

Birkat Ha-Minim Revisited

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J. Louis Martyn and others have argued that a decision by late first-century rabbis to introduce a liturgical curse against heretics (*Birkat Ha-Minim*) provides the background for early Christian passages about Christians being excluded from and cursed in synagogues. More recent scholars, however, have challenged the assumption that the earliest form of *Birkat Ha-Minim* referred to Christians and that the rabbis controlled the synagogues. The present article defends the basics of Martyn's reconstruction while nuancing the extent of rabbinic control in the early Christian centuries. It also suggests, however, that the original of *Birkat Ha-Minim* may have been a Qumranian curse on the Romans.

Keywords: *Birkat Ha-Minim*, *Minim*, Eighteen Benedictions, Jewish Christianity, Yavneh

1. *Birkat Ha-Minim* and Early Christianity: Introduction

In 1898, Solomon Schechter and Israel Abrahams published a version of the statutory daily prayer of Judaism, the Eighteen Benedictions or 'Amidah' ('standing prayer'), which they had discovered in the Cairo Genizah.¹ Scholars of early Judaism and Christianity were immediately intrigued by the rendition here of the Twelfth Benediction, which is commonly dubbed *Birkat Ha-Minim*, a phrase that literally means 'the benediction of the heretics' but is actually a euphemism for an imprecation against them.² The arresting thing about Schechter's Genizah version is that it refers not only to *minim* = heretics in general but also to Nazarenes = Christians in particular:³

1 Solomon Schechter and I. Abrahams, 'Genizah Specimens', *JQR* 10 (1898) 656–7.

2 The phrase ברכת המינים first occurs in the baraita in *b. Ber.* 28b–29a, although the printed texts here, including that in the Soncino Talmud, have ברכת הצדוקים = 'the benediction (=cursing) of the Sadducees', a reading that reflects medieval censorship; cf. Yehezkel Luger, *The Weekday Amidah in the Cairo Genizah* (Jerusalem: Orhot, 2001 [Hebrew]) 133. Several earlier passages, however, use the shorthand של מינים = '[the benediction] of the heretics' (see *t. Ber.* 3.25; *y. Ber.* 2.4 [5a]; 4.3 [8a]; *y. Ta'an.* 2.2 [65c]).

3 On נצירים/נוצרים as a term for Christians, see Reuven Kimelman, '*Birkat Ha-Minim* and the Lack of Evidence for an Anti-Christian Jewish Prayer in Late Antiquity', *Jewish and Christian*

למשומדים אל תהי תקוה
 ומלכות זדון מהרה תעקר בימינו
 והנצרים והמינים כרגע יאבדו
 ימחו מספר החיים
 ועם צדיקים אל יכתבו
 ברוך אתה יי
 מכניע זדים

For those doomed to destruction may there be no hope
 and may the dominion of arrogance be quickly uprooted in our days
 and may the Nazarenes and the heretics be destroyed in a moment
 and may they be blotted out of the book of life
 and may they not be inscribed with the righteous.
 Blessed are you, O Lord,
 who subdues the arrogant.⁴

Scholars frequently refer to this version of *Birkat Ha-Minim* as ‘the Genizah version’ or ‘the Palestinian recension’,⁵ although both terms are somewhat misleading. The Genizah collection contains not just one manuscript attesting *Birkat Ha-Minim* but eighty-six, which Uri Ehrlich and Ruth Langer have recently sorted into six different versions.⁶ Many of the Genizah fragments, moreover, display ‘Babylonian’ characteristics, and many ‘Babylonian’ liturgical traditions are probably rooted in Palestine, so that a simplistic equation of ‘the Genizah version’ with ‘the Palestinian recension’ is misleading.⁷ It is nonetheless

Self-Definition. Vol. 2. *Aspects of Judaism in the Greco-Roman Period* (ed. E. P. Sanders; Philadelphia: Fortress, 1981) 232–44; Ray A. Pritz, *Nazarene Jewish Christianity from the End of the New Testament Period Until its Disappearance in the Fourth Century* (StPB 37; Jerusalem: Magnes; Leiden: Brill, 1988) *passim*; Martinus C. de Boer, ‘The Nazoreans: Living at the Boundary of Judaism and Christianity’, *Tolerance and Intolerance in Early Judaism and Christianity* (ed. Graham N. Stanton and Guy G. Stroumsa; Cambridge: Cambridge University, 1998) 239–62. On the question of whether the נצרים in *Birkat Ha-Minim* are Jewish or Gentile Christians, see below, pp. 533–34.

- 4 I give the text as transcribed in the original publication by Schechter and Abrahams, ‘Genizah Specimens’, 657. The arrangement into sense-lines, however, follows that of Luger, *Weekday Amidah*, 132–43. The translation is my own.
- 5 For an influential example, see Emil Schürer, *The History of the Jewish People in the Age of Jesus Christ (175 B.C.–A.D. 135)* (ed. Geza Vermes *et al.*; 3 vols.; Edinburgh: T. & T. Clark, 1973–87) 2.460–1.
- 6 Uri Ehrlich and Ruth Langer, ‘The Earliest Texts of the *Birkat Haminim*’, *HUCA* 77 (2005) 63–112. A few years before the appearance of this article, Luger, *Weekday Amidah*, 135 looked at a smaller number of Genizah manuscripts and sorted them into three versions.
- 7 See Joseph Heinemann, *Prayer in the Talmud: Forms and Patterns* (SJ 9; Berlin and New York: de Gruyter, 1977) 66–7; Uri Ehrlich, ‘The Earliest Version of the *Amidah*: The Blessing About the Temple Worship’, *From Qumran to Cairo: Studies in the History of Prayer. Proceedings of the Research Group Convened Under the Auspices of the Institute for Advanced Studies of the*

significant that the vast majority of the Genizah manuscripts of this imprecation contain a reference not only to *minim* but also to Nazarenes, and that those that lack נצרים also lack מינים.⁸

Despite the fact that Schechter's Genizah fragment dates to the late ninth or early tenth century, several scholars have used it to support their view that a reference to Christians 'was regularly incorporated in the Eighteen Benedictions from the end of the first century, [and] played an important part in the separation of church and synagogue...'⁹ In recent years, this view has been especially associated with the name of J. Louis Martyn, who in a famous 1968 study linked Schechter's Genizah version of *Birkat Ha-Minim* with the references in John 9.22; 12.42; and 16.2 to Christians becoming ἄποσυνάγωγος, i.e. outcasts from the synagogue or the Jewish community.¹⁰ According to Martyn, these Johannine ἄποσυνάγωγος passages reflect not their ostensible setting in Jesus' time but the Gospel writer's own historical location near the end of the first century CE, after the rabbis at Jamnia or Yavneh, in the wake of the disaster of the First Revolt, had decreed that Jewish Christians could no longer be part of the religious community of Israel.¹¹

In constructing his case, Martyn, following the lead of much previous scholarship, linked Schechter's Genizah manuscript with a passage from the Babylonian Talmud, *Berakot* 28b–29a:¹²

Hebrew University of Jerusalem 1997 (ed. Joseph Tabory; Jerusalem: Orhot, 1999) 38 (Hebrew); Luger, *Weekday Amidah*, 15–17.

- 8 See Ehrlich and Langer, 'Earliest Texts', 96–7. We will return to this point below, p. 532.
- 9 William Horbury, 'The Benediction of the *Minim* and Early Jewish-Christian Controversy', *Jews and Christians in Contact and Controversy* (Edinburgh: T. & T. Clark, 1998 [orig. 1982]) 68. Horbury cites Ismar Elbogen, Adolf von Harnack, Marcel Simon, W. D. Davies, and W. H. C. Frend as influential exponents of this view.
- 10 On the ambiguity of the word συναγωγή (synagogue or Jewish community?) and hence of ἀποσυνάγωγος, see Shaye J. D. Cohen, 'Were Pharisees and Rabbis the Leaders of Communal Prayer and Torah Study in Antiquity? The Evidence of the New Testament, Josephus, and the Early Church Fathers', *Evolution of the Synagogue: Problems and Progress* (ed. Howard Clark Kee and Lynn H. Cohick; Harrisburg: Trinity, 1999) 91–2, 99–100.
- 11 J. Louis Martyn, *History and Theology in the Fourth Gospel* (Louisville and London: Westminster John Knox, 3rd ed. 2003). For Martyn's predecessors in connecting *Birkat Ha-Minim* with the Johannine ἀποσυνάγωγος passages, see D. Moody Smith, 'The Contribution of J. Louis Martyn to the Understanding of the Gospel of John', in Martyn, *History*, 7 n. 14.
- 12 See Ismar Elbogen, *Jewish Liturgy: A Comprehensive History* (Philadelphia/New York/Jerusalem: Jewish Publication Society/Jewish Theological Seminary, 1993 [orig. 1913]) 31; Karl Georg Kuhn, *Achtzehngebet und Vaterunser und der Reim* (WUNT 1; Tübingen: J. C. B. Mohr [Paul Siebeck] 1950) 10; more recently Alan F. Segal, *Two Powers in Heaven: Early Rabbinic Reports about Christianity and Gnosticism* (SJLA 25; Leiden: Brill, 1977) 6; Lee I. Levine, *The Ancient Synagogue: The First Thousand Years* (New Haven and London: Yale University, 2nd ed. 2005) 209.

תנו רבנן: שמעון הפקולי הסדיר שמונה עשרה ברכות לפני רבן גמליאל על הסדר ביבנה. אמר להם רבן גמליאל לחכמים: כלום יש אדם שידוע לתקן ברכת המינים? עמד שמואל הקטן ותקנה, לשנה אחרת שכחה. והשקיף בה שנים ושלש שעות ולא העלוהו. אמאי לא העלוהו? והאמר רב יהודה אמר רב: טעה בכל הברכות כלן - אין מעלין אותו, בברכת המינים - מעלין אותו, חיישינן שמא מין הוא? שאני שמואל הקטן, דאיהו תקנה.

Our rabbis taught: Simeon ha-Paqli organized the Eighteen Benedictions in order before Rabban Gamaliel in Yavneh. Rabban Gamaliel said to the sages: 'Isn't there anyone who knows how to fix the Benediction of the Heretics?' Samuel the Small stood up and fixed it, but another year he forgot it. And he thought about it for two or three hours, [and he did not recall it], but they did not remove him.—Why then did they not remove him? Did not R. Judah say that Rav said: 'If someone makes a mistake in any of the benedictions, they don't remove him, but if [he makes a mistake] in the Benediction of the Heretics, they do remove him, since they suspect that perhaps he is a heretic'? Samuel the Small is different, because he formulated it. (my translation)

Here, according to Martyn, we see *Birkat Ha-Minim* functioning as a loyalty oath to 'smoke out' Christians and thus hasten their departure from the synagogue. Martyn interpreted *b. Ber.* 29a and other rabbinic traditions such as *y. Ber.* 5.3 (9c) to mean that, if a reader faltered in reciting this benediction, he was suspected of being a *min* himself and therefore stood in danger of expulsion.

2. Responses to Martyn

In general Martyn's book was well received, and it has continued to shape Johannine scholarship to the present day. Several scholars, however, have criticized its intertwined assumptions that *Birkat Ha-Minim* was promulgated at Yavneh and directed at Christians.¹³ Although the motivation usually does not become explicit, part of the passion of this denial seems to stem from the fear that a reconstruction of Johannine history that sees the back story of the Gospel in a situation in which Jews were cursing and even killing Christians¹⁴ will also lend credence to the belief that the fierce Johannine language about 'the Jews' is justified and that subsequent Christian persecution of Jews has simply been payback for what Jews previously did to Christians.¹⁵ This fear is not entirely paranoid. As William Horbury shows in his erudite study of *Birkat Ha-Minim*, since the benediction was first translated into

13 For a good summary of the response to Martyn's thesis, including criticism about his use of *Birkat Ha-Minim*, see Moody Smith, 'Contribution'; cf. more recently Raimo Hakola, *Identity Matters: John, the Jews and Jewishness* (SNT 118; Leiden: Brill, 2005) 41–55.

