# Introduction

Unlike ancient and modern products of the western tradition of
political thought, the classic texts of formative Judaism offer no
explicitly architectured statements of political philosophy in which
a monolithic corpus of constitutional doctrine is systematically
extrapolated, step by theoretical step, from fundamental postulates
concerning the nature of man and the purposes of human society.
Nowhere do the Bible or early rabbinic writings formally summarise
the wealth of political concepts which they contain. Characteristi-
cally elliptical where such matters are concerned, they seem
deliberately to eschew discussions of political theory and to prefer
cameo portraits of political behaviour. Jewish political teachings,
it is thus suggested, are inherently dynamic in form. If they are not
conveniently distilled in a written canon, it is because they can
better be inferred from an empirical study of the behavioural
dimensions of Jewish public life. Retrospective analyses must
perforce accommodate themselves to that style. Specifically, the
content of Jewish political traditions can best be identified by an
examination of the constitutional structures and arrangements
which have periodically regulated relationships within and between
the component segments of the polity referred to in the Pentateuch
as the 'congregation of the children of Israel' {'*adat benei yisra'el*}.
Indeed, only through the examination of those arrangements do the
ultimate implications of Jewry's early political experience become
fully manifest.

The present study is designed as a contribution to that enquiry.
Its chronological focus is the first five centuries of the common era,
and thus that epoch of formative Judaism which – for want of a
better term – is conventionally referred to as the 'early rabbinic'

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age of Jewish history. Although the designation begs several important questions (how 'early'? or, for that matter, how 'rabbinic'?), for the purposes of political analysis it nevertheless remains serviceable. At the very least, it expresses the transformation in Jewish administrative priorities and perspectives consequent upon the destruction of the second Commonwealth in 70 C. E. and the defeat of the Bar Kokhba' rebellion 65 years later. From a polity centred on Temple and state, Jewry was on the way to becoming a conglomeration of communities unified by their shared fidelity to the rabbinic definitions of law (*halakhah*). Equally seismic was the parallel shift in the identity of the nation's authoritative agents of indigeneous government. Gone (until the coming of the Messiah) were the days when Israel was ruled by kings, priests, or prophets. Instead, if their own testimony is to be believed, by the sixth century C. E. it was the early rabbis and their disciples who had propelled themselves to positions of – in some cases undivided – communal authority throughout the Jewish world.

Central to the thesis presented here is the argument that the eventual hegemony of rabbinic Judaism, as thus portrayed, was not inevitable. Neither was there anything haphazard about the process whereby it occurred. In the political arena, as in others, the rabbis had to struggle for the realisation of their ambitions – often from positions of intrinsic constitutional inferiority. If the enormity of their achievement is to be properly assessed, appropriate note must be taken of the persistence with which they pursued an essentially political campaign. Their avowed purpose was to confound the contrary aspirations of rival contestants, some sacerdotal, others civil, for whatever communal authority native Jewish agencies could still claim to command.

Ensuing chapters will attempt to explore and illustrate the various facets of that enterprise. It must be stressed, however, that they do not purport to reconstruct all aspects of early rabbinic political philosophy. Still less will they claim to compose a conventional history of every branch of Jewish political activity throughout the period spanned by the composition and transcription of tanna'itic and amora'ic literature. Jewry's relations with its gentile neighbours and suzerains, for instance, are discussed only intermittently. Instead, attention is concentrated on the domestic concerns of Jewish society and, even more so, on what the rabbis themselves chose to record about the structure of government within that introspective world. In part, the latter limitation is unavoidable.

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As has often been pointed out, early rabbinic writings constitute
altogether slippery chronicles of their own times; as sources for the
writing of political history, they are especially recalcitrant. For one
thing, the available texts bristle with technical difficulties, only
some of which can be overcome by form-critical attempts to deter-
mine their temporal provenance and root out their anachronisms.
For another, they were not designed to be read as straightforward
narratives. Composed and edited by men who were jurists and
mystics (sometimes both), they comprise internally consistent
repositories of belief systems, not sequential statements of fact. Even
when they do claim to recount historical events, the materials tend
to deploy their data in a way more likely to create rabbinic myths
and/or confirm rabbinic dogma than to transmit verifiable and
objective information.[1]

Thus to acknowledge that the information contained in early
rabbinic literature is typically a-historical is not altogether to deny
its historiographical utility. On the contrary, and precisely because
of their prejudices, the texts do articulate identifiable perspectives
on what rabbinic tradents considered to be the vectorial trajectory
of Israel's past. Still more emphatically do they mirror their authors'
views on the procedures which had confirmed their own God-given
right to play a significant role in Jewry's present government. Even
if all are not exact records of events as they occurred (and some might
be), their retrospective significance therefore remains almost
unimpaired. They incorporate the conceptual images formed in order
to explain and interpret how the rabbinic apotheosis was thought
to have been attained.

