Quest for Community: The Tannaitic Havurah


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## Summary

Throughout Tannaitic literature the terms *haver* and *havurah* appear in varying contexts: tithing, community leadership, mitzvot, and ritual meals. My thesis centers in the three areas that encompass the largest number of *haver/havurah* related texts: M. and T. Demai; M. and T. Pesahim, Betzah, and Eruvin; as well as T. Megillah, M. and T. Berachot, and M. Avot. These texts address the *haver/havurah* as a strict tithing group, an eating society, and a society relating to the performance of communal mitzvot.

Chapter 1.(M. and T. Demai ) investigates a group concerned with purity based on stringency of tithing. Despite the strict rules for entrance to this *havurah*, it appears that *haverim* had contact with *amei ha'aretz*, or those not party to the strict tithing procedure. It does not appear that this group had any additional functions. Chapter 2 (M. and T. Pesahim, Betzah, and Eruvin) examines the *havurah* as an eating club in which mitzvot relating to festivals were celebrated. It does not appear that this group is related to the *haver* in the previous chapter or that this group facilitated the completion for non-meal related *mitzvot*. Chapter 3 (T. Megillah, M. and T. Berachot, and M. Avot) details the *havurah* as a society for the performance of *mitzvot bein adam l'havero*. The *havurot* and the *haver ir* in this chapter appear to have assisted in the celebration of lifecycle events as well as in arbitrating other acts of *gemilut hasadim*.

An exploration of the *havurah* raises questions of broad sociological and anthropological nature: who is included, who is excluded and why? What measures does a group take to retain membership? What role does ritual purity/impurity play in this situation? What names are used for outsiders? How are outsiders treated? These chapters

are thus followed by an anthropological analysis, using the work of Mary Douglas and Victor Turner, in an attempt to provide the most comprehensive possible understanding of *haverut*.

Equally dramatic divisions in the contemporary Jewish community parallel those of the 1st and 2nd Centuries—separations as informative as the Pharisees and Sadducees. Examples both then and now illustrate an insider/outsider framework as the self styled insiders vie for control of the future. The *havurot* from the 1960s thus parallel the situation of the Pharisees, Sadducees, Dead Sea Sects and *havurot* of antiquity through their dedication to the struggle to preserve Judasim as a living religion. In this way a study of the *havurah* comes alive with relevance in our own search for community and continuity.

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This thesis is a culmination of six years of intense study, fieldwork, and spiritual growth that form the foundation of my rabbinic education. The path to ordination has been a continuously challenging and grueling process and I am indebted to those who have supported and encouraged me along the way.

A multitude of teachers and mentors have been essential to this learning process in so many ways. I would be remiss if I did not mention those on the Los Angeles campus who provided so many important skills and transformed the way I approach the rabbinate. Without teachers such as Dr. Rachel Adler, Dr. David Ellenson, Dr. Louis Barth, Dr. Tamara Eskenazi, and Rabbi Richard Levy, I would not have learned to ask essential questions and demand answers respectful of tradition but firmly based in Reform values. I must especially thank Dr. Bill Cutter for his wisdom, direction and tenacity in demanding the best from me. It is from these teachers that I have learned not only about academic topics, but also about the true meaning of community and how to be a *mensch*.

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This thesis, and perhaps even my ordination itself, is dedicated to the memory of my father, Laurence Mack, who supported me wholeheartedly in this dream, inspired in me a love of Judaism and learning, and whose memory continuously moves me be to be a better person.

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# Introduction

The term *havurah*[1] brings to mind images of potluck dinners, *The Jewish Catalogue*, and Arthur Green. The *havurah* movement of the 1960s has roots in the Tannaitic *havurah* and may be based on similar precepts. In his study of contemporary *havurot*, Bernard Reisman lists several features common to both the *havurah* of the 1960s and 1st Century Palestine: both forms of *havurah* were established when existing organizational forms could not meet the needs of the public; both were started by dissidents attempting to provide a new outlet for observance of ancient traditions; and both shared a basic interest in developing intimate community in which Jewish commitment was central.[2] Throughout Tannaitic literature the terms *haver* and *havurah* appear in varying contexts: tithing, community leadership, mitzvot, and ritual meals. An exploration of the *havurah* raises questions of broad sociological and anthropological nature: who is included, who is excluded and why? What measures does a group take to retain membership? What role does ritual purity/impurity play in this situation? What names are used for outsiders? How are outsiders treated? These questions ground the *havurah* of the Tannaitic world in the practical reality of our own time.

The term *haver* is as multifaceted and diverse in Hebrew/Aramaic as the word "friend" in English. Consider the ways in which this term appears in our society:

1. A person whom one knows; an acquaintance.
2. A person with whom one is allied in a struggle or cause; a comrade.
3. One who supports, sympathizes with, or patronizes a group, cause, or movement: *friends of the clean air movement.*

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[1] While the letter "chet" is generally transliterated as "ch", in the case of "havurah," I have followed the academic trend of transliteration with only a "h."

[2] Bernard Reisman, *The Chavurah: A Contemporary Jewish Experience*, (New York: UAHC Press, 1977), pp. 4-5

4. **Friend** A member of the Society of Friends; a Quaker. [3]

All of these definitions are entirely plausible in investigating the term *haver* as well. Based on our knowledge of the institutions above, it is unlikely that anyone would draft a paper comparing the Friends of Hebrew University, references to the word "friend" in the papers of an extremist group in Montana, and the habits of "friends" among teenage girls. With haver and havurah, however, we need to fully understand exactly what we are comparing. Chapters One, Two and Three, therefore, seek to explicate the nature of this group through an investigation of primary sources. One would, however, perform a comparative anthropological analysis of types of "friends" to gain a greater understanding of boundaries, admission policies, and membership retention. So too, this thesis applies such thinking (Chapter Four) in an attempt to better understand and contextualize the havurah in its period, as well as in our own.

**Who is the *Haver*?**

Scholarship in this area may be distilled into three distinct opinions on the nature of the *haver* and the *havurah*. 1) The *havurah* was a sect, comparable to the Yahad, Dead Sea Sect at Qumran, and Essenes. General scholarship accepts that the havurah had more contact with the general populace than the above sects, but was still isolated by their adherence to strict purity and tithing procedure. 2) The *havurah* was a group of urban leaders, a class of society more sophisticated in learning, and thus in adherence to law, than the *am ha'aretz*, who was responsible for certain communal duties ranging from tax collection to ritual observance. 3) The *havurah* was a group

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[3] *The American Heritage® Dictionary of the English Language*, Fourth Edition, Houghton Mifflin Company, 2000

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who gathered to observe ritual meals together and may or may not be connected to the *haver* described in other tractates.

It is very likely, although difficult to prove, that the actual manifestation of the *haver/havurah* may have encompassed in some way all of these different theories. The term *haver* is used into the Amoraic period as recorded by the Talmud, by which time it may have taken on an entirely different meaning. The fact that *am ha'aretz* is opposed to the *tamid chacham* in Talmudic texts may offer some insight into *haverot* as it is possible that this Pharisaic institution morphed into the elite Rabbis. Once again, however, no direct evidence exists to demonstrate this theory.

A great deal of literature has been generated about the *haver/havurah* over the years. Before proceeding, therefore, a review of this scholarship is worthwhile. Aharon Oppenheimer, in his treatise on the *am ha'aretz*, presents a very comprehensive critical review of early scholarship relating to the relationship between the *haver* and the *am ha'aretz*. He first addresses the work of Zeitlin, who in a similarly titled article, presents a hypothesis about the *am ha'aretz* and its relation to the *haver*.[4] Zeitlin wrote that before the second destruction, the population consisted of the priestly and Levitical classes and the farmer/*am ha'aretz*. Following the Hasmonean revolt, however, the agrarian society of Palestinian Jewry urbanized, transforming social structures. As a new class of urban merchant, the *am ha'aretz* had no need to observe tithing laws. A breach occurred, suggested Zeitlin, between the urban leaders (*haverim*) and the *am ha'aretz*. Based on John 7:48-49, Zeitlin also proposed that many *amei ha'aretz* were

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[4] Zeitlin, *Jewish Quartely Review*, 23 (1932), pp. 45-61 and Aharon Oppenheimer, *The Am Ha-Aretz*, (Leiden: E.J. Brill, 1977) pp. 3-4.

involved in early Christianity.[5]  Also based on the New Testament (Matthew 23:5) he suggested that *amei ha'aretz* were lax in other legal matters, performing commandments for human appreciation rather than divine sanction--"They do all their deeds to be seen by men; for they make their phylacteries broad and the fringes long."[6] According to Zeitlin, the division between the *haverim* and *amei ha'aretz* was socio-economic as well as ritual, a view that served as the basis for later scholarly opinions as well.

Another early opinion well chronicled by Oppenheimer is that of Adolph Büchler.[7]  Büchler was the first to notice that a considerable number of *halachot* dealing with the *am ha'aretz*, and thus the *haver* as well, were connected with the Tannaim of the school of Usha.  He believed that this finding along with the negligence of the *am ha'aretz* regarding *mitzvot hat'luyot ba'aretz* localized issues of the *am ha'aretz* to the Galilee.  Any other reference to the *am ha'aretz*, Büchler emphasized, simply refers to one ignorant of the Torah.  Büchler also contended that the references in M. Demai to consumption of even regular food in ritual purity were addressed mainly to the priests.

Suggesting that attributions in the Mishnah and Tosefta are neither concrete nor traceable to a single period, however, Oppenheimer is extremely critical of Büchler's arguments.  In addition, references of the houses of Hillel and Shammai (notably not from the house of Usha) further challenge his theory.  Oppenheimer also isolates several

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[5] "Have any of the authorities or of the Pharisees believed in him? But this crowd, who do no know the law, are accursed." John 7:48-49.

[6] Matthew 23:5, as quoted by Oppenheimer

[7] Oppenheimer, pp. 5-6

texts that prove that the rules in Demai regarding ritual purity refer in no way to priests and thus conjectures that Büchler is apologetic in his scholarship in this area.[8]

Oppenheimer himself, noted the general importance of ritual purity in the Tannaitic period as a means to separate from majority society. The *haver/am ha'aretz* dilemma exists in a world in which purity possessed tremendous taboo with limited consequences in the normative community but dire impact on minority sects. With this in mind, he suggests that there is no basis to contentions that the *am ha'aretz* belonged to a "plebian" class. He pointed to M. Horayot 3:8, among other texts, that refers to "an *am ha'aretz* who is a priest." Oppenheimer successfully illustrated that the *am ha'aretz* shops with *haverim*, lives in close proximity to *haverim*, and sells male and female slaves to *haverim*, proving that the distinction is not one of "masses" versus "upper classes."[9] Oppenheimer wrote a separate article on the *havurah*, to be discussed later in this chapter.

In his early work *Fellowship in Judaism*, Jacob Neusner based his findings on the indisputable fact that the *haverim* were indeed Pharisees, but that not all Pharisees were *haverim*. He equated the *haver*'s passion for meticulous tithing with the Pharisaic ethic of all Israel as a kingdom of priests and a holy nation and the qualification of every individual to perform sacrificial acts in the Temple.[10] He viewed the *havurah* as "a religious society founded in the villages and towns of Jewish Palestine during the Second Commonwealth in order to foster observance of the laws of tithing and ritual

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[8] Ibid., pp. 8-9.
[9] Oppenheimer, pp. 20-21
[10] Jacob Neusner, *Fellowship in Judaism: First Century and Today*, (London: Vallentine, Mitchell and Co., Ltd., 1963), p. 22

purity."[11] He equated the *am ha'aretz* with ritual defilement, but not necessarily with lower socio-economic status, noting that this institution seems to transcend "family, caste, and class distinctions." Neusner did not address the passages referring to the *havurah* as a sacred meal fellowship and indeed notes, "The particular emphasis on ritual purity and tithing indicates that the *havurah* was fundamentally a society for offerings. This was, indeed all it might have been."[12]

Although his approach to the *haver* appears to be rather unsubstantiated and is squarely rejected by most other scholars, Solomon Spiro's original theory assists in the understanding of the *haver* and his milieu. Based on other Mishnaic sources regarding John Hyrcanus and the abolition of confessions for tithes, he suggested that, "the issuance of the decree was an admission of failure by the authorities to devise an adequate tithing procedure . . . this must have gone awry somehow and John Hyrcanus was forced to offer a carefully devised solution to those concerned about the permissibility of eating grown produce."[13] He thus determined that the *haver* was a certified tithe collector who must be schooled in the intricacies of tithing before being admitted to society. Spiro writes that such interpretation explains the sect-like nature of the *havurah* despite the dearth of historical indications to support the "*haver* as public official" theory.[14]

The general scholarly consensus intimates that Spiro takes texts out of context and generally forces textual readings. Spiro is entirely correct, however, in his statement that the *havurah* is like a sect, and yet missing the essential sect-like features

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[11] Ibid., p. 14
[12] Ibid., p. 18
[13] Solomon Spiro, "Who was the Haber? A New Approach to an Ancient Institution." *Journal for the Study of Judaism* XI:2 (1980), p. 198
[14] Ibid., p. 199

that so mark the Essenes and others well documented during this period. His above

observation and attribution of the status of "community leader" to the *haver* is quite

helpful in understanding T. Megillah 4:15 and related texts.

While the scholars mentioned above centered their inquiries around the *haver*

code in tractate Demai, an entirely different body of literature exists regarding the

*havurah*. The following studies focus on the *havurah* as discussed in connection with

festival texts and eating fellowships. For example, Joseph Heinemann, in "Birkat ha-

Zimmun and *Havurah*-Meals," [15] sees the· *havurah* as intimately connected to the

development of the *berachot* surrounding meals. His assertions are elemental in

understanding the *havurah* in pericopae relating to meals, giving context (ritual meals)

and other details (size of the group, location of gathering etc.) to otherwise ambiguous

references. Pinchas Peli approaches the *havurah* based upon T. Megillah 4:15 and

describes at length an association based upon *gemilut hasidim* in a communal context.[16]

Aharon Oppenheimer provides a similar argument in his article *"Havurot She-hayu*

*B'Yerushalyim."*[17] All of these scholars will be investigated in greater depth in

Chapters 2 and 3.

Several scholars, including Gary Porton, Shaye Cohen, and Anthony Salderini

note the folly in attempting to collate citations of *haver* and *havurah* into a single

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[15] Joseph Heinemann "Birkat Ha-Zimmun and *Havurah*-Meals," *Journal of Jewish Studies* 13 (1962)
[16] Pinhas Peli, "The *Havurot* That Were in Jeιusalem" *Hebrew Union College Annual* 35 (1984)
[17] Aharon Oppenheimer, "*Havurot* She-hayu B'yerushalim," in *Perakim B'Toldot Yerushalyim Bimei Bayit Sheni*, ed. A. Oppenheimer, A. Rappaport, and M. Stern. Jerusalem: Yad Yizhak ben Zvi—Misrad ha—Bitachon, 1980.

association.[18] This is a realistic approach to the problem of the *havurah* and one that gives credit to the diversity and breadth of Second Temple Judaism.

