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Hillel and the *Bat Qol*: A Toseftan Discourse on Prophecy in the Second Temple and Tannaitic Periods

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Introduction

Hillel ha-Zaken (Hillel the Elder, ca. 30 BCE–20 CE) is portrayed as a proto-tannaitic sage in rabbinic literature; he embodies and expresses the ethos of the Tannaim. This Herodian-period personality is often paired with that of Shammai, but the former's approach came to be favored over that of his contemporary, and both he and his schoolfigure prominently in the classical rabbinic record. One exceedingly rich portrayal of Hillel was incorporated into Tosefta Sota (hereafter: tSot) 13.3, which depicts this watershed moment in the course of its rambling, at times expansive, review of ecclesiastical and socio-political affairs, beginning with Miriam and Moses (chapter 10) and ending with the destruction of the Second Temple and its aftermath (chapter 15). In this *ma`aseh* (narrative, anecdote), Hillel and other sages convening in the upper chamber of a house in Jericho hear a message delivered by a *bat qol* (disembodied voice, here a divine voice; plural: *benot qol*).[2] This is the story.

1 This article was improved at various stages by the comments of Jeffrey Rubenstein, Richard Kalmin, Amram Tropper and Burton Visotzky ; Vered Noam and Shamma Friedman deserve special thanks for the ir careful reading and numerous suggestions; I alone am responsible for the choices made to produce the final results.

It should also be noted that this passage was described extensively in Peter Kuhn, *Bat qol, die Offenbarungsstimme in der rabbinischen Literatur : Sammlung, Übersetzung und Kurzkommentierung der Texte* (Regensburg: F. Pustet, 1989) 303–329, which also provides parallels and a bibliography.

2 This entity is often rendered "heavenly voice", as in NT usage, but tannaitic *benot qol* do not descend from the heavens, as will be explicated in my forthcoming

1. On one occasion some Sages had gathered in the upper chamber of the house of Gurya[3] in Jericho.	**1.** מעשה שנתכנסו חכמים לעליית בית גוריה ביריחו,
2. A *bat qol* went out and said to them,	**2**. ויצתה בת קול ואמרה להן:
"There is in your midst a person who is deserving of *ruaḥ ha-qodesh*,	יש כן אדם ביניכם שראוי לרוח הקדש,
but his generation is unworthy of it."	אלא שאין דורו זכיי לכך.
3. They all looked at Hillel the Elder.	**3**. נתנו עיניהם בהלל הזקן.
4. And when he died, they lamented over him,	**4.** וכשמת אמרו עליו:
"Alas, the humble man! Alas, the pious man! Disciple of Ezra!"	הא עניו הא חסיד תלמידו של עזרא.

article on *bat qol* in rabbinic documents (in preparation). On this noun phrase, see Ben Yehuda *Thesaurus Totius Hebraitatis et Veteris et Recentoris=A Complete Dictionary of Ancient and Modern Hebrew* (New York and London: T. Yoseloff, 1959 [Reprint: New York: Sagamore Press, 19--]), p. 5832 and n. 3; S. Lieberman, *Hellenism in Jewish Palestine* (New York: JTS, 1962) 194–195; David Sperling, *Studies in Late Hebrew Lexicography in the Light of Akkadian* (Phd: New York: Columbia University, 1973), pp. 93–108 presents a valuable philological analysis in terms of comparative linguistic and cultural phenomena; see also an examination through a feminist lens in Tal Ilan, *Massekhet Ta`anit: Text, Translation, and Commentary* (Tübingen: Mohr, Siebeck, 2008), pp. 259–263. My rendering, "disembodied voice," reflects Ben Yehuda and Lieberman, who do not use "echo" for the rabbinic *bat qol*, but it is difficult to imagine the tannaitic example of hearing a *bat qol* broadcast from a mountain (mYevamot 16.6) as not implying the possibility of an echo. *Bat qol* is not to be confused with the NT's "heavenly voice," which it post-dates, the latter being derivative of the voice falling from heaven in Daniel 4:28 (see n. 62 below and cf. Herbert W. Basser, *The Mind Behind the Gospels* [Brighton MA: Academic Studies Press, 2009], p. 88 and n. 44).

3 This character has not been identified. On his name, see Tal Ilan, *Lexicon of Jewish Names in Late Antiquity: Part 1: Palestine 350 BCE–200 CE* (Tübingen: Mohr, Siebeck, 2002), who treats the two versions of this name found in the textual witnesses, preferring the first, pp. 366–367 (גדיא, item 3 and n. 10) and 367–368 (גורייא). With regard to the phrase בית גדיא, Adolph Büchler, *The Priests and their Cult in the Last Days of the Temple in Jerusalem* (Jerusalem: Kook, 1966), p. 138 n. 38, identifies גורייא/גדיא as a progenitor after whom the family house was named.

According to the divine voice in the story, *ruaḥ ha-qodesh* (the Holy Spirit) was no longer available for ecstatic inspiration[4] or prophetic revelation, even though there was one amongst the sages who deserved to be an inspired mediator of such communication. The *bat qol* explains that such a consummation was denied this sage because the general population of the time was unworthy. Hillel's fellows identify him as the deserving one, and celebrate his fine character — his humility and piety[5] — and his spiritual ancestry in their eulogy.