On matters of constitutional relevance, it will here be argued,
those images were largely shaped in a mould already set in pre-
Destruction times. Specifically, early rabbinic perspectives on the
distribution and exercise of Jewish political authority were informed
by the notional existence of three ordained clusters of Jewish govern-
mental instrumentalities, each endowed with its own Divine
mandate to participate in national rulership. Eventually designated
the three *ketarim* (literally translated as 'crowns'), those domains
were together understood to comprise an administrative matrix;
within the framework laid down by the *ketarim* Jewish polities
shared and distributed whatever autonomous powers they were
permitted – under God – to command. From a polemical point of
view, not the least of early rabbinic accomplishments was to
re-interpret that concept in a manner suited to the rabbis' own

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purposes. In pursuit of their corporate communal purposes, 'the sages' progressively modified what appear to have been the normative premises of the paradigm, transforming it from a model of quasi-federal government into a symbol which projected the notion of unitary rabbinic rule. It was partly by so doing that they generated and monitored a revolution in the structure of Jewish organisational life.

The concept of the three *ketarim* does not stride imposingly from page to page of the available texts. Explicit references are intermittent, surfacing in random snatches of exegesis and homiletics. Far more resonant (and frequent) are its implicit appearances in the structure of early rabbinic discussions on matters of political import, where it insinuates itself through the tri-functional arrangement of what is otherwise an often disjointed accumulation of anecdotes and statutes. It is that category of source which testifies to the resilience of the notion and its employment as a referent over a lengthy period of time. In the term coined by Kadushin, the triple configuration of the *ketarim* in effect constitutes an 'organic' concept, less a systematised philosophy than a coherent – and consistent – mode of classification, itself saturated with elements plucked from the national memory.[2] To put matters another way: as embedded in early rabbinic literature, the notion rests upon a set of collective rabbinic assumptions about the ordained parameters of Jewish political society and its authorised agencies of rule.

Conceived as an extended essay in political anthropology, this book seeks to uncover those assumptions and explore their influences on early rabbinic communal thought and action. To that end, it will employ the theme of the three *ketarim* as an organisational device, with whose help seemingly disparate elements of domestic Jewish behaviour might retrospectively be illuminated and understood. As far as I am aware, no previous work has thus attempted to utilise the concept. In early modern scholarship, the resonance of this particular model of power-sharing in formative Jewish thought was obliquely acknowledged in Bruell's introduction to *Mishnah*, in Tchernowitz's history of early *halakhah* and in Hoenig's study of the second Commonwealth Sanhedrin.[3] More recently, it has been fleetingly noted by Flusser.[4] Otherwise, however, only Sonne seems to have noted the paradigmatic potential inherent in the concept of the three *ketarim* – and even he largely restricted his enquiries to the mysteries of synagogal art during the period of late antiquity.[5] Although explicitly building on those

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foundations, the present book contends that the concept of the three
*ketarim* is amenable to more sustained and synoptic analysis.
Reflecting what seems to have been an indigenous view of Israelite
society and government, the notion of the *ketarim* and their hier-
archy informed and defined the very structure of domestic Jewish
political discourse in the early rabbinic world.

## NOTES

1. If any scholar is single-handedly responsible for the current elucidation
   of these difficulties, it is Professor Jacob Neusner, an author whose
   massive output makes him almost as impossible to read as to overlook.
   To date, the most trenchant re-statement of his arguments is presented
   in his *Wrong Ways and Right Ways in the Study of Formative Judaism*
   (Brown Judaic Studies no. 145; Atlanta, 1988), esp. pp. 36–46 and 75–90.
   Neusner's analyses of the 'systematic' character of early rabbinic texts
   are compared with alternative assumptions about their 'fundamental
   synchronicity' in P. Schaefer, 'Research into Rabbinic Literature: An
   Attempt to Define the Status Quaestionis', *JJS*, 37 (1986), esp. pp.
   140–2, 149–52.
2. First posited in *Organic Thinking* (New York, 1938), the thesis was
   expanded in M. Kadushin, *The Rabbinic Mind* (first edition 1952, 3rd
   edtn., New York, 1972). A summary is contained on p. 70 of the latter
   work:

   First, Rabbinic thought as a whole does possess coherence, an organismic [sic],
   conceptual coherence which can be traced and demonstrated. Second, that because
   of this kind of conceptual coherence each statement is an integrated, independent
   entity. The independent character of the […] statement is not an indication that
   rabbinic thought is chaotic or haphazard. On the contrary, it is the result of a
   conceptual organisation far more subtle than is to be found in any 'system', one
   that is inherent in value-concepts and in them alive.

