

# HILLEL'S ASCENT TO POWER

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## INTRODUCTION

Simple situations provide a powerful dramatic setting for a meeting between opposing forces. The very simplicity of the situation allows the full force of the confrontation to come to the fore. So it was when a simple question was posed to the sage Hillel. The question seemed to have an obvious, even non-consequential, answer: How is the Pesach offering affected when the 14<sup>th</sup> of Nisan, the eve of Passover, falls on Shabbat? We shall see that this question sets the stage for a clash of authority between different traditions.

The opening question of this narrative seems a simple request for information, all the more innocent because it is not a rare occurrence -- the two events would coincide at least once a decade.<sup>1</sup> But the simple setting serves to highlight strong differences of style. In T. Pesachim 4:11, Hillel, the sage, responds to the question -- only to provoke a strong response from the "Azarah", the priests in the Temple Court.<sup>2</sup> Hillel eventually wins the day and is appointed Nasi. As important as the outcome, however, is the path by which Hillel secures that position. The details underscore the differences between the sages and those who preceded them. The story ascribes to Hillel a set of skills and knowledge which qualify him to assume the position of Nasi.

This narrative focuses on the issues of transition and authority. It presumably describes the crucial moment when the recognized authority shifted from the Azarah, the priests in the Temple Court, to the sage Hillel as a result of a confrontation in the Temple. It serves to explain how the established authority of the Temple yielded to the authority of the sages. Three key elements of the narrative deserve attention. First, it is important to understand the setting in time and place. Many sects were active during Second Temple times. This encounter takes place against that background. How does that shape the telling of this story? Second, Hillel demonstrates a variety of skills in this passage. In what way do these skills establish his claim to leadership? Finally, Hillel is acknowledged as Nasi, but what is the nature of that office?

It may be important at the outset to acknowledge the assumption that this is a literary tale, as we define it today, and not a historical one. That means that it is intentionally constructed to convey a certain message and not to record any historical occurrence. The narrative explains how

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<sup>1</sup> For example, in the 50-year period between 1948 – 1998 the 14<sup>th</sup> of Nisan fell on Shabbat 6 times.

<sup>2</sup> The term, *haAzarah*, appears 37 times in Mishnah and Tosefta. With the sole exception of this one Tosefta passage the term always refers to a place, not to people. *HaAzarah* specifically refers to the Inner or Temple Court. As I will discuss below, access to *haAzarah* was limited primarily to priests with

authority moved from the Temple, under the direction of the kohanim, to the sages and how the logical methodologies of the sages gained legitimacy and came to outrank the sacrifices. The story is neatly organized as a literary piece would be, with none of the complications that might occur in an historical encounter.

### **TOSEFTA PESACHIM 4:11**

This narrative is set in the days of the Second Temple. One late tradition places Hillel in the mid-1<sup>st</sup> century BCE: “Surely it was taught: Hillel and Simeon [his son], Gamaliel and Simeon wielded their Patriarchate during one hundred years of the Temple’s existence.” (B. Shabbat 15a) Before its destruction, the Temple was the central institution of Judaism in the Land of Israel. This narrative is set not only in the Temple, but in the *Azarah*, the Inner Court. The choice to set the encounter in this most central location heightens the drama and the importance of the story.

The Temple unified Jewish society and served as a power base for the ruling class.

As the focal point for the religion, the temple was the central communal institution not just for the Jews of the land of Israel, but also for those of the diaspora.... The temple not only unified Jewish society, it was also the power base of the (or a) ruling class.<sup>3</sup>

The Kohanim ran the Temple, presumably according to procedures handed down to them from earlier generations.

The fourth chapter of Tosefta discusses the details of the Pesach sacrifice, forming a commentary to M. Pesachim 5:6 and following. The passage that precedes our narrative parallels and expands on M. Pesachim 5:8. T. Pesachim 4:10 notes that the rite was performed in the same way on both a weekday and Shabbat except that the priests would rinse *haAzarah*, the Inner Court, which was not in accord with the sages. This sets the stage for what follows. The next passage, our story of Hillel, continues to speak of *haAzarah*, but now the subject is the encounter between Hillel and the priests of the Inner Court.

The change in tone and language that occurs at Tosefta 4:11 is immediately evident. Up to that point the language is objective and didactic. This is the way it was done. This is the opinion of this sage, that of the other. “The one who slaughters...” “When the Pesach offering is slaughtered at Shacharit...” “Whether Hol or Shabbat it is the same except...” Abruptly, the tone shifts. Our narrative begins with the phrase “pa’am achat” – once upon a time – introducing an anecdote about Hillel. Below I will argue that the phrase “pa-am achat” signals a literary

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Israelites having only limited access (see M. Kelim 1:8). This passage contrasts with M. Sukkah 4:9 where *kol ha-am*, all the people, pelt the offending Sadducee with their etrogs.

<sup>3</sup> Shaye J. D. Cohen, *From the Maccabees to the Mishnah*, (Philadelphia, The Westminster Press, 1987) pg. 106.

anecdote, not a historical account or legal precedent. At this point it is sufficient to note that the dramatic change in tone alerts the reader to a change in focus.

The shift in language helps set the scene. It places the reader at one specific Pesach with a particular cast of characters. The previous selections voiced their concerns in general, unconcerned about the year or the cast of characters. They described, or perhaps dictated, the practice at the Temple. By contrast this passage is specific in regards both to year, a time when Shabbat and 14 Nisan coincide, and the characters. A questioner asks Hillel about the Pesach offering, but clearly Hillel is not a member of the Temple staff. Indeed his answer provokes an angry response from the priests gathered in the Inner court. The conflict is set.

#### **Tosefta Pesachim 4: 11 -- text**

(1) Once the 14<sup>th</sup> [of Nisan] fell on Shabbat.

(2) They asked Hillel the Elder: “Passover – does it supersede Shabbat?”

(3) He said to them, “Have we only one Pesach that supersedes Shabbat?”

(3a) There are more than 300 Pesachim in the year which supersede the Shabbat!”

(4) All of the *Azarah* gathered against him.

(5) He said to them, “Just as a *Tamid* is a communal offering which supersedes the Shabbat, so Pesach is a communal offering which supersedes the Shabbat.”

(6) Another matter. It is said [in regard to] *Tamid* “*mo-ado*” (in its time) [Numbers 28:2] and it is said [in regard to] *Pesach* “*mo-ado*” (in its time) [Numbers 9:2]. Just as the *Tamid*, about which it says “*mo-ado*” (in its time), supersedes the Shabbat, so Pesach, about which it says “*mo-ado*” (in its time), supersedes the Shabbat.

(7) And a further *Kal v’Homer* [reasoning from a minor principle to a greater one]. If the *Tamid* which is not punished by *karet* [if it is not done properly], surely it is logical that Pesach which does carry a penalty of *karet* supersedes the Shabbat.

(8) And further – I received [a tradition] from my teachers that Pesach supersedes the Shabbat; and not only *Pesach Rishon* (observed on the 15<sup>th</sup> of Nisan) but also *Pesach Sheni* (observed on the 15<sup>th</sup> of Iyar – Numbers 9:10ff); and not only the communal Pesach, but also the Pesach of the individual.

(9) They said to him: “If this is so, what will be with the ones who do not bring a [slaughtering] knife and their Pascal offering with them to the Temple?”

(9a) He said to them, “Let the *Ruach HaKodesh* [Holy Spirit] rest on them. If they are not prophets, they are the children of prophets.”

**(9b)** On the morrow what did they do? If their Paschal [offering] was a lamb, they buried [the knife] in the wool. And if it was a goat, they stuck it in its horns. They brought their knives and their Paschal offerings to the Temple and slaughtered their Paschal sacrifices there that day.