14 See Martyn, *History*, 71, with reference to John 16.2.

15 This anxiety is indirectly acknowledged by Judith M. Lieu, 'Anti-Judaism in the Fourth Gospel: Explanation and Hermeneutics', *Anti-Judaism and the Fourth Gospel* (ed. Reimund Bieringer *et al.*; Louisville/London/Leiden: Westminster John Knox, 2001) 114.

Latin by a Jewish convert to Catholicism in 1239, its relevance to early Christian history has been routinely upheld by anti-Semites and denied by Jews and their defenders.¹⁶

But it would be a mistake to think the objections to Martyn's thesis were motivated entirely by concern about anti-Semitism. Many of them, rather, have to do with substantive issues of scholarly method. Reuven Kimelman and Steven Katz, for example, have stressed that the benediction is known as ברכת המינים ('the benediction of the heretics'). If it were really directed against the Christians, Kimelman and Katz argue, it would instead be called ברכת הנצרים ('the benediction of the Nazarenes').¹⁷ Moreover, the explicit reference to the Christians (=Nazarenes) in the phrase הנצרים והמינים ('the Nazarenes and the heretics') appears to these scholars to be a secondary addition, since they consider unnatural a phrase in which the subgroup is mentioned before the larger group to which it belongs.¹⁸ Katz concludes that the Genizah form, with its reference to the Christians, reflects medieval Jewish polemic rather than the original text of *Birkat Ha-Minim*. The original, according to Katz, was probably directed at a variety of Jewish sects, including perhaps Jewish Gnostics, Hellenizers, and post-70 remnants of the Sadducees and the Essenes, as well as Jewish Christians.¹⁹

Recently, scholarship on early Jewish liturgy has surfaced more radical doubts, which have to do with such matters as the precise relation of the rabbis to the formulation of the *'Amidah* and our ability to reconstruct the original form of that prayer—or even if there was such a thing. These doubts have profound implications for Martyn's analysis, since the latter is based on the presuppositions that *Birkat Ha-Minim* was a set and influential liturgical text by the end of the first century, and that the rabbis (who according to Martyn correspond to the Pharisees in the Gospel of John) played a decisive role in its promulgation. Two quotations from a contemporary investigator of ancient Jewish liturgy, Ruth Langer, will illustrate the nature of some of these doubts:

If we understand that Second Temple-era synagogues (and even late-antique synagogues) were not loci for organized prayer, that synagogues did not become ubiquitous in Palestine until at least the fourth century, that the

16 William Horbury, 'Benediction', 67–82.

17 Similarly now Hakola, *Identity Matters*, 46 and Yaakov Y. Teppler, *Birkat HaMinim: Jews and Christians in Conflicts in the Ancient World* (TSAJ 120; Tübingen: Mohr Siebeck, 2007) 50. I have not entered into detailed conversation with the latter monograph, which is riddled with errors, difficult to follow, and frequently incoherent; cf. Stefan C. Reif, 'Review of Yaakov Y. Teppler, *Birkat HaMinim*', *JJS* 59 (2008) 326–7.

18 Kimelman, 'Birkat Ha-Minim', 233; Steven T. Katz, 'Issues in the Separation of Judaism and Christianity after 70 C.E.: A Reconsideration', *JBL* 103 (1984) 66–7; Steven T. Katz, 'The Rabbinic Response to Christianity', *The Cambridge History of Judaism*. Vol. 4. *The Late Roman-Rabbinic Period* (ed. Steven T. Katz; Cambridge University, 2006) 283.

19 Katz, 'Issues', 69–74; cf. Katz, 'Rabbinic Response', 280–7.

rabbis were only peripheral to the wider Jewish community, that Rabbinic texts represent selective and ahistorical memories, that Hebrew was not widely understood let alone spoken, then we need to rethink the evidence on which our theories for the early history of Rabbinic liturgy are built.²⁰

[R]abbinic liturgy seems to have functioned almost entirely orally until at least the second half of the ninth century CE. The talmudic literature includes only occasional fragments of prayer texts, usually where there was a matter of dispute or where some particular problem required discussion. As a consequence, it records almost nothing about the actual prayer texts of most of the *'amidah*. Even where it does include texts, we cannot know that later generations—predating the earliest surviving manuscripts—did not insert their own versions. Our first recorded attempts to write official prayer books begin only in the late ninth century when leaders of the Babylonian academies, Rav Amram Gaon and his contemporary Rav Natronai Gaon, write responsa to communities in Spain who had asked for liturgical direction. Unfortunately, we cannot derive accurate knowledge of geonic prayer texts from these sources either. The [Cairo] geniza did yield some more or less complete liturgical texts, but the earliest manuscripts date from approximately this same period. Hence, for at least 800 years after Yavneh, we have no rabbinic Jewish prayer texts from which to draw conclusions.²¹

Moreover, even if we accept the substantial historicity of the tradition in *b. Ber.* 28b about Simeon Ha-Paqli arranging the Eighteen Benedictions before Rabban Gamaliel at Yavneh,²² there is room for dispute about how this tradition should be interpreted. Does it imply, as Louis Finkelstein maintains, that Gamaliel simply gave a final editing to existing benedictions?²³ Does it suggest, as Ezra Fleischer argues, that Simeon virtually created the Eighteen Benedictions *ex nihilo* and thereby fixed their form?²⁴ Or is Joseph Heinemann correct in asserting

20 Ruth Langer, 'Early Rabbinic Liturgy in its Palestinian Milieu: Did Non-Rabbis Know the *'amidah*?' *When Judaism and Christianity Began: Essays in Memory of Anthony J. Saldarini* (ed. A. J. Avery-Peck *et al.*; Supplements to the Journal for the Study of Judaism; Leiden and Boston: Brill, 2004) 425–6.

21 Ruth Langer, 'The *'Amidah* as Formative Rabbinic Prayer', *Identität durch Gebet. Zur gemeinschaftsbildenden Funktion institutionalisierten Betens in Judentum und Christentum* (ed. Albert Gerhards *et al.*; Studien zu Judentum und Christentum; Paderborn/München/Wien/Zürich: Ferdinand Schöningh, 2003) 133.

22 For doubts on the historicity of this tradition, see Daniel Boyarin, *Border Lines: The Partition of Judaea-Christianity* (Divinations; Philadelphia: University of Pennsylvania, 2004) 68–71; for critique of Boyarin, see Stuart S. Miller, 'Review Essay. Roman Imperialism, Jewish Self-Definition, and Rabbinic Society: Belayche's *Judaea-Palaestina*, Schwartz's *Imperialism and Jewish Society*, and Boyarin's *Border Lines* Reconsidered', *AJS Review* 31 (2007) 353–4. Miller points out that elsewhere Boyarin himself affirms the historicity of a *baraita* from the Babylonian Talmud about Gamaliel (*b. Ket.* 103b) and that the general picture of Jewish consolidation in the wake of the destruction of the Temple makes good historical sense.

23 See Louis Finkelstein, 'The Development of the *Amidah*', *JQR* 16 (1925) 2–3.

24 Ezra Fleischer, 'On the Beginnings of Obligatory Jewish Prayer', *Tarbiz* 59 (1990) 397–441 (Hebrew).

that the sages' activity at Yavneh was limited to fixing the number, themes, and order of the benedictions, and that it is therefore fruitless to search for their 'original text'?²⁵

Such questions, and the scholarly uncertainty they imply, may make it appear as though the foundations for Martyn's use of *Birkat Ha-Minim* have collapsed.²⁶

3. Response to the Respondents

Other scholars of ancient Judaism, however, have challenged these opinions about the insignificance of the rabbis, the fluidity of the *'Amidah*, and the indeterminacy of our knowledge about early Jewish liturgy. For example, Langer's occasional collaborator Uri Ehrlich acknowledges the lateness of the Genizah and other prayerbook texts, but he still thinks it possible to use them to argue backwards, in some instances even to a first-century form of a particular *'Amidah* blessing.

In an important methodological note, Ehrlich suggests that the point of departure for reconstructing the history of these versions of particular benedictions should be the allusions to them in the Talmudic literature rather than the later full texts, but that the prayerbooks can be useful for filling out the picture reconstructed from the Talmudic references. He adds that in certain cases the prayerbook recensions of particular benedictions seem to be genetically related to each other, and the development of one from another can be inferred. For example, עבודה, the benediction having to do with the Temple service (#16/17), appears in two basic versions, one of which clearly reflects the destruction of the Temple while the other does not. Ehrlich argues that these Ur-versions are not two alternative primitive forms, as Heinemann would have it, but that the one reflecting the Temple's destruction grows out of the earlier one, which does not, and which probably originated in the Second Temple period.

Ehrlich reaches a similar conclusion about Benediction 14, בונה ירושלים, which speaks of God building the holy city. In the earlier version, which can be glimpsed in a trajectory that extends from Sir 31.17–19 to Saadia Gaon and some of the Genizah fragments, the requested divine 'building' of Jerusalem is the glorification of its present structures. In the later version, which first appears in the recension of Rav Amram Gaon and other Genizah fragments, it is the return of God's presence to a city from which it has been absent.²⁷ Here again, according to Ehrlich, the earlier version probably goes back to Second Temple times. All of

25 See Heinemann, *Prayer*, 13–26.

26 This is the conclusion of Hakola, *Identity Matters*, 41–86.

27 See Uri Ehrlich, 'On the Early Texts of the Blessings "Who Builds Jerusalem" and the "Blessing of David" in the Liturgy', *Pe'amim* 78 (1999) 16–41 (Hebrew); cf. Ehrlich, 'Earliest Version', 33. See also David Instone-Brewer, 'The Eighteen Benedictions and the *Minim* Before 70 CE', *JTS*

this suggests that there is something to the Talmudic tradition that the rudiments of the *'Amidah* were already present in Second Temple times, and that the task of the sages at Yavneh was to edit these preexistent prayers. The existence of such preexistent prayer traditions is also indicated by the parallels between the *'Amidah*, on the one hand, and passages from Sirach (36.1–17; 51.12 [Heb.B]) and the Dead Sea Scrolls (1QS 10.8–11.16), on the other.²⁸

Nor does radical skepticism about the existence of synagogues, their use for worship, and the importance of the rabbis seem to be warranted. Pieter Van der Horst, for example, has mounted a vigorous defense of the view that Second Temple synagogues functioned as places of organized worship,²⁹ and Stuart Miller has argued that synagogues were probably widespread before the fourth century, although they were not monumental structures but something more akin to Christian house-churches.³⁰ And Miller, Adiel Schremer, and others have contended that, while the rabbis in the earliest Christian centuries did not possess the hegemony that they later attained, it is an exaggeration to say that they were peripheral to Palestinian Jewish society, even in the late first century CE.³¹

Here the NT itself, if used judiciously, can come to our aid, since it is after all a first-century source that says a lot about Jews and their beliefs and lives. Much of what it says, to be sure, is biased and negative, but one always has to compensate for the prejudices of ancient sources, and the NT is no worse than other sources in this regard. For this reason, Jacob Neusner and his followers have been making

54 (2003) 34–7, who makes similar points, apparently independently, though he does cite Stefan C. Reif, 'Jerusalem in Jewish Liturgy', *Judaism* 46 (1997) 164–7.