The location of this narrative is problematic because it conflicts with the proposition immediately preceding it in that same passage (tSot 13.3), viz.,

After the latter prophets Haggai, Zechariah and Malachi had died,	משמתו נביאים האחרונים חגי זכריה ומלאכי
the Holy Spirit ceased from Israel.	פסקה רוח הקודש מישראל,
Nevertheless, they communicated with them by means of a *bat qol.*	ואע"פ כן היו משמיעין להן על בת קול.

The opening of this last passage expresses a commonly-held notion that *ruaḥ ha-qodesh* prophecy had ceased ***in Israel*** following the demise of the "latter prophets."[6] The verb used for ceased (*paseqah*)[7] ostensibly

4 The author of tSota adduces *ruaḥ ha-qodesh* for biblical experiences of ecstatic inspiration (cf. tSot 12.5).

5 The high value ascribed to these attributes has a respectable pedigree antedating the rabbis, a fact they acknowledged by linking it back to Ezra. See Marc Hirshman, עניו ותלמיד, *Rabbinic Thought: Proceedings of the First Conference on "Mahshevet Hazal" Held at the University of Haifa, 7 Dec. 1987*, ed. M. Hirshman, Ts. Groner (Haifa: University of Haifa, 1989) 59–65.

6 This issue being addressed in the Tosefta is not the general question of the cessation of prophecy, which is a tortured one to which many have contributed their voices. L. Stephen Cook summarized the issues and views, both ancient and modern, in *On the Question of the "Cessation of Prophecy" in Ancient Judaism* (Tübingen: Mohr Siebeck, 2011). It is, rather, the cessation of prophecy through *ruaḥ ha-qodesh*. The tannaitic perception of the unavailability of *ruaḥ ha-qodesh* is similar to Josephus' understanding that Second Temple or post-Biblical

indicates that a period had come to a close. While no reason is given for this in our case, the fact that the period ended as a result of the death of certain gifted individuals implies that the cause for the cessation of revelation was the absence of worthy candidates. John Barton notes that this widespread "belief that prophetic inspiration is a characteristic feature of an age that has now passed… is not an absolute dogma… but simply a sense that the prophets of old form a distinctive group which differs in significant ways from contemporary persons." [8] Another tannaitic iteration seems to similarly indicate that a period has come to a close; it describes the shifting of the focus of religious communication from the divine to the human: עד כאן היו הנביאים מתנבאים ברוח הקודש, מכן ואילך הט אזנך ושמע דברי חכמים,[9] i.e., up to a certain point prophetic agents delivered *ruaḥ ha-qodesh* communications; from then onward, one must look to the sages and their wisdom for instruction. The Tosefta injects a mediating option. It claims that God, still desirous of communicating with His people,[10] resorts to a *bat qol* as a medium of revelation, one

prophecy, to whatever extent it existed, was qualitatively different from "classical" Israelite prophecy in that the *pneuma theon* ("holy, divine, spirit") was no longer available, and Josephus refrains from using *prophetēs* terminology for later figures. See Louis H. Feldman, "Prophets and Prophecy in Josephus," *Journal of Theological Studies* 41 (1990), pp. 386–422; Rebecca Gray, *Prophetic Figures in Late Second Temple Jewish Palestine: the Evidence from Josephus* (Oxford, New York, etc.: Oxford University Press, 1993), pp. 23–24, 28–29, 68, and n. 75 on pp. 176–177. Chaim Millikowsky discusses Josephus and the Tosefta in relation to other contemporary sources on the cessation of prophecy in סוף הנבואה וסוף המקרא בעיני סדר עולם, ספרות חז"ל והספרות שמסביב לה, *Sidra* 10 (1994), pp. 83–94.

7 This verb is discussed in n. 54 below.

8 John Barton, *Oracles of God: Perceptions of Prophecy in Ancient Israel* (New York and Oxford: Oxford University Press, 1986), p. 5 (see also pp. 6, 115–117, 125).

9 *Seder Olam (Rabbah)* 30.4 (*Seder Olam: Critical Edition, Commentary, and Introduction* by Chaim Milikowsky [Jerusalem: Yad Ben-Zvi Press and David and Amalia Rosen Foundation, 2013] 1:322).

10 The Tosefta's phrase "*Mashmi`in lahem*" seems doubly problematic, as neither the subject of the plural verb nor the identity of the auditors (*lahem*) is provided. It is partially supported, however, by the paradigm of, e.g., בא לטמא פותחין לו, בא לטהר מסייעין לו (bYoma 38b; I thank Shamma Friedman for the lead). The plural of the indirect object *lahem* anticipates the following scene, where the *bat qol* speaks to an assemblage of sages. Lieberman's treatment of this passage (*Hellenism,* 194–

which does not require human agency.[11] But not until the Hillel story does it introduce the notion (lacking in the other cessation text as well) that individuals great enough to be deserving of prophecy can indeed still arise, and that the absence of *ruaḥ ha-qodesh* is due to the unworthiness of another party (the nation as a whole).

An additional problem arises when we continue reading the revelation anecdotes in *halakhot* (subunits within a chapter; singular: *halakhah*) 5 and 6 of this chapter. The recipients of revelation there, John the High Priest (John Hyrcanus,[12] 164–104 BCE), followed by Simon the Just (310 or 300–291 or 273 BCE), preceded Hillel by several generations. This chapter therefore has chronological disparities that must be accounted for in order to understand why the Hillel incident was placed up front in *halakhah* 3, as well as why Hyrcanus precedes Simon.