## Historical Background

These passages must be read in their proper historical context that of the late Second Temple period (160 BCE to 70 CE). This period was filled with upheaval and transformation including the rise of sects and sectarian literature, the birth of the synagogue, liturgical prayer and study; and attempts to package Jewish ideology in Hellenistic terms, as seen in a wealth of literature in Greek from this era.[19] Salderini emphasizes the difficulty in tracing, either form critically or literarily, texts to definitive dates.[20] Nevertheless, it is reasonable to place the material regarding the *haver* and the *havurah* in this broad spectrum of time. The attribution of the *haver* material to members of the House of Usha (140-170 BC) helps with dating, but is not absolute and remains irrelevant in cases of anonymous statements.[21]

The political turmoil of 1st Century Palestine is well documented and provides valuable background information for this study. The events leading up to the destruction of the Second Temple bred alienation, rebellion, and violence. It is of no great surprise that sectarianism prospered as tremendous societal transformations took place. The Rabbis were also given the enormous task of recreating Judaism independent of Temple sacrifice. Concerns about continuity and future observance

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[18] Anthony J. Salderini, *Pharisees, Scribes, and Sadducees in Palestinian Society: A Sociological Approach.*( Delaware: Michael Glazier, 1988) p. 216

[19] Shaye Cohen, *From the Maccabees to the Mishnah* (Philadephia: The Westminster Press, 1987), p. 17

[20] Salderini, p. 219

[21] As suggested by many scholars including Buchler and Oppenheimer.

form the foundation of much of the literature of the Mishnah and Tosefta. Reinterpretation and adaptation of biblical texts and religion for a tumultuous time form the foundation of nearly all the literature on the *haver/havurah*.

Hellenism and its effects also play a large role in detailing the history of first and second century Judaism. The issue was not Hellenism alone, notes Gary Porton, so much as it was how to determine when one had become too Hellenized.[22] During this period, he emphasizes, we see the "replacement of the traditional high priestly family, the Zadokites/Oniads, by the Hasmoneans, the eventual destruction of the traditional modes of priestly succession to office, the growing centrality of Torah and conflicting claims of possessing the true word of God."[23] The continual dialectic between Hellenism and Judaism marks this period as the Rabbis, primarily those at Usha at the end of the second and beginning of the third centuries, adapted Second Temple Judaism to the realities of the rabbinic world.[24] Urbanization and growing literacy catalyzed these transformations. Albert Baumgarten emphasizes orality and literacy as key elements through which sects acquired creeds. Additionally, migration to urban centers left many without prior "reference groups" creating the need to discover a new frame of reference and thus greater receptivity to the communal nature of sectarianism.[25]

The exact nature and identity of the Pharisees has been discussed at length by scholars. Ellis Rifkin defines "the Pharisees as a confraternity of Jews who separated themselves from the *am ha'aretz*, the masses, because of the greater strictness exercised

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[22]Gary Porton, "Diversity in Postbiblical Judaism," *Early Judaism and Its Modern Interpreters*, Ed. Robert Kraft and George W.E. Nickelsburg, (Atlanta: Scholars Press, 1986), p. 58
[23] Ibid., p. 59
[24] Ibid.
[25] Albert Baumgarten, *The Flourishing of Jewish Sects in the Maccabean Era: An Interpretation*, (New York: Brill, 1997), pp. 135-8

by the Pharisees in observing the laws of ritual purity." The Pharisaic obsession with purity comes as no surprise in light of the cultural and historical backdrop. Rifkin also describes the Pharisees as "a class of audacious revolutionaries who stirred the masses to embrace the bold concept of the two-fold Law, the Written and the Oral."[26] Their name, often connected to the Hebrew *perushim*, meaning separatists, indicates such radicalism. It is within the realm of possibility that the *haverim* were indeed Pharisees. Rivkin, however, takes opposition to this, emphasizing that it is possible that the Pharisees redacted laws about *haverim* without necessarily being *haverim* themselves. He takes the position that *haverim*, in the Demai texts especially, do not meet the criteria for identification with the Pharisees.[27] General scholarly consensus opposes Rifkin's theory, however, indicating that while all *haverim* were Pharisees, not all Pharisees were *haverim*.

**Where are the texts?**

The term *haver* appears 21 times in the Mishnah and over 100 times in the Tosefta. Similarly, the term *havurah* appears 5 times in the Mishnah and 48 times in the Tosefta. It is tempting to draw conclusions about this pattern: for example, that the institution of the *havurah* (in whatever capacity) was still prevalent or perhaps even more important around the time of the redaction of the Tosefta. True the Tosefta is some four or five times longer than the Mishnah, but multiplying the references in M. by 4 or 5 still does not reach to total citations of havurah in T. Another reading might interpret this

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[26] Ellis Rivkin, *A Hidden Revolution*, (Nashville: Abingdon, 1978), p. 173-175. Also see E.P. Sanders, *Jewish Law from Jesus to the Mishnah: Five Studies*, (Philadelphia: Trinity Press International, 1990), pp. 27-28

[27] Ibid., pp. 152-3

incongruity as just the opposite: an attempt to preserve a dying institution. No other historical or textual evidence supports these theories. Additionally, this numerical pattern is certainly not altogether anomalous with regard to Mishnaic and Toseftan material, making further extrapolation somewhat tenuous.

It would be impossible to examine all of these texts (not to mention the large number of *baraitot* that exist in both the BT and PT) within the scope of this thesis. My investigation will therefore center in the three areas that encompass the largest number of *haver/havurah* related texts: M. and T. Demai, M. and T. Pesahim, Betzah, and Eruvin, as well as T. Megillah, M. and T. Berachot, and M. Avot. These texts address the *haver/havurah* as a sect relating to strict tithing, an eating society, and a society relating to the performance of communal mitzvot.

These chapters will be followed by an anthropological analysis that provides models to conceptualize *haverut*. Since equally dramatic divisions exist in the contemporary Jewish community the same models apply now as well. In general an insider/outsider framework rival groups vie for control marks both eras: the 1$^{st}$-2$^{nd}$ Century with its Pharisees, Sadducess, Dead Sea Sects and *havurot* and the plethora of Jewish groups today. In this way a study of the *havurah* comes alive with relevance in our own search for community and continuity.

# Chapter 1

## The Haverim of M. and T. Demai:
## A Strict Tithing Community

The *havurah* as detailed in M. and T. Demai was a response to the surrounding culture and political turmoil. It did not exist in a vacuum, but in the context of Pharisees, Sadducees, Essenes, the Dead Sea Sects at Qumran, and Zealots. The genesis of these groups in the same period as the *havurah* testifies to the degree of instability and transformation present in 1$^{st}$ and 2$^{nd}$ Century Palestine. The "sect-like" nature of the *havurah* comes as little surprise, therefore, when glimpsed in relation to its historical backdrop. It is through this historical lens that the texts on *haver/havurah* in M. and T. Demai must be read. The laws explained in M. Demai 2 and T. Demai 2 as well as BT Bekorot 30b and Avot de R. Natan 41, establish a system of qualification for entrance into the group. Other tractates dealing with tithing and purity, such as Tohorot and Peah, enumerate additional legalities of *havurah* membership[1] not qualifications for entrance or expulsion. This chapter will thus examine M. Demai 2:2-3 and T. Demai 2:2-3:1 in order to understand the social ramifications of the *havurah* and the rules of governance within its ranks.

## M. Demai 2:2-3

The passages containing the code of *havurah* laws fall in the second chapter of M. Demai—these laws were fundamental in practice and thus thus explaining their placement within the tractate. When discussing doubtfully tithed produce, the instance of *haverut* and purity clearly generated concern. M. Demai 2:2 outlines some basic steps to becoming a *haver*.

> He who undertakes to be *ne'eman* tithes what he eats, what he sells, and
> what he purchases and does not accept the hospitality of an *am ha'aretz*.

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[1] In the future this term will be described using the more contemporary Hebrew term "*haverut*."

R. Judah says, "Also one who accepts the hospitality of an *am ha'aretz* is *ne'eman*. They said to him, "If he is not *ne'eman* concerning himself, how can he be *ne'eman* concerning others?"[2]

Thus one who undertakes becoming *ne'eman* must tithe what he eats, what he sells, and what he buys. The *ne'eman* may not stay as a guest with an *am ha'aretz*, although this point is contested by R. Judah. The majority position refutes R. Judah's view on the basis that if an *am ha'aretz* cannot be trusted to eat only tithed produce himself, he certainly cannot be trusted to feed tithed produce alone to guests. Stringency with regard to tithing and *haver* status recurs thematically throughout this literature. The status of *ne'eman* seems to confer some sense of "reliability" in terms of tithing, the first step (according to M. and T. Demai 2) to becoming a *haver*. Solomon Spiro emphasizes that this passage also introduces the unreliability of the *am ha'aretz* with regard to tithing. A *ne'eman* risks losing his integrity if he eats the food of the *am ha'aretz*'s. Accepting threatens him with the loss of his "reliability."[3] Most scholars agree that the *ne'eman* is a stage in the process of becoming a *haver*. Solomon Spiro, however, thinks the second *mishnah* describes a new class, *haver*, unrelated to *ne'eman* and with different requirements. The former involves tithes, whereas the latter involves purity (and secondarily ethics[4], according to R. Judah)."[5] He bases his theory also on the ordering of the requirements in the Tosefta, where the *ne'eman* requirements actually follow those referring to the *haver*. For the majority of scholars, however, the *ne'eman* is directly relevant to the institution of *haverut*. The identity of the *ne'eman* plays in important role

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[2] All translations for both Mishnah and Tosefta are a combination of my own interpretations and Jacob Neusner's work unless otherwise noted. Mishnaic text has been taken from Theodore Albeck's Mishnah and Tosefta from the Lieberman version.

[3] Solomon Spiro, "Who was the *Haber*? A New Approach to an Ancient Institution, " *Journal for the Study of Judaism* XI:2 (1980): p. 187.

[4] See chapter 3 for further investigation of this topic.

[5] Ibid., p. 187-8.

in determining the identity of the *haver* and the social and anthropological ramifications

of this association.

M. 2:3 reads:

> He who undertakes to become a *haver* does not sell to an *am ha'aretz* wet
> or dry [produce] and does not purchase from him wet [produce] and does
> not accept the hospitality of an *am ha'aretz*, and does not receive him as
> his guest while he is wearing his own clothes. R. Judah says, "Also he
> should not raise small cattle and he should not be profuse in making vows
> or in levity, and he should not defile himself for the dead, and he should
> serve in the *beit midrash*." They said to him, "these do not enter the
> general principle [*c'lal*]."

We see here that "one who undertakes to become a *haver*": (1) may not sell either wet or

dry produce to an *am ha'aretz* nor (2) buy it from him; he may not (3) stay as a guest in

the home of an *am ha'aretz* or (4) allow him to wear his garments. R. Judah, lenient

above regarding the status of the *ne'eman*, adds restrictions here. His leniency regarding

the *ne'eman* and apparent stringency with regard to the *haver* might bolster Spiro's

suggestion that the two are entirely different institutions. For R. Judah, the *haver* is

prohibited from (1) "rearing small cattle, (2) being profuse in vowing or laughter, (3) and

defiling himself with the dead." He should moreover "be useful in the *beit midrash*."

These additional laws, beyond the realm of anything having to do with tithing, am

*ha'aretz* or the status of being *ne'eman*, remain the subject of much scholarly conjecture.

Richard Sarason infers that "Judah wants the *haver* to observe the priestly prohibitions

against all forms of corpse defilement (Lev 21:1-4), just as he observes the Levitical rules

of cleanness."[6] Sarason connects the prohibition against impulsiveness in vows and too much levity to other general rabbinic dictums such as that in M. Avot 3:13.[7]

The perplexing prohibition against raising small cattle has garnered much scholarly deliberation. Theodore Albeck compares it to a more general prohibition against raising small cattle in the land of Israel.[8] M. Baba Kama 7:7 presents two possible understandings of this prohibition. The first simply addresses the practical nature of cattle trampling other agricultural pursuits and damaging crops. The second reason may arise from issues of purity, based on the prohibition against priests raising chickens. Perhaps small cattle were detrimental to the responsibilities of a *haver* in the same manner that chickens would cause a priest to be impure and thus unable to fulfill his ritual duties.

This passages raises questions regarding the *haver*'s role in the *beit midrash*. It is not clear from the text to what extent the *haver* must "serve," or exactly what his service might entail. Epstein connects this final clause to the prohibition against defilement in the house of the dead; he reads the text as "nor minister in the house in which a banquet is held." That is to say, he amends *"beit hamidras"* to read *"beit hamishte."* To reinforce this theory, Epstein points to the prohibitions in T. Demai 3:6 against a *haver* serving in a banquet at a house of an *am ha'aretz*.[9] A baraita from PT Demai 22d-23a corroborates this interpretation, reading "a *haver* shall not minister at the banquet or a dinner of an *am*

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[6] Richard Sarason, *A History of the Mishnaic Law of Agriculture: A Study of Tractate Demai* (Leiden: EJ Brill, 1979), p. 72.

[7] R. Akiva says, "Laughter and lightheadedness turn lewdness into a habit. Tradition is a fence for the Torah. Tithes are a fence for wealth. Vows are a fence for abstinence. A fence for wisdom is silence."

[8] Theodore Albeck, M., p. 76..
M. Bava Kama 7:7 "They do not rear small cattle in Land of Israel, but they do rear them in Syria and in the wastelands which are in the Land of Israel. They do not rear chickens in Jerusalem, on account of the Holy Things, nor do priests anywhere in the Land of Israel, because of the cleanness."

[9] Sarason, p. 69

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*ha'aretz* unless everything has been properly dealt with and tithed by him personally, including the wine in the carafe. If a *haver* ministers as such a banquet, people will assume that tithe has been given."[10] The onus is on the *haver* to insure purity of food for all who might attend. Nevertheless, R. Judah is soundly opposed by the majority, and these prohibitions are not redacted as requirements.

The pattern that these two *mishnayot* present regarding the requirements for entry into a *havurah* will be echoed and elaborated upon in T. The. "*ha-m'kabel elav*" (M. Demai 2:3) bears further examination as it appears multiple times in T. as well. So too do the distinctions between tithing, purity and ethical considerations appear again in greater detail. M. Demai provides only these two pericopae regarding the entrance requirements for the *haver*, although the *haver* is mentioned in other locations with rules about transactions with the *am ha'aretz* and relations of the *haver* to the world around him.


## Avot de Rabbi Natan 41, Version A

A slightly different version of M. Demai 2:2-3 appears in Avot de R. Natan. The text stipulates only four requirements but then lists five:

> Whoever takes upon himself four things is accepted as a *haver*: [#1]that he does not go to a cemetery, [#2]does not breed small cattle, [#3]nor give *terumah* and tithes to a priest who is an *am ha'aretz*, [#4]that he does not prepare food in the observance of the laws of purity with an *am ha'aretz*, and [#5] he eats secular food in the observance of the laws of purity.[11]

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[10] Chaim Rabin, *Qumran Studies* (London: Oxford University Press, 1957) p. 12.

[11] Avot de R. Natan, Version A, xli, ed. Schechter, p. 132 as translated in Oppenheimer, p.126. Numeration is my addition.

The distinctive difference here is the description of a "a priest who is an *am ha'aretz*." Scholars agree that this is most likely a later gloss that combines elements of the anonymous statements in M., T., and the remarks ofR. Judah.[12]

## T. Demai 2

T. provides a lengthy enumeration of additional requirements and entrance procedures[13]. Because of the discrepancy in the amount of material in T. as compared to M. on this subject, it is worth reviewing the relationship of one to the other. In general, T. is viewed as a commentary or addition to M.. It is not unusual for T. to offer names for anonymous material, add substance not found in M., contradict M. in halakhah, change the order of halakhot, or offer commentary on Mishnaic material. In many places T. seems to depend on M., but M. rarely makes use of T. All of these qualities vary from tractate to tractate making generalities difficult,[14] but T. is almost uniformly dated slightly later than M. Sarason suggests that T. Demai 2:2-3:9 is "a beautifully constructed, sustained commentary" on M..[15] Despite Sarason's assessment, it does appear that T. presents new material in addition to commenting on M.. The possibility remains that the institution of *haverut* was more important in the third century thus requiring a more detailed code in T. for its observance. True the Tannaim mentioned here are all also from the house of Usha, traceable to a well defined historical period, but the fact that their rules are recorded in T. but not in M. suggests the greater necessity of their being listed in the later period. The Tannaim mentioned in this chapter (R. Judah,

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[12] Oppenheimer, p. 127
[13] Ibid.
[14] H.L. Strack and Gunter Stemberger, *Introduction to the Talmud and Midrash*, trans. Markus Bockmuel (Minneapolis: Fortress Press, 1996) p. 152-5
[15] Sarason, p. 75.