28 On the Sirach parallels, see K. Kohler, 'The Origin and Composition of the Eighteen Benedictions with a Translation of the Corresponding Essene Prayers in the Apostolic Constitutions', *HUCA* 1 (1924) 393; Joseph Tabory, 'The Precursors of the *'Amidah*', *Identität durch Gebet* (ed. Gerhards *et al.*) 123–4. On the Qumran parallels, see Shemaryahu Talmon, 'The "Manual of Benedictions" of the Sect of the Judaeen Desert', *RevQ* 8 (1960) 491–4.

29 See Pieter W. Van der Horst, 'Was the Synagogue a Place of Sabbath Worship Before 70 CE?', *Japheth in the Tents of Shem: Studies on Jewish Hellenism in Antiquity* (Biblical Exegesis and Theology 32; Leuven/Paris/Sterling, VA: Peeters, 2002 [orig. 1999]) 55–82.

30 See Stuart S. Miller, 'The Rabbis and the Non-Existent Monolithic Synagogue', *Jews, Christians and Polytheists in the Ancient Synagogue* (ed. Steven Fine; London: Routledge, 1999) 57–70; Stuart S. Miller, 'On the Number of Synagogues in the Cities of *'Erez Israel*', *JJS* 49 (1998) 64–6; Miller, 'Roman Imperialism', 345–6.

31 See Stuart S. Miller, *Sages and Commoners in Late Antique 'Erez Israel: A Philological Inquiry Into Local Traditions in Talmud Yerushalmi* (TSAJ 111; Tübingen: Mohr Siebeck, 2006); Adiel Schremer, 'Seclusion and Exclusion: The Rhetoric of Separation in Qumran and Tannaitic Literature', *Rabbinic Perspectives: Rabbinic Literature and the Dead Sea Scrolls. Proceedings of the Eighth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 7–9 January, 2003* (ed. Steven D. Fraade *et al.*; Leiden and Boston: Brill, 2006) 127–45.

liberal use of the NT for the past generation or so in their attempts to reconstruct the social position of the rabbis and their predecessors, the pre-70 Pharisees.³²

And indeed, it is legitimate to ask why the Gospels should be so preoccupied with the Pharisees, if the latter were relatively unimportant. Already in the Synoptic Gospels, the Pharisees are described as Jesus' main antagonists, and Matthew in particular, at the beginning of a chapter that turns into a furious denunciation of 'scribes and Pharisees, hypocrites', still asserts that these same groups, who embrace the title 'Rabbi', need to be obeyed in their halakhic rulings, since they 'sit in Moses' seat' (Matt 23.1-10). In several passages in John, similarly, the author virtually equates the Pharisees with 'the Jews', i.e. the hostile Jewish leadership (8.13, 22; 9.13, 15-16, 18, 22), and in 12.42 he implies that the Pharisees have the authority to expel people from the synagogue. This is of a piece not only with the possibly biased report of Josephus (who was a Pharisee) that the party was popular with the common people (*Ant.* 13.288, 298, 400-404; 18.15), but also with the gripe in the Nahum Peshar that the Qumran sect's Pharisaic enemies, the 'Seekers of Smooth Things', possess 'dominion' (ממשה), are deceiving the many, and are being supported by 'the congregation and the simple ones' (4QpNah 2.4, 8; 3.7-8).³³ This sort of grudging acknowledgment of an opponent's superior political power needs to be taken seriously.³⁴

The NT and other early Christian writings, moreover, are useful not only for showing that the Pharisees and rabbis did have some power but also for trying to trace the history of *Birkat Ha-Minim*, which probably emerged from Pharisaic/rabbinic circles. We can use this Christian literature in a similar way to Ehrlich's deployment of Talmudic references to the benedictions of the 'Amidah: it enables us to see whether or not certain features of the later texts might go back to the early Christian centuries. Most important in this regard is the testimony in patristic literature, beginning with Justin Martyr, about Jews cursing Christians in their synagogues.³⁵ When we recall that the word ברכה in the phrase ברכה המינים is a euphemism for 'curse', and that the whole phrase

32 See already Neusner's pioneering work, Jacob Neusner, *From Politics to Piety: The Emergence of Pharisaic Judaism* (Englewood Cliffs, NJ: Prentice-Hall, 1973). More recently, Cohen, 'Pharisees' takes seriously the light that the early Christian evidence can shed on the question of the influence of the Pharisees and rabbis.

33 See Shani L. Berrin, *The Peshar Nahum Scroll from Qumran: An Exegetical Study of 4Q169* (STDJ 53; Leiden and Boston: Brill, 2004) 98-9.

34 Cf. Schremer, 'Seclusion', 140.

35 Justin *Dial.* 16.4; 96.2, and cf. the passages from Epiphanius and Jerome on the cursing of the 'Nazoreans' (Epiphanius *Pan.* 29.9.2; Jerome *in Esaiam* 2 [on Isa 5.18-19]; 13 [on Isa 49.7]; 14 [on Isa 52.4-6]; *in Amos* 1 [on Amos 1.11-12]; cf. Origen *Homilies on Jeremiah* 19.12.31: 'Enter the synagogues of the Jews and see Jesus flagellated by those with the language of blasphemy' (cited in Kimelman, '*Birkat Ha-Minim*', 236). For discussion of these passages, see S. Krauss, 'The Jews in the Works of the Church Fathers', *JQR* 5-6 (1892-4) 122-57, 82-9, 225-61; Kimelman, '*Birkat Ha-Minim*', 235-40; Horbury, 'Benediction', 72-4. Some of the texts are

means 'the cursing of the heretics', the similarity to these patristic references to the cursing of Christians in the synagogue becomes too great to ignore. This pushes back to about 150 CE, the date for Justin's *Dialogue with Trypho*, the evidence for an anti-Christian version of *Birkat Ha-Minim*, and possibly for the phrase הנצרים והמינים.³⁶ This argument from external attestation is supported by one from textual study of the manuscripts of the Benediction in the Genizah and elsewhere; after an exhaustive investigation, Ehrlich and Langer conclude that attestation for נצרים is as old as that for מינים: 'If one of them is early, then both are, and if one of them is late, then both are'.³⁷

Recognizing the importance of the patristic citations, and especially of the texts from Justin Martyr, for an early dating of *Birkat Ha-Minim*, Kimelman has questioned their relevance. He points out that Justin does not mention prayer specifically when he speaks of Jews cursing Christians in their synagogues in *Dialogue* 16.4; 47.4; and 96.2. In *Dialogue* 137.2, moreover, he talks of the rulers of the synagogues teaching their congregants to scoff at Christ (not Christians) *after* their prayers (not *during* them).³⁸ These arguments, however, are not convincing. The most probable context for the cursing of Christians in synagogues is a liturgical one, and the line between cursing Christians and cursing their master would have been thin to the vanishing point in a world in which it was commonly believed that a person's messenger was as the person himself (*m. Ber.* 5.5; *b. Qid.* 41b; cf. Mark 9.37 pars.; John 13.20). It is not clear, moreover, that μετὰ τὴν προσευχὴν in *Dial.* 137.2 means 'after the prayer'. It may, on the contrary, mean 'at the end of the prayer',³⁹ 'according to the prayer',⁴⁰ or, most likely, 'by means of the prayer'.⁴¹ The latter translation, indeed, corresponds to Justin's usage elsewhere. In *Dial.* 45.1, for example, he promises to complete his discourse μετὰ τὰς ἐξέτάσεις καὶ ἀποκρίσεις, which

also given in A. F. J. Klijn and G. J. Reinink, *Patristic Evidence for Jewish-Christian Sects* (NovTSup 36; Leiden: Brill, 1973).

36 Cf. Elbogen, *Liturgy*, 46.

37 Ehrlich and Langer, 'Earliest Texts', 79.

38 Kimelman, 'Birkat Ha-Minim', 235–6. Cf. also Katz, 'Issues', 65–6 and Katz, 'Rabbinic Response', 283–4, who points out that the term 'Nazarenes', while attested by two later church fathers, Epiphanius (*Panarion* 29.1.1–9) and Jerome (*in Esaiam* 8.11–15 *et passim*) is absent in the works of two earlier ones, Justin and Origen. He also observes that the Johannine ἀποσυνάγωγος texts contain no specific reference to cursing or to a liturgical context, and hence he disputes their link with *Birkat Ha-Minim*. These, however, are both entirely arguments from silence, and hence not as weighty as Kimelman's objections.

39 So Philippe Bobichon, *Justin Martyr: Dialogue avec Tryphon. Édition critique* (Paradosis 47/1–2; 2 vols.; Fribourg: Academic Press Fribourg, 2003) 1.551; cf. μετὰ τρεῖς ἡμέρας, in Matt 27.63; Mark 8.31; 9.31; 10.34.

40 For μετὰ + accusative = 'according to', see LSJ 1109 (CIII); *PGL* 848 (A1c); see, for example, μετὰ νόμον in Chrysostom *hom.* 3.2.2 *in Ac.* (9.250B).

41 Cf. *PGL* 848 (A1 h) on the instrumental use of μετὰ + accusative in patristic texts.

may mean 'by means of questions and answers'. In *Dial.* 113.4, similarly, he says that Jesus will give Christians an eternal inheritance μετὰ τὴν ἁγίαν ἀνάστασιν, which probably means 'by means of his holy resurrection'. And in *Dial.* 138.2 he says that Moses, taking the rod, led the children of Israel through the sea μετὰ χεῖρα, which almost certainly means 'by means of his hand'. Despite Kimelman's objections, then, Justin's *Dialogue* provides strong evidence for a usage of *Birkat Ha-Minim* against Christians in the mid-second century CE.

But we can probably trace *Birkat Ha-Minim* back even further than 150 CE, since as we have seen the patristic citations continue a Christian hostility to Pharisees and rabbis that is already well attested in the NT and that can be plausibly linked to rabbinic enactments such as *Birkat Ha-Minim*. In the Johannine ἄποσυνάγωγος texts, moreover (John 9.22; 12.42; 16.2), the Fourth Gospel speaks of a decision by 'the Jews' (9.22) or 'the Pharisees' (12.42) to put out of the synagogue and the Jewish community in general anyone who confesses Jesus as the Messiah,⁴² and it is easy to see the self-curse of *Birkat Ha-Minim* as a weapon for enforcing such an edict. The alternative is, as Katz puts it, to view the Johannine passages as 'complete fabrications created to make Christians fearful of visiting synagogues'⁴³—an unlikely hypothesis given the consonance between these NT passages and the rabbinic traditions considered above.⁴⁴

4. *Minim* in Rabbinic Literature

A consideration of the usage of the word *minim* in rabbinic literature reinforces this argument from early Christian writings, since from the Tannaitic period on, *minim* is prominently applied to Christians.

Admittedly, the Christians are not the only group tarred with this epithet. In fact, in *y. Sanh.* 10.5 (29d), R. Yohanan, a third-century Palestinian sage, ascribes the second exile to the fissuring of Jewish society into twenty-four classes of *minim*.⁴⁵ As this passage suggests, in early traditions *minim* is usually reserved

42 I prefer to see both nuances (out of the synagogue/Jewish community) in ἄποσυνάγωγος in John (on the ambiguity, see above, n. 10). The two Johannine usages of συναγωγή ('synagogue') seem to refer to the building, not just to a gathering of Jewish people (see 6.59; 18.20). And ἐξέβαλον αὐτὸν ἔξω in 9.34–35 suggests a concrete nuance for ἄποσυνάγωγος in 9.22. But anyone banned from the synagogue was effectively excluded from the Jewish community, so the term is probably a *double entendre*.