Several aspects and problems related to the anecdote about Hillel and the *bat qol* will be treated in the following study. The narrative will

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195) obscures this problem by rendering it in the passive "they were informed… by means of a *Bath kol*," and then explicating it in the Yerushalmi and Bavli's reformulation (*mishtammeshin*, "they made use of"), which reverses the sentence to mean that the Israelites "were wont to make use of" *bat qol* in mantic contexts, e.g., bibliomancy.

11 The Toseftan author reports a time during the First Temple period when *ruaḥ ha-qodesh* was found in abundance, i.e. during Elijah's life; this form of prophecy was withdrawn when he died (tSot 12.5):
עד שלא נגנז אליהו היתה רוח הקדש מרובה בישראל שנ' ויאמר אליהו אל אלישע שב נא פה כי ה' שלחני בית אל מהו אומ' ויצאו בני הנביאים אשר בבית אל וגומ' כי ה' שלחני ירחו מהו או' ויגשו בני הנביאים אשר בירחו וגו' כי ה' שלחני הירדנה מהו אומ' וחמשים איש מבני הנביאים הלכו ויעמדו מנגד מר' ושני' עמ' על הירדן יכול מפני שהן מועטין ת"ל וחמשים איש יכול מפני שהן קטני' ת"ל ויאמרו אליו הידעת כי היום ה' לקח את אדוניך אדונינו לא אמרו אלא אדוניך מלמד שכולם חביריו של אליהו היו והיו שקולין כנגד אליהו ומניין שנסתלקה מהן רוח הקדש שנ' ויאמרו אליו הנא נא יש את עבדך חמשה אנשים בני חיל וגו' איפשר לבני אדם אמש הוא אומ' הידעת כי היום ה' לקח את אדוניך ועכשיו אומר ילכו ויבקשו את אדוניך אלא מגיד שנסתלקה מהן רוח הקודש.
The operative verb, *nistalleqah* (root *s-l-q*, ascend), used here is opposed to our passage's *paseqah*, with the implication that the absence was not final: what goes up can come back down (to succeeding prophets).

12 The identification of John the Priest as Hyrcanus is based on the contents of the oracle which addresses the victory of his two sons (see n. 15 below).

be examined from literary and cultural-historical perspectives. It will then be contextualized within the discrete literary and redactional complex found in tSot 13.3–4. One issue to be addressed is the fact that our narrative comes paired with a very similar one about Samuel the Small. The relationship between these two stories will be analyzed with an eye to their conjunction in tSot 13.

In the final analysis the apparently incommensurate elements, those textual seams and conceptual incoherencies, will resolve themselves as we come to appreciate the redactor's methodology. The creator of this discourse has commandeered some sources and invented others to serve the needs of a discussion of prophecy in a post-prophetic age, i.e., the Second Temple (Hellenistic) and Tannaitic Periods. His rhetorical style is dialectical, [13] therefore, contradiction and paradox are not so much problems as a means to develop and further his argument.

13 Rabbinic texts often work dialectically. Sometimes the dialectical move is made explicit, but sometimes it is not – in those cases it is left to the student to grasp. A case that has been discussed recently is that of the Purim death and resurrection of R. Zeira (bMeg 7b):

1. אמר רבא: מיחייב איניש לבסומי בפוריא עד דלא ידע בין ארור המן לברוך מרדכי.

2. **א.** רבה ורבי זירא עבדו סעודת פורים בהדי הדדי, איבסום, קם רבה שחטיה לרבי זירא. למחר בעי רחמי ואחייה.

ב. לשנה אמר ליה: ניתי מר ונעביד סעודת פורים בהדי הדדי!

אמר ליה: לא בכל שעתא ושעתא מתרחיש ניסא.

Item 1 in this passage posits the obligation to get so thoroughly drunk on Purim that one cannot distinguish between opposites. Item 2 presents a case of inebriation so extreme that Rabbah murdered his fellow sage, but was lucky enough to see him revived in response to his prayers. The following year the sober victim refuses to join Rabbah for a repeat bout since "a miracle does not occur every single time." The relationship between the two items is neither declared nor explicated. But the "juxtaposition of narrative with statute" (Barry Wimpfheimer's phrase, op. cit. below, p. 27) to create contextual contiguity implies a relationship, and the sequencing order implies that the story (item 2) was introduced both to illustrate and to qualify the rule (item 1), much as the Hillel narrative does for the *bat qol* proposition in tSot 13.3. (bMeg 7a has been discussed in Barry Wimpfheimer, *Narrating the Law: a Poetics of Talmudic Legal Stories* [Philadelphia: University of Pennsylvania Press, 2011], pp. 24-30; Daniel Boyarin, *Socrates and the Fat Rabbis* [Chicago: University of Chicago Press, 2009], pp. 162-165.) The Bavli

I will demonstrate that this toseftan passage began with one thesis and two narratives. The thesis was the idea that *ruaḥ ha-qodesh* prophecy was replaced by *bat qol* revelation in the Second Temple period. The first narrative illustrates this with an incident involving Hillel (and continuing into the Yavnean period); the second narrative reveals that this process had been in place in Hasmonean times. The creator of this textual complex reduplicated the second narrative in order to move the *bat qol* process back even further, to the ancient and revered Second Temple High Priest, Simon the Righteous. This redactor-author had already reduplicated the Hillel narrative to create a complex text that moves forward in time through Samuel the Small and Judah ben Bava, thus enlarging the scope of his consideration up to the third tannaitic generation. In addition to the dialectical process used to develop the argument, the creator of this passage formulated it with a feeling for style, form and balance. His two pairs of stories complement and provide balance for each other. Moreover, in moving from the first story in each pair to the creation of its mate, our author provides some augmentation. In this way the more augmented, second narratives of both pairs balance one another out.

