Lam. R. Proem., No. 8, Eccles. R. to Eccles. 8:10, 1:7, Cant. R. to Cant. 5:2, 6:2 and many other passages, Sifra to Lev. 26:31.

The providing of teachers for children was a community concern. This is indicated by the rule cited above that a scholar should not live in a city which had no teacher of children - בבית חורשת (Sanh. 17b) and the decree of Joshua ben Gamla also implied that the community had the responsibility of providing the instructor ( שיתן אושיבין למדרי תינוקות B.B. 21a). One record from the fourth century reads like the deliberation of a modern school board choosing a teacher: "Here are two teachers," said Rabba; "One is thorough in his teaching but not well educated, the other well educated but not thorough, Let us appoint the former" (B.B. 21a). Stipulations made by the rabbis as to what a teacher should be seem to have been for the guidance of the communal officers rather than for the guidance of the father in search of a teacher for his son: That a woman should not be employed as teacher, for example, or an unmarried man, especially as these stipulations are explained in Kid 82a. The community invited the instructor; it was not a matter for individual arrangement.

It is a mistake to suppose that the teacher did not receive remuneration for his services. The various statements which are taken as teaching that such was the case, (as the words of Deity in Bech. 29a and Jer. Ned. 38c<sup>65</sup>: "I taught you statutes and ordinances without pay, so teach ye also," and the precept: "Make not the Torah a spade to dig with" - Ab. 4:5) refer to the informal gatherings of men in the synagogues or *בתי מדרשות*. It is not a teacher by trade these expressions imply but an exhorter in the religious gathering or scholar in the midst of scholars in an adult group. And even there it is not certain that for most instruction he could not receive pay. It is stated in Ned. 37a that for the trouble of superintending and for explaining obscure passages wages might be taken: *שכר פוסק טעמים* and *שכר שימור*. But however it may have been in these adult assemblies etiquette did not require teachers of children to teach without pay. In the baraita quoted above from B.B. 21b, teachers are spoken of in a phrase with tailors, tanners and artisans and it is as one of these that they are to be regarded, and as workmen were entitled to pay for their services teachers were also. This conclusion is supported by the statement contained in the Didache (1st Cent.): "A true teacher (*διδάσκαλος ἀληθινός*) is also worthy like a workman of his support from the threshing-floor and wine-press and bread that is baked and money and clothing." (Ch. 13).

Teachers were paid and since the duty was upon the father that the child receive instruction it was the fathers of the children, no doubt, who paid the tutor. One of the duties of a father to his son was *ללמדו תורה... ולמנו ארון* (Kid. 29a, baraita). Now it is not to be supposed that every man was capable of fulfilling this obligation or free to do so, and it is to be presumed that some delegated their duty to others for pay. Instruction of one man's sons by another is spoken of in the Mishnah (Ned. IV:3): "One who forswears benefits from another may teach the other's children Torah." And that money is required to get instruction for one's children is to be derived from the discussion in Kid. 29b as to who should take precedence in the getting of an education, an uneducated man or his son, where the difficulty seems to be that there is not enough money to

educate the both of them. The merit which women received for taking their children to the teacher (Ber.17a) was not for accompanying the children that distance but for securing the teacher and arranging for instruction. In the time of Rab. (3rd cent.) a מקרי דידק claimed that he taught the children of poor parents and the children of rich parents alike, and whoever was not able to pay he did not take money from him (Taav.24a).

In addition to the fees which the teacher received from the parents of the children he taught some contributions to the income of the teacher seem to have derived from the community. The community had a certain amount of responsibility in this regard. If there were more than fifty children in a school, a ש"ס דידק (helper) was employed to assist the teachers and the city enabled the teacher to pay this man's wages - אס"א ניה ממנה (B.B. 21a). It is likely also, in view of the general guardianship over orphans exercised by the city, that for their education the city paid. It seems too that there was a special charitable provision for teachers who were not able to live from the fees from the parents: after the mention of a number of the funds collected for charity, and the length of residence making one eligible to contribute to each (Jer. Peah 21a<sup>46</sup>) occur the words שנים אשר חדש בשכר סופרים ומשנים. And in the passage quoted above from the Didache, the sources of the income of the teacher are suspiciously like the sources of charity funds.

One teacher would not be given more than twenty five children. And as the school grew teachers were added (B.B. 21a). There could be several schools in one town and the father could decide to which he would send his child; but after the rule laid down by Joshua ben Gamla he could not send the child to another city for education (ibid., loc cit.) New schools might be started at any time: the rivalry of scholars was applauded (B.B. 21b-22a), for "their zeal increases wisdom."