**(10)** They appointed Hillel as Nasi and he taught them the laws of Passover.

### **COMMENTARY:**

To better understand this narrative it is important to examine several key issues. First, consider the setting. Where does this occur and who are the players? What is the nature of the conflict? To answer some of these questions it is necessary to look at the transition from 2<sup>nd</sup> Temple Judaism to the time of the sages. Second, Hillel offers multiple responses to the initial question about Pesach. In his responses Hillel draws on different skills. In what way do these different skills establish his claim to leadership? Third, it is crucial to consider the office of Nasi to which Hillel ascends. What was that office? Why is this dramatic account of Hillel winning the office so prominent? Finally, we need to consider this as a literary tale, not as a historical account. Each of these elements contributes to the message conveyed by this narrative.

### **THE SETTING AND CHARACTERS**

The story opens in the *azarah*. While the term *azarah* simply means “courtyard”, here it refers specifically to the Inner Court that stood inside the Court of the Priests. The Inner Court included the altar and the laver. This holy area was not generally open to all people. M. Kelim defines who may enter into what area of the temple. Beginning with M. Kelim 1:6 it defines 10 degrees of holiness beginning with the assertion that the Land of Israel is holier than other lands. Holiness increases with each new approach to the Holy of Holies as do the requirements for entering each new area.

The Court of the Israelites is more holy, for no one whose atonement was incomplete could enter... the Court of the Priests was still more holy, for Israelites could not enter except to perform the laying on of hands [on an animal to be sacrificed], slaughtering [the animal] and waving [the portions of the sacrificed animal]. (M. Kelim 1:8)

This Court of the Priests, or Inner Court, is the subject of the passage that immediately precedes our narrative. It is the seventh of the ten degrees of holiness and the highest that a non-priest can enter under any circumstances.

The setting implicitly prompts a question and sets up the challenge. How is it that Hillel, a non-priest, is in this place? As already noted non-priests, including Israelites, gained access to this place only for narrowly specified reasons. Simply by setting this encounter in the Inner Court the

text foreshadows the conflict that follows. Just as Hillel would not normally be allowed into this space, so we would not expect him to have the proper credentials to address the question of Temple rite and procedure.

The time of this story is mid-1<sup>st</sup> century BCE, the time of Second Temple Judaism. The opening scene presents the Temple functioning under the leadership of the priests, though their authority is already challenged by the opening question. Second Temple Judaism was marked by the vigorous activity of various Jewish sects. Josephus mentions the Pharisees, Sadducees, and Essenes. Other sects were active as well. Among the issues that defined these sects were their attitudes toward the Temple, what they accepted as scripture, and how they related to the secular governing powers of the day. While the sects contended to define the religious nature of Judaism, according to Levine,

“only a small proportion of Jerusalem’s population belonged to organized sects in the Hasmonean period. Many Jews were indeed influenced in one way or another by these sects, yet only a few became full-fledged members.”<sup>4</sup>

This vibrant sectarian activity forms the backdrop to our narrative.

The Temple formed the center of Jewish life in Jerusalem. It was the ritual center, presided over by the priests, and the other central institutions of Jewish life gathered around the Temple precincts. Levine notes that “leaders of the different sects taught their disciples in these precincts.”<sup>5</sup> Further he notes

The most prominent institutions of the period were located in the Temple precincts or on the Temple Mount. It served as the ritual center of the nation’s many varied celebrations over the course of the year; it was also the meeting place of the highest courts of the land, and possibly of the *hever ha-yehudim* (the governing body of the high council of the Jews), apparently a representative body mentioned on Hasmonean coins. One of the important city markets that served Temple needs operated there, and leaders of the different sects taught their disciples in these precincts.<sup>6</sup>

It is easy to imagine the different sects, meeting in the precincts of the Temple, clashing over matters of interpretation and practice, though certain sects, like the Essenes, avoided the Temple completely. So we should not be surprised to read in our passage that Hillel, a sage, was present in the Temple precincts. This narrative, however, places the action not in the general area of the

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<sup>4</sup> Lee Levine, “The Age of Hellenism: Alexander the Great and the Rise and Fall of the Hasmonean Kingdom”, in Hershel Shanks, ed, *Ancient Israel*, Washington, DC, Biblical Archeology Society, 1999, pg. 261.

<sup>5</sup> Levine, pg. 253.

<sup>6</sup> Lee Levine, “The Age of Hellenism: Alexander the Great and the Rise and Fall of the Hasmonean Kingdom”, in Hershel Shanks, ed, *Ancient Israel*, Washington, DC, Biblical Archeology Society, 1999, pg. 253.

Temple, but in the *azarah*, thereby increasing the stakes. If the story had been set in a more neutral locale the significance would clearly have been lessened.

We should not be surprised to learn that Hillel's initial statement stirred a strong reaction. As noted there were many Jewish sects vying for power in Jewish life. Even if Levine is correct that few Jerusalemites actually joined the sects, nonetheless the presence of the differing groups signals a struggle for power in the greater community. Cohen notes,

The sects debated many different laws, but the specific halakhot which always stood at the heart of Jewish sectarianism were the laws related to the temple... [and] the authority figures against whom they always defined themselves were the priests of the temple.<sup>7</sup>

This narrative places Hillel at the epicenter; in the Inner Court of the Temple debating the priests over the proper application of the laws for the Pesach offering.

Over time the role of the priests had changed. Ben Sira, a scribe writing in 2<sup>nd</sup> Temple times, portrays a High Priest who wields broad power alongside other centers of power, such as the assembly of Elders, who also hold civil authority.

“About 190 [BCE] Ben Sira spoke of the High Priest Simeon in terms appropriate to a prince: he was the glory of his people, in his time the Temple was fortified, he protected his people. As to the common people, they were sometimes summoned to the Temple court to hear official reports on the situation and to acclaim the official speaker. Nevertheless, as Ben Sira shows, the “assembly of Elders” and even the popular “assembly in the gate” continued to regulate social life and still had judicial and administrative functions.”<sup>8</sup>

This suggests that the assembly in the gate tempered the power of the priests.

Alongside the priests, the scribes played a major role. Ben Sira describes the scribe this way (10:5). “The prosperity of man is in the hand of God, and upon the person of the scribe he shall lay his honor. The scribe... that is, the man that is wise and learned in the law.” The scribe is first mentioned in the closing books of the Tanakh, presumably a creation of late Biblical times.

Bickerman notes that the “scribe,” if not simply penman, was the technical term for a public official who entered the civil service as a profession.” At the end of the Second Temple period most scribes whose genealogy is known were priests.<sup>9</sup> Scribes served in towns and worked in communities beyond Jerusalem.<sup>10</sup>

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<sup>7</sup> Shaye J. D. Cohen, “The Significance of Yavneh: Pharisees, Rabbis and the End of Jewish Sectarianism”, in *Hebrew Union College Annual*, vol. LV, Cincinnati, HUC-JIR, 1984, pg. 43

<sup>8</sup> Elias Bickerman, *From Ezra To The Last Of The Maccabees*, New York: Schocken Books, 1949, pg. 56-7

<sup>9</sup> M. Bar-Ilan, “Scribes and Books in the Late Second Commonwealth and Rabbinic Period”, in *Mikra: Text, Translation, Reading, & Interpretation of the Hebrew Bible in Ancient Judaism & Early Christianity*,

Bickerman goes on to distinguish the role of the scribe from that of the priest,

“About 190 B.C.E. Ben Sira urges his hearers to honor the priest and to give him his portion according to the Law. He acknowledges the authority of the High Priest “over statues and judgement”, but it is the scribe who advises the rulers, and the assembly in the gate sits in the seat of the judge and expounds righteousness and judgement.”<sup>11</sup>

It seems clear that the major players of the Temple included at least the priests, the scribes, and the assembly in the gate.