43 Katz, 'Rabbinic Response', 284 n. 84, summarizing Kimelman, '*Birkat Ha-Minim*', 234–5 and 396–7 nn. 56–7.

44 See above, pp. 525–26, on *b. Ber.* 28b–29a and *y. Ber.* 5.3 (9c). As a reminder, the Yerushalmi passage speaks of intensive scrutiny of the way in which a congregant recites *Birkat Ha-Minim*, and the Bavli one of 'removing' him (מעלין אותו) on suspicion that he is a *min*, if he errs in his recitation. This overlaps with the basic picture in the Johannine passages: expulsion from the synagogue because of demonstrated belief in Jesus.

45 אמר רבי יוחנן: לא גלו ישראל עד שנעשו עשרים וארבע כיתות של מינים.

for heretical *Jews*. To be sure, there are some Amoraic Babylonian texts that use it for Gentiles (e.g. *b. Hul.* 13b), but Tannaitic texts and Amoraic literature from Palestine nearly always employ it to refer to Jewish sectarians.⁴⁶ Alan Segal, moreover, argues that, even when dealing with later texts, '[f]rom a methodological point of view..., one has to assume that *minim* are always Jewish sectarians, ... unless they are specifically accused of anti-Israel propaganda'.⁴⁷

Of these Jewish sectarians, identifiable Jewish Christians are mentioned comparatively frequently as *minim* in Tannaitic sources and Amoraic literature from Palestine. In *t. Hul.* 2.24, for example, R. Eliezer is arrested by/for *minut* because he once heard with pleasure words of heresy spoken in the name of Jesus.⁴⁸ Because of its proximity to the tale about R. Eliezer, the story in *t. Hul.* 2.22 about Jacob of Kefar Sama attempting to heal Ben Dama in the name of Jesus also seems, in the opinion of the Tosefta's editors, to be a narrative about *minut*. And *t. Yad.* 2.13 and *t. Šabb.* 13(14).5 mention הגליונים וספרי (ה)מינים, which probably means 'the Gospels and the other books of the *minim*' (see below, p. 539).⁴⁹ It is also likely that the stricture in *m. Meg.* 4.8–10 against reading the second narrative of the Golden Calf because of the danger of *minut* is directed against Christian interpretations of that story,⁵⁰ and that in

46 Kimelman, 'Birkat Ha-Minim', 228–32. A possible exception is provided by *y. Ber.* 1.4 (3c), in which it is said that the Ten Commandments are no longer recited every day 'because of the claim of the *minim*: so that they should not say, Only these were given to Moses on Sinai'. As Philip S. Alexander, 'Jewish Believers in Early Rabbinic Literature (2d to 5th Centuries)', *Jewish Believers in Jesus: The Early Centuries* (ed. Oskar Skarsaune and Reidar Hvalvik; Peabody MA: Hendrickson, 2007) 675–6 points out, if the *minim* in question are Christians, they are probably non-Torah-observant Gentile Christians rather than Jewish ones, since '[t]he evidence suggests that Jewish Christians continued to observe many of the laws (circumcision and kashrut) which are not part of the Ten Words'. In a more recent article, Kimelman argues that *Didascalia Apostolorum* ch. 26 (Kimelman mistakenly cites it as ch. 16) implies the existence of Jewish Christians who revere only the Decalogue, not the 'Second Legislation', which includes prescriptions for sacrifices, abstention from certain meats, bathing after intercourse and menstruation, etc. (see Reuven Kimelman, 'The Shema' Liturgy: From Covenant Ceremony to Coronation', *Kenishta: Studies of the Synagogue World* [ed. Joseph Tabory; Ramat-Gan: Bar-Ilan University, 2001], 70–1 n. 213). As Anders Ekenberg points out, however, while the author of the *Didascalia* and some of his addressees are probably from a Jewish background, most of them are probably Gentiles who have never tried to observe the Mosaic law in its fullness (see Anders Ekenberg, 'Evidence for Jewish Believers in "Church Orders" and Liturgical Texts', *Jewish Believers in Jesus* [ed. Skarsaune and Hvalvik], 649–53). It is therefore doubtful that the *Didascalia* should be cited in an unnuanced way as evidence for 'Jewish Christianity'.

47 Segal, *Two Powers in Heaven*, 58 n. 40.

48 For a penetrating analysis of this passage, see Daniel Boyarin, *Dying for God: Martyrdom and the Making of Christianity and Judaism* (Figurae; Stanford University, 1999) 22–41.

49 On these passages and others, see Kimelman, 'Birkat Ha-Minim', 228–32 and Alexander, 'Jewish Believers', 665–87.

50 See Alexander, 'Jewish Believers', 672–3.

Palestinian sources most of the proponents of ‘two powers in heaven’ heresy, who are sometimes identified as *minim*, are Jewish Christians.⁵¹ On the basis of such evidence, even Reuven Kimelman, who entitles his article ‘*Birkat Ha-Minim* and the Lack of Evidence for an Anti-Christian Jewish Prayer in Late Antiquity’, says that it is ‘safe to conclude that the Palestinian prayer against the *minim* was aimed at Jewish sectarians among whom Jewish Christians figured prominently’.⁵²

After the Christians, the groups most frequently mentioned by recent scholars as *minim* in rabbinic literature are (roughly in order of frequency of reference in secondary literature) Sadducees, Essenes, Gnostics, and Samaritans. Let us consider these groups one at a time, in reverse order. To anticipate our conclusion, none of them has the sort of high profile that Christians do.

With regard to Samaritans, Alan Segal points out that one late midrashic text (*Lev. Rab.* [Vilna] 13.5) may call a Samaritan מִינְאִי.⁵³ It is debatable, however, whether this is actually ancient evidence for a Samaritan being called a *min*,⁵⁴ and even if it is, it is a very rare usage. By the first century CE, a Samaritan was no longer the sort of inside–outsider whom the word מִן designated but an outsider pure and simple. It is not surprising, then, that a Tannaitic passage, *t. Hul.* 1.1, distinguishes *minim* from Samaritans.

As for Jewish Gnostics, some scholars, such as Segal, mention them as possible targets of *Birkat Ha-Minim*.⁵⁵ As Travers Herford already pointed out, however, the few named individuals in rabbinic texts who have been identified as possible Gnostics, such as Ben Zoma, Ben Azzai, and Elisha ben Abuya, are never called *minim*.⁵⁶ Segal’s case for *minim* as Gnostics is based on rabbinic passages in which anonymous interlocutors, some of whom are called *minim*, are accused

51 See Boyarin, *Border Lines*, 56; Alexander, ‘Jewish Believers’, 682–6.

52 Kimelman, ‘*Birkat Ha-Minim*’, 232. I had long puzzled over the apparent conflict between this conclusion and Kimelman’s title; if Jewish Christians were prominent among the targets of *Birkat Ha-Minim*, how could evidence for an ancient anti-Christian Jewish prayer be lacking? When I asked Kimelman this question in a conversation at the SBL Annual Meeting in Boston in November 2008, he responded, ‘But they [the Nazarenes] were Jews!’—and thus, seemingly, not Christians. But to dichotomize the terms ‘Jewish’ and ‘Christian’ in this way reflects the modern situation more than the ancient one.

53 Segal, *Two Powers in Heaven*, 7 n. 7.

54 The text does not call this מִינְאִי a Samaritan. Segal notes that he ‘is usually identified as a Samaritan’ because he criticizes Alexander for standing up before a Jew, and ‘Samaritans are reported in other legends to have criticized the Jews before Alexander’. The reasoning is somewhat circuitous, and in any case the word מִינְאִי is not present in the authoritative edition of Margolioth but only in the less reliable Vilna version.

55 See Segal, *Two Powers in Heaven*, *passim*. An early proponent of the view of *minim* as Jewish Gnostics was Moriz Friedländer, *Der vorchristliche jüdische Gnosticismus* (Göttingen: Vandenhoeck & Ruprecht, 1898), whose views were given a thorough critique by R. Travers Herford, *Christianity in Talmud and Midrash* (repr. 1903; Clifton, NJ: Reference, 1966) 368–76.

56 Herford, *Christianity*, 368–70.

of positing two or more powers in heaven. According to Segal, these heretics sometimes seem to be Gnostics. For example, in *Mekilta*, Bahodesh 5 (Lauterbach 2.231–32), R. Nathan builds on Exod 20.2 an argument that only one God gave the Law, and that he did not do so deviously. This appears to be an argument against Gnostics who maintain that the God of the Law is not the true God, and that this Demiurge introduced the Law surreptitiously. Segal acknowledges, however, that in many of the ‘two powers’ passages the opponents may be Christians who believe in the divinity both of the Father and of Jesus,⁵⁷ and Daniel Boyarin points out that ‘in the most extensive text in which Two Powers arguments are debated with *minim* (Palestinian Talmud Berakhot 12d–13a), it is obvious that these *minim* hold a Logos theology and not a “Gnostic” evil-creator sort of doctrine’.⁵⁸ In any case, Jewish Gnosticism is a difficult phenomenon to pin down, so much so that some scholars doubt its existence.⁵⁹ It is unlikely to be the main target of *Birkat Ha-Minim*.

Essenes and Sadducees are more promising candidates. Martin Goodman has recently argued that these groups probably continued to play a role in Palestinian Jewish society after 70 CE—they were too important simply to vanish in the wake of the First Jewish Revolt. There are, moreover, some Tannaitic and later passages in which מין is used for a heretic whose ideology resembles that of the Sadducees. In *m. Ber.* 9.5, for example, the Sages institute a rule requiring that concluding formulas of blessings should include the phrase מן העולם ועד העולם (‘from eternity to eternity’, lit. ‘from the world to the world’) in order to confute *minim* who say that there is only one world, i.e. no world to come. And *y. Ber.* 5.3 (9c) stipulates that the person who omits the benediction ‘who makes the dead to live’ must repeat his prayer, since he is suspected of being a *min*.⁶⁰ As we shall see below, moreover, there are tannaitic texts that use *min/minim* to refer to groups whose practices seem to be similar to those of the Qumran sect or the Essenes. It is hard, however, to think of Essenes and Sadducees as the main targets of

57 See, for example, Segal, *Two Powers in Heaven*, 70 on *b. Sanh.* 38b and 116–18 on *b. Hul.* 87a. On pp. 70–3, Segal considers the possibility that the *minim* combated by R. Idi in *b. Sanh.* 38b may be Merkabah mystics, but he considers this somewhat less likely than that they are Christians, ‘because nowhere else are Merkabah mystics explicitly called “*minim*”’ (p. 73).

58 Boyarin, *Border Lines*, 56. See also Marcel Simon, *Verus Israel: A Study of the Relations Between Christians and Jews in the Roman Empire AD 135–425* (Littman Library of Jewish Civilization; London: Valentine Mitchell & Co., 1996 [orig. 1964]) 192–6, who shows that exegetical debates between rabbis and ‘two power’ heretics often center on biblical texts that were central to Christian polemic against Judaism.

59 See, for example, Karen L. King, *What is Gnosticism?* (Cambridge MA and London: Harvard University, 2003) 175–87.

60 אין מחזירין אותו חוץ ממי שלא אמר מחיה המתים ומכניע זדים ובונה ירושלים. אני אומר: מין הוא (‘They don’t make anyone return [to the bema] except for the one who does not say “who makes the dead to live” or “who subdues the arrogant” or “who builds Jerusalem”; I might think that he is a *min*’).

Birkat Ha-Minim, especially since evidence for their continued existence is largely circumstantial.⁶¹

By process of elimination, then, if nothing else, the Jewish Christians emerge as the most prominent candidates for *min* status in the earliest strata of rabbinic literature. As we have seen, they are frequently called מינים in Tannaitic traditions and Palestinian Amoraic traditions, and they fit the bill nicely, since they are inside outsiders—people with whom the rabbis share basic presuppositions (e.g. the authority of the Tanach), practices (observance of the Torah), and community (to the point that Jewish Christians and rabbis keep running into each other and debating scripture, and even distinguished rabbis are tempted to be treated by Christian healers). Yet they are also people whom the rabbis consider to be fundamentally mistaken about central matters such as the unity of God. They are, in short, *minim*.