R. Meir, R. Simeon, R. Joshua b. Korha, R. Shimon b. Gamliel, R. Shimon b. Eleazar, and Abba Shaul) are all students of R. Akiva in the third generation of Tannaim (c. 130-160) from the rabbinic center of Usha (140-170 BC).[16] Their teachings most likely originated in the previous generation and were preserved.[17] Alternatively, the extent to which *haverot* existed beyond the second century cannot be ascertained based upon this rudimentary survey. The proliferation of Toseftan material on the *haver* may have no ramifications beyond the usual definitions of the M./T. relationship.

In this segment of text, T. changes the order of M. as well as adding completely new material. Sarason suggests that T. 2:2 begins a section of general rules that are spelled out in 2:3-14. The second sub-unit, 2:15-3:4, addresses rules that *haverut* imposes on social and family relationships.[18] T. Demai 2:2[19] reads

> One who takes upon himself four things is accepted as a *haver*: 1) That he will not give *terumah* or *ma'aserot* to an *am ha'aretz*, 2) and that he will not deal with food that requires purity near [or in the home of] an *am ha'aretz*, 3) and that he will eat regular [food] in a state of purity. One who takes it upon himself to become "*ne'eman*," must tithe what he eats and what he sells, and what he purchases and he may not be a guest at the home of an *am ha'aretz* according to R. Meir. But the Sages say, "The one who is a guest at the home of an *am ha'aretz* is indeed *ne'eman* R. Meir said to them, "If he is not *ne'eman* for himself, then should he be *ne'eman* for me?" They responded to him, "Homeowners [*ba'alei ha-bayit*] have not been prevented from eating in each others' abodes, even though the fruit that is in their domain is fit/properly tithed."[20]

While the text stipulates four requirements it lists only three. Lieberman notes this discrepancy in *Tosefta Kifshutah* and draws upon Rashi on BT Bekhorot 30b where this pericope appears as a *baraita*. Rashi suggests that the next line, regarding the *ne'eman*,

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[16] Strack., pp 74-75.
[17] Anthony Saldarini, *Pharisees, Scribes and Sadducees in Palestinian Society: A Sociological Approach*, (Delaware: Michael Glazier, 1988) p. 206.
[18] Sarason, pp. 75-76
[19] My translation (using Sarason and Neusner.)
[20] Numeration is my addition.

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be integrated to form the fourth requirement—reliability—thus solving the problem.[21] In Lieberman's reading, the *ne'eman* is an aspect of *haverut* itself, and not aphase of entry. His reading of the text does not entirely solve the problem in the text nor the discrepancy in placement of the *ne'eman* rules in the Mishnah.. Sarason reads 2:3-14 as a subunit qualifying the general issues involved in T. 2:2.[22] He seems to equate the *ne'eman* with "trustworthiness" as a step to reaching full fledged *haverut* so, unlike Spiro, does not distinguish this as a separate category. Much of the Tosefta passage on *ne'eman* is taken directly from M. 2:2. The word *ne'eman* remains untranslated here because of its ambiguity of meaning in both M. and T.. Based on R. Meir's statement, it appears that *ne'eman* may indeed indicate a state of trustworthiness that precedes entrance into *haverut*, as well as being essential for those already accepted to retain their status.

Spiro enumerates the differences between the Mishnaic and Toseftan passages in great detail. In addition to the placement of the *ne'eman* and *haver* sections, he notes that while M. prohibits commercial transactions with an *am ha'aretz*, T. prohibits giving heave offerings and tithes to an *am ha'aretz*.[23] Spiro also points out that M. is more stringent with regard to visiting for both the *am ha'aretz* and the *haver*. T. also eliminates the general ethical dicta supplied by R. Judah in M., and the requirement to eat regular food in ritual purity is mentioned in T. but not in M..[24] The question remains as to the significance of these differences and how they contribute to the understanding of *haverut*. Why does M. omit these segments that seem essential to this institution? What is the importance of the general ethical rules that are omitted from T.? We shall later see

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[21] Lieberman, T. Kifshutah, p. 64.
[22] Sarason, p. 75.
[23] Spiro, p. 188
[24] Ibid., 189

that these moral restrictions may connect to the institution as it is described in T. Megillah 4:15 and elsewhere.[25] As we investigate the *haver ir* and "*havurot* that were in Jerusalem," the ethical component of the regulations in Demai will be quite relevant.

T. Demai 2:3 begins a long string of *halakhot* that explain the idea of "suspect with regard to one" as related to entrance into a new group.

> An *am ha'aretz* who takes upon himself[26] the matter of *haverut* and is suspect with regard to one requirement, he is suspect with regard to all of them, according to the words of R. Meir. The sages say, he is only suspect with regard to that one item.

T. Demai 2:4-8 follow a similar formula for proselytes, suggesting unfitness for breach of one item, as well as priests and levites as a means of rationalizing expulsion of the *am ha'aretz* for a single suspicion. The formula "*ha-m'kabel elav*" is a form of oath and indicates a form of action by the subject "he who imposes upon himself." Similar oath formulas are found in M. Bekhorot 7:7, in which a priest married to a forbidden woman must vow not to cohabit with her; and one who has frequent contact with the dead must similarly "impose upon himself" the suspension of the practice.[27] The comparison of the following four situations: *am ha'aretz* who wishes to become a *haver*, priest, levite and proselyte. All these categories involve a voluntary status transformation, enacted by the subject, in which the subject desires to take on more stringent laws—the breach of which would impact the larger community and ostensibly God as well. The fact that taking on the "vow" of *haverut* is compared to these other categories seems to emphasize the importance of these regulations. Lieberman disagrees, noting that "*kibel al*" "by itself was accompanied by neither vow nor oath. However, the very declaration that one will

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[25] See Chapter 3.
[26] *Ha-m'kavel elav* has been uniformly translated in this manner.
[27] Rabin, p. 17 and Lieberman, *Tosefta Kifshutah* i, 200.

abide by the laws of the *havurah* may have carried the onus of a "handle" of an oath."[28]

While "*kiblah*" sometimes does have the connotation of "*sh'vuah*" what remains unclear

is the extent that such an oath played in the admission process to the *havurah*.

The end of T. 2:7 reads "Each one who imposes service on himself, receives a

share of the gifts. Each one who does not impose service upon himself does not receive a

share of the gifts." The reciprocal nature of this statement, although written in the

context of priests, remains important within the context of *haverut* as well. The text

includes a component of ministry or service to the community within the responsibilities

of the *haver*. The sense of mutuality remains a constant through all of the *haver/havurah*

texts and will be addressed in more detail in Chapter Four.

The text next addresses the case of a *haver* who reneges on his duties.

> "One who goes back on them [his duties] is never accepted again
> according to R. Meir. R. Judah says one who goes back on them [his
> duties] in public, is accepted again; [one who goes back again] in private,
> is not accepted again. R. Shimon and R. Yehoshua b. Korcha say both are
> accepted as it is written, "Return faithless children" (Jer.3:14 and 22).

The difference between public and private declarations clearly relates to the reliability of

the *haver* in future tithing—if he did not publicly announce that he reneged on his duties

and others still considered his tithing or his food to be reliable, then he would be

impacting the observance of others. These two segments emphasize the public and

communal nature of *haverut*.

T. 2:10 explains the acceptance process further.

> He who takes upon himself, if he observes [his duties] from the beginning
> in private, they accept him and afterwards instruct him [in the rules of
> *haverut*], and if not, they instruct him and afterwards accept him. R.

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[28] Saul Lieberman, "The Discipline in the So-Called Dead Sea Manual of Discipline," *Journal of Biblical Literature*, 1951 (?), p. 200.

Shimon says "they always accept him and instruct him progressively [as they go along].

From this section we learn that a certain amount of instruction goes into the process of becoming a *haver*. Spiro asks why the prospective *haver* must be instructed if he has already been observing on his own. He hypothesizes that some type of specialized knowledge must be imparted during this instruction—perhaps some vital information about the public administration of tithes and communal funds[29]. This interpretation, critical to his theory of *haver* as public administrator, may have some validity and offer further insight into the admission process as well as the identity of the *haver*. Although there is no other conclusive evidence supporting this hypothesis, Spiro's reading of the passage contributes an important understanding of *haverut* in its requirement of specialized knowledge.

The question remains, however, about the phase of *ne'eman* and the order of the acceptance process in M. versus T. Chaim Rabin notes that "as we hear nothing of a separate organization of reliable persons, it is almost certain that such a person also made his declaration before the *havurah*. Being a reliable person was thus a preparatory stage to becoming a *haver*, i.e., a novitiate."[30] Based upon T. the stages thus appear to include

1) Declaration by the would-be *haver*
2) Study (possibly shortened or even omitted altogetherif the candidate observed the rules before consideration)
3) Admission..

Rabin's interpretation refutes Spiro's contention that the "*ne'eman*" is a separate entity rather than a stage in the process. Rabin points out that T. Demai 3:4 corroborates his position on the "*ne'eman*" and the process for entry. T. Demai 3:4 reads "A *haver* who

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[29] Spiro, p. 205
[30] Rabin, p. 18

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became a tax-collector is expelled from his *havurah*." They changed their minds to say, "as long as he is a tax-collector, he is not reliable. If he withdrew from the office of tax collector, behold, this one is reliable." This text clearly suggests that the *haver* moves back and forth from full status to that of *ne'eman* based upon his conduct. Rabin compares this process to that of the Qumran sect in which the sectarian is relegated to novitiate for misbehavior, but reinstated following repentance.[31]

T. Demai 2:11 presents a requirement that remains somewhat of a mystery: *k'nafayim*—usually interpreted as "uncleanness of the hands"[32] or "wings."[33]

> They accept him first with regard to uncleanness of the hands and afterwards they accept him with regard to foodstuffs which require preparation in the conditions of cleanliness. If he said, "I take upon myself only [obligations] regarding *k'nafayim*, he also is not deemed trustworthy with respect to clean foodstuffs.

This phrase could indicate ritual washing of the hands. S.D. Luzzatto suggests a translation 'clothing'. Similarly A. Schwartz suggests that "wings" indicates eating normal food in Levitical purity of clothing.[34] Regardless of the exact meaning, *k'nafayim* provides yet another stage in the admission process.

T. Demai 2:12 addresses issues of a probationary period before entry and is attributed to the houses of Hillel and Shammai. Shammai says 30 days for liquids and 12 months for clothing, while Hillel says 30 days for both. This passage provides information about yet another step in the admission process, further indicating the depth and complexity of the procedure.

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[31] Ibid.
[32] Neusner, T., p. 84
[33] Rabin, p. 19.
[34] Ibid.

T. Demai 2:13 introduces another important phase in the process of acceptance involving a public declaration.

> He who comes to impose upon himself [the obligations of *haverut*] even a *talmid chakham*, must take upon himself [i.e. make a public declaration]. But a sage who sits in session [in court] does not have to make a public declaration for he has already done so from the moment that he entered the session. Abba Shaul says 'even a *talmid chacham* has no need to take make a public declaration, and furthermore others take make public declarations before him.'

The element of public declaration may be waived if made by the would-be *haver*'s presence in the court capacity, presumably because his acting as a judge renders such a promise redundant. He is accepted by virtue of his status. Both Sarason and Neusner read this term as a kind of "court" setting, but fail to explicate this further. The use of the term *tamid chakham* in conjunction with *"haver"* implies that *haverut* is more than discipleship of the sages. Other versions of this text are found in PT Demai 2:3 and BT Bekorot 30b. PT adds "Even a *tamid chakham* who is a *haver*," emphasizing the distinction between these two institutions as well which can hardly however, have been mutually exclusive. BT Bekhorot 30b adds the requirement that the public declaration be made in the presence of three *haverim* for both a *tamid chakham* and a regular citizen.[35] This addition bolsters the theory that there must have been some special distinction, beyond learning, that marked the institution of *haverut*. This pericope alone connects the *tamid chakham* with the *haver*, both of which are often contrasted with the *am ha'aretz*.

T. 2:14-18 addresses the status change relating to the *haver*'s family following his declaration. These verses are particularly important in that they assume considerable contact between the *am ha'aretz* and the *haver*. The integration of these two categories within single families seems to suggest that the *haver* was not segregated even from the

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[35] Sarason, p. 89

rest of the family, let alone from the rest of the community. Similarly, T. Demai 2:19-3:9 indicate a significant amount of contact between *haver* and the *am ha'aretz* in both commerce and social interactions. Such a level of contact would defy "sect" status—it simply does not appear that the *haver* is segregated from the rest of the community. For example: the sons and servants of a *haver* need not take *haverut* upon themselves (2:14). A *haver* gone astray is not like the son of an *am ha'aretz* gone astray (2:14). The son of a *haver* may safely go to the home of his maternal grandfather even if he is an *am ha'aretz* and his father need not worry about what he feeds him (2:15).

Alternatively, the daughter of an *am ha'aretz* who marries a *haver*, the wife of an *am ha'aretz* who subsequently married a *haver*, and the slave of an *am ha'aretz* who was sold to a *haver* must all accept the restrictions of *haverut* (2:16). Conversely, the daughter of a *haver* who marries an *am ha'aretz*, the wife of a *haver* who subsequently marries an *am ha'aretz*, and the servant of a *haver* who is sold to an *am ha'aretz*, remain in their presumed status of *haverut* until their behavior becomes suspect (2:17). A surprising element in this section is the apparent suggestion that women and slaves can possess a status apart from their husbands or owners and subsequently bear responsibility for declaring their own commitment (or lack there of) to *haverut*. An example quoted by R. Shimon b. Eleazar in the name of R. Meir contradicts the idea that women and slaves possessed agency over their identity. He tells the story of a woman who, when married to a *haver* fastened tefillin straps for him, but when married to a customs-collector knotted customs seals for him(2:17). For R. Shimon b. Eleazar it is the master's *haver/am ha'aretz* status that determines that of his wife, slave or daughter. Once again, these

passages indicate a great deal of contact, commercially and interpersonally between *haverim* and *amei ha'aretz*.

The next set of texts support this impression as well, bringing to the table cases of the son of a *haver* who is apprenticed to an *am ha'aretz* and vice versa. The son and servant of a *haver* who are apprenticed to an *am ha'aretz* retain their *haver* status until suspected otherwise. The son and servant of an *am ha'aretz* who are apprenticed to a *haver* must take the obligations of *haverut* upon themselves—when they are in his domain they are expected to behave like a *haver*, but when they leave they are assumed to behave like an *am ha'aretz*. The *am ha'aretz* is expected to observe the more stringent rules while in the domain of the *haver* but not necessarily to take *haverut* upon themselves outside. Perhaps this leniency, unlikely if the *havurah* was indeed a cult like the Essenes, existed to encourage inter-group cooperation and commerce. If they were forced to become *haverim*, the *am ha'aretz* would be unlikely to take on apprenticeships to *haverim* on a large scale. With this ruling, commerce and social interaction are enabled and even encouraged.

T. Demai 2:20-22 strengthens the assumption that significant commercial and social contact occurred between the *haver* and the *am ha'aretz*. We find there a comparison to situations when withholding food from non-Jews is meritorious. For example, when the substance would be deleterious to one's health (T. 2:23), and when substance would be akin to "placing a stumbling block before the blind" (T. 2:24). The remarkable analogy between Jew/Noahide and *haver/am ha'aretz*, indicates the extent of the insider/outsider construction but also

implicates (based upon the appearance of this baraita in other locations—T. A.Z. 8:4-6) the extent of the contact between the two in the commercial sphere.