Various sects or parties gathered around the Temple precincts and vied for leadership in the Jewish community. Levine states that “The three sects mentioned specifically by Josephus – the Pharisees, Sadducees and Essenes – appear to have originated and crystallized in the mid-second century B.C.E.”<sup>12</sup> Levine argues that the sons of Zadok, a priestly family, split into three parts in reaction to the usurpation of the priesthood by the Hasmoneans. One branch went to Leontopolis in Egypt, a second branch withdrew to the Judean desert to found the Essenes, and a third, “remained in Jerusalem, forming an alliance with the Hasmonean ruling power and becoming an integral part of that society for the next two centuries.”<sup>13</sup> He identifies this third group with the Sadducees who “were largely, if not exclusively, a priestly aristocratic party commanding significant wealth and political prominence.”<sup>14</sup>

Each of these groups had their own distinctive style. Levine notes that “the most significant tenet differentiating them [the Sadducees] from the Pharisees was their clear-cut distinction between the Torah of Moses, which they regarded as divine, and all other laws and regulations, which they considered man-made and thus religiously unauthoritative. These nonbiblical laws and regulations were of an *ad hoc* nature and carried no imperative for later generations.”<sup>15</sup> By contrast, the Pharisees “considered their sect’s Oral Law the authentic amplification of the Written Law of Moses. As such, the Written and Oral laws stood side by side, and one was incomplete without the other.”<sup>16</sup>

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Martin Jan Mulder, editor, Hendrickson Publishers, Peabody, MA, 2004, pg. 21.

<sup>10</sup> M. Bar-Ilan, pg. 23, notes that “some of the scribes were town scribes...”. Susan Niditch, *Oral World and Written Word*, Westminster John Knox Press, Louisville, Ky, 1996, pg 53, refers to a scribe who “worked ‘at the entrance to the local governor’s residence.’” Martin S. Jaffee, *Torah in the Mouth: Writing and Oral Tradition in Palestinian Judaism 200 BCE – 400 CE.*, New York: Oxford University Press, 2001, pg. 21 speaks of “Scribes who served communities beyond Jerusalem or who were connected to institutions other than the Temple.”

<sup>11</sup> Bickerman, pg. 67-9.

<sup>12</sup> Levine, pg. 255.

<sup>13</sup> Levine, pg. 255.

<sup>14</sup> Levine, Pg. 255.

<sup>15</sup> Levine, pg. 256.

<sup>16</sup> Levine, pg. 258.

Similarly, the style of the scribe was distinctly different from that of the sages. As Jaffee describes it, the scribal literati of Second Temple times “found the oral life of written texts ideologically meaningful only when reflecting upon the origins of the works they themselves composed and taught. Interpretive tradition per se – the oral-performative matrix of textual communication and explication – was nearly invisible to them as an object of reflective thought.”<sup>17</sup> The scribal style was wedded to the texts they created and copied, in contrast to the emerging style of the sage, “whose authority is grounded not in his scribal skills or his priestly genealogy, but rather in his mastery of wisdom heard from a chain of masters.”<sup>18</sup>

A story of Hillel contrasts this scribal style with that of the sages. In B. Shabbat 31a the tale is told of a gentile who first goes to Shammai and then to Hillel asking to be converted. Why does he want to convert?

“On another occasion it happened that a certain gentile was passing behind a Bet Hamidrash, when he heard the voice of a scribe reciting, *And these are the garments which they shall make: a breastplate, and an ephod.* (Exodus 28:4) [The gentile] said, ‘For whom are these?’ They said, ‘For the High Priest.’ That gentile said to himself, ‘I will go and become a proselyte, that I may be appointed a High Priest.’”

The convert hears the recitation of the scribe. No explanation is offered. No examination of the text is provided; rather the text stands on its own. The style of the scribe contrasts sharply with the approach presented by Hillel. From Hillel the convert learns a different way of encountering the text – through study and interpretation.

To appreciate this narrative it is important to carefully make a distinction between what we know about Hillel in this story and what we learn in other places. This may be the earliest narrative about Hillel in Rabbinic literature.<sup>19</sup> While we know much about Hillel from other tales, within this narrative very little is known about him. He is present, and recognized by the anonymous questioner as someone who might answer the question. The text does not explain why he should have that status. He is identified as Hillel the Elder, but it is not clear if the addition of “the Elder” constitutes a title or simply the fact that there is another, younger Hillel among the roster of sages. While the term “elder” is used only in reference to a few individuals in the literature, it does

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<sup>17</sup> Martin S. Jaffee, pg. 66.

<sup>18</sup> Martin S. Jaffee, pg. 67.

<sup>19</sup> While there are several references to Hillel in Mishnah, none of them include anecdotes about his life. While there are other anecdotes about Hillel in Tosefta, none are as well developed.



not seem to indicate any special status and may only imply a “junior” elsewhere among the sages. Jastrow offers a translation of “grandfather” or scholar.<sup>20</sup>

Late in the story we learn that Hillel is the disciple of recognized teachers and that finally gives him a measure of authority. Significantly this text notes only that Hillel transmits a tradition from his teachers, without saying anything about who Hillel studied with; Shemayah and Avtalion are nowhere acknowledged in this narrative.<sup>21</sup> Similarly, Hillel is not associated with the pairs as he is at the beginning of Pirke Avot. Hillel is not identified in this narrative as a Babylonian, though Tosefta does note that in another place (T. Negaim 1:16). As the story opens, Hillel is simply a sage who is present and available to answer a question.

No credible evidence exists to connect Hillel with any of the established parties. While some attempt to make that connection, the sources for that are quite late. In an article titled, “Who Were the Pharisees?”, Joseph Sievers states that

Hillel and Shammai, for example, are explicitly connected with the Pharisees for the first time by Jewish-Christian sectarians cited in Jerome’s commentary on Isaiah 8:14, written in the first decade of the fifth century. Rabbinic literature never identifies any named individual as a Pharisee. There is a growing awareness that the tannaitic sages were not necessarily either Pharisees or direct successors of the Pharisees, even though there are important lines of connection between Pharisees and later rabbis.<sup>22</sup>

Hillel is not speaking in this narrative as a member of an established sect, but as a sage. His initial response, stated without recourse to any outside authority, is bold, logical and innovative. It signals the new approach of the sage.

Against this background it becomes very clear why Hillel’s brief explanation, stated on his own authority, challenges and angers those gathered in the Temple courtyard. He is not of their party, holds a different definition of what constitutes Torah, and presents it in a distinct style. Hillel’s assertion is an implicit challenge to the method and authority of those who held power in the Temple. The story presents a clash of cultures and styles, indeed a hostile takeover.

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<sup>20</sup> Marcus Jastrow, *A Dictionary of the Targumin, the Talmud Babli and Yerushalmi, and the Midrashic Literature, vol. II*, New York: Pardes Publishing House, Inc., 1950, pg. 409. In Tosefta, the Yerushalmi and the Bavli the term *haZaken* refers to Hillel far more often than to any other individual, while in the Mishnah the term is used more often for Gamaliel. In total only five individuals are referred to as *haZaken*: Hillel, Shammai, Gamaliel, Nahum, and Shmuel.

<sup>21</sup> Shemayah and Avtalion are cited as Hillel’s teachers in the later versions of this story: Y. Pesachim 6:1/39a and B. Pesachim 66a.

<sup>22</sup> Joseph Sievers, “Who Were The Pharisees”, in J. H. Charlesworth (ed.), *Hillel and Jesus*. Minneapolis, Fortress Press, 1997, pp. 137-155.

Before proceeding to examine Hillel's various responses it is important to understand the question which sets this entire narrative into motion. The story opens with a question about *Korban Pesach*, does it supersede Shabbat? The Torah describes two observances that occur in the month of Nisan: *Hag HaPesach*, the Passover offering (Ex. 34:25), and *Hag HaMatzot*, the Feast of Unleavened Bread (Ex. 23:15; Lev. 23:6; Deut. 16:16). This discussion concerns the *Korban Pesach*, the Passover sacrifice, which consisted of a male, year-old goat or sheep that was brought to the Temple courtyard after the daily Tamid offering. As part of the ritual surrounding this sacrifice the people would enter the courtyard by groups, the sacrifice would be made and the courtyard washed. This passage opens with a question: Would all of the labor associated with this sacrifice supersede the observance of Shabbat or would it need to be performed before or after Shabbat? The question itself, directed not to priests, but to Hillel, anticipates the change in authority which is confirmed at the end of the narrative.