# V. ORGANIZATION FOR THE ADMINISTRATION OF CHARITY.

Early in Tannaitic times a form of organized charity is to be described. In Mish. Peah 8:7 terms are used of which we learn the meaning from other sources and which, presented there together, show that the complete organization was conceived before that passage was written. (1) The baraita quoted in B.B. 8a contains certain other elements of the systematized administration (2) and the ancient rule, already glossed by Akiba, that no scholar should live in a community which had no such organization (3) testifies to the universality of the system in such early times.

In every community there was a general charity fund known as the קופה a communal bowl for feeding the poor - called the תמקו, a special fund for furnishing clothes to the needy, accomodation for the transient poor, a group of officers known as גזקא to collect and distribute the several funds, and provisions for taxation to meet the budget.

Aside from the rule quoted from Sanh. 17b, which might after all be only theoretical, we have evidence of the actual existence of charity funds in individual communities in the provision in Tosef. Meg. p. 224, l. 17 ff, which would otherwise have no explanation: "If a private citizen promises charity for his city or specifies another city it is given only to the poor of his own city,

(1) אין פוחתין לאני האבירי ממקום למקום מכבר בפונדיון מארבע סאין בסלע. זן נותנין לו פרוסת צנה. שבת נותנין לו מזון שלש סאודות. מי שיש לו מזון שת סאודות לא יטול התמקו. מן ארבע אשרה סאודות לא יטול מן הקופה. והקופה נגבית בשנים ומתחלקת בשששה;

(2) והתנא שששים יום לתמקו. שלשה חדשים לקופה. ששה שבועות תשאה לקבורה שנים עשר לפסי הציר;

(3) ותניא כל אר שצין בה אשרה דברים הללו אין תלמיד חכם נשאי 17b Sanhedrin נדור בתוכה ביד מכן ואושין יקופה של צדקה נגבית בשנים ומתחלקת בשששה ובית הכנסת... משום ר' אבהו אף מיני פירא;



When the Mishnaic rule in Kidd. 4:5 was laid down there existed a social class composed of the families of *גבאי צדקה*: any family at the head of which was a *גבאי צדקה* might intermarry with the priesthood with no investigation of the stock being made.<sup>(1)</sup> This rule is glossed by R. Jose who lived in the middle of the second century. The office of *גבאי* was held by R. Hananya ben Teradyon who also was active during that century.<sup>(2)</sup> R. Jose considered himself a likely candidate.<sup>(3)</sup> It is clear that the office was being occupied then widely and that one was honored in holding it and respected.

The supposition is that there were three *גבאי צדקה* in each community. That there were at least three is shown by the passages quoted from Peah 8:7 and Sanh. 17b: "The *קופה* is collected (*ולגביה*) by two and disbursed by three." "The *תמחוי* was collected by three and distributed by three" as we learn from B.B. 8b;<sup>(4)</sup> so here also at least three *גבאי* were necessary. But the prayer of R. Jose, in Shab. 118b; "May my lot fall among those who collect charity and not among the distributors thereof,"<sup>(5)</sup> may be taken to imply that those who collected the moneys were not those who disbursed them and that there may have been five or six *גבאי* in all. One wonders also if the seven men chosen by the disciples of Jesus to fill a similar office (Acts 6:1-5) were that number because of any Jewish precedent. It is even possible finally that there was a different set of *גבאי* collecting for each of the funds as the mention of *גבאי צדקה* along with *תמחוי* in B.M. 38a and B.B. 8b would imply and that they were even as many as eleven. So it may have been--at least in the larger cities--but it was

(1) כל שהחזיקו אבותיו משושרו הרבים וגבאי צדקה משיאין לכהונה ואין צריך לבדוק אחריה!

(2) Ab. Zarah 17b - והתניא ר' אביימר בן יעקב צומח לא יתן אדם מעותיו לצדקה של צדקה אלא א"כ ממנה צ"ל תלמיד חכם כר' חנינא בן תרדיון

(3) Shab. 118b - quoted below.

(4) ת"ר... תמחוי וגבית בששק ומחלקת בששק שגבויה וחלוקה שו"ס;

(5) ואמר ר' יוסי יהא חלקי מגבאי צדקה ולא ממחלקי צדקה;



not probably, the general rule. And we usually suppose that the number in most communities was three - and that these three had in charge the collection and distribution of all charity funds.

