

It is more likely that such texts transmit later rabbis' views of what they understood the Pharisees and Sadducees to be rather than the first century reality.

The earliest and most reliable Pharisee-Sadducee texts are the seven which come from the Mishnah and Tosefta.⁷⁷ Lightstone's study of this uniform but small body of texts overcomes the major difficulty in Rivkin's method, combining disparate sources (in date and type) into one amalgam. However, this homogeneous corpus of texts shows only that the Pharisees have laws, especially purity laws, which differ from the Sadducees. They do not show that the two groups had different programs for Judaism, divergent interpretations of Scripture and certainly not a dispute over adherence to the oral law. Since the earliest rabbinic sources do not yield the information usually attributed to them, the usual view of the Pharisees derived from rabbinic sources depends on an uncritical amalgamation of disparate sources, both rabbinic and non-rabbinic.

The mishnaic accounts of the Pharisees favor them greatly since the mishnaic editors adopted the Pharisees as their forebearers. In every case the Pharisees agree with the dominant position in the Mishnah because the editors' purpose was not simply to report the disagreements between the Pharisees and Sadducees but recount exemplary stories, legal precedents or polemics designed to ridicule or vilify the position taken by the Sadducees in opposition to the Mishnah's teaching. Thus from these texts no thoroughly reliable conclusions about the exact teachings of the Pharisees and Sadducees can be drawn; even if everything were accepted as reliable, the texts do not give a rounded picture of their agendas. A few of the texts in which Pharisees and Sadducees appear will be analyzed in order to show the limits of our knowledge in this area.

Pharisee-Sadducee Texts

In the Mishnah and Tosefta most of the disputes concern purity and most are controversies in which the Sadducees come

⁷⁷Lightstone, "Sadducees versus Pharisees," above. For other problems with Rivkin's method, see ch. 1.

out second best.⁷⁸ In m. Yadaim the Sadducees and Pharisees disagree over whether Scripture renders the hands unclean, about what kind of bones render a person unclean and about the uncleanness of several types of water. The complaints of the Sadducees against the Pharisees and the retorts of the Pharisees and Johanan ben Zakkai in m. Yadaim 4:6-7 are rhetorical and polemical.⁷⁹ Another purity dispute concerns whether Sadducean women keep proper menstrual cleanness according to the teaching of the sages (m. Niddah 4:2; t. Niddah 5:2-3).⁸⁰ The Sadducean women who do not follow mishnaic custom are contrasted with Israelite women and thus are treated as less than good Jews, like Samaritans. In a minority opinion Rabbi Jose held that Sadducean women were presumed to be clean unless they explicitly followed Sadducean customs. Rabbi Jose's opinion assumes that the mishnaic sages dominated society to such an extent that all, even Sadducees, would act according to their understanding of the law. This assumption is not borne out by what we know of the first century.

In the dispute over whether immersion alone will render one clean without waiting for sunset (m. Parah 3:7; t. Parah 3:8) the Temple is pictured as having a place of immersion so that mishnaic law can be followed and the priest who is preparing the red heifer can be immediately purified, contrary to the Sadducean ruling which held that one had to wait until after sundown to be cleansed.⁸¹ This text implies that the Pharisees were in charge of the Temple, a claim which has no historical foundation. T. Hagiga 3:35 presents another case that implies Pharisaic control in the Temple, a dispute concerning whether the menorah at the Temple must be immersed in order to be

⁷⁸For a lengthy and detailed consideration of the rabbinic texts, see LeMoyné, *Sadducees*, 198-317 as well as Rivkin, "Defining." LeMoyné treats all the rabbinic sources together. Here we shall stress the earliest collections, the Mishnah and Tosefta. For a traditional treatment of twenty-three controversies between the Pharisees and Sadducees in rabbinic literature, see Finkelstein, *The Pharisees*, 637-761.

⁷⁹See t. Yad. 1:19/2:9; 2:20; b. Bab. Bat. 115b. The Babylonian Talmud has Johanan ben Zakkai as the disputant instead of the Pharisees in the last exchange in this series.

⁸⁰In the Mishnah the Sadducees are opposed to the anonymous sages of the Mishnah; the Talmud sharpens the conflict and identifies the sages with the Pharisees.