### **HILLEL'S RESPONSES**

This narrative moves through four separate responses from Hillel. First he responds simply on his own authority. When that response incites a strong negative response from those in the Azarah, he supports his statement with a series of logical proofs. These do not convince his audience. He then supports his position by reference to his teachers, though they remain unnamed in this version. That seems to earn him some measure of credibility. A follow-up question is asked of Hillel, what if the preparations were not fully in place before Shabbat? This time Hillel invokes the Ruach HaKodesh, the Holy Spirit. When his words are substantiated by the actions of the people, Hillel is appointed Nasi.

It is important to examine the ways in which Hillel proves his assertions. In the final analysis, Hillel's claim to power and authority rests on the foundation of the skills and expertise he demonstrates. It is worth noting that this narrative differs from the two later versions of this story, and that a key difference lies in the skills necessary to earn the title of Nasi. In the two later versions Hillel is named Nasi at a different point in the narrative.<sup>23</sup> It is reasonable to conclude that the differences reflect different vested interests held by the different redactors of each document. As we will see, this Tosefta version requires Hillel to demonstrate his skill in a variety of ways.

Hillel's style is distinct from both the style of the Second Temple and from that which will later characterize the Mishnah. In the Second Temple model, authority was derived from the

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<sup>23</sup> It is beyond the scope of this essay to contrast the three versions of this narrative. Here it is sufficient to note that in Y. Pesachim 6:1/39a Hillel's logical proofs are dismissed but he is named Nasi after citing his lineage as a disciple of Shemayah and Avtalion. In B. Pesachim 66a Hillel is appointed immediately after presenting his series of logical proofs.

unmediated Torah text. As noted earlier, the text was presented as is, without outside interpretation. By contrast the Mishnah assumes its own authority. Most passages in the Mishnah do not cite scriptural antecedents nor do they provide a logical proof of their assertions; that task will be taken up in the Midrashic or Talmudic texts. Rather, the Mishnah presents its assertions directly, without appeal to other sources. As Hillel moves from his opening assertion to detail a series of proofs, he adopts a strategy different from that of the Second Temple and from that which will characterize the Mishnah.

Authority can derive from a variety of sources. One of the central questions of this passage is by what authority can Hillel substantiate his position? Hillel initially states his position on his own authority, without further proof, but ultimately he draws on three independent sources: logical rules of interpretation, a chain of tradition, and Ruach HaKodesh, Divine inspiration. Each of these methods of authority deserves individual attention.

### **HILLEL ON HIS OWN**

Hillel's first response is brief: "Have we only one Pesach that supersedes the Shabbat?" He offers only a statement of practice, without offering additional support or authority to substantiate his response. This matches Neusner's description of the style of the Mishnah. Neusner notes that the literature of the Mishnah makes "an autonomous, free-standing statement which does not appeal to some other writing for order or proportion."<sup>24</sup> So Hillel's brief statement suggests that the Pesach offering be treated as other offerings which supersede Shabbat, without reference to scriptural support or other outside authority. His statement rests, to all appearances, on his own authority as a sage.

This brief, freestanding statement stirs a storm with "all of the Azarah" in opposition. Since Hillel's statement does not seem unreasonable, why did the Azarah react so strongly? One reasonable conclusion is that Hillel held no standing in that place. We have noted earlier that the Inner Court was restricted to priests, with non-priests having only narrowly defined access to this place. The text offers no explanation of how Hillel happened to be in that place. Nonetheless we have a narrative in which Hillel enters the Inner Court, seemingly on his own authority. Both his presence and the style of his response mark Hillel as the challenger in the Inner Court of the Temple.

It is worth remembering that Hillel crosses boundaries. The Talmud (B. Yoma 35b) relates the tale that once Hillel did not have the necessary tuition, half a tropaik, to enter the house of learning. Hillel was zealous in his desire to learn, but did not challenge the guard who turned

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<sup>24</sup> Jacob Neusner, *The Mishnah: An Introduction*, Northvale, New Jersey: Jason Aronson, Inc, 1994, Pg. 19.

him away. Seemingly Hillel acquiesced. In fact Hillel did not accept the boundary established by the guard. He climbed up and sat upon the window to hear the words of instruction.

The text does not offer us any help in understanding how Hillel happened to be at the Temple when this discussion began. It is possible to assume that Hillel gained access by bringing an offering and subsequently engaging in this exchange with the priests. On that reading Hillel's encounter is serendipitous, a happy coincidence of his being at the right place at the right time. I believe the narrative is more deliberate than that. I suggest that the narrative intentionally places Hillel opposite the priests in the Inner Court on Passover, uninvited and without permission, for this reason and no other.

The opposition of all the Azarah does not deter Hillel. Rather he moves to substantiate his claim by means of logical proofs. From one assertion of authority, Hillel moves to the next.

### LOGIC AS AUTHORITY

Hillel supports his claim through the use of a series of logical rules. The use of logical proofs is a powerful tool, but nonetheless an innovation that demands some validation. Hillel is credited with introducing seven rules of interpretation. In T. Sanhedrin 7:5 it states:

These are the seven *Midot* which Hillel the Elder expounded before the Elders of Batyra: Kal V'Homer; Gezerah Shavah, Binyan Av from a single text, Binyan Av from two texts, the general and the particular, something similar to this from another place, and argument from context. These are the seven *midot* which Hillel the Elder expounded before the Elders of Batyra.<sup>25</sup> (T. Sanhedrin 7:5)

Strack and Stemberger state that “the introduction of the rules into Pharasaic exegesis is usually connected with the episode of Y. Pesachim 6:1”<sup>26</sup>, which is a later version of this story. So this may constitute the very earliest application of these rules. The three examples presented in this narrative move from the least stringent to the most.

First Hillel offers a *hekesh*, a topical analogy. Since both the Shabbat Tamid, daily, offering and the Pesach offering are communal offerings, surely they follow the same rules. There would be no question that the Tamid offering would be presented on Shabbat, so why should any question exist concerning the Pesach offering?

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<sup>25</sup> These rules also appear in Sifra VaYikra Middot, 2,8. Neusner, *Introduction*, pg. 272 ff., notes that “the framers of Sifra recast the two parts of the Torah into a single coherent statement,” reading the program of the Mishnah into Scripture. It is possible that Sifra, composed in the 2<sup>nd</sup> half of the 3<sup>rd</sup> century (according to Strack and Stemberger, pg. 263), attempts to reconcile the use of logic with the exegesis of scripture, though with less conflict than is present in this narrative. It is, nonetheless, the imposition of the rabbinic mode of interpretation into the heart of the priestly occupation.

<sup>26</sup> Strack & Stemberger, pg. 17.

A second, related argument follows. A *gezerah shavah* is also an argument from analogy, but one that requires two given Torah statements that “make use of identical (and possibly unique) expressions. Moreover, these expressions which form the basis for the analogy should not be required for the understanding of the statement; in this way it can be assumed that Scripture itself already used them with a view to the intended analogy (Shabbat 64a).” Hillel offers a textbook case. The term, “b-mo-ado”, is used only 4 times in the Torah – three referring to the Pesach offering (Numbers 9:2, 3, & 7), and once referring to the Shabbat Tamid offering (Numbers 28:2). Drawing a line to connect the two uses seems quite reasonable. Just as one must be done in its appropriate time, so the other must be as well.

The third proof is a *kal v'homer*, an argument from the lighter (less significant) issue to the weightier (more significant) and vice versa. In this case the Tamid offering is the lighter issue. If one neglected to make the Tamid offering the punishment did not involve *karet*, i.e. excommunication at the hand of Heaven. If one neglected to make the Pesach offering, however, the punishment was *karet*. So if it was permissible, and common, to have the Tamid offering supersede Shabbat – and it carried a lesser punishment – certainly the Pesach offering also supersedes the Shabbat.

Logic introduces a new element into the process of interpretation. Tradition or divine inspiration are necessarily limited methods for understanding the text. One must be initiated into the chain of tradition or be blessed with the gift of divine inspiration. By contrast, logical rules are publicly accessible tools, open to anyone who understands them. When logical rules are available for interpreting the text, the gate is open and anyone may enter. The previous limitation that one needed to be a Kohen or a scribe or even in a specific chain of tradition fades away. M. Horayot 3:8 gives explicit voice to the emerging meritocracy: “but if a mamzer was learned and the Kohen Gadol was an *am ha-aretz*, the learned mamzer takes precedence over the ignorant Kohen Gadol.” Logic opens the field in a radically new way.