5. ‘The Nazarenes and the [Other] Heretics’

But if Jewish Christians were the most prominent targets of *Birkat Ha-Minim*, and this prominence is reflected in the Johannine ἀποσυστάγωγος texts and the passages from Justin about Jews cursing Christians in the synagogues, what does one make of the argument of Kimelman and Katz that the reading in Schechter’s Genizah text, הנצרים והמינים (‘the Nazarenes and the heretics’), is awkward and the reference to the Nazarenes = Jewish Christians secondary? My reply is twofold:

- 1) Even if it were true that the original form of *Birkat Ha-Minim* mentioned only מינים, not נצרים, it would still be possible, and indeed likely, that the main target of the benediction was Jewish Christians. If, as argued in the previous section, Jewish Christians were the most prominent group among those whom rabbinic Jews designated as *minim*, a curse against *minim* would be understood as targeting Jewish Christians above all. Kimelman and Katz object that Jewish Christians could have escaped the threat of self-curse by saying, in effect, ‘I am not a heretic; the benediction must apply to someone else’.⁶² But as Phillip Alexander responds, *min* = ‘heretic’ seems to be a rabbinic coinage for those whom the *rabbis* considered to be heretics, ‘[s]o anyone opposed to the Rabbis would have felt threatened’.⁶³

61 The argument in Martin Goodman, ‘Sadducees and Essenes After 70 CE’, *Judaism in the Roman World: Collected Essays* (Leiden and Boston: Brill, 2007) 153–62 is, as the author recognizes, essentially negative, relying not on hard and copious evidence of the continued existence of these groups but on an inability to identify good reasons for thinking that they would have disappeared after 70 CE.

62 See Kimelman, ‘*Birkat Ha-Minim*’, 227; Katz, ‘Issues’, 74–5.

63 Philip S. Alexander, ‘“The Parting of the Ways” from the Perspective of Rabbinic Judaism’, *Jews and Christians: The Parting of the Ways A.D. 70 to 135. The Second Durham-Tübingen*

- 2) More importantly, the syntactical basis of the argument for the secondariness of ‘Nazarenes’ is faulty. Contrary to the assertion of Kimelman and Katz, a phrase of the form ‘the Christians and the heretics’ is not at all unnatural in the context of ancient Jewish and Christian literature. Indeed, there are many ancient examples in which the specific precedes the general in this way.

Perhaps the best-known instances are the allusions in the Synoptic Gospels to *τελώναι καὶ ἁμαρτωλοί* = ‘toll collectors and sinners’, some of which are put into the mouths of Jewish opponents (Matt 9.10–11; 11.19; Mark 2.15–16; Luke 5.30; 7.34; 15.1). The *καί* here is generalizing, a usage known from classical Greek,⁶⁴ and the phrase means ‘toll collectors and [other] sinners’.⁶⁵ Other possible NT examples include the common Matthean/Lukan locution, *γραμματεῖς καὶ Φαρισαῖοι* (‘scribes and [other] Pharisees’),⁶⁶ *προφῆται καὶ δίκαιοι* (‘prophets and [other] righteous people’) in Matt 13.17, *ἱερεῖς καὶ Λευίτας* (‘priests and [other] Levites’) in John 1.19,⁶⁷ *πάντων τῶν ὀλοκαυτωμάτων καὶ θυσιῶν* (‘than all whole burnt offerings and [other] sacrifices’) in Mark 12.33, and several locutions in which the word *βασιλεῖς* (‘kings’) is followed by a generalizing term.⁶⁸ This NT usage continues one that is already attested in Second Temple Jewish literature. In 1 Macc 14.28, for example, *ἐπὶ συναγωγῆς μεγάλῃς ἱερέων καὶ λαοῦ* (‘at the great assembly of the priests and the people’) is apparently meant to be synonymous with *τοῖς ἱερεῦσιν καὶ τῷ λοιπῷ δήμῳ* (‘to the priests and the rest of the populace’) in 14.20.

Nor did speakers of ancient Greek have a monopoly on use of the generalizing ‘and’. The NT phrase ‘whole burnt offerings and [other] sacrifices’, which is cited

Research Symposium on Earliest Christianity and Judaism (Durham, September 1989) (ed. J. D. G. Dunn; WUNT 66; Tübingen: J. C. B. Mohr [Paul Siebeck] 1992) 9–10 n. 14; Alexander, ‘Jewish Believers’, 666, 674.

64 See, for example, Aristophanes *Nubes* 413 *ὦ Ζεῦ καὶ θεοί* (‘O Zeus and the [other] gods’); cf. H. W. Smyth, *Greek Grammar* (Cambridge, MA: Harvard University, 1956 [orig. 1920]) §2869.

65 Cf. Joel Marcus, *Mark 1–8: A New Translation with Introduction and Commentary* (AB 27; New York: Doubleday, 2000) 226.

66 Matt 5.20; 12.38; 23.2, 13–15; Luke 5.21; 6.7; 11.53; cf. John 8.3. The hypothesis that the *καί* here is generalizing is supported by several Synoptic passages that speak explicitly of scribes who belong to the Pharisaic party (Mark 2.16; Luke 5.30; Acts 23.9).

67 ‘Levites’ here is usually understood as a designation for lower-level descendants of Levi than priests (who also were descendants of Levi), but the *καί* could be generalizing. Cf. 1 Clem 32.2, *ἱερεῖς καὶ λευῖται πάντες οἱ λειτουργοῦντες τῷ θυσιαστηρίῳ*, ‘the priests and all the Levites serving at the altar’.

68 *βασιλεῖς καὶ ἡγεμόνας* (‘kings and [other] leaders’) in Luke 21.12; *οἱ βασιλεῖς...καὶ οἱ ἄρχοντες* (‘the kings...and the [other] rulers’) in Acts 4.26 (cf. Ps 2.2); *οἱ βασιλεῖς τῆς γῆς καὶ οἱ μεγιστάνες* (‘the kings and the [other] great ones of the earth’) in Rev 6.15.

above, is an OT locution (Exod 10.25; 2 Chron 7.1; Ezek 44.11), as is ‘priests and [other] Levites’ (1 Kgs 8.4; 1 Chron 13.2; 15.14 etc.), and there are several other OT phrases that pair priests with a larger, more inclusive group, by means of *waw* (‘and’): הַכֹּהֲנִים וְהָעָם (‘the priests and the [rest of the] people’) in Exod 19.24, הַכֹּהֲנִים הַלְוִיִּם וְכָל יִשְׂרָאֵל (‘the Levitical priests and all [the rest of] Israel’) in Ezra 10.5, הַכֹּהֲנִים וְהַשּׁוֹפְטִים (‘the priests and the [other] magistrates’) in Deut 19.17, לַכֹּהֲנִים וְלַקְּסָמִים (‘to the priests and to the [other] diviners’) in 1 Sam 6.2, וְכָל הָעָם (‘the priests and all the [rest of the] people’) in Jer 26.7–8; 28.1, 5; 29.1, etc. Nor are the priests the only group that can be included in such a generalizing expression; see, for example, אֵל הַשְּׂרִיפִים וְאֵל כָּל הָעָם (‘to the officials and to all [the rest of] the people’) in Jer 26.11, מַלְכֵינוּ וְשָׂרֵינוּ (‘our kings and our [other] officials’) in Jer 44.17, 21, and מַלְכֶיהָ וְכָל נְשֵׂאֶיהָ (‘her kings and all [the rest of] her chieftains’) in Ezek 32.29.

Post-biblical Jewish literature written in Hebrew is also familiar with the idiom of the generalizing ‘and’. In the Dead Sea Scrolls, for example, the phrase מְשִׁיחַ [וְ] (‘the anointed one[s] of Aaron and of Israel’) in 1QS 9.11; CD 14.19 provides an example, since the tribe of Aaron is a subset of the people of Israel. In rabbinic literature, similarly, the formula ‘Rabbi X and the [other] sages’ is very common from the Mishnah on (see *m. Ber.* 1.1; 6.8; 7.5, etc.), and similar phrases such as הַסּוֹפְרִים וְהַחֲכָמִים (‘the scribes and the [other] sages’, *Exod. Rab.* 30.5) also occur. Significantly, moreover, as we have briefly noted above, there is in the Tosefta a phrase that uses a generalizing ‘and’ with reference to *minim*: הַמִּינִים (הַ) וְסִפְרֵי הַגְּלוֹיוֹנִים וְסִפְרֵי הַמִּינִים = ‘the Gospels and the [other] books of the *minim*’ (*t. Yad.* 2.13; *t. Šabb.* 13[14].5).⁶⁹ And there is even a possible example elsewhere within the *Amidah* itself, שׁוֹפְטֵינוּ...וְיֹעֲצֵינוּ (‘our judges and our [other] counselors’) in Benediction 11.

Given the frequency of the generalizing ‘and’, it seems very plausible that the phrase in the next benediction of the *Amidah*, הַנְּצָרִים וְהַמִּינִים, should be interpreted as ‘the Christians and the other heretics’.⁷⁰ If so, the benediction containing this phrase could justly be called *Birkat Ha-Minim*, since *minim* is the more inclusive

69 On this interpretation of the phrase, see Alexander, ‘Jewish Believers’, 682.

70 Earlier attestations of this interpretation of the phrase הַנְּצָרִים וְהַמִּינִים include Paul Riessler, *Altjüdisches Schrifttum ausserhalb der Bibel* (Heidelberg: F. H. Kerle, 1928) 9; Simon, *Verus Israel*, 198; Martyn, *History*, 63; and Levine, *Synagogue*, 209. Kimelman, ‘*Birkat Ha-Minim*’, 233 notes such paraphrases but rejects them because they require inserting a word not found in the text (‘other’) and because he considers the phrase ‘Jewish Christians and heretics’ to be redundant. Moreover, he berates the updaters of Elbogen’s book for paraphrasing הַנְּצָרִים וְהַמִּינִים as ‘the *minim* in general and the *nošrim* in particular’ (cf. Elbogen, *Liturgy*, 36) a rendering that ‘gives the erroneous impression that the text reads first *minim* and then *nošrim* rather than the reverse’ (394 n. 41). But the phrase ‘the Nazarenes and the heretics’ is not redundant if the former is a subset of the latter, and the evidence adduced above shows clearly that putting the subset first was a common way of getting this idea across.

term. This interpretation also comports with our survey of *min* passages in the previous section, since it showed that, in early rabbinic sources, the Christians were the most prominent but not the only group that could be denoted by the term. An interpretation of הנצרים והמינים as ‘the Christians and the other heretics’ fits this combination perfectly.⁷¹

6. The Genealogy of *Birkat Ha-Minim*

It is, moreover, likely that *Birkat Ha-Minim* can be traced back even earlier than the Tannaitic and Amoraic periods. Indeed, the very Talmudic passage that speaks of its composition at Yavneh, *b. Ber.* 28b-29a (see above, pp. 525–26), hints at this backdating when it says that at Rabban Gamaliel’s request Simeon ha-Paqli organized the Eighteen Benedictions in order (הסדר על הסדר). This seems to refer to the reorganization of an existent prayer. A similar nuance may be present when the same passage says that Gamaliel sought someone לתקן ברכת המינים. The Soncino translation of Maurice Simon renders this as ‘[to] frame a benediction relating to the *Minim*’.⁷² But לתקן, which Simon renders here as ‘to frame’ and in the next sentence as ‘to compose’,⁷³ is actually ambiguous, since it can mean either ‘to ordain’ or ‘to repair’⁷⁴—in the present case, either to invent or to revise a benediction. The English verb ‘to fix’ provides a perfect analogy, since it can mean either to fix something up or to ‘fix’ it for all time, i.e. to set it in stone.⁷⁵

In this particular case, most translations join the Soncino in opting for the nuance of ordaining or promulgating, but the implication of repairing or revising may be preferable, as is suggested by the important early passage *t. Ber.* 3.25. This text identifies *Birkat Ha-Minim* as one of several benedictions that were created by melding earlier prayer traditions:

כולל של מינים בשל פרושין ושל גרים בשל זקנים ושל דוד בבונה ירושלים.