It seems from Meg. 27a that a scholar of note with official authority in the community might control completely the situation and give charity to whom and in what amounts he pleased.<sup>(1)</sup>

The  $\text{זבאי}$  were given their work to do, and having been chosen because of their standing in the community, they were trusted. No accounting was made with them.<sup>(2)</sup> Nevertheless certain safeguards were taken such as that the men should not separate from one another while engaged in their work.<sup>(3)</sup> And it was suggested that they count their money piece by piece so that no one should suspect them of dishonesty.<sup>(4)</sup>

The general rule was that when one had lived in a city thirty days he was required to contribute to the  $\text{תמתי}$  and after three months to the  $\text{קופה}$  - this according to the Tannaitic statement quoted in B.B. 8a cited above; according to the tradition recorded in the Palestinian Talmud it is thirty days for the  $\text{קופה}$  (Jer.B.B. 12d<sup>73</sup>).<sup>(5)</sup> At any rate a citizen--however long the time before he became a citizen--was liable to taxation for charitable purposes. And there was no favoritism shown in the collection of charity funds. Everyone was permitted to give--"even a poor man", said MarZutra in the fourth century.<sup>(6)</sup> A Tannaitic source permitted the taking of charity from women, children and slaves.<sup>(7)</sup>

(1) Passage quoted above p. 13; cf. likewise citation from B.B. 9a.

(2) B.B. 9a -  $\text{תלך אין מחשבין בצדקה אם גבאי צדקה}$

(3) B.B. 8b -  $\text{תיר גבאי צדקה אינן רשאין לפרוש זה מזה}$

(4) B.B. 8b -  $\text{מאות של צדקה אין מוכין אותן שתים אלא אחת אחת}$

(5)  $\text{תני שהקשם שלשים יום הרי הוא כאנשי המיר לקופה}$

(6) -Git. 8b -  $\text{אמר ר' דוסר אפילו את המתפונם מן הצדקה יעשה צדקה}$

(7) B.K. 119a -  $\text{גבאי צדקה לוקחין מהן דברי מועט אבל לא דבר מהנהג}$

and there was some difference of opinion as to whether or not orphans should be allowed to contribute to honor them. (1)

The *ḥal* had a considerable amount of power and could force a man to give if he was recalcitrant. "If the financial standing of a man was known they took charity from him even against his will: So Raba forced R. Nathan bar Ami and exacted from him four hundred zuz for charity." (2)

What amount was required of each is difficult to say. At one time it was necessary to make a rule that a man should not give more than a fifth of his income. (3) The parallel of this passage as it is found in the Palestinian Talmud differs in that it expresses the law positively: "They at Usha ordained that a man should set aside a fifth of his goods to fulfil commandments.....a fifth of his capital the first year - each year thereafter a fifth of his income." (4) This was in some way connected with the required tithes (5) although confusion in the continuation of the two accounts does not permit us to discover just how. Some association of the traditional priestly dues with the later charity organization is also suggested by the Mishnah. (6) We are not however permitted to say that the fifth or even the tenth was regularly assessed. R. Asi said "Let no man give less than a third of a shekel a year." (7)

Undoubtedly the amount was as a rule a personal matter. We have accounts of contributions by individuals as free will offerings. So the donation of Benjamin, the Righteous, who was appointed *gבאי* and when the chest was empty supported the

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- (1) B.B. 8a - והתנו נב שמואל בר יהודה אין פוסקין צדקה מעל היתומים אפילו לצדיון שבויס. אי' אנא לאחשוביננהו קא מבידנא:
- (2) Ket. 49b - אמר כפינן ליה מעל כורחיה... כי הא דרבא כפי"א דרב נתן בר אמר ואפיק מיניה ד' מאה זוזי לצדקה: באושה היתקנו המבזבזן אל' בזבז יותר ג ח ו מ ש
- (3) Ket. 50a נמנו באושה שיהא אדם מכריש חומש מנכסין למצות... בתמילה -
- (4) Jer. Peah 15b<sup>24</sup> לקין מכין ואי'ך לשכר:
- (5) The law in Ket. 50a is followed by the words *מצי קרא וכל אשר נתת לי עד היכן...* and in Jer. Peah 15b by the words *מצי קרא וכל אשר נתת לי עד היכן...* כדי תרומה ותרומת מעשר:
- (6) Dem. 3:1 - גבאי צדקה בית שמאי צומרים ונתתן את המעושר לשאינו מעשר ואת שאינו מעושר למעשר...
- (7) B.B. 9a - צמר דב אסי למעוסי אצימנא אדם מלכות שישית השקל בשנה:

poor with his own money (B.B. 11a); of Queen Helena who bought food for near the whole nation in a time of famine (Josephus, "Ant." 20, 2, 5); and of the mother of Shavor, the King, who sent the Jews four hundred dinars to be used for charity (B.B. 10b). Mar Ukba left half of his money to charity at his death (Ket. 67b). The New Testament teachers favored the selling of all one's goods to give to the poor (Luke 12:33, 18:22, 19:8). At Alexandria it was the custom for each trade to support its own poor. (1) A civil fine occasionally found its way into the charity fund: In B.K. 36b it is told of one who was entitled to receive a fine from another that he promised to give it to charity; he later wished to withdraw his promise but was not permitted.