But logic also introduces a breadth and a freedom to the process of interpretation. Even if the principles are applied in a consistent way the outcome can vary. The outcome is not set. Different interpreters can come to differing conclusions – both valid according to the logical principles used. So the possibilities are expanded.

Further, logic may be used not only to interpret the Written Law but also to establish the Oral Law. Levine notes that,

“one of the basic Pharisaic doctrines distinguishing them from the Sadducees was that they considered their sect’s Oral Law the authentic amplification of the Written Law of Moses. As such, the Written and Oral laws stood side by side, and one was incomplete without the other. The Oral Law provided the correct interpretation and application of the Written Law, although the Written Law remained the ultimate authority, the primary text and the basic parameter within which the Oral Law evolved and developed...”<sup>27</sup>

In which case the use of logical rules not only expands the possible interpretations of Torah, but also establishes an understanding of Torah that differs on the most fundamental level from that held by others.

In this story the introduction of the logical rules not only serves to challenge the established order, but also to assert the primacy of the particular method of the sages. After all, Hillel had other resources at his command with which to answer the question. His first response could have been to state that he had this teaching on the authority of his teacher, which seems to be a sufficient response when it is invoked later in the narrative. This story is shaped by the sages in their own image. The goal is not simply to provide an answer, rather to assert the particular method of the sages.

### **AUTHORITY FROM THE CHAIN OF TRADITION**

When this series of logical proofs does not sway Hillel’s opponents he proceeds to offer a different kind of proof – one based on tradition. “I received [a tradition] from my teachers,” he states. Now the response is not logical, but rests on received tradition that places Hillel in a recognized, though not identified, chain of tradition. This is depicted as yet a higher form of proof.<sup>28</sup> This response encompasses all of what was presented in the logical arguments. The *gezerah shava*, arguing that it must happen in its proper season, would address the issue of both Pesach Rishon and Pesach Sheni.<sup>29</sup> The *kal v’homer* argument would address both communal and individual observances.

When Hillel reiterates his answer, now grounded on the basis of received tradition, his position is accepted. None of his previous answers sufficed to convince the Azarah. They did not accept it

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<sup>27</sup> Levine, pg. 258-9.

<sup>28</sup> Jacob Neusner, *Introduction to Rabbinic Literature*, New York: Doubleday, 1994, Pg. 568. Neusner states: “The sage speaks with authority about the Mishnah and the Scripture. As much as those documents of the Torah, the sage too, therefore, has authority deriving from revelation... The reason, then, is that the sage is like Moses, “our rabbi”, who received torah and wrote the Torah.”

<sup>29</sup> Pesach Sheni is the sacrifice offered on 14 Iyyar, a month after Pesach Rishon, the normal observance of Passover. This alternate observance is established for those who were absent or ritually impure when Pesach occurred and is defined in Numbers 9:6-13.

when he stated his position based on his own authority, nor did they accept his logical arguments. But now that he cites his teachers, and establishes the link between his learning and that of an accepted chain of tradition, his answer is accepted.

All camps had their teachers and their chains of tradition. The Essenes, the Scribal schools and those who followed the writings of Philo each viewed themselves as the latest in a line of tradition that supported their views. So it is not surprising that Hillel would cite his lineage. If, however, those gathered in the *Azarah* were not of the same group as Hillel, then it is surprising that they would accept his authority.

The Mishnah did not detail a chain of tradition; the opening chapter of Pirke Avot, roughly 250 C.E.,<sup>30</sup> provided that background. “Moses received Torah from Sinai and handed it down to Joshua...” and so it flows to the elders, the prophets, the Men of the Great Assembly to the sages. A similar genealogy is found in Tosefta Yada'im 2:7. Rabbi Eliezer supports his teaching by saying, “so did I receive it from Rabban Yohanan ben Zakkai who received it from the Zugot and the Zugot from the prophets, from Moses, a halakhah of Moses from Sinai<sup>31</sup>...” Both of these genealogies assert that the teaching of the rabbis extends back in an authoritative and unbroken chain to the very moment of revelation at Sinai, and both exclude the priests as a link in that chain.<sup>32</sup>

In a similar, though not so sweeping a fashion, other sages grounded their teaching in the oral tradition passed from teacher to disciple. So in Mishnah Yevamot 16:7 Nehemiah meets R. Akiva in Nehardea and relates that he received a tradition from Rabban Gamaliel. Others recite traditions in the name of their father, in the same way that Hillel cites the teaching received from his teachers. The specific language they use, “*m'kublan*”, refers not to teaching learned through study or the application of logical rules, but to a sacred tradition passed on through an authoritative chain reaching back to the revelation at Sinai. Hillel claims authority based on this chain of tradition that links him to a consistent, unbroken line of revelation that began at Mt. Sinai. If his logical arguments can be debated, his claim of traditional authority is beyond debate.

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<sup>30</sup> The date of this work is approximate. According to Kramer, *Responses*, pg. 61: while it is clear that it was redacted after the close of the Mishnah, since it includes tradition attributed to R. Gamaliel, the son of R. Judah haNasi, “It is clear that whoever redacted Avot was closely related to the circles which produced the Mishnah.”

<sup>31</sup> The phrase “a Halakhah of Moses from Sinai” refers to a tradition that has no textual basis. Since it cannot be rooted in a text from Torah, it is instead linked to the revelation at Mt. Sinai. This does not change the point to be made here – that the declaration of an ancient genealogy can serve as the basis for a claim of authority.

<sup>32</sup> Neusner, *Introduction*, pg. 572-3. “The link consists of the chain of tradition handed on through the chain of sages itself. It follows that because of the authorities cited in its pages, the Mishnah constitutes part of

This is a crucial turning point in the narrative. Hillel met the challenge to his initial response by offering a series of logical proofs. They were apparently insufficient since he needed to provide additional support in the form of his teacher's tradition. If logical proofs demonstrate intellectual acuity, the affiliation with a recognized chain of tradition establishes lineage. At that point his answer to the first question is accepted. But Hillel is not yet appointed as Nasi.

### **AUTHORITY FROM THE RUACH HAKODESH**

Hillel is now confronted by a second, related question. The new question concerns a different stage of the same problem. Presumably persuaded that the offering itself should be made on Shabbat, the question now shifts to what is to be done if the preparations for the offering are not prepared in advance. If the knife to perform the sacrifice or the animal to be offered is not in place, they would then need to be brought from somewhere else. Carrying them would constitute a different kind of violation of the Shabbat laws, one not addressed by the logical explanations or the received traditions quoted by Hillel.

Hillel answers with a new source of authority –*Ruach HaKodesh*, divine inspiration. The people, he asserts, will know what to do because of divine inspiration. Indeed, when they appear on the next day they demonstrate creative ways to avoid violating Shabbat. “If their Paschal [offering] was a lamb, they buried [the knife] in the wool. And if it was a goat, they stuck it in its horns.” (T. Pesachim 4:11) They made the Pesach without violating the rules of Shabbat.

When confronted by this second question Hillel responds: “Let the Ruach HaKodesh rest on them.” How to characterize that act? Does he call forth the Ruach HaKodesh, or request that it rests on the people, or simply recognize its presence? Regardless, he does what others seem unable to do. Throughout the series of questions and proofs, the focus has been on Hillel's ability to draw on an appropriate source of authority. As he was asked to prove his case earlier, so it is up to him to do the same at this point in the story.

As noted earlier, the three variant versions of this narrative mark the appointment of Hillel as Nasi at different points of the story. Only Tosefta includes this episode as part of the build up to his appointment; for both the Talmudic versions this episode follows his appointment. It is important to consider both the meaning of the Ruach HaKodesh and why Tosefta considers it the crucial or final step before Hillel is appointed Nasi.