Chapter 3 provides a plethora of regulations that further this impression. Sarason divides these principles as follows:

- Principles dealing with the fact that a *haver* must not prepare pure food for an *am ha'aretz* (T. 3:1-3).

- *A haver* who is a tax collector and loses his status (he deems this pericope to more properly belong after 2:9) (T 3:4)

- Relations between the *haver* and the *am ha'aretz* centering on the issues of tithing without mention of cleanliness (T. 3:5-9).[36]

These restrictions can be interpreted in two different ways. The strict regulation of contact between the *am ha'aretz* and the *haver* suggests at first a sect-like control of relations with outsiders. The proliferation and variety of these prohibitions and instructions could alternatively imply, however, that such contact was indeed taking place but that it was deemed necessary to regulate it. The ruling that "a *haver* should not serve at the banquet of an *am ha'aretz* unless everything has been tithed under his supervision" (3:6) definitively suggests that *haverim* and *amei ha'aretz* were dining together, albeit under the rules of the *haver*, who at least in this instance, is of a higher status, in that the *am ha'aretz* is the servant serving the *haver* guest his banquet feast.

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[36] Sarason, pp. 98-101

There have been many attempts to compare the code in M. and T. Demai to the regulations in the Dead Sea *Manual of Discipline*. Chaim Rabin lists the similarities between the *haver* admis ion procedure, and that of the Qumran sect.[37]

1. The oath at the very beginning of the process. Rabin reads *m'kabel alav* (translated above as "public declaration" in such a manner.

2. The three stage procedure: according the Rabin this includes the oath to become *ne'eman*. a renewed oath to become a *haver* followed by a twelve month period during which regulations with regard to *k'nafayim* are taught, and a third stage, "bringing closer," in which the *haver* is trusted with regard to pure food and common meals (twelve months according to Hillelites and one month according to Shammaites).

3. The first stage has a separate name and deals with obligations that are really incumbent upon every Israelite.

4. There is teaching involved in the novitiate stages (stages 2 and 3).

5. The novitiate period is divided into two stages separated by examination.

6. Exposure to pure food occurs only in the second stage.

7. Exposure to fluids marks the full admission.

8. No additional oath is required upon full admission.

Rabin also notes two major differences between the entrance procedure for the two groups: 1) the *haver* oath seems to be taken before a public body while at Qumran it was taken before one member, and 2) the second *m'kabel elav* for *haver* status is absent from

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[37] Rabin, pp. 20-21

Qumran. Additionally, he suggests that many *havurah* practices actually contradict Essene practice (numbers one, four, five, six and eight), distancing that sectarian group even further from *haverut*. The above observations are based on Rabin's reading of M. and T. Demai—different readings of these passages could drastically change the relationship to the Yahad and the Essenes. Oppenheimer goes so far as to caution against comparison with the Essenes, noting that such scholarship is "fraught with danger because of the sparse, fragmentary, and vague nature of the information at our disposal about the Essenes."[38] Similarities in the entrance procedure do not necessarily reinforce our comprehension of *haverut*. Lieberman writes that caution must be used "in drawing conclusions from similarities and differences between the regulations of the sects." The sects in Palestine at this time "swarmed" and "might have had much in common although they differed from one another in basic and cardinal principles."[39] Also missing from Rabin's analysis, is a discussion of the treatment of the outsider, essential to determining the nature of *haverut*.

Although cautious, Lieberman concurs with Rabin with regard to the similarities in entrance procedure, but also comments upon the treatment of non-members by both groups. Yahad considers all uninitiated wicked, evil and dangerous. Although certain nasty statements about the *am ha'aretz* are found in tannaitic and amoraic literature, these statements are not found in context with material pertaining to the *haver*.[40]

In his *Introduction to the Complete Dead Sea Scrolls*, Geza Vermes also notes that while certain "coincidences" reveal commonalities between the two groups, very important Qumran features are absent from the Pharisaic *havurah*. The cult at Qumran

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[38] Oppenheimer, p. 149/50
[39] Lieberman, "The Discipline in the So-Called Dead Sea Manual of Discipline," p. 205
[40] Ibid.

placed authority in the hands of the priests, while the Pharisees and seemingly the *havurah* as well vested on power with the laity. The continued contact of the *havurah* with the *am ha'aretz* was a second marked difference, flexibility regarding re-entrance procedures was a third. Finally celibacy was customary at Qumran, but taboo to normative $1^{st}$-$2^{nd}$ century Pharisaic society and thus to *haverut* as well.[41]

Oppenheimer also suggests that despite surface comparisons, the central point of the Yahad document is severance from the normative community. The *Manual of Discipline* shows no signs of continuing relations with the community or family of the inductee. In addition both the Essenes and Yahad referred to "others" as "*anshei chamas*," and "*anshei shachat*" indicating eternal damnedness in a way that the documents on *havurot* never express.[42] Oppenheimer goes so far as to hold that "the *haverim* were closer to the *amei ha'aretz* than to the sects of the Essenes and Yahad" who so clearly disparaged and avoided all who did not join them. It is clear from the texts and scholarship, therefore, that the *havurah* was not a sect in the sense of Qumran. Its place in first century society, however, remains unclear. While more mainstream than the Qumran sect, it is possible that the *havurah* retained "sect"-like status within the realm of the Pharisees. It is generally accepted that while all *haverim* were Pharisees, not all Pharisees were *haverim*. It is thus necessary to investigate the social and religious divisions of this era further in an attempt to classify this unique institution.


**Sectarianism in First Century Palestine**

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[41] Geza Vermes, An Introduction to the Complete Dead Sea Scrolls, (Minneapolis: Fortress Press, 1999), p. 118-119.

[42] Oppenheimer, pp. 150-51.

Josephus, one of the most prominent and helpful sources in providing historical and social insights regarding first and second century Palestine writes,

> Now at this time there were three schools of thought among the Jews, which held different opinions concerning human affairs; the first being that of the Pharisees, the second that of the Sadducees, and the third that of the Essenes.[43]

He defines these various groups according to their beliefs about Fate. Josephus' use of terms is important to our understanding of these groups. What is translated as "school of thought" comes from the Greek *hairesis*, commonly translated as heresy. While this usually conveys a negative meaning in our parlance, here it could also suggest a "school of thought". Similarly, the Greek *secta*, rendered sect in English carries with it a negative connotation as a group who "deviates from the norm" or separates itself from the mainstream belief system. Shaye Cohen, provides defines a sect as:

> a small organized group that separates itself from a larger religious body and asserts that it alone embodies the ideals of the larger group because it alone understands God's will.[44]

A sect must be small enough in numbers to be a "distinctive part of a larger religious body." Once it becomes too large it earns the title "religion" or "church." Several important elements of sectarianism arise from this definition including: authoritarian structure, separation from the normative community, and lone understanding of God's will. [45] While the *havurah* retains the complicated organization, laws of purity and separation that might result in classification as a cult, it is lacking in essential features that marked other "separatist" groups during this period of time.

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[43] Josephus, Jewish Antiquities, 13.5.9, 171-173 as found in Cohen, 124.
[44] Shaye J. D. Cohen, *From the Maccabees to the Mishnah*, (Philadelphia: The Westminster Press, 1987), p. 125.
[45] Ibid. pp. 125-128

Two major factors suggest that the *havurah* was less closed than a sect. The first factor relates to the close proximity to non-*haverim* or *amei ha-aretz* in the community. In addition to the examples in M. and T. Demai suggesting commercial and social interactions, Oppenheimer brings in examples from T. Tohorot that indicate the spatial proximity of the two groups. T. Tohorot cites an instance of "a *haver*'s roof adjoined to that of a: *am ha'aretz*," (10:11) and "a *haver* and an *am ha'aretz* who lived in a courtyard' (10:1). It is clear from these verses that the *haverim* lived among the *amei ha-aretz* and, while being restricted in what they could eat or trade with them, may not have limited contact in any other way.[46] Compared to the Dead Sea sect who segregated themselves in caves at Qumran, in fact, the institution of *haverut* appears positively accessible. The second reason that the *haver* does not earn sect status manifests itself in the total absence of negative appellations for those with outsider status. As reviewed above, there is very little information that indicates a self designated elitism or negative imagery for those who do not believe (i.e. "wicked," "son's of darkness," etc.). The terms *haver* and *am ha'aretz* seem to designate either socio-economic or intellectual status, if it is possible to make any claim, but do not cast out the other as "non believer."

While creating an insider/outsider dynamic, this relationship does not approach cult status. Cohen comments,

> In the final analysis, what makes a sect a sect is its separation and exclusivity. Guilds, clubs, synagogues, and schools resemble sects in that they are small voluntary organizations, but as long as they neither separate themselves from the community nor claim exclusive possession of the truth, they are not sects.[47]

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[46] Oppenheimer, pp. 102-3
[47] Cohen, p. 127

It is apparent from previous examination of the laws of *haverim* in tractate Demai that

Cohen's description applies to the institution of *haverut*. Compared to the sectarians at

Qumran, *haverim* do not appear particularly isolated from normative Pharisaic life. No

document studied in this chapter claims the absolute truth of *haverut* nor commands total

exclusivity. For these reasons, *haverim* are most accurately classified as an association, a

voluntary organization, or a strict tithing community, but not as a sect.


**Conclusion**


It is apparent from a survey of the literature above, that a rigid structure for the

admission and behavior of the *haver* existed around the second century. The institution

described possesses a stringent system to maintain purity in tithing and appears to

regulate the entrance and exit of its members based upon this factor. No social factors

appear to be involved in the determination of a member's status, nor does prior education

or learning. Rejection or acceptance was based only on meeting the stated requirements,

without other intervening factors (such as lineage, education, purity, etc.). *Haverut*

appears to have been simply an effective mechanism for maintaining control of tithing

procedure.

After an examination of *havurah* prohibitions one is still left with questions about

the nature of *haverut* and its place in the tannaitic world. These passages provide a

complicated code of behavior for the *haver* and yet do not define the essential nature of

this institution. One would gather, from the fact that these descriptions fall into the

tractate Demai, that the *haver* is indeed a tithing based association. The presence of the

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term "*haver*" and "*havurah*" in other locations, however, raises further questions about the existence of both a *haver* in the technical sense and a more generalized *haver* that bears no resemblance to the institution described in this chapter. Was the *haver* a community leader adept in the laws of tithing, a member of a sect akin to Qumran or something else entirely that we can simply not ascertain based on the resources available to us? To some extent the answer to this question will remain a mystery, further complicated by the material in chapters two and three. Regardless, the *havurah* in this instance appears to have addressed an important communal need during a time of social and political upheaval.

# Chapter 2

# Havurah: A Sacred Meal Fellowship

The presence of an organization involving strict tithing procedure and sect-like entrance requirements has been well documented in M. and T. Demai as well as other purity-related tractates such as Tohorot, Kelim, and Terumot. There is, however, absolutely no textual evidence equating this organization with that of the *havurah*, mentioned at length in M. and T. Pesachim as well as M. Sanhedrin 8:2, M. and T. Eruvin and Betzah. In fact, the term *haver* is never mentioned in M. Pesachim and only twice in T. Pesachim. These two passages, found in T. Pesachim 3:12-13, will be investigated later in this chapter. The absence of connection between the *haver* and the *havurah* raises important questions about their relationship. It is entirely possible that a *havurah* is a separate institution, related to a separate ritual observance and not, as some have hypothesized, a group of *haverim* as described in Demai.

Chaim Rabin writes that "nothing in the context of Tosefta Demai suggests that the *havurah* held common meals, but we must remember that the word *havurah* can also be employed in a general way for a group holding a common meal in connection with some religious occasion."[1] Jacob Neusner also notes that "the relationship of the ellowship [ie, *haver* in Demai] to the *haburah* [sic] *shel mitzvah* is not yet clear; the .llowship discussed here may be simply one such example of such societies or status-ɡ oups formed to carry out particular religious obligations."[2]

Is the *havurah* a society of strict tithers formed to perform ritual duties? Is the *hc urah* even made up of *haverim*? It is difficult to ascertain if this is the case, especially sin e root *hbr* is common enough to have multiple usages. In all likelihood, the two ɡro ps, tithers and meal fellowship groups, are completely unrelated. A number of

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[1] at ᑊ, p. 32
[2] eu ᑊer, Fellowship in Judaism, p. 40

convincing factors support the theory that the *havurah* in M. and T. Pesachim may not be composed of the *haverim* described in M. and T. Demai.

1. In these passages, the *am ha'aretz* is rarely mentioned.

2. Members of the *havurah* are refered to as "*b'nei havurah*" as opposed to the "*haverim*" referenced in Demai.

3. The terms "*haver*" and "*havurah*" are never used in the same pericopae together.

Language is extraordinarily significant in this literature, and it appears that the words "*haver*" and "*havurah*" are technical terms, implying more than their simple meaning. Although it is tempting to claim that a *havurah* is a group of *haverim*, the absence of important language from these *masechtot* suggests that the *havurah* discussed in this context bears limited relation to that in Demai. An investigation of the texts will provide further insight into the *havurah* and its place in the Tannaitic world.

## Mishnah Sanhedrin 8:2 and Other Examples of *Havurah*-Type Meals

M. Sanhedrin 8:2 provides essential context to the practice of eating in groups for festivals.

> At what point is he liable [to be declared a *ben sorrer u'moreh*]? Once he has eaten a *tartemar* of meat and drunk a half-*log* of Italian wine. R. Yossi says, "a *mina* of meat and a *log* of wine." If he ate in a *havurat mitzvah*, if he ate in a meal celebrating the new moon, if he ate a food that was a second tithe in Jerusalem, if he ate carrion or treif food, if he ate creepy crawly things (or ate untithed produce, first tithe, the heave offering of which had not been removed, second tithe or consecrated food which had not been redeemed), if he ate something which fulfilled a religious duty or committed a transgression, if he ate any sort of food except meat, drank any sort of liquid except wine—he is not declared a *ben sorrer u'moreh*—unless he eats meat and drinks wine, since it is said, "a glutton and a drunkard," (Deut. 21:30). And even though there is no clear proof for the proposition, there is at least a hint for it, for it is said, "do not be among the wine-drinkers, among the gluttonous meat-eaters." (Prov. 23:20)

This lengthy text places eating in a *havurat mitzvah* in a list of other possible actions that exempt one from rebellious son status. The following text (8:3) also enumerates undesirable activities, while the text before (8:1) provides the age when it is possible to become a rebellious son. It appears that taking part in the *havurat mitzvah* indicates some level of responsibility, thus acquitting the son of rebellion.

Most pertinent for our consideration is the actual existence of a meal for the purpose of carrying out a commandment. Albeck suggests that it is some kind of *seudat mitzvah*, such as that following a *brit milah*.[3] Alternatively, Rabin reads the phrase *havurat mitzvah* to include *ochel ibur hodesh* (a meal celebrating the new month) as an

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[3] Albeck, 194.

example, rather than a separate act.[4] He also derives from this and M. Megillah 4:3 the

presence of ten men at such meals. While it is difficult to make absolute connections

between such texts, Rabin also suggests (based on M. Zevachim 3:2 in which those who

eat their food in Levitical purity are called *b'nai ha-knesset*) that such meals took place in

the synagogue.[5]

In his article "*Birkat Ha-Zimmun* and *Havurah*-Meals," Joseph Heinemann makes

similar allegations. M. Berachot 7:3, in dealing with the introduction of blessing at

communal meals, raises questions about why a group of ten would be gathering to eat and

why such a group would be gathering in a synagogue. Through his investigation of the

*zimmun* formula, he presents the hypothesis that it came into being with the advent of the

*havurah*-type meals observed on festivals discussed in M. and T. He cites a baraita in BT

Berachot 47b that explicitly excludes *amei ha'aretz* from *birkat ha-zimmun*, noting

> There is no parallel whatsoever for such requirements as regards to
> communal prayers in the Synagogue; they can be understood only against
> the background of *havurah*-meals, to which no one was admitted who did
> not "eat even non-sacred food in ritual cleanness" or who did not "tithe his
> produce properly."[6]

Heinemann makes the connection to the *haver* of Demai based on this reference to the *am*

*ha'aretz*. No specific *halachah*, however, exists in the texts of M. and T. Pesachim that

suggests such exclusivity.