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sometimes indicates its feeling that two contiguous rules in a tannaitic source are in unstated dialectical tension with each other by contending that a connecting qualification is missing (*ḥasore miḥasera*), which supplementation it then supplies following the notice *ve-hakhi qa-tane*. Moshe Simon-Shoshan has studied the effects of contrast and contradiction in contiguous texts and in situations where aggadic and halakhic texts are juxtaposed in *Stories of the Law: Narrative Discourse and the Construction of Authority in the Mishnah* (Oxford and New York: Oxford University Press, 2012); see also Moulie Vidas, *Tradition and the Formation of the Talmuds* (Princeton: Princeton University Press, 2009), "Composition as Critique," pp. 81-111.

At other times tannaitic texts will explicitly connect two items, rules or cases with a term that indicates that they are similar, but at the same are different in various ways, e.g., *ve-khen*, *be-emet* (Abraham Goldberg, לטיב ניב לשון המשנה: ביטויים של חיוב שיש להם גם משמעות של ניגוד. מלת 'וכן' המחברת הלכה להלכה, *Leshonenu* 26 [1961/1962], pp. 88-101; reprinted in his צורה ועריכה בספרות חז"ל [Jerusalem: Magnes Press, 2011], pp. 104-117).

To facilitate this analysis, the less complex pair of stories, regarding John Hyrcanus and Simon the Just, will be examined first. An understanding of how they arose, why they appear in tSot 13, and why they were placed after the Hillel-Samuel the Small unit will lay the groundwork for appreciating the origins and meaning of the Hillel and Samuel narratives, as well as the reasoning behind their a-chronological placement. This examination will shed light on the literary skills of the redactor of tSot 10–15, demonstrating how he both borrowed pre-existing textual sources as one of his compositional strategies and crafted new onesas well in theservice of his editorial and ideological goals. This analysis demonstrates that the redactor was not concerned about chronological problems when marshalling and developing texts to support his thematic progression and contextual relationships.

There is a great deal of material in late antique rabbinic documents on *bat qol* and, to varying degrees, on the personalities discussed herein. Nonetheless, I will attempt to restrict my references to tannaitic documents, since this is an examination of tannaitic themes. Although relevant talmudic sources do include *baraitot*, which could date to the tannaitic period, demonstrating their tannaitic provenance would involve exercises beyond the scope of this article.

While working on this passage in the Toselfta, I discovered that Vered Noam was also preparing material on the Hyrcanus and Simon the Just incidents, which she graciously made available to me along with a critique of this article, and I learned a great deal from her research and comments. While some of our conclusions dovetailed, we differ radically on other, significant, points. I refer to some of Noam's ideas in the footnotes below, and look forward to reading her detailed analyses once they are published.

The Toseftan discourse sequence

For ease of reference to the various texts under consideration, they are presented below:

Tosefta Sota 13.3–4 (**MS Vienna**; English translation adapted from Soncino Talmud, Sanhedrin 11a)	
3a1. After the latter prophets Ḥaggai, Zechariah and Malachi had died,	**3א1.** משמתו נביאים האחרונים חגי זכריה ומלאכי,
the Holy Spirit ceased from Israel;	פסקה רוח הקודש מישראל,
a2. nevertheless, they communicated with them by means of a *bat qol*.	**א2.** ואע"פ כן היו משמיעין להן על בת קול.
3b1. On one occasion some Sages had gathered in the upper chamber of the house of Gurya in Jericho.	**3ב1.** מעשה שנתכנסו חכמים לעליית בית גוריה ביריחו,
b2. A *bat qol* went out and said to them, "There is in your midst a person who is deserving of *ruaḥ ha-qodesh*, but his generation is unworthy of it."	**ב2.** ויצתה בת קול ואמרה להן: יש כן אדם ביניכם שראוי לרוח הקדש אלא שאין דורו זכיי לכך.
b3. They all looked at Hillel the Elder.	**ב3.** נתנו עיניהם בהלל הזקן.
b4. And when he died, they lamented over him, "Alas, the humble man! Alas, the pious man! Disciple of Ezra!"	**ב4.** וכשמת אמרו עליו: הא עניו הא חסיד תלמידו של עזרא.
4a1. On another occasion they were sitting in Yavneh;	**4א1**. שוב פעם אחת היו יושבין ביבנה,
a2. And they heard a *bat qol* saying, "There is in your midst a person who is deserving of *ruaḥ ha-qodesh*, but his generation is unworthy of it"	**א2.** ושמעו בת קול אומרת: יש כאן אדם שראוי לרוח הקודש אלא שאין הדור זכיי.
a3. They all looked at Samuel the Small;	**א3.** ונתנו עיניהם בשמואל הקטן.
a4. When he died, what did they lament over him? "Alas, the humble man! Alas, the pious man! Disciple of Hillel the Elder!"	**א4.** בשעת מיתתו מה היו או': הא עניו הא חסיד תלמידו של הלל הזקן.
4b1. At the time of his death he said, "Simon and Ishmael are for death and their colleagues for the sword, and the rest of the people for spoliation, and great distress will	**4ב1.** אף הוא אומ' בשעת מיתתו: שמעון וישמעאל לקטלא, ושאר חברוהי לחרבא, ושאר עמא לביזה ועקן רברבן