71 Therefore Peter Schäfer, ‘Die sogenannte Synode von Jabne. Zur Trennung von Juden und Christen im ersten/zweiten Jh. n. Chr’, *Studien zur Geschichte und Theologie des rabbinischen Judentums* (repr. 1975; AGJU 15; Leiden: Brill, 1978) 60 and Katz, ‘Issues’, 74 are attacking a straw man when they argue that *Birkat Ha-Minim* was not directed *exclusively* at Jewish Christians.

72 Translation by Maurice Simon from Isadore Epstein, ed., *Hebrew-English Edition of the Babylonian Talmud* (London: Soncino, 1990).

73 ‘Samuel the Lesser arose and composed it’, which renders עמד שמואל הקטן ותקנה.

74 Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* (New York: Judaica, 1982 [orig. 1886–1903]) 1691–2. Arguing in favor of the nuance ‘repair’ here is S. Lieberman, *Tosefta Ki-Fshutah: A Comprehensive Commentary on the Tosefta* (New York: Jewish Theological Seminary, 1955 [Hebrew]) Zera’im 1.54, on the basis of the passage from *t. Ber.* 3.25 to be discussed below.

75 I am grateful for this comparison to my colleague Kalman Bland.

One inserts [the benediction] of the heretics into [the benediction] of the separatists and [the benediction] of the proselytes into [the benediction] of the elders, and [the benediction] of David into [the benediction concluding], 'Builder of Jerusalem'. (my translation)

This implies that *Birkat Ha-Minim* resulted from editorial activity that incorporated the cursing of the מנינים into another imprecation. Lieberman, citing *b. Ber.* 28b, identifies the point of transition as the meeting at Yavneh.⁷⁶

The general point asserted by *t. Ber.* 3.25, that *Birkat Ha-Minim* is a composite benediction, is supported by internal evidence. As Philip Alexander puts it:

The motif of the arrogant kingdom actually forms the framework of the benediction: note how the concluding formula, which normally draws out the central point, refers to 'humbling the arrogant' and makes no mention of the *minim*. It is...likely that the *Birkat ha-Minim* is a restatement of an earlier benediction calling for the overthrow of Israel's oppressors.⁷⁷

An earlier form of the benediction, then, was probably directed against the pagan empire; indeed, even as late as the Amoraic period, the benediction could be called מכניע זדים ('he who subdues the arrogant') from its concluding eulogy.⁷⁸ Various later versions of the saying quoted above from *t. Ber.* 3.25, moreover, speak of intercalating *Birkat Ha-Minim* not into the 'benediction of the separatists' but into 'he who subdues the arrogant'.⁷⁹ The original form of what we now call *Birkat Ha-Minim*, therefore, probably cursed neither the פרושין ('separatists') nor the מנינים ('heretics'), but rather the זדים ('arrogant'), and was directed against the Romans. At a later stage (under Rabban Gamaliel, according to *b. Ber.* 28b), it was reformulated to include other targets, resulting in its present hybrid form.

Our confidence in the reliability of the Tosefta passage is increased by a look at the two other benedictions identified by *t. Ber.* 3.25 as having been intercalated, since these likewise reveal internal evidence of intercalation. The benediction that speaks about the building of Jerusalem is, in the recension that predominates in Jewish prayer books today, separate from the benediction that speaks about the

76 See Lieberman, *Tosefta*, Zera'im 1.54; cf. Horbury, 'Benediction', 85–6.

77 Alexander, 'Parting', 8.

78 See *y. Ber.* 5.3 (9c) quoted above, n. 60, citing R. Simon, a third-generation Amora, in the name of R. Joshua b. Levi, a first-generation Amora.

79 See, for example, the baraita cited by R. Jose in *y. Ber.* 4.3 (8a) זדים במכניע זדים ('One includes [the benediction of] the *minim* and of the sinners in [the benediction ending], "He who subdues the arrogant"') (my translation). See also *Tanḥuma* (Warsaw) Korah 12 (5) which speaks of ברכת הזדים שתקנו ביבנה ('The benediction of the arrogant, which [the sages] fixed at Yavneh'). For other instances, see David Flusser, '4QMMT and the Benediction Against the *Minim*', *Judaism of the Second Temple Period*. Vol. 1. *Qumran and Apocalypticism* (Grand Rapids: Eerdmans; Jerusalem: Magnes, 2007 [orig. 1992]) 93 n. 67.

Davidic Messiah (## 14 and 15). In Schechter's Genizah version, however, these two benedictions are melded into one, which ends with a conflated eulogy. The Thirteenth Benediction also seems to be conflated, since it concerns two different groups, pious Jews and converts to Judaism.⁸⁰

Our reconstruction of the tradition history of *Birkat Ha-Minim* is supported by the observation of Ehrlich and Langer that what they call Branch 6, the largest of the six families of *Birkat Ha-Minim* texts in the Genizah (24 out of 86 mss), omits entirely the segment against the *minim*. Ehrlich and Langer acknowledge that this shorter version of the benediction, which owes its popularity to the authority of Saadia Gaon, could be the result of Saadia's abbreviation of a longer form, but they also raise the possibility 'that this version was itself a received early text that Rav Saadia Gaon chose to adopt for his prayer book. If so, this could be an extremely ancient text, perhaps the earliest preserved. It would then be a witness to the period before the addition of the explicit curse against the *nošerim* and *minim*'.⁸¹

7. Qumran Connections

But there is a problem with the argument I have been advancing that the present form of *Birkat Ha-Minim* resulted from the insertion of a curse against the *minim* into one against the arrogant: it does not seem to correspond exactly to the text of our oldest witness to intercalation, *t. Ber.* 3.25. The latter, as we have seen, speaks of the insertion of *Birkat Ha-Minim* not into מכניע זדים ('he who subdues the arrogant') but into ברכת הפרושין ('the benediction of the separatists').⁸² This seems awkward: why should anyone insert a reference to the heretics (מינים) into an imprecation against the separatists (פרושין), when the two terms are nearly synonymous? These two difficulties are related, and some light can be gained on both by asking a further question about the genealogy of the benediction: in what circles might an anti-pagan imprecation have arisen?

If we are right that the prototype for our benediction antedated Yavneh, the most probable answer would be that its curse against the 'arrogant kingdom' reflects the events leading up to the Great Revolt against the Romans in 66–73

80 See Louis Ginzberg, *A Commentary on the Palestinian Talmud: A Study of the Development of the Halakah and Haggadah in Palestine and Babylon* (New York: Jewish Theological Seminary, 1941 [Hebrew]) 3.282–3; Kuhn, *Achtzehngebet*, 18–19, 21–2; Lieberman, *Tosefta*, Zera'im 1.54–55; Luger, *Weekday Amidah*, 145–7.

81 Ehrlich and Langer, 'Earliest Texts', 77–8. The text appears on pp. 72–3: למשומדים אל תהי תקוה: 3.282–3. ברוך אתה יי שובר רשעים ומכניע זדים. (For the destroyed ones may there be no hope, and may the dominion of arrogance be quickly uprooted in our days. Blessed are you, O Lord, who shatters the wicked and subdues the arrogant').

82 As noted above (n. 79) *y. Ber.* 4.3 (8a) does speak of the insertion of ברכת המינים into מכניע זדים, but this is probably secondary to the form of the saying in *t. Ber.* 3.25; see Lieberman, *Tosefta*, Zera'im 1.53–54.

CE. As is well known, Josephus blames this revolt on a group he calls the 'Fourth Philosophy', which he distinguishes from the other leading Jewish sects, the Sadducees, Essenes, and Pharisees (*Ant.* 18.11–25). From Josephus's own testimony, however, the revolutionary group seems actually to have included both Essenes and Pharisees.⁸³ Moreover, the scrolls of the Qumran sectarians, who were probably a subset or offshoot of the Essenes, manifest in many places a militantly anti-Roman ideology, and the Qumran settlement itself appears to have been decimated by the war. The Dead Sea sectarians, then, were in some ways 'zealotic', and it is unsurprising that language similar to the militant denunciation of the 'dominion of arrogance' in *Birkat Ha-Minim* appears throughout the Qumran scrolls, as the following excerpts illustrate:⁸⁴

בהתעופף כול חצי שחת לאין השב ויפרו לאין תקוה בנפול קו על משפט וגורל אף על נעזבים ומתך חמה
על נעלמים וקץ חרון לכול בליעל

when all the arrows of the pit fly off without returning and burst forth *without hope*, when the measuring line falls upon judgment and the lot of wrath upon those who are abandoned, when the outpouring of wrath upon the pretenders and the time of anger for all which belongs to Belial... (1QH-a 11.27–28)

ואין פלט ליצר אשמה לכלה ירמוסו ואין שאר[ית ואין] תקוה ברוב... ולכול גבורי מלחמת אין מנוס כי
לאל עליון ה...ושוכבי עפר הרימו תרן ותולעת מתים נשאו נס במלחמות זדים

But there is no escape for the creatures of guilt, they shall be trampled down to destruction with no rem[nant. And there is *no*] *hope* in the abundance of..., *and for all the heroes of war there is no refuge*. For [] belongs to God Most High... Raise the ensign, O you who lie in the dust, and let the worms of the dead *lift a banner* for...in the battles of *the arrogant*. (1QH-a 14.32–34)

איש פותי אל יבוא בגורל...להתיצב במלחמה להכניע גוים

No dull-witted man is to be ordained to office...to receive command in the war that will *subdue the Gentiles*. (1QSa 1.19–21)

83 On Pharisaic revolutionaries, see *Ant.* 18.23, where Josephus says that adherents of the Fourth Philosophy agree in everything with the opinions of the Pharisees except their unconquerable passion for liberty, and 18.4, where the co-founder of the movement is identified as a Pharisee named Saddok. On Essene participation in the revolution, see *Bell.* 2.152–53; cf. Martin Hengel, *The Zealots: Investigations into the Jewish Freedom Movement in the Period from Herod I until 70 A.D.* (Edinburgh: T. & T. Clark, 1989 [orig. 1961]) General Index s.v. 'Essenes, and Zealots' and 'Pharisees, and Zealots'. On the relation between the Qumran sect and the Essenes, see Jodi Magness, *The Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids, MI and Cambridge: Eerdmans, 2002).

84 Translations are based on, but sometimes altered from, E. Tov, ed., *The Dead Sea Scrolls Electronic Library* (Salt Lake City: Brigham Young University, 2006), which also provides the Hebrew citations.