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the Torah of Sinai, for by the evidence of the chain of tradition, the Mishnah too forms a statement of revelation.”



This appearance of Ruach HaKodesh is noteworthy. It is rare that Ruach HaKodesh is used to decide halakhah. More often in early Rabbinic writings it appears as a reward for faithfulness or the performance of the Mitzvot. In this narrative Ruach HaKodesh functions in two ways. First, it is a link to the prophets. Hillel declares that the Ruach HaKodesh will provide the answer: “Let Ruach HaKodesh [Holy Spirit] rest on them. If they are not prophets, they are the children of prophets.” Hillel’s ability to call upon Ruach HaKodesh connects him with the line of prophets. Second, this narrative assumes that the people are indeed guided by Ruach HaKodesh to do the right thing. In other instances Ruach HaKodesh appears as a reward to the people for faithfulness to their traditions or for their love of the mitzvot, as we will see below. Here the narrative highlights the faithfulness of the people in contrast to those who ask “what will be with the ones who do not bring a [slaughtering] knife and their Paschal offering with them to the Temple?”

Ruach HaKodesh is related to prophecy. Cohen notes that “in every phase of its history, Israel had been privileged to receive the counsel of numerous men and women...who, because they had received direct intimations of the Divine word were set apart from the ordinary folk.”<sup>33</sup> In the days of Elijah, we are told (T. Sotah 12:5), Ruach HaKodesh was rife in Israel; it was a time of prophecy. By contrast, the loss of Ruach HaKodesh is a sign of the loss of prophecy (T. Sotah 12:5). B. Yoma 9a states: “When the last of the prophets, Haggai, Zechariah and Malachi died, the Ruach HaKodesh ceased from Israel.” The assertion of the sages that prophecy ended with Haggai, Zechariah and Malachi marked the end of an era. In Cohen’s words, “The ‘holy spirit’ [ruah ha-qodesh] had ceased to play a direct role in the national life.”<sup>34</sup>

Nonetheless, a connection remains between Ruach HaKodesh, prophets and the sages. In Y. Sanhedrin 51a, commenting on M. Sanhedrin 10:2 (// Genesis Rabba 42:3), Ruach HaKodesh appears to be the necessary element in the continuing vitality of Jewish life.

R. Honia in the name of R. Leazer: Why is his name called Ahaz? Because he seized synagogues and Batei Midrash. To what may Ahaz be compared? To a king who had a son and handed him over to a tutor who sought to kill him. He (the tutor) thought, If I kill him, I will be guilty of murder. Rather I will withdraw his wet nurse from him, and he will die on his own. So Ahaz said: If there are no kids, there are no he-goats; no he-goats, no flock; no flock, no shepherd; no shepherds, no world. If there is no world, it’s as if there is no world. So Ahaz thought to himself: If there are no young, there are no adults; no adults, no sages; no sages, no prophets; no prophets, no Ruach HaKodesh. Without the Ruach HaKodesh there can be no synagogues or Batei Midrashot, it is as if the world

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<sup>33</sup> Stuart A. Cohen, *The Three Crowns: Structures of Communal Politics in Early Rabbinic Jewry*, Cambridge: Cambridge University Press, 1990, pg. 66.

were no longer – and the Holy One will not cause the Divine Presence to dwell with Israel. (Y. Sanhedrin 51a)

For our purposes it is important to note the explicit line drawn connecting sages to prophets, prophets to Ruach HaKodesh, and then to the continuing existence of synagogues and Batei Midrash.

While no text explicitly connects Hillel to prophecy, the various tales that constitute his “biography” connect him to the most important links in the chain of Torah transmission. In Sifre D. 357 he is linked to Moses, as are Rabban Yohanan b. Zakkai and Rabbi Akiba. In Genesis Rabbah 98:8 it states that “Hillel was descended from David.” Most significantly in this context he is linked with Ezra and the reclamation of Torah from Babylonia (B. Sukkah 20a). It is as if Hillel shared with Ezra and Moses the prophetic task of bringing Torah to the people. In our story he is asked to supply a tradition that seems to be lost, “What will be with the ones who do not bring a [slaughtering] knife and their paschal offering with them to the Temple?” He provides the answer by invoking Ruach HaKodesh, an echo of prophecy.

More telling is the story from B. Sotah 48b that suggests that Hillel could have been a prophet if only the generation had been worthy.

On one occasion [some Rabbis] were sitting in the upper chamber of Gurya’s house in Jericho; a *Bat Kol* was granted to them from heaven which announced, “There is in your midst one man who is deserving that the Shechinah should alight upon him, but his generation is unworthy of it.” They all looked at Hillel the elder; and when he died, they lamented over him, “Alas, the pious man! Alas, the humble man! Disciple of Ezra!” (B. Sotah 48b)

Hillel may not have been able to sustain the presence of the Divine spirit, but he could invoke it for this occasion.

In our narrative the appearance of Ruach HaKodesh also testifies to the faithfulness of the people. Ruach HaKodesh is often a reward or a consequence of faithfulness and the performance of the Mitzvot:

“Great is faithfulness before God for its reward is Ruach HaKodesh.” (Mikhilta, Beshallah 6)

“If one clings to the Shekhinah, Ruach HaKodesh rests on him.” (Sifre D., Shoftim, Pischa 30)

The Ruach HaKodesh is present when the Israelites go to ask the Egyptians for their jewelry (Mechilta, Bo, Parashat 13) and when they are afraid as they enter the desert (Mechilta,

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<sup>34</sup> Stuart A. Cohen, pg. 67.

BeShallah 2). The text states explicitly that they deserve this Divine attention because the mitzvot were dear to them.

In this narrative it is the people, and, ironically, not the officials of the Temple, who are characterized as the faithful ones.<sup>35</sup> While the officials ask what is to be done if the preparations for Shabbat are not made in advance, the people, inspired by Ruach HaKodesh, know how to bring the slaughtering knives in a proper fashion. Their faithfulness serves them well. Indeed, while never stating it explicitly, the narrative passes over the officials of the Temple, whom we would presume to be in charge. Hillel has not yet been named as Nasi, but the Ruach HaKodesh has already transferred authority.

In this story both explanations serve to explain the appearance of Ruach HaKodesh. On one hand, the people display their faithfulness and love for the mitzvot. Even though the authorities at the Temple seem uncertain how one might overcome the obstacle of not having prepared the offering in advance, the people show up at their gates without hesitation or doubt. On the other hand, Hillel, the archetypal sage, takes his place in the line that extends from the prophets to the sages as demonstrated by his ability to evoke Ruach HaKodesh. Hillel's ability to evoke the Ruach HaKodesh is the final and crucial step.

Hillel has now demonstrated his expertise in multiple realms. He is an intellectual master, demonstrated by his logical proofs. He stands within a recognized chain of tradition. Finally, his standing is confirmed by the appearance of the Ruach HaKodesh. It links him to the line of the prophets, if only indirectly. Hillel's claim now stands firmly on three pillars: on intellectual acuity, on traditional lineage, and on divine recognition. He is now appointed Nasi.

It is impossible to know with certainty why Tosefta includes Hillel's ability to evoke the Ruach HaKodesh as part of this story and as a crucial step in his ascension to the office of Nasi. As noted earlier the later Talmudic versions of this story do not include this among the requirements for Hillel's ascent to the office of Nasi. As a matter of speculation, it may be worth noting that the Mishnah uses the term Ruach HaKodesh only twice, in M. Sotah 9:6 & 15, while it is used seven times and in more active ways in Tosefta. Kramer suggests that the Tosefta, in contrast to the Mishnah, takes much more notice of the destruction of the Temple.<sup>36</sup> He also notes that at the end of T. Menahot 13:3 there is the claim made by Johanan ben Torta that "the Temple 'will be

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<sup>35</sup> In his concluding chapter Rubenstein discusses the use of irony and dramatic reversals in the literature of the Babylonian Talmud. He writes: "Irony and reversals contribute above all to the dramatic quality of BT stories. They have a didactic function too in effectively communicating lessons to the audience.... In this way the complexity of the BT's narrative art parallels the complexity of its legal *sugyot*." (Rubenstein pg. 248)

rebuilt in our lives and in our days’.”<sup>37</sup> And he adds, “significantly, the same immediate expectation is repeated in other Toseftan traditions.”<sup>38</sup> Is it possible that the Tosefta wishes to endow Hillel with prophetic powers, as part of its hope for the restoration of the Temple? This certainly is too big a claim for the few shreds of available evidence, but it does suggest that the Tosefta passage may have a different agenda than the later Talmudic versions of this narrative.