come upon the nation after that." **b2**. Now it was in Aramaic that he spoke.	יהויין לאחר דנא. **ב2**. בלשון ארמי אמרן.
4c1. The Rabbis also wished to lament for R. Judah b. Baba, "Alas, the humble man! Alas, the pious man! Disciple of Samuel the Small;" **c2**. The troublous conditions of the time, however, did not permit it.	**4ג1.** אף על ר' יהודה בן בבא התקינו שיהו אומ' עליו: הא עניו הא חסיד תלמידו של שמואל הקטן, **ג2.** אלא שנטרפה שעה.
5a. John the High Priest heard a *davar* issue from within the Holy of Holies announcing, "The young men who went to wage war against Antioch[14] have been victorious."[15] **b**. They noted down the time and the day and it tallied with the hour they were victorious.	**5א.** יוחנן כהן גדול שמע דבר מבית קדש הקדשים: נצחון (מרא) טליא דאזלון לאגחא קרבא באנטכיא. **ב.** וכתבו אותה שעה ואותו היום וכיונו, ואותה שעה היתה שנצחו.
6a. Simon the Just heard a *davar* issue from within the Holy of Holies announcing, "Annulled is the worship which the enemy intended to introduce into the Temple." **b.** And Caius Caligula was slain and his decrees were annulled. **c**. Now it was in Aramaic that he heard.	**6א.** שמעון הצדיק שמע דבר מבית קדש הקדשים: בטילת עבידתא די אמר סנאה לאיתאה להיכלא. **ב.** ונהרג גסקלגס ובטלו גזרותיו. **ג.** ובלשון ארמי שמע.

14 Read אנטיוכוס/Antiochus (see the following note).

15 This is Eevidently a reference to Hyrcanus' military campaign against Samaria initiated in 113 BCE; required to return to Jerusalem, he left his sons Antigonus and Aristobulus in charge. Antiochus IX Cyzicenus (Antiochus IX Eusebes) sent 6000 troops to aid the Syrians, who were defeated in the victory over Samaria and the surrounding area.

tSot 13.5–6: a borrowing, its double, and their achronicity and dialectical function

The redactor of the sprawling exposition in tSot chapters 10–15 integrated a vast amount of information in the construction of its generally smooth, flowing exposition. One realizes that he is drawing upon a variety of sources when he cites a tannaitic teaching in the name of its creator. Anonymous sources may also be cited, sometimes betraying their origins as pre-existing, independent texts by a resultant contextual dissonance. Chapter 13, for example, begins with a statement and its qualification: משנבנה בית ראשון נגנז אהל מועד ונגנזו עמו קרסיו קרשיו ובריחיו ועמודיו ואדניו, ואע"פ כן לא היו משתמשין אלא בשלחן שעשה משה ("Once the First Temple was constructed, the Tabernacle was hidden away, and its clasps, planks, bars, posts and sockets were hidden away with it; **nonetheless**, they **only** used the Table made that Moses had made"). After listing many items from the Tabernacle that were not used in the First Temple, the redactor stipulates that, **nonetheless**, they used ***only*** the Table made by Moses. One wonders, if it must be stated that they used ***only*** that Table, does this imply that there were others? Indeed, there were ten, for tMenahot 11.9 (& 10) informs us that although Solomon produced ten Tables, "***nonetheless*** they ***only*** arranged the showbread on the Table that Moses had made." Because the redactor of tSot 13.1 was citing[16] only the second clause of the tMen source, the qualification does not flow smoothly in the context of tSota.[17]

The redactor of tSota drew upon another source in chapter 13, viz. the report that John Hyrcanus heard a *davar*, a divine communication in Aramaic issuing from the Holy of Holies, and that the contents of the message (a notification of a military victory) were verified to the very

16 The language is virtually, but not absolutely, identical in both passages. This could be an indication that the formulation of tMen (or its source) was not totally fixed, that it circulated in various formulations (witness the two versions of our tSot passages in Lieberman's edition) or that it was being cited from memory.

17 This fact was noted by S. Lieberman in a note on the passage in his edition of *The Tosefta* on our tractate (New York: JTSA, 1973), p. 229.

hour.[18] This narrative also appears in Josephus,[19] so it is likely of pre-tannaitic provenance.[20] The term *davar* is pregnant with meaning in the context of *halakhah* 5,[21] for it resonates with the biblical connotation of the term, signifying a prophetic oracle.[22]

18 Josephus makes clear that the accurate reporting of historical occurrences is an important function of prophets. Prophecy does not necessarily concern the future, but rather an accurate understanding of and appreciation of events, whether past, present or future, and their significance (cf. Feldman [1990] and Gray's discussion of the meaning of prophecy for Josephus, [1993], pp. 7–34, and especially 10–11, on the ability to write accurate history).