M. Berachot 7:5 provides further evidence of *havurah* activity. Again, the

*havurah* seems inextricably connected to mealtime activity.

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[4] Rabin, p. 32

[5] Ibid.

[6] Joseph Heinemann "Birkat Ha-Zimmun and Havuerah-Meals," *Journal of Jewish Studies* XIII (1962): 27.

> Two *havurot* which were eating in one house—if some members of each group face each other, they may combine as a single group for the *zimmun*. But if not, each invites [*m'zamnin*] for themselves. They do not bless the wine until water has been added. According to the words of R. Eleazar. And the sages say: Bless it.

It is difficult to ascertain from this passage exactly the context of such meals (festival, daily, etc). All we know is that such meals occurred, that they were regulated in some way, and that the separateness of each *havurah* had significance in some way. The theme of two or more *havurot* eating in proximity to each other appears repetitively in these texts and indicates that such meals must have taken place in communal areas.

M. Eruvin 6:6 also presents the situation of more than one *havurah* observing the Sabbath in one public space.

> Five *havurot* who observed the Shabbat in one *trakilin*, the house of Shammai say, "an *eruv* is required for each and every *havurah*." And the House of Hillel say, "One *eruv* serves all of them." But they concur that, when part of them are staying in private rooms or upper chambers, they require an *eruv* for each and every *havurah*.

*Trakilin* is taken from the Greek *triclinium* and is defined by Marcus Jastrow as "a banqueting room which has been heated a day before." This term is also used in other texts to describe a couch used for reclining at Greek banquets.[7] The *triclinium* was a mainstay of the Roman household as well, used in that context as an oblong dining room with benches in three sections. Blake Leyerle suggests that evidence of larger rooms that held seven and eleven couches exists as well, thus explaining how more than one *havurah* could observe a festival in this space at one time.[8] Here we have the first and most obvious example of the Greco-Roman meal customs on the Jews. Once viewed in

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[7] Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature*, Jerusalem, 1903, p. 554.

[8] Blake Leyerle, "Meal Customs in the Greco-Roman World," in *Passover and Easter: Origin and History to Modern Times*, (Indiana: University of Notre Dame Press, 1999) p. 30

this context, it becomes apparent that the *seder* falls into the same realm as the symposium. This text is complemented by a similar passage in T. Eruvin 5:8 that contributes no new information, but uses the term "*chatzer*" for public space as well as *traklin*.

M. Betzah 2:3, mentions *havurah* in a new context, that of immersing utensils. This text concludes that utensils must be immersed when being passed from one *havurah* to another. Neusner's translation suggests that this sharing of utensils takes place at Passover, although the text presents no evidence to this effect.[9] Albeck, however, interprets the need to immerse the vessel between uses of two separate *havurot* to reference one *havurah* eating *hullin* and another eating *terumah*. This *t'vilah* is permitted even on a festival day.[10] Albeck's reading is supported by additional texts in T. Betzah 2:6.

**Mishnah Pesachim**

The *mishnayot* in Pesachim address issues of proper Passover offerings and completion of the mitzvah in the context of the *havurah*. In M. Pesachim 9, three consecutive passages make mention of the *havurah* in the context of a larger discussion of confused paschal sacrifices. In the case in which an animal set aside for the Passover offering is confused with animals set aside for other sacrifices, M. 9:8 offers a complicated solution in which the perpetrator must eventually make up the cost out of his own pocket, but the animal may not be eaten—unless, according to R. Shimon, it is for a

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[9] Jacob Neusner, *The Mishnah: A New Translation*, (New Haven: Yale University Press, 1988) p. 292
[10] Albeck, p. 291

*havurat cohanim*, in which case they are permitted to consume it. This text indicates that entire havurot of priests existed—something that makes sense for reasons of purity and convenience: a priest is able to eat all sacrifices and thus if the paschal lamb is confused with others, they are all permissible for his consumption. Certain questions arise from this passage, most importantly: how were *havurot* determined? If there is a *havurah* made up of *cohanim*, was there also a *havurah* of *amei ha'aretz*? Unfortunately the text does not answer these questions but continues to raise them by presenting a miscellany of information regarding *havurah* dining through these pericopae.

Mishnah 9:9 addresses the issue of a *havurah* that lost its Pesach offering.

> If a *havurah* lost its Passover offering and then said to someone, "go and find and slaughter another offering for us," and that person went and found and slaughtered [another offering] but [the *havurah*] also went and bought and slaughtered [another offering]. If his was slaughtered first, he eats his, and they eat with him from his offering. But if theirs was slaughtered first, they eat theirs, and he eats his. Or if both of them were slaughtered simultaneously, then he eats his, and they do not eat with him, and theirs goes to the place of burning. But they are exempt from having to observe the second Passover. He said to them, "if I come back late, go and slaughter a Passover offering in my behalf," he went and found and slaughtered it, and they purchased and slaughtered an animal as well. If theirs was slaughtered first, they eat theirs, and he eats with them. And if it is not known which of them was slaughtered first, or if they were slaughtered simultaneously, they eat theirs and he does not eat with them. And his goes forth to the place of burning, and he is exempt from having to observe the second Passover. If he gave instructions to them [regarding the slaughter of the offering], and they gave instructions to him, all of them eat from the first. But if it is not known which of them was slaughtered first, both of them go forth to the place of burning. If he did not give instructions to them [regarding the slaughter of the offering], and they did not give instructions to him, they are not responsible for one another.

The relationship between *havurah* and the individual elucidated in this lengthy text render it worthy of quoting in its entirety. The verbal instruction of one member to another appears to be imperative in determining the outcome as does the order of the

slaughter. Also of import is the possibility that one member of the *havurah* may not

consume part of the communal offering or might consume his own offering if any one of

these situations occurred. Based upon this text, one might deduce that fulfillment of the

*mitzvah* by each individual is of the supreme importance—the *havurah* is the conduit for

the completion of this commandment. This text does not appear to implicate a closed

cultic meal—rather it presents an image of an association for the completion of a *mitzvah*

that is acceptably performed by the individual if things go awry. The onus of the

commandment to celebrate Passover is upon the individual—the *havurah* in this context

facilitates the individual's completion of the commandment.

Similarly, M. 9:10 indicates extensive interaction between *havurot* –consumption

of the paschal offering must have taken place in close proximity to each other based on

the number of passages relating to loss and confusion of such offerings.

> If the Passover offerings of two *havurot* were confused—one *havurah*
> takes possession of one of them for themselves, and the other takes
> possession of one of them for themselves. The members of the *havurot*
> meet and they say, "If this Passover offering is ours, withdraw from yours
> and count in with ours. And if the Passover offering is yours, we
> withdraw from ours and count in with yours." And so too five
> associations, each with five or ten members—each one of the *havurot*
> takes possession [of an offering] and declare this possession.

The presence of term *mnh*, meaning to be "counted for a share of the Passover lamb" [11]

according to Jastrow, appears here indicating the active nature of taking part of declaring,

registering, or otherwise indicating desire for participation. Also pertinent are the

numbers described—five or ten members in each *havurah*—the only explicit description

of such information found in Tannaitic literature. Repetition of the phrase

"*sh'nei/hamesh havurot she . . . .*" in all tractates viewed so far indicates that multiple

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[11] Jastrow, p. 798

*havurot* dining together was not a phenomenon limited to Passover. Notably absent are any limitations on who can be "counted in" a such a *havurah*. Surprisingly, few restrictions appear, indicating perhaps that purity issues do not function in this group as they do in Demai. These texts express concern about the validity of the paschal offering but not about the purity of the individual. Thus the only requirement appears to be registering for consumption of the sacrifice. This notable absence further substantiates the possibility that the *havurah* is not made up of *haverim*.

## Tosefta Pesachim

Once again, Mishnaic passages on *haverut* are outnumbered by those in the Tosefta, although not to the extent seen in Demai. The Toseftan passages here, as in Demai, thematically support the Mishnaic material providing supplementary and at times new information. These passages are primarily concerned with the validity of the Pascal sacrifice as enacted through the *havurah*. The concept of "counting in" or "registering" (*mnh*) for the sacrifice materializes several times in these passages.

T. Pesachim 6:11 offers further insight into the logistics of the Passover event.

> He who takes an olive's bulk [of a Passover-offering] from house to another, from one *havurah* to another, when it is time for eating—this person is liable, since it says, *"[In one house shall it be eaten],you shall carry forth any of the flesh outside the house"* (Ex. 12:26). Even though it is said, *"In one house shall it be eaten,"* people eat it in their courtyards and on their roofs. What is the meaning of *"In one house it shall be eaten?"*—in one *havurah*. R. Shimon says, "Now, behold, if they were sitting and eating and saw a snake or a scorpion, these take up their Passover-offering and eat it somewhere else, as it is written, ". . .*of the houses in which they eat them."* If so, why is it written, *"in one house shall it be eaten"* ? So two *havurot* do not eat one across from the other. When the waiter [who eats with one *havurah* but serves both] stands up to

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mix the wine [of the company with which he is not eating,] he shuts his mouth and turns his face away, and he chews [the offering] until he reaches his own *havurah* [to which he has counted in] and then he swallows it, so that he should not appear to eat from two Passover-offerings. If there is only one *havurah* they may eat anywhere in the house without suspicion.

From this text it is apparent that the entire paschal meal must be consumed in one *havurah*, indicating the existence of some ritual importance to the completion of this *mitzvah* within the group. The danger of two *havurot* co-mingling appears to be the mixing of sacred materials, echoed in the Mishnaic passages above. The importance of fidelity to one's own *havurah* is further emphasized with the vignette about the waiter. This segment of text also gives evidence of the extent to which Greco-Roman culture had affected the Jewish community. Leyerle indicates that waiters served the guests at these gatherings, and that wine was mixed with water before drinking.[12] The extent to which the waiter avoids being counted in another *havurah* indicates the magnitude of the prohibition against being attached to more than one Passover offering. In addition, it suggests (as we know from the biblical texts as well) that all classes, both servants and guests, partook of this ritual. Interesting as well is R. Shimon's reading of "in one house" to be "in one *havurah*." The communal element in fulfilling the mitzvah is clearly essential.

Several other pertinent passages appear in T Pesachim chapter 7. All of these pericopae begin with the phrase *b'nei havurah* a notable linguistic departure from the passages in Demai. The fact that *haverim* are not mentioned here further supports the thesis of two separate institutions. These passages address issues of uncleanness, although these concerns only function in their effect on the performance of the actual

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[12] Leyerle, p. 37

commandment. The act of "registering" appears multiple times and seems to be a central part of the ritual experience. T. Pesachim 7:6 indicates that "counting in" reserves a piece of the meat on a first-come first-served basis. If there is not enough meat for all to eat *k'zayit*, then the latecomers must observe the second Passover according to Rav. R. Nathan dissents saying that "blood has already been tossed in their behalf."

T. Pesachim 7:7 reads

> The members of a *havurah* who wished to register other people for their Passover-offering—the right [*reshut*] is in their hand. If they wanted to withdraw and to register others for their Passover-offering [in their place]—the right is in their hand. He who registers another [person] for his Passover offering [the right] is in his hand. If he wanted to withdraw [from the offering] and to register others in his portion the right is in his hand. "Under all circumstances they go ahead withdraw, so long as one of the original association is left," according to the words of R. Judah. And R. Yossi says, "Whether it is one remaining of the original association or from a later association, so long as they do not leave the Passover offering as is.

This passage clearly indicates that control over entrance remains squarely in the hands of the individual *havurah* members. One who wishes to enter must only "register," or "count himself" in the *havurah*. Additionally, members of the *havurah* can withdraw without penalty and bring someone in his place as one member from the *havurah rishonah* (here translated as "original *havurah*) remains. From this passage it is possible to read this process of *"limnot"* counting or registering, as the admission procedure itself. This process is far less rigorous than that presented in Demai, requiring one single action by the one who wishes to enter. T. 7:8 adds to this noting that "the coins [received for the sale of their share] are deemed unconsecrated. If they wanted to withdraw, to appoint others in their share, the right is in their hand and the coins are unconsecrated." It appears from this passage that entrance into the *havurah* is not particularly carefully

monitored. Joining can occur through a member's invitation, withdrawal, or by purchase

of a member's position.

T. 7:9 which reads, "The members of a *havurah*, some of whom died, or some of

whom were made unclean, the rest of them eat and need not be concerned." Exposure to

death or impurity does not render the act invalid and the rest of the *b'nei havurah* may

continue their meal without concern. The relative laxity in entrance procedures and

purity concerns represent a marked contrast to the stringencies of M and T. Demai.

T. Pesachim 7:10 presents a rather unclear prohibition against one with "infirm"

hands. Lieberman explains this phrase to describe one who took more than his share of

the offering.[13]

> The members of an association, one of whom had "infirm" hands they
> have the right to say to him, "take your own portion and [go eat] yours
> alone." And it is not because it is a Passover offering, but even the
> members of an association who made a common meal, and one of them
> had "infirm" hands—they have the right to say to him, "take your own
> portion and [go eat] yours alone." If they wanted to be nice to him
> [*la'asot imo tova*] , he may come and eat with them.

This passage is exceptional in that it describes acceptable social behaviors for within the

*havurah*. It is well known that each must eat *k'zayit*—one who is gluttonous would

necessarily be an impediment to the completion of the ritual by the others. The last line,

however, indicates that the rest of the *havurah*, out of amiability, could let him eat with

them, indicating that this behavior had some social detriment in addition to imperiling the

completion of the *mitzvah*.

The rest of the chapter delineates further disqualifications from the *havurah*.

Although the term *havurah* is not explicitly used, T. 7:11 indicates that a person isolated

by *tzara'at* and a woman who has given birth to a child have offerings slaughtered on

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[13] Lieberman, Tosefta Kifshuta, p. 179

their behalf and they must observe the second Passover. T. 7:12 goes on to discuss the fate of one who is too sick to consume *k'zayit*, and T. 7:13 a menstruant woman and an uncircumcised man. T. 7:12 articulates a remarkably lenient general principle, "all who are subject to doubt are exempt from the requirement of observing the second Passover." Uncleanness in the case of *b'nei havurah* is addressed in T. 7:15.

> The members of an association, one of whom was made unclean, and it is not known which one of them it was, have to prepare a second Passover. A community [*tzibbur*], one of whom was made unclean, and it is not known which one of them it was, prepare in a state of cultic uncleanness.

If one member is unclean, all members must observe the second Passover. The status of the group in this section seems to supercede that of the individual. Juxtaposition of the *havurah* next to an institution called simply the *tzibbur* demands notice. This "community" remains undefined, but is clearly held to more lenient purity regulations with regard to the paschal offering. It is unclear who composes this group or how it is different from the *havurah*. Is this a less stringent group made up of the general public who also observes the festival? No other text gives the impression that the *havurah* is a closed institution compared to the *tzibbur*. It is possible that *tzibbur* is simply "the public" in general, members of a community in a town or city who must offer and eat a paschal offering as well. The subsequent passage indicates the total absence of elitism in a socioeconomic sense, further removing the *tzibbur* from this implication. The term remains ambiguous but is certainly worth note based on its singular appearance in this passage. The most important issue in T.. 7:15 is confrontation of questionable purity in a group setting.