### **THE OFFICE OF NASI**

At the end of the story Hillel is appointed Nasi. It is important to consider this appointment from two different perspectives. First we will consider the role this appointment plays within this story. Second, we will consider the office from a historical perspective.

According to rabbinic accounts, Hillel was the first Nasi:

Surely it was taught: Hillel and Simeon [his son], Gamaliel and Simeon wielded their Patriarchate during one hundred years of the Temple’s existence (B. Shabbat 15a).<sup>39</sup>

Within the story, Hillel’s appointment establishes him as the chief religious authority. Once he is appointed, he proceeds to teach the laws of Pesach to all those gathered, though it is certain that they had been observing Passover long before Hillel appeared. Regardless, as the story closes Hillel’s status is clearly stated.

Why does Hillel earn this title? It seems there are two possibilities. Perhaps he demonstrates the breadth of his skills. Or perhaps he secures the title of Nasi only because of his ability to invoke the Ruach HaKodesh, the last of his demonstrated skills.

Perhaps he earns it because he demonstrates mastery over these three key styles of religious authority: he demonstrates his mastery of logical argumentation; he stands within the lineage of authentic Torah transmission; and he proves his ability to call upon Ruach HaKodesh. The three together form a very neat package – the intellectual, the traditional and the Divine. It presents a picture of a well-rounded sage. Perhaps that is the message the text wants us to hold on to – these are the key skills for a sage to master. If that is the case, Hillel’s stock rises with each additional answer he provides until the sheer weight of his ability earns him the title Nasi.

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<sup>36</sup> Kramer, pg. 73-78.

<sup>37</sup> Kramer, pg. 74. “The apparent urgency or profound expectation for restoration exhibited in this statement is remarkable. We have here an author or authors who... are ...willing to express hope that the rebuilding of the Temple is not a distant event.”

<sup>38</sup> Kramer, pg. 74.

<sup>39</sup> While the tradition states with some clarity that Simeon, Rabban Gamaliel, etc. stem from Hillel’s biological line, this cannot be demonstrated. Rabban Gamaliel “is supposed to have been the son of a certain Simeon who in turn was Hillel’s son. The existence of this Simeon is highly doubtful ...but even the assumption that Gamaliel was Hillel’s son, or at least belonged to his school, cannot be demonstrated.” Strack & Stemberger, pg. 67.

Or perhaps the story can be read differently. Hillel's logical argumentation doesn't seem to stir his opponents in any way. For all his efforts the questions remains open despite his various proofs. When he invokes the inherited tradition he received from his teachers he wins approval, at least on the limited level of his reliability as a reporter of tradition. Perhaps these two skills earn him notice, but not yet authority. Rather, it is his ability to evoke the Ruach HaKodesh that truly wins him the title. This near-prophetic skill is the sole quality that earns him the title.

It is not clear that the narrative, as we have received it, can answer which scenario is correct, though it seems likely that the narrative was constructed intentionally to showcase all of the different methodologies Hillel employed. What is clear at the end of the narrative is that the title gives Hillel the privilege and responsibility to teach the authoritative laws of Pesach. At the end of the narrative Hillel is recognized as the reliable and authoritative teacher. Amidst the swirl of competing sects that were active in the 1<sup>st</sup> century B.C.E. that is quite a claim.

The historical record cannot justify the claim of the narrative. The office of the Nasi cannot be dated to the time of Hillel. "Although the title *nasi* did resonate with rich historical associations dating from both the first and second Commonwealths, the office whose powers are described in third- and fourth-century sources – gentile as well as Jewish – seems to have been entirely the product of post-Destruction circumstances."<sup>40</sup> Similarly another authority asserts, "The central political office of Palestinian Jewry after the destruction was the *nasi* (Hebrew) or *patriarch* (Greek and Latin). The powers claimed and exercised by the patriarch rose substantially from the second century, when the office first appears, to the end of the fourth century."<sup>41</sup> The office of nasi was a political office, recognized by the Roman Empire and exercising control over his Jewish subjects. There is no indication that such an office existed in the time of Hillel, nor does any evidence exist to suggest that Hillel exercised such sweeping political power.

If not a major political figure, could Hillel nevertheless have served as a locally recognized, religious authority? After all, the appointment described in the text is located in the Temple and seems concerned only with religious issues. Schwartz suggests that "the [Roman] government did nothing to prevent Jews from patronizing their native legal experts for advice and arbitration."<sup>42</sup> So perhaps that describes the office held by Hillel: a limited office that existed under the radar of the civil authorities. Perhaps this remained a religious office of no concern to those in political power. It seems unlikely.

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<sup>40</sup> Stuart A. Cohen, pg. 181.

<sup>41</sup> Shaye J. D. Cohen, pg. 220. Italics in original.

<sup>42</sup> Seth Schwartz, *Imperialism and Jewish Society, 200 BCE to 640 CE*, Princeton: Princeton University Press, 2001, pg. 111.

If Hillel's story occurred about 50 BCE or later it would have coincided with the reign of Herod. At that time, the office of High Priest was an office appointed by the king, and "clearly Herod was interested in keeping tight control over a position that could easily turn into a focus of political opposition."<sup>43</sup> Similarly, "Herod failed to assign an important role to the old religious organizations of the Pharisees and the Sadducees."<sup>44</sup> Cohen argues that Herod reasserted the role of the king, to the detriment of the priesthood and the interpreters of Torah. He writes that it is inconceivable "that Herod might accept Pharisaic domination of Judea's internal and external affairs."<sup>45</sup>

Perhaps there is a third possibility. Hillel is not identified as a Sadducee or a Pharisee, either in this story or in any other context. Could it be that he was a "safe" leader from Herod's perspective? In other places Hillel is identified as coming from Babylonia<sup>46</sup>; could his outsider status have made him a desirable leader? He could exercise limited religious authority, but without ties to the major parties he would not be a political threat. Herod could satisfy the local desire for a religious leader without political risk. Perhaps, but does this portrait of a limited position serving the political needs of Herod find any resonance in the legends of Hillel? I think not.

It is difficult to imagine a scenario in which Hillel could have fulfilled the office promised in our narrative. Granted our narrative does not necessitate that Hillel held broad power, still there is no indication that Herod would have yielded even that limited level of power. There is little room left to consider a role for Hillel as authority in the time of Herod. The claim that Hillel and his successors held the office of the Nasi for a hundred years prior to the destruction of the Temple should be seen as an attempt to read the later authority of the sages into earlier periods.

### **LITERARY TALE OR HISTORICAL ACCOUNT**

This narrative is better understood as a literary tale rather than a historical account. In the same way that it is difficult to imagine a scenario in which Hillel could have fulfilled the office promised in this narrative, one should be skeptical of such a neatly organized dispute. This narrative lays out a perfectly layered presentation. Hillel moves smoothly through a series of ever more weighty methods, with no serious objection or alternate views presented to skew the debate. He moves from his own authority to that of the logical argument. Each logical argument is stronger than the

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<sup>43</sup> Schwartz, pg. 45. Also, see Josephus, *Antiquities*, Book 17, Chapter 6:2 ff. where he viciously puts down a revolt led by two interpreters of the Law who incite their students to pull down the decorations Herod had added to the Temple contrary to the description of Torah. From his deathbed Herod orders a massacre in retribution.

<sup>44</sup> Schwartz, pg. 45.

<sup>45</sup> Stuart A. Cohen, pg. 93.