[להכניע לכה לא[ומי]ם ר[ב]ים]

to *subdue many peoples* on your behalf... (1QSb 3.18)

סרה ממשלת כתיים להכניע רשעה לאין שארית ופלטת לוא תהיה ל[בנ]י חושך

And the *dominion of the Kittim* shall cease, to *subdue wickedness* without a remnant. There shall be no survivors to [the sons of] darkness. (1QM 1.6)

להפיל חללים במשפט אל ולהכניע מערכת אויב בגבורת אל לשלם גמול רעתם לכול גויי הבל

...to bring down the slain by the judgment of God, to *subdue the battle line of the enemy* by the power of God, and to render recompense for their evil to all the *nations of vanity*. (1QM 6.5-6)

ואת פלשתיים הכנ[י]ע פעמים רבות בשם קודשכה

And he [David] *subdued the Philistines many times* through Your holy name. (1QM 11.2-3)

היום מועדו להכניע ולהשפיל שר ממשלת רשעה

Today is His appointed time to *subdue* and to humiliate the prince of the *dominion of wickedness*. (1QM 17.5-6)

להכניע אויב

to *subdue the enemy*... (4QMilamah^a [4Q491] 1-3.8)

אין לה[ם] תקוה בארץ [החיים כי לשאול ירדו ואל מקום הדין ילכו ואין זכרון לכולמה בארץ
כאשר נשמדו בני סדום מהארץ כן ישמדו כול [עובדי]

[there is *no*] *hope* [for th]em in the land [of the living. For they will go down into Sheol and will go into the place of judgment. There will be no mem]ory of them all on the earth. [...As the people of Sodom were *destroyed* from the eart]h, so all [who worship (idols)] will be *destroyed*. (4Q221 = [Jub-f] 2 1.1-3 = Jub 22.22)

אבדה תקות שונה

The enemy's *hope* has *perished*. (4Q365 = 4QRP^c 6a + c 2.4)

ממשלת עולה

dominion of perversity... (1QS 4.19)

בקץ ממשלת[ת] רשעה

at the end of the *domin[ion of] wickedness*... (4QShir-a 1.6)

The similarities include a vision of eschatological destruction in which the dominion of evil, as embodied in the arrogant pagan empire, will be eradicated, and the proud pagans will be subdued and left without hope. It is particularly noticeable that להכניע ('to subdue'), which appears in the eulogy of *Birkat Ha-Minim*, also turns up frequently in these passages, where it seems to be virtually a technical term for the eschatological subjugation of the evil Kittim (= Romans), who are referred to in one passage as זדים ('arrogant'). Another key word in *Birkat Ha-Minim*, תקוה ('hope'), also seems in the Qumran literature to be a technical term for what the evil enemy cannot expect at the eschaton. There are, moreover, frequent construct chains such as 'dominion of perversity' and 'dominion of wickedness', which are parallel in form and meaning to 'dominion of arrogance', a term that is used in *Birkat Ha-Minim*, as in its Qumran parallels, to designate the pagan enemy. The verb שמד, which means 'to destroy', also features in both *Birkat Ha-Minim* and the Qumran texts listed.⁸⁵

Birkat Ha-Minim is not the only benediction in the *'Amidah* to contain such zealous language. Another militant benediction is #10, which like 1QH-a 14.34 uses an imperatival form of the verb נשא ('to lift') plus the object נט ('a banner') in a vision of the eschatological battle. A similar note is struck in Schechter's Genizah version of Benediction 11: ומלוך עלינו אתה לבדך ('and rule over us, you alone'). This is a noteworthy parallel to Josephus's description of the 'Fourth Philosophy' in *Ant.* 18.23.

In many ways, then, the language of *Birkat Ha-Minim* and the [other] militant benedictions of the *'Amidah* strikingly resembles the language of Qumran.

8. *Minim* as a Subjective Genitive?

In light of these similarities, I would tentatively recommend modifying a suggestion by David Flusser, who noticed that *t. Ber.* 3.25 refers to the earlier form of the benediction as ברכת הפרושין and hypothesized that פרושין designated not the Pharisees but the Qumran sect, which was self-consciously separatist in its ideology. As the author of an early Qumran document puts it: פרשנו מרוב העם ('We have segregated ourselves from the majority of the people', 4QMMT 4.7). Other passages praise Qumranian separatism but do not use the verb פרש, employing instead the synonym להבדל (1QS 5.1-2, 10-11; 8.12-14; 9.20-21) and paraphrases such as לסור מדרך העם ('to turn away from the path of the people', CD 8.16; 19.29; 11QMelchizedek 2.24; 4QFlorilegium 2.14). The phrase בית פלג ('house of division') in CD 20.22 also may be a self-designation of the Qumran

⁸⁵ The verb אבד ('to perish') is also present in both the Qumran evidence and Schechter's Genizah version of *Birkat Ha-Minim*, but as Ruth Langer has pointed out to me, it seems to belong to a later layer of the Genizah evidence. I am grateful to Prof. Langer for her helpful critique of an earlier version of this article.

community (cf. also 1QSa 1.1–3). According to Flusser, then, what we now know as ברכת המינים was previously ברכת הפרושים, an imprecation against the Qumran separatists.⁸⁶ Flusser's hypothesis has been strengthened by a recent article of Joshua Burns, who shows that criticism in tannaitic passages of *minim* who use an alternate festal calendar, dress in white, practice aberrant sacrificial rites, and are fastidious about water rituals related to purity corresponds to descriptions of the Essenes from Philo and Josephus and to practices of the Qumran sect in its own literature.⁸⁷

I differ from Flusser and Burns, however, in their assumption that the phrase ברכת המינים in *t. Ber.* 3.25 unambiguously means 'the benediction *against* the separatists'. My counter-suggestion is that perhaps it also contains the nuance of 'the benediction *that comes from* the separatists'. And the same ambiguity, I would suggest, may apply to the report in *b. Ber.* 28b that Rabban Gamaliel asked for someone 'to fix the Benediction of the *Minim*'. This may imply that Gamaliel was looking for someone not only to formulate a malediction *against* heretics, but also to reformulate a malediction that *came from* a group of them. This hypothesis of the Qumranian origin of the '*Amidah*'s only curse is especially compelling because there is ample evidence that the Qumran sect engaged in rituals of cursing.⁸⁸

According to the understanding I am proposing, one nuance of the genitives פרושים in *t. Ber.* 3.25 and מינים in *b. Ber.* 28b may be subjective; the second member of the construct chain, in other words, may denote the group from which the benediction originates.⁸⁹ This understanding comports with what we

86 See Flusser, '4QMMT', 103–7; cf. Boyarin, *Border Lines*, 70, 260 n. 182 and Schremer, 'Seclusion', 128–32.

87 Joshua Ezra Burns, 'Essene Sectarianism and Social Differentiation in Judaea After 70 C.E', *HTR* 99 [2006] 260–8. Among the passages Burns cites for overlap between rabbinic descriptions of *minim* and descriptions of the Essenes/Qumran sect in Philo, Josephus, and the Qumran literature are the following:

- 1) Use of an alternate calendar: see *m. Roš. Haš.* 2.1; cf. CD 3.13–15; 6.18–19; 12.3–4; 16.2–4, etc.
- 2) Dressing in white: *m. Meg.* 4.8; cf. Josephus *Bell.* 2.137.
- 3) Practicing variant sacrificial rites: *m. Hul.* 2.9; *t. Hul.* 2.19; *t. Yoma* 2.10 (cf. *Mek. Amalek* 4 [Lauterbach 2.187]); cf. Josephus *Ant.* 18.19.
- 4) Fastidiousness about water rituals related to purity: *t. Parah* 3.3 (cf. the *Mekilta* passage referred to above); cf. Josephus *B. J.* 2.129, 138, 150; 1QS 3.4–6, 9; 5.13, etc.

88 See Israel Jacob Yuval, *Two Nations in Your Womb: Perceptions of Jews and Christians in Late Antiquity and the Middle Ages* (Berkeley/Los Angeles/London: University of California, 2006) 115–17, who links *Birkat Ha-Minim* with Qumran curses, citing 4QD-a (=4Q266) 11.17–18. Other Qumran curses are found in 1QS 2.4–18; 3.1–6; 4QBer-a (4Q286) 7 a 2,b-d; 4QCurses (4Q280); cf. Russell C. D. Arnold, *The Social Role of Liturgy in the Religion of the Qumran Community* (STDJ 60; Leiden/Boston: Brill, 2006) 159–64.

89 The anonymous NTS reviewer of this article objects that the other genitives in *t. Ber.* 3.25—'of the heretics', 'of the proselytes', 'of the elders', and 'of David'—all seem to be objective rather

see in several other rabbinic examples of phrases of the form *birkat* X. For example, *ברכת כהנים* ('the blessing of priests'), which appears frequently in tannaitic traditions (see, for example, *m. R. Haš* 4.5; *m. Meg.* 4.10; *t. Men.* 6.12), is the benediction with which priests bless the people, as *t. Sof.* 7.7 makes clear (see also *m. Tam.* 7.2).⁹⁰ Similarly, *ברכת פועלים* ('the blessing of workers') in *b. Ber.* 46a is the benediction that workers pronounce, and *ברכת הדיוט* ('the benediction of a layperson') in *b. Meg.* 15a; *b. Ber.* 7a, etc. is the benediction that a layperson pronounces (cf. the context in *b. Meg.* 15a).⁹¹ There also may be some ambiguity about the frequent locution *ברכת האבלים* ('the benediction of the mourners')⁹² and

than subjective. I am not convinced, however, that the objective sense is unambiguous in the case of the benediction 'of the elders', which in the earliest versions does not bless the elders but 'the righteous and the pious' (cf. Elbogen, *Liturgy*, 47; Luger, *Weekday Amidah*, 147). This opens up the possibility that 'of the elders' in *t. Ber.* 3.25 may be a subjective rather than an objective genitive, designating a liturgical text handed down from days of yore (cf. *m. 'Abot* 1.1, and Luger, *Weekday Amidah*, 146, who says that most researchers trace the benediction back to the time of the Antiochene persecutions). 'The benediction of the elders' therefore may mean 'the benediction that comes from the elders', just as according to my hypothesis 'the benediction of the separatists' means 'the benediction that comes from the separatists'. The resulting mixture of subjective and objective genitives in the Tosefta passage as a whole may seem confusing, but we are obviously dealing here with abbreviated catchphrases, and that means that the benedictions and the significance of their names may have been well-enough known that small grammatical inconsistencies would not have been considered awkward.

90 The same subjective genitive interpretation applies to the expression in the singular, *ברכת כוהן* ('the blessing of the High Priest') in *m. Sof.* 7.2; *t. Men.* 6.12, etc.: this is the blessing recited by the High Priest on the Day of Atonement, as *m. Sof.* 7.7 establishes. Other subjective genitives include *ברכת משה*, 'the blessing of Moses' (*Ber. Rab.* 97.5) and the phrases from Gen 49.26, *ברכת אביך* and *ברכת הורי* ('the blessings of your father' and 'the blessings of my parents') which are quoted in *Ber. Rab.* 99.5 (98.20).

91 The subjective genitive interpretation of *ברכת הדיוט* is made explicit by the context in *b. Meg.* 15a: *אמר רבי אלעזר אמר רבי חנינא: לעולם אל תהי ברכת הדיוט קלה בעיניך, שהרי שני גדולי הדור ברכום שני* (ה)גדול ('Rabbi Eliezer said, R. Hanina said: Let not the blessing of an ordinary person be lightly esteemed in your eyes, for behold, two men great in their generation received from ordinary people blessings that were fulfilled in them'—citing the examples of David being blessed by Araunah [2 Sam 24.23] and Daniel being blessed by Darius [Dan 6.17]).