In the following text, T. 7:16, the possibility of a poor member of a *havurah* is addressed. "The members of an association, one of whom was registered, even out of

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charity—this one takes a share with them in the hides." From this text we learn that a *havurah* was not restricted by socio-economic factors, but rather includes members who are sponsored by the rest of the group. The term *tzedakah* is ambiguous, indicating payment by an individual or out of communal funds.[14] These members, however, appear to have an equal share in the proceedings, based on the explicitly discussed division of the "hides" here.

The next passage once again addresses issues of confused *korbanot* adding the additional caveat of possible blemishes.

> The members of an association who made a mistake and consumed the Passover offering of their fellows [*havereihen*]should say to them, "now you eat ours." If they consumed their [offering] and a blemish was found on its hide, they have to prepare a second Passover-offering. Now they turn out to have eaten four Passover-offerings and not yet to have carried out their obligation. Five associations, the Passover-offerings of whom were confused with one another, and a blemish was found on the hide of one of them, have to prepare a second Passover offering.

The concept introduced in T. 7:15 is extended here: doubtful purity affects all involved, not just in an individual *havurah*. The idea that one *havurah* could eat four offerings and still not have carried out the necessary obligations almost seems comical but makes a clear point: blemished offerings are unacceptable. The farcical nature continues as the text emphasizes its message—even if five *havurot* confuse their offerings and one was blemished, all of them must observe the second Passover. It does not appear that *yabolet*, translated as "wen" by Neusner[15], and "moist wart" by Jastrow[16] is a major imperfection. Blemished animals (no matter how small the flaw) are wholly unacceptable towards fulfillment of the obligation. Also fascinating about his passage is the reference to the

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[14] Lieberman, Tosefta Kifshutah, pp. 615-616
[15] Neusner, Tosefta Translation, p. 152
[16] Jastrow, p. 561

other fellow *haver*-mates as "*havereihen*"—this is one of few references to members of a *havurah* with this term. It is difficult to determine whether this term is referring to members of the same *havurah* or members of a different *havurah*, or whether it is a technical term, or simply a non-specific reference to a peer.

The last pertinent Toseftan passage occurs in T. 9:1, once again dealing with confused ownership of paschal lambs.

> If an animal designated as a Passover-offering was confused with an unconsecrated animal—let him sanctify the unconsecrated animal as a Passover-offering. And behold, they are equivalent to two animals designated as Passover-offerings which were confused. Two people who's Passover-offerings were confused, one takes possession of one of the animals. The other one registers with himself a third part, and that one registers with himself a third part. This one approaches that, and that one approaches this, and thus do they declare: "*If this Passover-offering is mine, then you withdraw from yours and register with mine. And if this Passover-offering is yours, then I withdraw from mine and register with yours.*" Two associations with three men each, three with four, four with five, five with six, six with seven, seven with eight, eight with nine, nine with ten—they register one member of each and every association, and two from the last association. They set aside one animal as a Passover-offering, and they say, "to whomever this Passover belongs: We withdraw from ours and register for his." If there were three associations of two men each, four of three, five of four, six of five, seven of six, eight of seven, nine of eight, ten of nine, one member of each association withdraws. And they designate another animal as a Passover-offering. And they say, "to whomever belongs this Passover-offering: we withdraw from ours and register for his." So they turn out to hold onto the extra [associate] and to abandon the original one.

This passage goes into lengthy detail about "registration" of these animals. A formula for clarifying ownership of a Passover-offering is presented several times with a palpable underlying concern that everyone be registered with one offering. From reading this passage, one might have inferred that not every person needs his own offering. Registration with an offering, however, even if it is already registered to another person, remains mandatory. Withdrawal seems to be as important as registration so that one

person is registered to no more than one offering in one *havurah*. Although the clause

with the group numbers is quite confusing, it does seem clear that the *havurah* is

composed of between three and ten members. This provides further credibility for Joseph

Heinemann's theory that the formulations for *zimmun* originated from such *havurah*

meals.

**The *Haver* in T. Pesachim**

There are only two incidences of the term *"haver"* in all of Pesachim. They occur

consecutively in chapter three of the Tosefta, in the context of removing leaven from the

home. T. Pesachim 3:12 reads,

> What is the meaning of "look-out,"—a point from which one sees
> Jerusalem with nothing intervening. One this basis, you rule as follows:
> He who goes to slaughter his Passover, to circumcise his son, to eat a
> betrothal meal, in the house of his father-in-law, and remembered that he
> had leaven in his house, if he has sufficient time to go back, he goes back
> and if not, he does not go back. **R. Shimon ben Eleazar says, "any meal**
> **which is not held in fulfillment of a religious duty [*l'shem mitzvah*]—a**
> ***haver* is not permitted to participate in it."**

This pericope is related to the discussion in M. 3:7 regarding when it is necessary to

return home to remove leaven and in M. 3:8 that disputes when it is too late to dispose of

sanctified meat outside of Jerusalem. The last sentence of T. Pesachim 3:12 introduces

an understanding of the *haver* not seem anywhere else in these tractates. In fact, this

conception of the *haver* is very similar to that described in T. Megillah 4:15, in which the

*havurah* is conceptualized as a kind of *mitzvah* society. In addition, the passage suggests

that large scale meals or celebrations were taking place unrelated to commanded ritual

observance, a fact corroborated by our knowledge of the surrounding Greco-Roman

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society. No reason for this prohibition is given, leaving the interpretation open perhaps because it is a loose stand tacked on here. Is it related to the prohibition against excessive levity in M. Demai 2:3? Or is it connected to issues of purity, although the *am ha'aretz* is still not invoked? This is the only reference to a *haver* as opposed to *b'nei havurah* in M. or T. Pesachim, a significant finding, but one that again leaves us without definite answers.

The next text, T. 3:13, provides an even more mysterious reference to the *haver*. The text discusses the amount of leavening that obligates one to return home to remove. "Ben Beteira says, "to the volume of two eggs. But we have not found for him a *haver*. . . ." Neusner translates this as "anyone else who holds this same opinion."[17] The appearance of this term, immediately following its usage in the previous text suggests a meaning of an actual *haver*—although what this really might signify remains unclear. Alternatively, *haver* in this passage could simply exist as rendered by Neusner, once again indicating the multifaceted nature of the term.

## Conclusion

The question remains, after an investigation of these texts, whether the *havurah* is indeed composed of *haverim*. Two possibilities exist:

1) **All passages refer to the same group of people.** The passages in Demai, Tohorot, Terumah etc. deal with issues of proper tithing as related to this organization. The passages in Pesachim and Eruvim explore how these *haverim*

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[17] Neusner, Tosefta, p. 127

observed festivals. This theory seems unlikely due to the major linguistic differences: No use of the terms *haverim* or *am ha'aretz* is present at all. Similarly, no mention is made in the extensive body of literature in T. Demai of any sort of communal meal or festival observance.

2) **The passages in Demai refer to a group of people, with certain sect-like behaviors. The *havurah* is a separate entity made up of laymen (i.e. non-haverim) for the purpose of festival observance.** This hypothesis seems more likely since there seems to be very little restriction on who can enter the *havurah*, members have a different name (*b'nei havurah*), and the regulations and restrictions are based on Passover related issues, and not on the identity or purity of the member of the *havurah* himself.

The term "*haver*" is used with frequency for a multiplicity of purposes and is thus difficult to pin down in any one definition. It is thus entirely possible that the *havurah* is not a group a *haverim*, a reality that scholars have been reluctant to express. The dearth of actual evidence prevents a definite resolution in either direction.

# Chapter 3

# The Havurot that Were in Jerusalem

In previous chapters, texts regarding *haverut* have fallen into clear categories based on their context as well as their location in certain tractates: the *haver*, as discussed in Chapter 1 and the *havurah*, as seen in Chapter 2. A number of other texts exist, however, that defy categorization in either of these groups. The text that perhaps stands at the center of this section is T. Megillah 4:15. Unlike the other pericopae investigated, this text stands alone and introduces a new facet to the lexicon of *haverut*: officiation at communal events and responsibility for important public duties outside of festival and tithing requirements. In his article "The *Havurot* that were in Jerusalem,"[1] (and echoed in a similarly titled article by Oppenheimer), Pinhas Peli explicitly asks about the connection between these *havurot* and those organized for the paschal meal.

Additionally, *haver ir*, a term mentioned nine times in Tannaitic literature[2] (as well as in lengthy discussions in BT Berachot 30a and PT Berachot 7a), is also consistent with this context. Peli notes that three of these references are in relation to prayer, two in connection with laws of *tzedakah*, and four times with regard to the laws of mourning.[3] The definition of the term *haver ir* will be investigated in greater depth later in this chapter, but appears on first glance to encompass several functions mentioned above. Although the term is not utilized in the same texts as the words *havurah* or *haver*, it may carry the connotation of a body of leadership or council as opposed to a single functionary.

A third category of texts fits into this chapter—those found in M. Avot referring to general ethical precepts. These texts use the term *haver* in broad moral statements, and may only serve to prove the flexibility of this term. It is impossible to ignore their

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[1] Pinhas Peli, "The Havurot That Were in Jerusalem" *Hebrew Union College Annual* 35 (1984): 70.
[2] M. Berachot 4:7, T. Peah 4:16, T. Shevi'it 7:9, T. Megillah 3:29, T. Bava Batra 6:13
[3] Peli, 70

presence, however, due to their popularity today and reflection on social behavior of the

Rabbis. The common feature of the *havurot* that were in Jerusalem, the *haver ir*, and the

*haver* in M. Avot relates to communal responsibility, both ethically and ritually.


**T. Megillah 4:15**


Said R. Eleazar b. R. Zadok—thus did the *havurot* that were in Jerusalem function.
Some [went] to the house of feasting and some to the house of mourning; some to the
betrothal feast and some to the wedding feast; some to the *shavu'a ha-ben* and some to
the *likut asamot*. *Shavua ha-ben* takes priority over mourning. Of them all R. Ishmael
gives top priority to the house of mourning, for it is written: "it is better to go to the house
of mourning, the living will lay it to his heart" (Kohelet 7:2)—do, that it should be done
for you; join the funeral procession, that you too should be escorted, mourn that you
should be mourned; bury that you should be buried.[4]


The "*havurot* that were in Jerusalem" appear to have been responsible for various

communal celebrations. R. Eleazar b. Zadok is notably not of Akiva's generation but

rather is assumed to have lived early in the second generation (90-130 CE).[5] He regularly

related details of his adventures, something that enhances his credibility in describing the

*havurot* in this passage.

Two of these terms require further explanation, as they are not part of the standard

vocabulary of celebration. Spiro indicates that in some locations *Shavua ha-ben*,[6] is

rendered as *yeshua ha-ben*[7], suggesting that this ritual refers to *pidyon ha-ben*. Rashi (to

BT Bava Kama 80a) suggested that *shavua ha-ben* refered to circumcision (i.e.

performed seven days after birth). Rashi's theory (although contested by the Tosafists) is

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[4] Translation from Pinhas Peli in "The Havurot That Were in Jerusalem" *Hebrew Union College Annual* 35
(1984): 55-74.
[5] Stemberger and Strack, p. 56
[6] Spiro, pp. 58-59.
[7] BT Bava Kama 80a

corroborated by similar usages in other locations in both PT[8] and BT[9]. Lawrence Hoffman militates against this reading, suggesting that *shavua ha-ben* was a Jewish adaptation of a Greek tradition involving a week long birth celebration ending on the night before a circumcision (resulting in confusion of the term with *yeshua ha-ben*). Hoffman cites references to *shavua habat* celebrations as well that removes the festivity from the context of circumcision entirely.[10] It is clear, regardless of the exact meaning, that *shavua ha-ben* is a communal birth-related observance.

*Likut asamot* refers to the gathering of skeletal remains, also know as an ossilegium. Chapter twelve of Semachot deals with this practice, highlighting four reasons for this practice:[11]

1) In the instance of battle-related casualties when flesh decomposes and conventional burial is not possible.
2) In cases of those slain by the government.
3) In cases of those executed by the Beit Din.
4) In instances where bones were transferred from place to place in order to be buried near relatives.

PT Mo'ed Katan 80d explains, "in former times they would bury them in mounds. Then when the flesh was decomposed they would gather the bones and bury them in cedar. . . It has been taught—transferring a coffin from place to place is not considered *likut asamot*."[12] It appears from these sources that this was a fairly conventional situation during this period requiring communal involvement just as in the case of a conventional burial.

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[8] PT Ketubot 25c
[9] BT Shabbat 130a, Rosh Hashanah 19a, Me'ilah 17a and Yevamot 72a
[10] Lawrence Hoffman, *Covenant of Blood: Circumcision and Gender in Rabbinic Judaism*, (Chicago: University of Chicago, 1996), pp. 177-179. Other discussion of havurah in this context may be found on pp. 59-61 and 143-5 as well.
[11] Based on Spiro, p. 59
[12] Translation by S. Spiro, pp. 60-61

The functions of the *havurot* of Jerusalem listed in this text all involve *mitzvot bein adam l'havero*, conveying a sense of mutuality that is at the core of the *havurah*. The philosophy that "do, that it should be done for you; join the funeral procession, that you too should be escorted, mourn that you should be mourned; bury that you should be buried" in R. Zadok's addendum in the name of R. Akiva is reminiscent of *collegia* and fraternal orders of Rome. Peli emphasizes that the idiomatic formulation of this phrase as well as its presence in other locations illustrates that it was a well known maxim.[13] This passage provides a theoretical basis for the *haverut* beyond that of simply fulfilling ritual obligations.

From this passage, therefore, it is possible to discern the existence of a communal body, called the *havurah* (of which presumably there were many in the city of Jerusalem), that took responsibility for orchestrating the observance of lifecycle mitzvot. This institution appears to have been founded on an ideology of reciprocality: do for others that the same should be done for you. Nowhere else in previously studied texts has this been articulated, suggesting that either the *havurah* specialized in the completion of *mitzvot* between humans (as opposed to *mitzvot* between man and God a seen in Chapters One and Two), or that this example of *havurah* exists independently of those in Demai and Pesachim.

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[13] Ibid., p.62

The *Haver ir*

References to the *haver ir*, as mentioned earlier, may be divided into three categories: those relating to prayer, those relating to *tzedakah* and those relating to mourning. M. Berachot 4:7 falls into the first subdivision.

> R. Elazar b. Azaria says: there is *musaf tefilah* only when there is a *haver ir* and the Sages say whether or not there is a *haver ir*. R. Judah Taught in his [R. Elazar b. Azaria's] name: Wherever there is a *haver ir* [one is] exempt from the *musaf tefilah*.

The definition of the *haver ir* remains unclear in this passage. Albeck, in his commentary, explains that it really means "a *havurat ha-ir*--that is, a place where monetary details of the city were established."[14] This appears to be based on the Rashi to this passage where it appears in a baraita in BT Berachot 30a. Neusner, in his translation, likewise reads *haver ir* as an organization.[15] Peli treats this passage in conjunction with a baraita from BT Rosh Hashanah 34b.

> When he hears the blasts, he must hear them in [proper] order and during the recital of the blessings. When does this hold good? In a *haver ir*. But when not [praying] in a *haver ir*, he must hear them in order, but not necessarily during the recital of the blessings.

This text also considers the completion of a liturgical mitzvah and appears to use similar reasoning. Rashi once again explicates *haver ir* as "*havurat tzibbur*," providing the basis for understanding this term as collective. Louis Ginzberg also interprets this term as *hever ir*, meaning a specific *havurah* for the supervision of prayer in the synagogue. Peli amends Ginzberg's reading to suggest that perhaps the ten unoccupied men always found

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[14] Albeck, Zera'im, p. 21
[15] Neusner, The Mishnah, p. 10

in the synagogue[16] are indeed the *haver ir* mentioned above.[17] The perception of this term

as *hever* instead of *haver* is reminiscent of institutions such as the *hevre kaddisha* that

indeed take responsibility for fulfilling certain mitzvot on a communal level.