<sup>46</sup> The earliest mention seems to be in T. Negaim 1:16.

one before. When those fail he moves one step higher on the ladder to invoke the chain of tradition. And finally the Divine Spirit confirms his authority. There is a steady movement from his personal authority through methods that are intellectual, traditional and, finally, Divine. This is all too neat.

The text tips its hand with the opening words – “*pa-am achat*, once upon a time. We are familiar with the phrase from fairy tales, and it turns out that the same phrase sometimes functions in a similar way here. The term literally means “one time” and often means just that: something is done only one time per year or month or week. The phrase also serves to introduce an anecdote, and those seem to come in two styles. On one hand the phrase introduces a chance meeting or event. These can sound very much like folk tales, passing on old lore. On the other hand, the phrase can function in very familiar ways, introducing a story that sounds like a fairy tale.

Sometimes the phrase introduces an episode in which lore of an older time is passed on through a chance encounter. In T. Pesachim 3:9 we hear of a time when the 14<sup>th</sup> of Nisan falls on Shabbat. The passage opens with a question about the burning of hametz and the baking of matzah.

“Rabbi Elazar ben Tzadok said, Once upon a time we were sitting before Rabban Gamiliel in the Bet HaMidrash in Lod when Zonin his deputy and said, ‘The time has arrived for the burning of the hametz.’ My father and I went to Rabban Gamiliel’s house and burned the hametz.” (T. Pesachim 3:9)

In this story it is Zonin, a servant to Rabban Gamiliel, who reminds the gathered sages that the time has arrived for the burning of the hametz. It is a matter of speculation whether they were so engrossed in their study that they did not notice the passage of time, or whether they did not know the time and needed to be taught by Zonin.

Similarly in T. Yoma 2:7 Rabbi Yohanan ben Nuri meets an old man from the house of Avitnas who teaches him something about the traditions of that once distinguished house. The House of Avtinan was the family traditionally in charge of mixing the incense for the Temple (M. Shekalim 5:1). The sages denounced the family because they “would not teach others about the mixing of the incense” (M. Yoma 3:11). The old man who ben Nuri meets was presumably among those displaced by the censure of the sages. The “chance” meeting with Rabbi Yohanan ben Nuri provides a link between the lost tradition of the Temple and the sages who now inherit the sacred knowledge.

These stories convey a bit of history or ancient lore. They sound a bit like old folk tales, telling how the tradition was passed from generation to generation.

At other times this phrase introduces a passage that sounds more like a fairy tale than any real occurrence. In T. Pesachim 4:12, the narrative that follows our tale, a story of King Agrippa stands as testimony to the faithfulness of the people, even in the face of Roman rule.

Once upon a time the King Agrippa sought to know how many minyanim of people [were present for the Passover pilgrimage]. He said to the priests, “Separate out for me one kidney from each sacrifice. They separated out for him 600,000 pairs of kidneys, twice the number of those who exited Egypt...” (T. Pesachim 4:12)

This episode speaks powerfully of the people’s faithfulness, but one would be hard pressed to imagine that there ever was a time when 1,200,000 kidneys stood piled up in the center of Jerusalem. What a scene it would be – the temple overflowing with kidneys – but it is not believable as a historical event.

Similarly we learn in T. Rosh HaShannah of the etiology of a rabbinic practice concerning the declaration of the New Moon. Once the Boethusians plotted to mislead the sages. The two groups disagreed concerning the days on which certain Holy Days could occur. The Boethusians created a plot that would force the sages to rule in accord with their understanding.

Once the Boethusians hired two witnesses to come and mislead the sages [about the declaring of the New moon of Adar], because the Boethusians did not agree that the *atzeret* [of Passover] could fall on any day other than Shabbat... (T. Rosh HaShannah 1:14)

As in the story of King Agrippa, there is a clear moral to the story, but it is hard to accept this as a historical event. Rather the story provides the rationale for a rabbinic practice. When this story appears in B. Rosh HaShannah 22b it concludes, “At that time they established that they would only accept [testimony about the New Moon] from one who was known to them.” The restriction now serves to protect the integrity of the sages.

Our passage similarly seems more appropriate as a fairy tale than as an historical account. It opens with a simple time and place, but quickly becomes confusing. It is erev Pesach in the Temple. But everything else is askew. The question, what should be when erev Pesach coincides with Shabbat, should not be difficult since it occurs at least once a decade. It is impossible to imagine that there are not priests present who served for such a time and who would certainly have known details such as this. By contrast, it is difficult to imagine how Hillel could be standing in the *Azarah*, the Inner Court, to participate in this dialogue. Hillel is not a priest and the Inner Court was restricted to priests except for certain well-defined occasions. Given the uproar among all of those gathered in the *Azarah* that Hillel stirs with his opening comment, the docility that follows seems eerie. How is it that Hillel’s presentation is greeted with



only two responses – first a communal gathering against him, then a communal appointment as Nasi? As in the story recorded in T. Rosh HaShannah 1:14 served to tell the etiology of the rabbinic practice concerning the declaration of the new moon, so this story serves to declare the etiology of the communal rule of the sages. The office of the Nasi, first held by Hillel, would be held by the sages from this point forward.

### **THE MORAL OF THE STORY**

This passage opens with a question: does the Pesach offering supersede the restrictions of Shabbat? The answer is yes, but that is not the base question. The passage presents a second implied question: who holds the authority to provide the answer; or, phrased to parallel the first question, will the authority of Hillel supersede that of the Azarah? The story suggests a progression. Just as the Pesach offering supersedes Shabbat, so does Hillel supersede the Azarah and the sages supersede the authorities of the Second Temple.

The dramatic transition described in this passage takes place on multiple levels. By the time this narrative appears in Tosefta, circa 220, the Romans have long since destroyed the Temple. The leadership of the community had shifted from the priests to the sages. The methods of teaching and transmission that were prominent in the days of the Second Temple had been replaced by the methods of the sages. The methodologies employed by Hillel had become authoritative. The logical argumentation showcased by Hillel had become normative. It was a given that the sage stood in an authoritative line of tradition.

This narrative serves to explain the transition. The central message of this narrative is the ascension of Hillel the sage to the office of Nasi. We have noted the historical difficulty with this assertion. There is no evidence of the office extending back that far, nor is it reasonable to assume that Herod would have agreed to create such an office. Additionally, Josephus does not mention Hillel either as a teacher or as a political officeholder. In this narrative the rabbinic movement projects its roots back into history. This narrative creates continuity between the days when the Temple stood and functioned and the time when the sages ruled in the academy and the synagogue.

Beyond noting the function of this narrative, it is fair to ask some literary questions as well. What would have changed if the story had been set in a different place or time?

Could the story have been set in a different place? We noted above that setting this narrative in the Azarah was key. If it had been out in the more open areas surrounding the Temple, this would have simply been one more debate about the nature of Judaism. The Temple attracted the

spokesmen of the many sects of the time, and this episode would have been lost among the general debate. Once it moves to the Inner Court, the core of the Temple, this becomes a core issue. This is not simply one more debate, but becomes the debate. The key importance of this story is confirmed at the climactic moment when the Ruach HaKodesh, divine inspiration akin to prophecy, intervenes and Hillel is confirmed as nasi. The setting conveys the message that this is of central importance.

Why was this story attached to the observance of Pesach? If, as the text notes, there are more than 300 offerings in the year that supersede the laws of Shabbat, why Pesach rather than any other occasion? In the Pesach story it is the slaves who overcome the taskmasters of Egypt, as God overcomes the Pharaoh. Passover tells of God overcoming the forces of history to effect redemption. Perhaps a similar progression is hinted at in this narrative. Hillel, the archetypal sage, overcomes the priests of the Second Temple. As the exodus from Egypt marks a step toward the ultimate redemption, Hillel and the rabbis take their place in the larger progression that moves toward redemption.

This narrative opens with a simple question about the observance of Pesach. In the end it describes and justifies a dramatic transition from one era of Jewish life to the next. The ascent of Hillel to the office of Nasi represents the emergence of the sages as the dominant force in Jewish life. This narrative concerning Hillel bridges the old world of the Second Temple period to the new world of the sages.