   Similar influences, albeit in an entirely different context, are discerned
   in G. Duby, *The Three Orders: Feudal Society Imagined* (trans. A.
   Goldhammer; Chicago, 1980), esp. p. 63.
3. J. Bruell, *Mavo 'ha-Mishnah*, vol. 1 (Frankfurt-am-Main, 1876), pp. 1–2;
   Ḥ. Tchernowitz (Rav-Ṣair), *Toledot ha-Halakhah*, vol. 2 (New York, 1945)
   – where separate sections are devoted to: *'amud ha-melukhah* ('the
   pillar of kingship', pp. 11–55); *'amud ha-kehunah* ('the pillar of priest-
   hood', pp. 56–82); and *'amud ha-nevu'ah* ('the pillar of prophecy', pp.
   83–107); and S. B. Hoenig, 'The Tripartite System of Government',
   *The Great Sanhedrin* (Phila., 1953), pp. 165–8.
4. D. Flusser, 'Hishtaqfutan Shel 'Emunot Meshiḥiyot Yehudiyot ba-
   Naṣrut ha-Qedumah', *Meshiḥiyut we-'Esqatologiah* (ed. Z. Baras;
   Jerusalem, 1984), pp. 119–20.

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5.  I. Sonne, 'The Paintings of the Dura Synagogue', *HUCA*, 20 (1947), pp. 255–362 and (less convincingly) 'The Zodiac Theme in Ancient Synagogues and in Hebrew Printed Books', *Studies in Bibliography and Booklore*, 1 (1953), pp. 3–13. I am indebted to Mrs S. Weingarten for calling both articles to my attention.

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# The concept of the three *ketarim*

While the full span of political teachings contained in Biblical
and early rabbinic literature still awaits comprehensive analysis,
the bases of Judaism's earliest constitutional heritage are sufficiently
clear to permit a preliminary synoptic review. Three notions
– all formulated in the Old Testament and all enlarged upon
to one degree or another in subsequent Jewish writings – are
identifiably prominent amongst ancient Israel's formative political
traditions.[1] The first, thus placed in recognition of both its axio-
matic status and its enduring influence, is the principle of theocratic
government; the second, the ideal of covenantal partnership between
independent units of the polity; the third, the normative distribution
of human rulership amongst specifically accredited jurisdictional
domains. Admittedly, formative Jewish texts do not deploy these
three great themes in sequential progression. Still less do they
severely compartmentalise their respective inferences and impli-
cations. Rather, each is portrayed as a necessary complement
to the others, with which it interacts. Nevertheless, for the
purposes of analysis, the following paragraphs will differentiate
between theocracy, covenant and power-diffusion, and discuss
them separately. Their aim is not to compress a survey of Biblical
and early rabbinic political thought into the space of a few pages,
but to direct attention to those earlier traditions which arguably
exerted the greatest manifest influence on the rabbinic concept of
three *ketarim*.

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### Theocracy, covenant and power-sharing

The theocratic principle implies that Jewish government is, in every sense of the term, government by God. Even in its most basic renditions, there is more to this teaching than the notion that the Creator of the world – by virtue of the omnipotence illustrated in Psalm 97 – exercises proprietary rights over what is indubitably His domain. As the Decalogue's very first commandment makes explicit, God is considered to be actively and continuously involved in the direct governance of His people; indeed, having taken the Children of Israel out of Egypt, He is recognised to be an intrinsic segment of that government. He persistently assumes and fulfils the roles of law-giver, judge, administrator, warrior and – ultimately – Redeemer.

Early rabbinic literature articulated the principle of theocracy in the term *malkhut shamayim* (lit. 'the kingdom of heaven'), a phrase which – although not explicitly found in the Old Testament – aptly conveys the Biblical notion that the appropriate yardstick for the measurement of all human endeavours (public and private) is God's purpose, not man's desires.[2] From this it follows that neither the polity nor its human institutions are regarded as ends in themselves. They exist solely as means to a Divine purpose. Whatever their precise form, regimes are regarded as little more than instruments, useful only for fostering and maintaining the good society and for facilitating mankind's attainment of the highest possible moral goals. Human rulers of such entities, even if they do appropriate God's own title of *melekh* [lit. 'king'], are denied anything other than mortal status.[3]

One consequence of that position is articulated in Deuteronomy 17:14–20. From the moment of their accession, that text prescribes, Israel's native kings must affirm the contingent nature of their constitutional status; they, too, are subject to God's laws and judged by the standards of His will. A second consequence is implicit in the narrative portions of Scripture, several of which comprise an extended commentary on the degenerative tendencies to which, they suggest, human agents of monarchic government are inherently prone. Gideon's refusal to arrogate to himself a position of hereditary rulership (Judges 8:22–3), together with Samuel's initial resistance to the popular demand for the establishment of a monarchy (I Sam. 8:11–19), thus articulate what might be designated the normative Biblical viewpoint. As the next chapter will

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argue, early rabbinic commentators on matters of constitutional import considered it to have been confirmed by later developments. Even the emergence of the Davidic kingship, they taught, represented a regrettable – albeit Divinely sanctioned – regression from the scriptural ideal of God's unique rule.