T. Megillah 3:29 also deals with ritual matters,

> A priest whose hands, face, or legs are blemished may not raise his hands
> because people will stare at him, but if there is a *haver ir* [present] this is
> permitted.

Peli reasons that if the priest is a member of the *havurah*, then they will be used to his

infirmity and not gaze at him. *Haver* would thus also be read as *hever* in this location,

based on Ginzberg's explanation, accepted by Peli as well.[18]

The texts dealing with *tzedakah* include T. Peah 4:16 (with similar versions in T.

Shvi'it 7:9 and T. Megillah 3:29) and a baraita from BT Megillah 27b.

### T. Peah 4:16

> The poor man's tithe may not be used to pay off a loan or debt; nor may
> charity be allocated from it but it may be sent as an item of *gemilut
> hasadim*, and its status must be made known and it may be given to the
> *haver ir* as a favor.

### BT Megillah 27b

> [That people of one town who have allocated *tzedakah* while in another
> town bring it back with them to their own town] pertains only when [in
> that other town] there is no *haver ir*, but if there is [in that other town] a
> *haver ir*, it must be given to the *haver ir*.

In the first passage, it is explained that the poor man's tithe may be used for *gemilut*

*hasadim*, and may be allocated as such through the *haver ir*. The baraita appears to take

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[16] M. Megillah 1:3, BT Megillah 5a, PT Megilla 1:6
[17] Peli, 73
[18] Ibid.

this one step further, clearly differentiating between *tzedakah*, that is prohibited from being allocated by the *haver ir*, and *gemilut hasadim*, that is permitted to be allocated by the *haver ir*. It is unclear if this expresses a limit of the *haver ir*'s power, or if there is another legal reason for the differentiation. This text supports the interpretation of *haver ir* as a *havurah* that takes responsibility for *gemilut hasadim*. In *Tosefta Kifshutah*, Lieberman concurs with this conclusion with regard to communal affairs, but maintains that the *haver ir* is one sage rather than a communal body.[19] The usage of the terms *haver ir* and *gemilut hasadim* together suggest that, regardless of whether *haver* is read as one sage or a *havurah*, this institution was clearly responsible for duties of communal interest. Oppenheimer reads the second text as an indication that a *haver ir* did not exist in every town, something that he suggests points to a voluntary association as opposed to a permanent official institution.[20]

The last three passages, relating to laws of mourning, cement the relationship between the *haver ir* and the "*havurot* that were in Jerusalem." Although different descriptive terms are utilized for each, the job description for both seems inseparable.


### T. Bava Batra 6:13

> One who goes to a house of mourning or a house of celebration carrying a bottle that normally holds wine splashing about may not fill it with water because it is deceiving: but if there is a *haver ir*, it is permitted.

### Semachot 14:13

> Everyone brings to the house of mourning fine bread, meat and fish but if there is a *haver ir*, only pulse and fish.

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[19] Lieberman, Tosefta Kifshutah, p. 59
[20] Oppenheimer, p. 142

**Semachot 12:4**

> [In the case of] *ossilegium* . . they recite the words of consolation by themselves and one does not go [to comfort them] with a *haver ir* but a mourner's meal is held in the mourner's house.

The same duties expounded upon in T. Megilliah 4:15, are present here. Peli emphasizes that these passages can be understood only in the context of some sort of special *havurah* for *gomlei hasadim* whose functions included preparation and/or supervision of a mourner's meal. Mixing wine with water would have deceived the mourner since the wine would be used for the ten cups at the meal. If a *haver ir* was present, however, it was assumed that the *haver ir* would provide wine. Semahot 14:13 is also explained in this manner: if a *haver ir* was present, their was no need to bring large amounts of food on the assumption that the *haver ir* would take responsibility for providing the sustenance.[21] Oppenheimer also connects T. Megillah 4:15 and the *haver ir*, deducing like Lieberman and Peli, that this is an organization (read *hever*) rather than an individual.

Both the *haver ir* and the *haverot* of T. Megillah 4:15 are clearly responsible for taking care of mourner's meals. The *haver ir* also appears to have ritual/liturgical duties as well as responsibilities relating to *gemilut hasadim*. The *havurot* were similarly cast, and although only lifecycle events are listed, the dogma of mutuality ("do that others shall do for you") indicates the depth of the *havurah*'s communal responsibility. It is certainly possible, therefore, that the *haver ir* and the *havurot* are actually the same

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[21] Peli, 73

communal institution referenced by different names. One wonders in this instance, however, why the plural of *haver ir* is not *hevrei ir* as opposed to *havurot*.

Although nearly impossible to prove using textual evidence, another hypothesis might suggest that the T. Megillah text occurs slightly later than those in other locations, indicating a linguistic transformation, but basically describing the same association. Regardless of whether or not these two institutions are actually one, they clearly belong in the same genre with regard to understanding *haverut* as a whole.

## M. Avot and the *Haver*

Two other occurrences of the term *haver* occur in Pirke Avot that defy grouping as part of the tithing sect or meal *havurah*. These two texts are tenuously discussed in this chapter for this reason, although their connection to the "*havurot* that were in Jerusalem" and the *haver ir* is also somewhat questionable. M. Avot is known to contain maxims of the Rabbis, list general morally and socially acceptable behavior, and some would go so far as to say, lay down the fundamental principles of the Mishnah.[22] The occurrences of *haver* in this tractate, therefore, may possibly provide insight into the social mores of *haverut* in a way not seen in other texts. Alternatively, these texts may simply add to the mystery of *haverut* through the expansive usage of the term *hvr*.

The prevalence of the M. Avot verses in contemporary settings makes reinterpretation of this term difficult. This is particularly true with M. Avot 1:6:

> R. Yehoshua b. Perachia and Nittai the Arbelite received it from them. Yehoshua b. Perachia says, make yourself a teacher and acquire yourself a *haver*. . . .

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[22] Strack and Stemberger, p. 115

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Does this verse refer to an apprenticeship to a *haver* akin to that mentioned in M. and T. Demai or does it follow the simple meaning of the text, indicating that friendship follows from learning together? The latter possibility is certainly quite viable, especially when later instances of *hevruta* are taken into consideration.[23]

Similar questions arise in reading M. Avot 2:9.

> He said to them, "Go and see what is the straight path to which man should stick." R. Eleazar said, "a generous spirit." R. Joshua says, "a good *haver*." R. Yossi says, "a good neighbor." R. Shimon says, "Foresight." R. Eleazar says, "A good heart." He said to them, "I prefer the opinion of R. Eleazar b. Arach, because in what he says is included everything you say." He said to them, "Go and see what is the bad road, which someone should avoid." R. Eleazar says, "Envy." R. Joshua says, "A bad *haver*." R. Yossi says, "A bad neighbor." R. Shimon says, "Defaulting on a loan.". . . . .

Once again, the reader is compelled to question: what is a good *haver* and a bad *haver*? Is it one who tithes wrongly? Or does it mean a good fellow, according to the simple meaning of the text. It is certainly difficult to determine from the context of the passage. Other positive attributes include general ethical maxims, being a good neighbor, generous, and having foresight, while envy and defaulting on a loan are cited as unacceptable behavior. Any reading of *haver*, *haver* as stringent tither, *haver ir*, or *haver* as fellow, is thus viable. Perhaps these *mishnayot*, if nothing else, serve to emphasize the broad usage of the term *haver*. It is distinctly possible that *haver* in this tractate means nothing more that "fellow," "peer," or "friend."

It is pertinent at this juncture, to return to R. Judah's prohibition in M. Demai 2:3 regarding proper behavior for the *haver* (p. 14 above).

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[23] "Either hevruta or death. . ." BT Ta'anit 23a

R. Judah says, "Also he should not raise small cattle and he should not be profuse in making vows or in levity, and he should not defile himself for the dead, and he should serve in the beit midrash.

This ethically based injunction bears remarkable resemblance to the proscriptions in M. Avot. In M. Demai 2:3, R. Judah is discounted by the majority, as the Rabbis respond that ethical precepts do not bear relevance to the other rules about tithing procedure. It is open for hypothesis whether the redactor was aware of the pericopae in M. Avot and amended the passage in M. Demai 2:3, in order to differentiate the role of the *haver*. Also open for interpretation is the possibility that the institution of *haverut* transformed from a tithing institution to one of communal responsibility and civic leadership as tithing conventions changed. A third possibility remains that encompasses both understandings of the term: *haver* as a strict tither who stood out as a community leader for this reason and thus needed to be especially careful of his public behavior. While intriguing, there is no real support, textually or historically, for these theories. These passages simply put the institution of the *haver* in perspective, underlining the vast range of its meanings. The above texts illustrate, perhaps more than those in previous chapters, the broad usage of the term *hvr* and may simply prove that this word is widespread and not limited to technical usage.

# Chapter 4:

# The "Essential We":
# An Anthropological Analysis

Analysis through the lens of social science is an excellent way to examine the *haver* and the *havurah*. While the texts themselves offer little in the way of explanation about the essence of *haverut*, an anthropological investigation assists enormously in differentiating the *haverim* of M. and T. Demai, the *havurah* of festal meals, and the *"havurot* that were in Jerusalem." Anthony Salderini applies the social sciences methods in his study of this topic, noting that cultural anthropology is often best suited to such examinations since it functions in a cross cultural manner and has often been applied in studies of pre-industrial societies.[1] Such theories have been used to interpret ancient history in three ways: to generate questions to be used in the study of text; to provide categories to describe what is in the texts; and to illustrate how a whole social system functions and how the parts affect one another. He cautions against asking inappropriate questions and bringing modern and industrial suppositions that might distort the reading of ancient texts.[2] Salderini uses Functionalism in his analysis of the Palestinian society, a school of thought that serves as the basis for much of Mary Douglas's work as well. Victor Turner's concept of communitas provides further insight into the phenomenon behind *haverut*. I am hopeful that integration of their theories can not only help categorize what occurs in the texts, but also illustrate the function behind each social system and their relationship to each other.

Douglas has composed several versions of her theory of grid/group over the years and has not yet clarified her work into one consistent hypothesis. This paper will therefore use her first documentation of grid/group[3] aided by James Spickard's

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[1] Salderini, p. 13
[2] Ibid., p. 15
[3] James Spickard, "A Guide to Mary Douglas's Three Versions of Grid/Group Theory," *Sociological Analysis* 1989 50:2, 151-170.
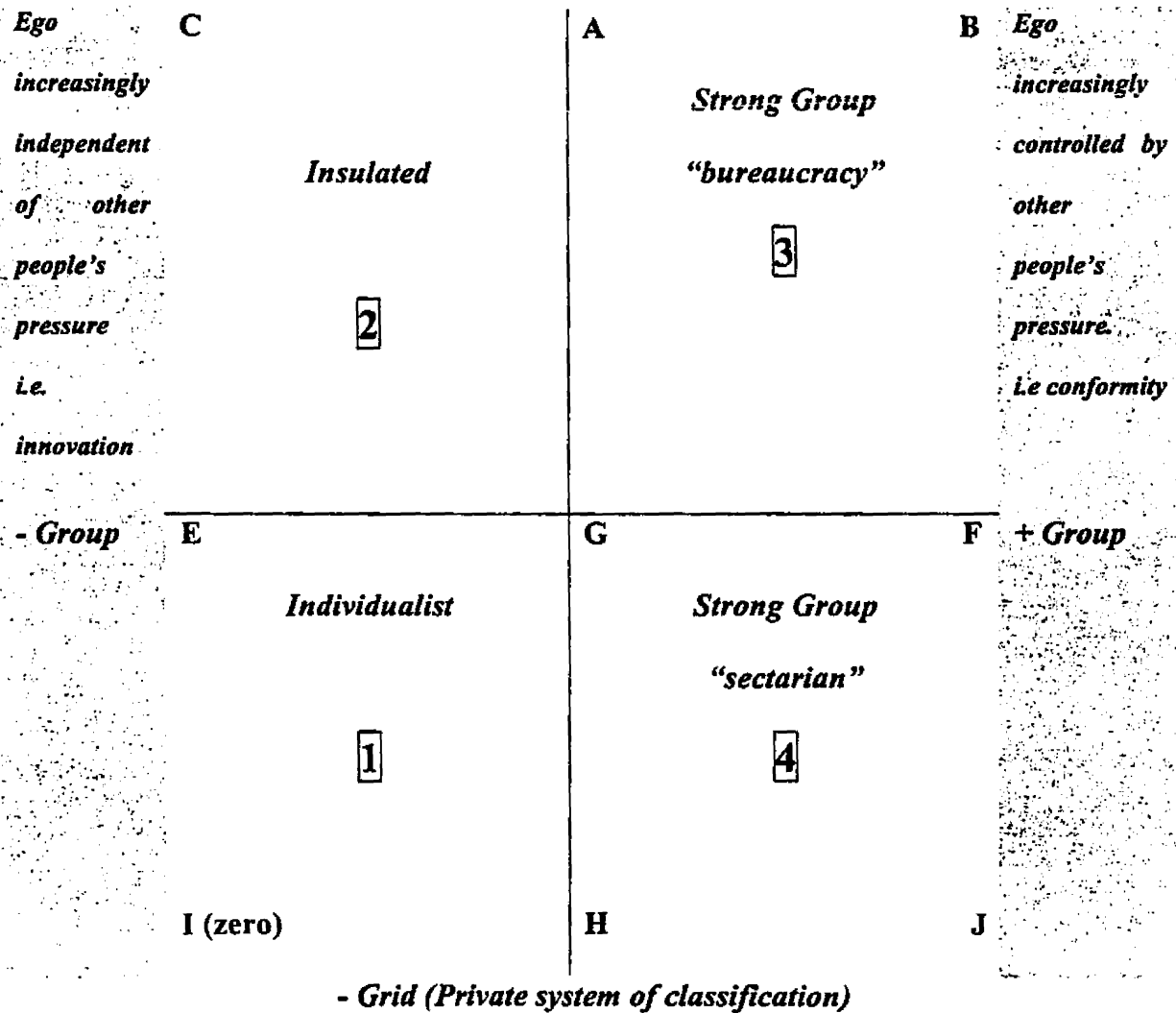
explications in an article reviewing her work over the last several years, as well as the introduction to the 1996 edition of *Natural Symbols*.[4] Using a Durkheimian mode, Douglas examines social factors and how they operate in relations among group members. Spickard notes that "Douglas's self appointed task is to chart people's social experiences in such a way that their connection with cosmologies becomes plain. Douglas's grid/group diagram is a schema for classifying social relations as they are experienced by the individual."[5] Douglas builds her system using a chart as seen in figure 1.

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[4] Mary Douglas, *Natural Symbols: Explorations in Cosmology*, (New York: Routledge, 1996).
[5] Spickard, 154

## Figure 1. Grid/Group Diagram[6]

*+ Grid (system of shared classifications)*

| | | |
|---|---|---|
| *Ego* | **C** | **A** | **B** *Ego* |

*Ego increasingly independent of other people's pressure i.e. innovation*     **C**    *Insulated*    **2**

**A**    *Strong Group "bureaucracy"*    **3**

**B**    *Ego increasingly controlled by other people's pressure. i.e conformity*

*- Group*    **E**    *Individualist*    **1**     **G**    *Strong Group "sectarian"*    **4**     **F**    *+ Group*

**I (zero)**      **H**      **J**

*- Grid (Private system of classification)*

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[6] Spickard, 164 and Douglas, p. 60

Zero "would represent a blank, total confusion with no meaning whatever. Rulelessness could be anomy, the suicide's doubt. It could be the mystic's moment of dissociation when all classifications are in abeyance. It could also represent. . . the child's first undifferentiated awareness."[7] At this point on the graph, no demands are made on the individual. It appears that zero would fall in quadrant 1, where no demands by either public or private systems of classification are made on the individual and the ego exists independently of other people's pressure. The individual is willing to remain free from the public system of classification at the cost of doing without its rewards.[8] This factor is essential in understanding this system as applied in our circumstances. The rewards in the case of *havurot* include: group membership, community status, and completion of acts commanded by the divine authority. These rewards are quite compelling indeed and one can only imagine rejection occurring in the face of a better offer (i.e. from another sect or group offering similar benefits).