19 *Antiquities*, 13.282–283. Josephus claimed that John Hyrcanus had prophetic powers (see Gray, ibid., pp. 22–223); on the gift of prophecy, see Vered Noam, "The Story of King Jannaeus (*b. Qiddushin* 66a): A Pharisaic Reply to Sectarian Polemic," *HTR* 107:1 (2014), pp. 46–47. It is not likely that the Tosefta borrowed this anecdote from Josephus because, for one thing, Josephus does not provide the detailed corroboration of checking the exact timing that appears in tSot 13.5. The two retellings also differ in that Josephus adds the detail that Hyrcanus was offering incense at the time, a detail which would have added color to the rabbinic version, and he reports the prophecy indirectly and not as direct speech like the Tosefta does. A conclusion that the Tosefta did not borrow its narrative from Josephus also accords with the general conclusion that the rabbis did not make use of material from Josephus' works reached by Richard L. Kalmin, J*ewish Babylonia Between Persia and Roman Palestine* (Oxford, 2006), p. 167; Vered Noam, "Did the Rabbis know Josephus' Works?" [Hebrew] *Tarbiz* 81 (2013), pp. 377–378, 383, 387.

20 For an example of a narrative of pharisaic provenance that appears in as late a document as the Bavli with many of its unique linguistic features preserved, cf. Noam (2014). Richard Kalmin, *Jewish Babylonia Between Persia and Roman Palestine* (New York, Oxford, 2006), pp. 61–85 provides examples of textual borrowings and adaptations of "pre- and non-rabbinic traditions" from several rabbinic documents, including the Tosefta.

21 Although the Erfurt manuscript of the Tosefta lacks '*davar*' or an equivalent (both here and in the following halakhah), Josephus supplies the equivalent, '*phones*', in his version. S. Lieberman found the Erfurt version of the text of chapter three and the following narrative chapters so different from his base text (MS Vienna) that, rather than try to incorporate Erfurt's differences into his apparatus of variants of Tosefta Sota, he decided to present the two in parallel columns (*The Tosefta, According to Codex Vienna* [New York: JTSA, 1973], Introduction [to Sota], p. ה). While the tendency is to view a briefer version as more original and the longer one

as doctored and "improved" (cf. the following paragraph), the indirect evidence from Josephus supports the reliability of the Vienna manuscript version.

S. Friedman summarized the nature of the Erfurt manuscript and its many problems (*Tosefta Atiqta, Pesaḥ Rishon: Synoptic Parallels of Mishnah and Tosefta Analyzed with a Methodological Introduction* [Hebrew; Ramat Gan: Bar Ilan University Press, 2002], pp. 79–86), but noted its value from a linguistic point of view (see nn. 289–290). Haya Nathan's PhD (1984) study of *The Linguistic Tradition of Codex Erfurt of the Tosefta* [Hebrew] was published in an offset edition (Jerusalem: Hebrew University, 747[1986 or 1987]). Adiel Schremer, "The Text-Tradition of the Tosefta: a Preliminary Study in the Footsteps of Saul Lieberman [Hebrew]," *Jewish Studies Online Journal* 1 (2002),pp. 11–43, calls for more recognition of the antiquity and authenticity of Erfurt's versions. Robert Brody suggests that its brevity in comparison to the Vienna manuscript and other exemplars is a sign of its originality (אילן היוחסין והערכת טיבם של עדי הנוסח של התוספתא, a lecture delivered at the Sixteenth World Congress of Jewish Studies, Jerusalem, 2013).

22 See, e.g., Ludwig Kohler and Walter Baumgartner, *Lexicon in Veteris Testamenti Libros* (Leiden: Brill, 1958), p. 202. It is quite possible that the Tosefta's Hebrew formulation of this text is the pre-rabbinic *Vorlage* of Josephus' translation (see Noam [2013], p. 387). Hence *davar* is closer to its biblical roots. In any event, sages would certainly have been aware of this usage: one can note that the sages' consciousness of biblical language and its meanings is manifest in the language employed in the making of liturgical texts where *davar* figures, e.g. in blessings over scriptural readings with reference to revelations. See Moshe Bar-Asher, מטבע שטבעו חכמים בברכה (עיון ראשון), *Kenishta* 4 (2001), pp. 27–49, for a recent iteration of this point. Moreover, Bar Asher has noted that the Mishnah also used some biblical vocabulary, e.g. in its earliest textual layers, in contexts where biblical associations underlie the usage, or especially in non-halakhic contexts (רושמי לשון המקרא במשנה, מחקרים בתלמוד ובמדרש: ספר זיכרון לתרצה ליפשיץ [2005], pp. 60–62; his מחקרים בלשון חכמים [Jerusalem, 2009], pp. 10–11 on biblical vocabulary that continued to be used in rabbinic literature, and pp. 14–16 on earlier textual groups). The sacred precincts from which Hyrcanus' *davar* issued are reason enough to suggest that this meaning resonates in the non-liturgical language of the Toseftan source. Saul Lieberman shows that parallels in other rabbinic documents demonstrate how *davar* was transformed into *bat qol (Tosefta Ki-Fshutah: a Comprehensive Commentary on the Tosefta, Part viii: Order Nashim* [New York: JTS, 1973], p. 738). This is an indication that tradents responsible for that shift understood *davar* in an oracular or revelatory sense. Noam suggests that the pair of Second Temple Priestly stories derive from a pre-rabbinic source whose concerns were closer to the bible in focusing on themes of nation and salvation through