⁸¹The Babylonian Talmud (b. Hag. 23a) sharpens the conflict, as it did in the previous case, by saying that they *purposely* rendered a priest unclean in order to immerse and cleanse him and show that the Sadducees were wrong.

rendered ritually clean. This text supposes that there were many Pharisaic priests serving alongside Sadducean ones and that the Pharisaic priests were in control. While some priests might have been Pharisees and others Sadducees, most priests belonged to neither group. The division of all priests into Sadducees and Pharisees in the Tosefta is stylized and unhistorical.

The Mishnah also contains two disputes over civil law and one over sabbath law which involve the Pharisees and Sadducees (or the sages and Sadducees). The Sadducees, in a sequence of disputes concerning purity, "cry out" against the Pharisees' contention that a master is not responsible for his slaves' injurious actions (m. Yad. 3:7). The Pharisees claim that the slaves' exercise of intention absolves the master from responsibility, a position which accords with the mishnaic emphasis on intention.⁸² In the second dispute (m. Makkot 1:6) the Sadducees and sages disagreed about when a perjured witness in a capital case could be executed, a dispute based on the interpretation of Scriptural phrases rather than the type of behavior or its effects. Finally, Sadducees held their own views about the *erub* which allowed movement around town during the Sabbath.⁸³ The mishnaic authorities (they are not called Pharisees) must claim the courtyard before a Sadducee does and set up their erub to let them move around a common courtyard. In this text the Sadducee is treated as a Jew with different customs who would not agree to mark out the courtyard as common space and thus restrict the ability of the sages to make the courtyard common.

In the Mishnah and Tosefta most of the disputes between the Sadducees and Pharisees (and others) concern interpretations of the laws of ritual purity.⁸⁴ If the Pharisees based much of their program for Jewish life on a revised understanding of the purity laws and an application of them to all Israel, as has been argued above, then the conflict between the Sadducees and Pharisees on this issue is comprehensible and probably historical in its

⁸²See Howard Eilberg-Schwartz, *The Human Will in Judaism: The Mishnah's Philosophy of Intention* (BJS 103; Atlanta: Scholars, 1986).

⁸³M. Erub. 6:2.

⁸⁴The centrality of purity to recorded Sadducean teachings is noted by LeMoyné, *Sadduceans*, 362 and by Gary Porton, "Sects and Sectarianism During the Period of the Second Temple," [unpublished paper] p. 7.

general content. The application of purity laws to the people at large was a new mode of understanding Jewish life, law and Scripture and it is reasonable and even inevitable that the Sadducees or someone else should oppose them. The Sadducees had their own (probably more traditional) understanding of Judaism and promoted it against the new Pharisaic view. If many of the Sadducees were priests or supporters of the traditional priesthood, they would have had another motive to oppose the Pharisees. The priests would not want the purity practices characteristic of the Temple and priesthood to be diluted by adaptation to the multitude.

BABYLONIAN TALMUD

The Babylonian Talmud contains a number of passages with Pharisees and Sadducees in which Sadducees seem to be original and not replacements for “heretics” or “Christians.” A review of a few of them will show how the Babylonian masters emphasized the opposition between the Sadducees and Pharisees. When a Pharisaic family wishes to set up an *erub* in a public courtyard so it can move around on Sabbath, it must do so before other Jews with different observances set out their belonging. If a gentile lives in the courtyard, it does not matter.⁸⁵ In the Mishnah Rabban Gamaliel tells a story which implies that the Sadducees are Jews with different beliefs, but in the Babylonian Talmud they are treated by a minority opinion as equivalent to gentiles in status. The Sadducees are also excluded from the fraternity of the authoritatively learned in an aside in b. Yoma 4a which explicitly says that the students of the sages from the students of Moses, who are to instruct the high priest concerning the conduct of the Day of Atonement, are not to be Sadducees.

The dominance of the Pharisees over the Sadducees is presumed and reinforced in the Babylonian Talmud, as has been indicated above. In another case, the Mishnah says that the Jewish court in Jerusalem is to instruct the high priest concerning his duties on the Day of Atonement (m. Yoma 1:5). The Sifra 81a-b and b. Yoma 19b argue that the Sadducees who were high

⁸⁵m.Erub. 6:2; b. Erub. 68b.