The vertical line (E-F) represents that of grid, or the public system of classification.

> Close to the line and below it lie the fringe elements, the marginal sectors
> of society the more to the right they are found [G-F], the weaker their
> option not to be exploited by others to the left operating the public system
> of classifications; towards the left and zero [G-E] are the voluntary
> outcastes, tramps, gypsies, rich eccentrics, or others who retain their
> freedom, at a cost. The line across the page [E-F] separates the area of
> conformity from innovation.[9]

Grid (A-J) focuses on the individual's responsibilities and obligations to others, an element in our case that appears to be the laws set up by the Rabbis, or *halachah*. *Halachah* appears to be the most prominent system of "public classification" among the

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[7] Douglas, p. 59
[8] Ibid., p. 61
[9] Ibid.

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constituency we are investigating at this time, although Hellenism and civil law could arguably function as grid as well. Grid read as *halachah* presents a challenge to our investigation, however, since it functions equally in all *havurot* discussed and commanded authority in 1st and 2nd Century Palestine. Additionally, it is difficult to distinguish between the *halachah* itself as grid and the communal coercive power of the *halachah* independent of its actual letter. Grid is perhaps most accurately defined here, therefore, as the laws specifically governing entrance and exit from the organization. In this reading, the *haverim* of Demai remain high grid and group, while the other two examples of *havurot* display high group and lower grid, an element explained below.

The horizontal line represents the concept of group, that maps the extent to which an individual is under the influence of other people. On one end of the spectrum (to the left of line HJ) the ego is independent of pressure from other people, while on the other end of the group line (to the right of line HJ) the ego is highly influenced by pressure from others.[10] The group dimension includes relationships and social controls rather than law as a factor in inclusion/exclusion. The measurement of this factor becomes especially challenging to determine in studies of ancient cultures, when missing large amounts of information.

Douglas hones her theory in *Cultural Bias* (1978) and *Risk and Culture* (1982) in such a way that will aid our understanding and application of her work to this study. Spickard helps to clarify her definitions of each quadrant.[11]

- Quadrant 1 represents an entrepreneurial, individualistic, "market" society. Those in this quadrant are open to foreigners because the novelty aids

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[10] Ibid., p. 61
[11] Spickard, 164-7

competition. Such societies are marked by willingness to tolerate risk and little concern for long-term challenges.

- Quadrant 2, on the other hand, appears less coherent, appearing to collect the social fallout from quadrants C and A—that is those who cannot function in the individualist society of A, but also reject the extreme bureaucracy of C. Douglas labels this "insulated," referring to the degree of social separation between classes of people.

- Quadrant 3 includes hierarchists, open to incorporating outsiders, based on the provision that they take their place among the bureaucratic divisions of this type. These kinds of systems tend to weigh risks and benefits in long term planning and consider possible crisis situations, preventing panic when such events occur.

- Quadrant 4 encompasses sectarian societies, those who do not allow open access to their groups because their identity is based on this social structure. These groups include voluntary organizations galvanized around a specific issue. They emphasize that their organization can survive only by remaining single-mindedly true to their cause. Such associations often magnify the threat to their ideology by the larger population in attempts to garner membership and support, bringing claims that "everything is being polluted." This group is often marked by charismatic leadership that establishes and enforces the purity rules.

Douglas notes that with high grid/high group (quadrant 4) comes strong boundaries between purity and impurity, "sacralized" institutions, and a society in which moral

failings become sins against the community. In contrast, low group (quadrants 1 and 2) breeds less confidence in divine power and a dualist cosmology as well as a belief that justice does not prevail. Strong grid (quadrants 2 and 3), however, produces a pragmatic world view with sin understood as loss of personal honor rather than shameful sin.[12]

In the introduction to the 1996 edition of *Natural Symbols*, Douglas further clarifies her theory. She rejects the term "sect" after criticism from the Church, choosing instead "enclave." In describing this new terminology she captures possibilities for movement across the chart that were not entirely clear in earlier models. She writes that "whenever a group has to recruit its members competitively it will tend to worry about its future existence, and whenever it is particularly disadvantaged in the competition so that its main concern comes to be concentrated on defection, then "enclavism" will set in, and sectarian intransigence follow."[13] Douglas summons Israeli historian Emannuel Sivan who applies her theory in reference to contemporary religion. The strong sectarian bias in religious thought today, Sivan claims, stems from the marginalization of what was previously mainstream religion thus resulting in a resurgence of "enclavism" and fundamentalist thought.[14] It is therefore possible for an organization to begin as a normative "church" in quadrant 3 and transform into a sect or "enclave" thus moving to quadrant 4. Alternatively, an "enclave" that starts out in quadrant 4 could loosen purity requirements and open borders thus transforming into a "church" and moving to quadrant 3. Accepting fluidity of organizational development is pivotal to our use of Douglas' theory, as the *havurah* is multi-dimensional and defies simple classification in one quadrant.

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[12] Douglas, p. 67
[13] Ibid., p. xxii
[14] Ibid., p. xxiii

With Douglas' theory somewhat clarified, we can now apply her model to the groups studied in this paper. The *haver* as discussed in Chapter 1 presents a significant quandary in categorization. Based on the stringent rules about purity/impurity, one might immediately place this institution in quadrant 4, along with other sectarians. This classification is not wholly incorrect: the *havurah* restricts entrance into its ranks based on a rigid legal structure; the failing of one member is regarded as dangerous to the purity of the entire community of *haverim*; and individual identity appears to be based largely on this social structure. Qualities such as these represent the primary reason why the *havurah* in M. and T. Demai is often regarded as a sectarian organization. In my view, however, a closer examination places the *haverim* in quadrant 3 instead. Their intense regulation of tithing procedure can also be interpreted as a bureaucratic behavior designed to preserve a dying institution. The *haverim's* openness to outsiders, namely the *am ha'aretz*, also places them outside normative quadrant 4 behavior. A strong hierarchy does exist, however, *am ha'aretz* (clear outsider), *ne'eman* (novitiate), and haver (insider.) This social structure also suggests categorization in quadrant 3. The haverim are indisputably high grid, with group as a secondary feature in their cosmology, another factor that supports this placement. Lastly, as expounded in Chapter 1, beyond pragmatic purity issues, the *amei ha'aretz* are not demonized as a sincere threat to the institution of the havurah, a factor that definitively locates this organization squarely in quadrant 3. The possibility remains that the *havurah* began as an enclave or sectarian organization (quadrant 4) at its inception around the first century, but by the time of redaction in M and T had evolved to a more mainstream "church" (quadrant 3) as threats to its existence diminished over time.

Group as opposed to grid prevails in entrance to the *havurah* discussed in Chapter 2. Rather than implicating a closed cultic meal, *havurah* in Chapter 2 presents an image of an association for the completion of a *mitzvah*. Few restrictions appear, indicating that purity issues do not function in establishing this group—the only requirements appear to be registering for consumption of the sacrifice. The boundaries of the *havurah* possess a fluidity that allows transference of membership to anyone and a clear embrace of outsiders. Fulfillment of the *mitzvah* of the paschal sacrifice remains the primary concern, with purity issues relevant only to the satisfactory attainment of this objective. The role of the individual in the Pesach *havurah* especially stands out in comparison to examples in Chapters 1 and 3. At some points it appears that the *havurah* exists solely for the fulfillment of the individual's commandment. As a result, I would tentatively classify the *havurah* in quadrant 1. The grid in this case is the legal framework for the completion of the Passover rituals. Outside this schema, the individual is unfettered by communal pressure and may <u>choose</u> the group in which he wished to complete this commandment. As seen in Chapter 2 the *mishnayot* portray a paschal free-for-all with a few constants about purity. At the same time, however, there is an underlying community factor that defies a purely individualist classification of the *havurah*. Grid/Group theory does not fully explicate the *havurah* as eating society phenomenon— failing to capture the element of community that pervades the ritual despite the focus on the individual. For this reason, we will focus on the work of Victor Turner later in this chapter to further investigate this quality of community.

The *haver ir* and *havurah* discussed in Chapter 3 appear to fall into quadrant 3. This association is based on a strong sense of mutuality (ie, group) but is also intensely

bureaucratic. Unlike the *haver* in Chapter 1, however, it is unlikely that this group began in quadrant 4 as sectarian influences are simply not present. The essence of this organization is fulfillment of commandments between humans, as compared to commandments between man and God as seen in Chapters 1 and 2. This transforms the meaning of the sense of "mutuality," found in all three chapters. The mantra "do and it shall be done for you" indicates a much higher element of group that is contradicted by the reality that all is based in law. Quandrant 3 does describe this situation, but once again neglects some key elements of relationship within the group. The *haverim* in Chapter 1 also fit into quadrant 3 in many ways, however, despite the fact that these organizations are radically different. Grid/Group theory fails to explicate the underlying communal element within each group. Victor Turner's communitas provides the language to elucidate the core elements of community in the *haverim*, the festival *havurah* and the *havurot* that were in Jerusalem.

Turner presents a concept of communitas that he defines as "a relationship between concrete, historical, idiosyncratic individuals. These individuals are not segmentalized into roles and statuses, but confront one another rather in the manner of Martin Buber's "I and Thou."[15] Turner cites Buber (*Between Man and Man,* 1961) to further define this concept,

> Community is the being no longer side by side (and one might add, above and below) but with one another of a multitude of persons. And this multitude, though it moves towards one goal, yet experiences everywhere a turning to, a dynamic facing of, the others, a flowing from *I* to *Thou*. Community is where community happens.[16]

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[15] Victor Turner, *The Ritual Process*, (Chicago: Aldine Publishing Company, 1969), pp 131-2
[16] Ibid, p. 127

The term "community," as described by Buber is interchangeable with Turner's communitas. While communitas lies beyond the "structural," it can exist within structures. Turner identifies three types of communitas:[17]

- Existential/spontaneous communitas—"what the hippies would call a 'happening.'"
- Normative communitas—where "under the influence of time, the need to mobilize and organize resources, and the necessity for social control among members of the group in pursuance of these goals the existential communitas is organized into a perduring social system."
- Ideological communitas—"a label one can apply to a variety of utopian models of societies based on existential communitas."

Turner emphasizes that all "spontaneous" communitas eventually falls into some pattern of structure and law. Such structure is often pragmatic while communitas is often philosophical in nature, so both can exist concurrently in an organization. Turner again looks to Buber to explain communitas, describing it as "the essential We," a mode of relationship that is both transient and potent.[18] Communitas could be viewed as very high group, according to Douglas's theory, but allows for multiple understandings ranging from high grid to low grid within this construct.

It is tempting to qualify the *havurah* surrounding the Passover meal as an example of spontaneous communitas. While a great number of laws exist for the proper completion of the mitzvah, the actual gathering of the group appears to more of a "happening" without strict governance of membership as long as everyone gets a piece of the lamb. On the contrary, the "*havurot* that were in Jerusalem" and *haver ir* could fall into the category of "ideological communitas." These institutions are in some sense "utopian" models of society, that while based in commandment, draw largely upon the

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[17] Ibid., p. 132
[18] Ibid., p. 137

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"essential We" for their motivation. Both the *havurah* and *havurot* that were in Jerusalem eventually move towards "normative" communitas as is inevitable in any functional society according to Turner. What this concept captures, however, is the sacred relationship, however fleeting, that appears within the group. The "essential we" of each group is entirely different. One might present the hypothesis that purity issues form the "essential we" for *haverim* in Demai, historical memory and group festival celebration for the *havurot* in Chapter 2, and communal performance of *gemilut hasidim* for the *havurot* in Chapter 3. In this manner the binding feature of each association becomes clear.

**Contemporary Notions of Havurah**

In his pivotal 1977 study on the havurah, Bernard Reisman provides the following definition of the *havurah* phenomenon of the late 1960s:

> A *chavurah* [sic] is a small community of like-minded individuals and families who form together as a Jewish fellowship to offer one another social support and to pursue self-directed programs of Jewish study, celebration and community service.[19]

Havurot tend to be small, ranging from ten to twenty-four members, and meet on a regular basis in member's homes. Reisman highlights the fact that the *havurah* was conceived amid counter-cultural influences of the late 1960s. The break up of societal consensus resulted in increased alienation and fertile ground for new ideas about

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[19] Bernard Reisman, *The Chavurah: A Contemporary Jewish Experience*, (New York: UAHC Press, 1977), p. 26

antiquated institutions.[20] The quest for community based on estrangement felt within pre-existing communal institutions, such as the synagogue, marks the rise of this movement.

In her study *Prayer and Community: the Havurah in American Judaism*, Riv-Ellen Prell concurs with Reisman's assessment. She also suggests that elements of second and third generation ethnicity functioned in the rise of the *havurah* movement. She writes,

> The havurah generation recast Judaism partially in rebellion against its parents, but this was not their only motivation. For these men and women "created" Judaism as they emphasized their continuity with the past, their inheritance of a tradition, and their urgent desire to reassert its true meaning. [21]

Prell, like Reisman points to the prayer, ritual, and socio-political focuses of these newly formed groups that related strongly to the liberal historical moment of the late 1960's and early 1970's. The combination of societal upheaval and alienation from archaic institutions resulted in a thirst for communitas that could only be found in new organizations such as the *havurah*. Without going into great detail in these studies, it is apparent that the 1960's havurah arose from chaos and epitomized the search for community amid transformation.

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[20] Reisman., p. 28
[21] Riv-Ellen Prell, *Prayer and Community: the Havurah in American Judaism*, (Detroit: Wayne State University Press, 1989), p. 70

## Conclusion

The paradigm of upheaval, alienation, and subsequent reorganization appears as a repetitive theme in the rise of *havurot*, both 20th Century and 1st Century. In addition to organizational objectives relating to tithing, festival observance, or *gemilut hasadim*, *havurot* are based firmly in the "essential we." As we seek to find community in new forms, our vocabulary continues to change. What manifested in the havurot of the 1960's today appears in forms such as adult education and projects relating to synagogue revitalization. Although our modes of expression adjust, the quest for community, stability, and continuity remains timeless,.

# Conclusion

R. Yohanan said: *Ha-Kadosh Baruch Hu,* said, "I will not enter the Jerusalem above until I enter the Jerusalem below." Is there a Jerusalem above? Yes! As it is written, "Jerusalem built up, a city bound together [*hubra*]" (Ps. 122:3)

**--BT Ta'anit 5a**


This text brings the essence of *haverut* to messianic proportions: only when all are bound together, will *Ha-Kadosh Baruch Hu* enter the Jerusalem below. While explicitly about issues such as tithing, Passover observance, and communal celebration of mitzvot, the *havurah* is truly founded on the concept of binding individuals together. Finding the "essential We" remains at the center of quest for community that so marks all three examples of *haverut*, no matter how divergent the details of each chapter. It is this element, articulated in T Megillah 4:15 as "do for others and it shall be done for you," that forms the basis for how we conduct ourselves as Jews. In this manner the arcane becomes pertinent to our daily existence. We continuously strive to create a structure in which our values will be preserved. The quest for community, stability, and continuity remains timeless as we seek, in the words of the Psalmist, to bind all Jerusalem together.

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