This Second Temple period auditory ncident does stand in some contextual tension with the cessation of prophecy proposition of tSot 13.3. But that is exactly why it was placed here. Rhetorical tension produces nuanced contextual meaning. One way that our redactor develops his cessation proposition theme is by modification through the dialectical juxtaposition of conflicting texts.[23] We come to realize that, while *ruaḥ ha-qodesh* prophecy may have ceased, the impersonal communication of oracles ('*davar*', as used in this instance) may have continued. By placing it after the cessation of prophesy proposition, the redactor guides us to view *davar*, a known scriptural prophetic category, as a form of *bat qol*,[24] which explains the need to place it after the Hillel anecdote.

Indeed, this 'davar' occurred a second time, as the very next *halakhah* informs us that Simon the Just was similarly vouchsafed a historical report issued as an oracle (*davar*) from the Holy of Holies.[25] It is interesting that this second incident did not include a formal

priestly figures. The two that occur earlier in tSot, on the other hand, are actually a secondary development, because the attention shifts to sages and their concerns, to focus on the spiritual eminence of the sage, and it substitutes the rabbinic term *bat qol* for the archaic *davar* (see יוחנן כהן גדול ובת הקול, a chapter from a book on parallels between Josephus and the rabbis that Noam and Tal Ilan are preparing for publication by Yad Ben-Zevi, pp. 11–12). I see the Hillel narrative as having been borrowed separately from elsewhere in order to support and illustrate the redactor's claim that *bat qol* continued to function after *ruaḥ ha-qodesh* prophecy ceased.

23 Cf. n. 13 above.

24 To be sure, the redactor of this textual complex co-opted the Hyrcanus audition incident along with its source's term, *davar. Davar*, however, being a biblical phenomenon and not, in its particulars, an actual *bat qol* (see note 22), the contents of the revelation are meant to be shared with others. It is, in this, unlike *bat qol* communications, which are directed at the group or the individual for whom they were formulated.

25 Vered Noam, יוחנן כהן גדול ובת קול (unpublished study, cited n. 20 above), discusses this narrative and explores its Toseftan context and their parallels.

verification account.[26] Noteworthy as well is the final note that the *davar* was heard in Aramaic.[27] It is also interesting to note that temporal order is highly problematic in this text. Not only does Simon, who lived before Hyrcanus, follow the latter in the Toseftan author's sequencing, but even more curious is the exceedingly achronological fact that the Aramaic oracle reported the death of Gaius Caligula, Roman Emperor from 37–41 CE, some three centuries later than Simon's lifetime.

To address the last item first, the final oracle of the passage happens to be a quotation from *Megillat Ta`anit,* [28] a tannaitic work contemporaneous with Josephus (37–ca. 100). [29] Hyrcanus' audition narrative, on the other hand, is older, since Josephus cites it with the term *legetai* ("it is said"), i.e., as a pre-existing tradition. [30] The anachronism of this historical "scoop" did not seem to bother whoever composed the Simon anecdote; he must indeed have known that Simon the Just predated John Hyrcanus, for mAvot 1.2 dates Simon very early, to the end of the Great Assembly (*sheyare Kenesset ha-Gedolah*), i.e., as

26 Although it did report that the threatened idolatrous worship never took place because Caligula's untimely death, which had not been predicted, prevented its being carried out.

27 On the significance of using Aramaic instead of Hebrew for this prophecy, cf. n. 61 below.

28 Vered Noam, *Megillat Ta`anit: Versions, Interpretation, History; with a Critical Edition* (Jerusalem: Yad Ben-Zvi, 2003), p. 283. Our narrative has been absorbed into a *Scholion* to that work. See Noam, idem, text, pp. 112–114 and discussion, p. 288; Amram Tropper, *Simeon the Righteous in Rabbinic Literature* (Leiden: Brill, 2013), pp. 209–212.

29 *Megillat Ta`anit* is written in Judean Aramaic (see M. Sokoloff, *A Dictionary of Judean Aramaic* [Ramat Gan: Bar Ilan University Press, 2003], pp. 9–10), a dialect of Middle Aramaic in use during the Second Temple period. In addition to its language, this work, minus a couple of late interpolations, can be dated to the end of the Second Temple period (cf. Noam's introduction to *Megillat Ta`anit* [2003], pp. 19–22).

30 On Josephus' use of *legetai* to cite anonymous traditions, see Gray, op. cit., p. 22 and n. 56; Noam (2013), pp. 381–382. Tropper, ibid., suggests that Simon's association with Alexander the Great and the salvation of the Temple from a hostile foreign leader may have inspired an association with the *Megillat Ta`anit* incident (p. 211).

transitioning from the Persian period to the very beginning of the Hellenistic period.[31]

The achronological placement of the various components of the passage, with Simon's *davar* narrative succeeding that of Hyrcanus, seems to have been contextually motivated. The redactor, desirous of moving on to new material involving Simon the Just (*halakhot* 7–8), placed the report of Simon's *davar* last, in *halakhah* 6, to form a transition to that next section. Therefore, even greater considerations motivate the location of Simon's *davar* audition after the Hillel anecdote than that of Hyrcanus.