Nevertheless, theocracy was never considered equivalent to a blatant Divine dictatorship. On the contrary, the very notion that it might thus be portrayed was explicitly refuted by the second of ancient Israel's great political themes – that relationships between God and mankind, and especially between God and Israel, are founded on their having come together in covenant (*berit*).[4] Although necessarily compacts between unequal entities, covenants nevertheless preserve the respective integrities of the parties and provide bases for their co-operation in order to attain mutually agreed ends. Such was the *berit* between God and mankind – as represented by Noah – after the flood (Genesis 9:8–17); such was the *berit* between God and Abraham (then Abram; Genesis, chap. 17); and such – most relevant of all – was the *berit* between God and the entire house of Israel at Sinai (Exodus, chaps. 19 and 20). In each case, according to the Biblical account and its subsequent rabbinic reconstructions, God limited Himself drastically by recognising the freedom of humans to contract obligations with Him and to maintain their own integrity whilst doing so, not simply to obey Him but to hearken to His words as covenantal partners.

Of the several political implications of this crucial concept perhaps the most significant is that which is most straightforward. Through the process of covenant, God recognises humans to be His partners in the perfection of His own creation. This is a breathtakingly radical notion, whose clear thrust is the declaration that all sovereignty – whatever its expression – must normatively be based upon the principle of reciprocity between rulers and ruled. Even when initiating (perhaps even imposing) His covenants with Israel, God acknowledges as much. Indeed, He transcends His own covenantal stipulations when undertaking to implement them with *ḥesed* ('covenant love'), the relationship between parties whose actions express their mutual feelings and are not merely prescribed by the formal terms of their agreement.[5] Human sovereigns, whose scope for unilateral action is in any case more confined, must necessarily follow that example. This theme resonates throughout the string of post-Sinaitic covenantal reaffirmations recounted in the Old Testament, and especially those concluded under the human

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aegis of Joshua, David, Josiah and Ezra. Each reiterates the con-
sensual foundation of Israelite political association; similarly, each
stresses that the partnerships thus created (and to which God is
Himself witness, guarantor and sometimes partner) are based upon
an agreed recognition of the mutually binding force of the *berit*-as-
constitution. It is from covenants, as periodically renewed and
mediated, that contracting parties derive their respective mandates
for legitimate political action.

Modern critics have occasionally been tempted to extend the
consensual thrust of the Bible's covenant conception in a represen-
tative direction. Indeed, some have hypothesised its translation into
a doctrine of public responsibility, thus invoking Scriptural sanction
for an almost avowedly democratic structure of government.
Arguably, individual passages can be said to substantiate the thesis
that the Israelite polity is – to use classical terminology – a *res
publica*, owned in common by all the on-going parties to the original
covenant by which it was first called into being.[6] But since most of
the Biblical texts have little to say on Israelite government at its grass
roots, suppositions of a general nature must be deemed speculative.
Invariably, the Old Testament restricts its horizons to the apex of
the governmental pyramid, portraying relationships within and
amongst ruling elites rather than between the governors and the
masses of the governed.

At the hierarchical level of analysis, however, the literary
evidence – although less populist in tone – is perhaps even more
striking in implication. What emerges from the texts as a consti-
tutional corollary of the covenantal principle is not democracy
throughout the political system, but a distinct notion of power-
sharing at its highest levels. Neither Scripture nor early rabbinic
writings express any sympathy whatsoever for a system of govern-
ment in which a single body or group possesses a monopoly of
political authority. Instead they mandate that the concentration of
its prerogatives and privileges is – in principle – to be avoided and
denigrated. Only the diffusion of power among various legitimate,
sometimes legitimated, franchises can prevent its arbitrary exercise
and thus preserve the covenantal spirit with which all Jewish
political behaviour should be infused. Untrammelled freedom of
action, consequently, is occasionally and implicitly refused to God
(whence the appeals to jurisprudential principles to which He too
must submit in Genesis 18:25 and Numbers 16:22); it is perma-
nently and explicitly denied to man. Even Moses, notwithstanding

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