It was a frequent custom to give special gifts to the poor on holidays--especially on Purim (cf. bar. in B.M. 78b and Jer. Meg. 70b<sup>73</sup>). This was done as a propitiatory offering on public fast days for rain. So Dr. Buechler (2) explains the giving of alms in the streets mentioned in Matt 6: 2, 5. (3) Alms were at least promised on those days if not distributed.

The largest source of extra income for charitable purposes was from pledges given in the synagogue on the Sabbath day. It is unlikely that money was handed over to the almoners on that day. Philo observed that the Jews neither received nor gave anything on the Sabbath. ("Legat. ad Gaium", 23 end.). In the Tosefta (Shab. p. 136, 1.11), Shim'on ben Elazar (of the second century) quotes the Shammaites as saying it is not permitted to pledge charity in the synagogue on Sabbath--but Hillel in the same passage permits it. (4) The question is apparently unsettled in the time of Shimon b. Elazar because a century later, Eleazar ben Pedath renews the permission. (5) And we have reason to believe that pledges were taken though the payment was deferred. A guardian of an orphan, when promising charity in the synagogue is not to pledge anything for the orphan. (6) One is not

(1) Tosef. Suk. p. 198, l. 25 and Suk. 51b - כשאתה נכנס שם היה מכיר במציאותו ופרנסתו ופרנסת אנשי ביתו; op cit., p. 531.

(2) Journal of Theol. Studies. Vol X, No. 38, Jan. 1909, p. 266-270. of Montef. p. 531.

(3) cf. Sahh. 35a - "R. Eliezer says: 'whoever postpones over night the distribution of alms in connection with a fast, is as though he shed blood.'"

(4) וכן היה ר' שמעון בן אמצור אומר אין פוסקין עדקה למנים בבית הכנסת ואפילו להשיא יתום ויתומה; cf. Buechler, op. cit., p. 36, note 1.

(notes 5 and 6 on following page)



to pledge the שביעית or מעשר שני in the synagogue. (1)

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There are examples in the Midrash of charity being asked for a man in the synagogue. This is called a פסיקא (Lev. R. 32:6; Deut. R. 4:8). The Targum translates שער of the phrase ואביונים בשער הטו (Amos 5:12) with בית הכנסת.

Contributions were also asked and given at times in the בית המדרש. Hiyah bar Ba asked for charity once in a בית המדרש (אגיד פסיק בהין ב' מורשא דטבריא) and a rich man present gave a liter of gold (Jer. Hor. 48a<sup>63</sup>).

The fact that there were many tirades preached against such as pledged money and did not pay is further evidence of the prevalence of the system of free-will offerings in addition to the regular tax for charitable purposes. The rabbis had no way of forcing the payment of pledges given except by moral suasion, but they did use that means: R. Johanan (+ 279) said rain does not fall only because of those who promise alms in public and fail to pay (Taan. 8b). This is one of the four cardinal sins (Jer. Ta'an. 66c<sup>29</sup> = Jer. Kid. 65c<sup>2</sup>). It is punished by divine wrath which directs the Romans to confiscate the property of the offenders (Suk. 29ab = Tosef. Suk., p. 194, l. 9). R. Elazar said if one does not give charity willingly, the nations of the world exact it from him by force (B.B. 9a). He also said: "Charity is greater than all the sacrificial offerings." (Suk. 49b). R. Asi said: "Charity is the equal of all the commandments" (B.B. 9a).

NOTES CARRIED OVER FROM PREVIOUS PAGE:

(6) Shab. 150a - ואמר רבי אלעזר פוסקין צדקה למעניים בשבת

(6) Tosef. B.B., p. 409 l. 34 - אפילו כופין תורמין ומעשרין / אל נכסי יתומים... צדקה גבית פוסקין עליהן / Tosef. Ter., p. 26, l. 4).

(1) Jer. Dem. 23b<sup>53</sup> - תני אחד שביעית ואחד מעשר שני...  
אין פוסקין מהן / צדקה למעניים בבית הכנסת:  
The parallels in Tosef. Shab. p. 71, l. 13 and Tosef. Peah p. 24, l. 10 do not have the words בבית הכנסת.