92 One passage, *b. Sof.* 19.8 [12], distinguishes *ברכת האבלים* from the mourner's Kaddish, but this distinction may be late. That the terminology was confusing is shown in *b. Meg.* 23b, which raises the question of what *ברכת האבלים* is. Another passage, *b. Ket.* 8b, speaks of a prayer with regard to mourners (*כנגד אבלים*) that ends *ברוך מנחם אבלים*, but it does not explicitly identify this as *ברכת האבלים*, contrary to the Soncino editor's note on *b. Sem.* 2.1. The two seem to be conflated in *y. Meg.* 4.4 (74c–75a) but many sources seem to distinguish *ברכת האבלים* from *התנוגי האבלים* ('the consolation of the mourners'; see, e.g., *m. Meg.* 4.3; *y. Pes.* 8.8 [35b]; *y. M. Qat.* 1.5 [80d] *b. Ber.* 16b; *b. Meg.* 23b; *b. Sem.* 12.4; 14.14; cf. Lieberman, *Tosefta*, Zera'im 1.49). This would seem to open up the possibility that the genitive in *ברכת האבלים* originally was not objective.

about ברכת הלויים ('the benediction of the Levites') in *b. Sof.* 19.7 etc. and ברכת ההתונים ('the benediction of the bridegrooms') in *b. Ket.* 7b etc., though these are usually taken as objective genitives.

Correspondingly, I am suggesting, there may be ambiguity about ברכת המינים and ברכת הפרושין in some contexts; they may mean both a curse *against* sectarians and separatists and a curse *that comes from* a group of the same. Specifically, it may be that what the rabbis came to call *Birkat Ha-Minim*, 'the curse of the heretics', was originally an anti-Roman curse that came *from* a group that in their eyes consisted of 'heretics', the Qumran sect, but was eventually turned against this group and other sectarians by the rabbis. This process of turning against a group one of its own traditions has a long history within the OT, ancient Judaism, and the early church.⁹³

9. Conclusion

As we have seen, however, the primary target, at the time of this curse's rabbinic reformulation, was no longer the Qumranians, who existed in a denuded form by the end of the first century, but the Jewish Christians, the *minim par excellence*, who were a far more powerful force. This amalgamation of a curse against Jewish Christians with one against the 'arrogant kingdom' makes sense because, as Philip Alexander emphasizes, the Jewish Christianity of the first few centuries ran afoul of Jewish nationalism:

93 See, for example, Jeremiah's appropriation of his opponents' slogan, 'the temple of the Lord' (Jer 7.1-15); the Qumran designation for the Pharisees, 'Seekers of Smooth Things' (דורשי הלקיח, which is probably an ironic pun on their self-designation, 'Interpreters of Halakhic Rulings' (דורשי הלכות); and the jab in Rev 2.24 against those who boast about knowing 'the deep things of Satan', which is probably a reversal of their claim to know 'the deep things of God'. Paul frequently recycles traditions that come from his opponents. In 1 Corinthians, for example, he takes up and qualifies several slogans of the Corinthian Christian community ('all things are lawful for me', 'food for the stomach and the stomach for food', 'it is good for a man not to touch a woman', and 'all of us have knowledge'). And Galatians is full of reappropriations of the slogans and traditions of Paul's opponents, such as 'the blessing of Abraham' in 3.14, the curse on the 'hanged man' in 3.10-14, the allegory of Sarah and Hagar in 4.21-5.1, and part or all of the concluding benediction, 'Peace upon the Israel of God' in 6.16 (cf. J. Louis Martyn, *Galatians: A New Translation with Introduction and Commentary* [AB 33A; New York: Doubleday, 1997], *passim*). Among the church fathers, Eusebius transforms the name of the Jewish-Christian Ebionites (= 'poor ones'), which probably started out as an honorific self-designation, into a reference to the group's deficient opinions (*Hist. eccl.* 3.27) and Tertullian takes up the title of Marcion's main work and claims to have fashioned 'antitheses' that demolish those of the heresiarch (*Marc.* 2.28-29). A famous rabbinic example is *m. Sanh.* 10.1, which first cites an old tradition that categorically proclaims the salvation of all Jews, then qualifies it, 'And these are they who have *no* share in the world to come...'

...[I]n this period the Palestinian Jews fought two disastrous wars of liberation against Rome (not to mention a number of abortive uprisings in the Diaspora) ... [T]he First War [w]as a time of trouble for the Jewish Christians. The Second War was probably equally disastrous for them, and their failure to support Bar Kochba may have cost them dear [citing Justin *First Apology* 31]. Nationalism was bound up with traditionalism (zeal for the Law) and attachment to the Land of Israel, and it easily took on messianic overtones. Christians proclaimed that the Messiah had come, but Jesus had clearly failed to deliver the kingdom in the form in which most had anticipated it... Christians stressed the spiritual nature of the kingdom and de-emphasized 'the territorial dimension of Judaism'.⁹⁴ Such radicalism was out of joint with the spirit of the times.⁹⁵

Thus it was logical for the rabbis to associate their assault on Christian 'sectarians' with an excoriation of the pagan kingdom; they were not the first party, and they would not be the last, to undermine internal enemies and rivals by implicating them with external foes and thus tarnishing their patriotism.

What are the implications of our reconstruction of the tradition history of *Birkat Ha-Minim* for the scholarly debates we discussed at the beginning of this article about the fluidity or fixity of Jewish liturgy and the influence of the Pharisees and later the rabbis in the early Christian era? While we have found compelling Ehrlich's suggestion that the rudiments of at least some of the benedictions go back to the Second Temple period, the subsequent analysis has also recognized that the form of at least one of them, *Birkat Ha-Minim*, was still being hammered out at the end of the first century. It may be that, overall, the truth lies somewhere between the contrasting positions of Heinemann and Ehrlich. At Yavneh the sages prescribed an order and general outline for the 'Amidah benedictions, most or all of which probably existed already as an inheritance from the Temple liturgy and other venues.⁹⁶ They were thus not creating a liturgy *ex nihilo* but ratifying and revising one that was already in use. They did not impose this liturgy on synagogues by fiat, but by putting their stamp of approval on a particular version of the developing tradition they simultaneously accepted the common consensus, moved toward fixing its form, and solidified their claim to be the people's leaders.

94 An allusion to the book by W. D. Davies, *The Territorial Dimension of Judaism* (Berkeley/Los Angeles/London: University of California, 1982).

95 Alexander, 'Parting', 22-3.

96 On the rootage of the 'Amidah in the Temple liturgy, see Heinemann, *Prayer*, 219-20. Evidence includes the testimony of Tannaitic texts (*m. Tamid* 5.1; *m. Yoma*; *t. Yoma* 3.18) as well as the parallels between Sir 51.12 (Heb. B) and the 'Amidah (see above, p. 530 and n. 28) which may reflect Sirach's priestly status or linkage with priestly circles; see David McLain Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (New York: Oxford University, 2005) 207.

This view of things comports with Lee Levine's observation about the eclecticism of the rabbis:

Interestingly, ...not all of the traditions that may have constituted potential sources for the *'Amidah* stem from settings or groups that the rabbis would necessarily have wished to emulate. The priestly liturgy from the Temple and [blessings deriving from] Qumran are cases in point. How some of these ideas and threads of different origins reached Yavneh is impossible to determine, though the fact that so many threads of different origins appear to have been interwoven is intriguing. It is reminiscent of the selection of very diverse books for inclusion in the Bible at various stages, or of the appearance of so many contradictory opinions side by side in R. Judah's Mishnah.⁹⁷

Another example of the same eclecticism may be the way in which the second-century rabbis, according to Martin Goodman, adopted and rabbinized the common law of Galilee with regard to the Sabbath. Goodman thinks that this populism is one of the reasons that the rabbis became more and more influential over time.⁹⁸

There are two ways of viewing such rabbinic eclecticism. One is to understand it against the background of the theory proposed by Shaye Cohen in his well-known article 'The Significance of Yavneh: Pharisees, Rabbis, and the End of Jewish Sectarianism'.⁹⁹ As this title implies, Cohen suggests that the rabbis at Yavneh erected a 'big tent' for the Jewish community, thus effectively ending Jewish sectarianism, and that the only people who were left out of this tent were those who refused to enter it. Cohen argues that these post-70 rabbis, the heirs of the former Pharisees, were operating from a position of substantial strength vis-à-vis their vanquished foes from other sects.¹⁰⁰

But eclecticism and the search for consensus can also be a strategy adopted by a group that is making a bid for power and not yet secure in it, and in such cases it may be combined with strong exclusionary tendencies designed to eliminate potential rivals. This picture fits better with the results of the present investigation. If my argument here has been correct, the post-70 rabbis were not simply putting up a large tent, trying to create one big happy family out of diverse traditions. They were also using diverse traditions from various groups to exclude people whom

97 Levine, *Synagogue*, 543.

98 See Martin Goodman, *State and Society in Roman Galilee, A.D. 132-212* (Oxford Centre for Postgraduate Hebrew Studies; Totowa, NJ: Rowman & Allanheld, 1983) 98; cf. Boyarin, *Border Lines*, 257.

99 Shaye J. D. Cohen, 'The Significance of Yavneh: Pharisees, Rabbis, and the End of Jewish Sectarianism', *HUCA* 55 (1984) 27-53.

100 See, for example, his conclusion on pp. 35-36 that '70 CE was a major transition point in Jewish sectarianism. Perhaps some sectarians, aside from the Samaritans and Christianizing Jews, lingered on for a while, but Jewish society from the end of the first century until the rise of the Karaites, was not torn by sectarian divisions'.

they wanted to render beyond the pale. Perhaps the most important thing for them was not so much the question of ‘who loses and who wins, who’s in, who’s out’,¹⁰¹ but that *they* should be the ones to define who belonged where.

In attempting to don the mantle of authority to decide such questions, the rabbis were probably more successful in some localities than in others. As we have seen, the Gospels of Matthew and John, and Justin’s reports about Jews cursing Christians in synagogues, probably emerged from places in which the rabbis were able to establish substantial control over the synagogue and Jewish religious life in general. Because they had the upper hand in these areas, they could enforce an anti-Christian policy through measures such as *Birkat Ha-Minim*. In other localities, however, the rabbis probably did not exercise comparable control for several centuries,¹⁰² as is attested by the frequent tension between rabbinic law and piety, on the one hand, and synagogal art and architecture, on the other.¹⁰³ Moreover, as I will argue in a subsequent article, *y. Ber.* 4.3 (8a) shows that in late third-century Palestine there were still groups of Jewish Christians who employed a seventeen-benediction form of the ‘*Amidah*, one that lacked *Birkat Ha-Minim* and competed with the eighteen-benediction version of the rabbis.¹⁰⁴

What all this reveals is that the post-70 rabbis were involved in a religious battle that would continue for several centuries. In this war they were happy to use any weapon at their disposal, including some that had fallen from the hands of their vanquished foes and could be reforged for their own purposes. One of these weapons was *Birkat Ha-Minim*.

101 Shakespeare *King Lear* 5.3.

102 Cf. Martyn’s report (in Martyn, *History*, 60 n. 69) about Wayne Meeks’s suspicion that the Johannine ἀποσυνάγωγος scenes ‘portray as punctiliar events in Gamaliel’s time what was actually a linear development stretching over a lengthy period and culminating in the pertinent formulation of *Birkath ha-Minim*, perhaps quite a bit later than Gamaliel’. Martyn makes a good counterargument that something significant probably did happen at Yavneh under Gamaliel. But even if that is so, the enactment formulated there was probably received in different ways in different localities, in some of which the rabbis probably had considerable power, in others not; cf. D. Rensberger, *Overcoming the World: Politics and Community in the Gospel of John* (London: SPCK, 1988) 26; D. M. Smith, ‘Judaism and the Gospel of John’, *Jews and Christians: Exploring the Past, Present, and Future* (ed. J. H. Charlesworth; New York: Crossroad, 1990) 86.

103 See Lee I. Levine, ‘The Sages and the Synagogue in Late Antiquity: The Evidence of the Galilee’, *The Galilee in Late Antiquity* (New York/Jerusalem: Jewish Theological Seminary of America, 1992) 201–22; Cohen, ‘Pharisees’, 104.

104 On the question of rabbinic ‘ownership’ of the ‘*Amidah*, see Langer, ‘Early Rabbinic Liturgy’.