It is interesting that the verification report motif is wanting in the Simon anecdote. We have seen that the text with the corroboration is likely pre-tannaitic, and its historical focus is non-rabbinic. Corroborations figure in reports of miraculous prophetic revelations in contemporary Greco-Roman sources.[32] Josephus and the Tosefta were therefore probably both independently citing an earlier Jewish text that had been formulated for an audience more attuned to Hellenistic cultural norms.[33] The Simon story, on the other hand, was not, and its focus on

31 The Persian period was foreshortened in rabbinic chronology. "Although the Persian period actually ended nearly two hundred years after the erection of the Second Temple, it is well known that the rabbis were unaware of (or elected to ignore) the true duration of the Persian empire and that they collapsed Persian rule during Second Temple times to a mere thirty four years" (Tropper [2013], p. 29). Simon precedes Hyrcanus in chronological lists, and where they are specific, rabbinic sources date him to before the Hasmonean era (ibid., pp. 199–212).

32 Lieberman, *Tosephta Ki-Fshutah,* Sota, p. 739. It should be noted that Lieberman's sources are all later than the time proposed for the core Hyrcanus narrative, ranging from Josephus to Philostratus, i.e, the first to the third centuries CE.

33 Other thematic elements suggest that the anecdotes about John Hyrcanus and Simon the Just are pre-rabbinic, or perhaps are modeled on pre-rabbinic frames of reference (see Noam, יוחנן גדול, cited in n. 22 above). Interestingly, the urge to corroborate (quasi-)divine revelations persisted into amoraic times. The Jerusalem Talmud reports that R. Yoḥanan and R. Simon ben Laqish relied on the indirect evidence of a human *bat qol* (a chance utterance bearing oracular import, here the voice of a student reciting his Scriptural text), but they did make note of the time of their audition and later verified that the event had occurred then (yShab 6.9, p.

the preservation of the integrity of the Temple would be a matter of concern to the Rabbis. Although the Simon anecdote is structured and formulated using the Hyrcanus model, the second element of the narrative, i.e. the revealed event, had a more complicated chronology, as it is not clear when or how, following Caligula's assassination, his decrees were revoked.[34] So, rather than corroborate the oracle, this line explains it, albeit in an indirect manner. This indirection furnishes more information than is required, without directly addressing the oracle itself. Could it be that the author of this anecdote formulated this explication of the oracle with other things in mind? We will revisit this excess of information towards the end of this section.

Stylistically, this literary creation is similar to the Hyrcanus story with respect to its literate textual borrowing. Indeed, the author of the Simon story lifted a snippet from *Megillat Ta`anit*, thereby securing himself an Aramaic prophecy to match that of Hyrcanus. His literary self-awareness is manifest in his comment that the oracle was heard in Aramaic, the same language as that of Hyrcanus. To sum up, the creator of the Simon incident is sensitive to the Hyrcanus story; he substituted a historical summary for the verification report because the two oracles were not themselves congruent; the Simon story serves a contextual function, affording a transition to the following section in tSot 13.

In compiling the passage, the redactor did enter into serious anachronism: a definite chronological disparity occurs here, not only because Simon the Just preceded John Hyrcanus, but because Simon preceded Caligula by several centuries. Amram Tropper comments, "Regardless of what prompted our author to transform the Caligula tradition [from *Megillat Ta`anit*] into the Simeon and Caligula tradition, the fact of the matter is that he did so despite the chronological difficulty involved. Perhaps he was unfamiliar with the *Seder Olam Rabbah*'s dating of Caligula or perhaps it simply did not trouble him. Indeed, the

8c; cited in Sperling [1973], p. 97 and n. 23). It is impossible to determine whether these Amoraim took the Hyrcanus incident as a paradigm to verify the accuracy of their induced oracle, or whether that detail was added by a Palestinian redactor-narrator.

34 Lieberman, *Tosephta Ki-Fshutah,* Sota, p. 741.

literary and rhetorical advantages of introducing Simeon the Righteous into the Caligula tradition were probably deemed far more significant than the creation of a chronological impossibility." [35] I agree with Tropper; indeed, the source in *Megillat Ta`anit,* which does not, of course, mention Simon the Just, provides no indication of, or interest in, when Caligula flourished (which would be close to its own time of completion, just before the Destruction).

To be sure, others, who take a more positivistic approach here and do not consider this text a mere doublet, have tried to identify a more chronologically appropriate Simon, even in the face of the challenge of coming up with a (high) priestly one. [36] I think, however, that historical consciousness is irrelevant to the present situation. The redactor seized upon Simon both because he could provide a contextual transition and because a high priest was required to match the Temple audition of Hyrcanus. Indeed, Simon was much greater in stature than Hyrcanus. Simon the Just, as opposed to a Hasmonean like John Hyrcanus, was renowned as an ancient and eminent figure in the eyes of the rabbis, an admired spiritual precursor and leader. It was he, and not Hyrcanus, who was included in the chain of tradition at the beginning of *mAvot*. The *davar* tradition may have originated with Hyrcanus, but it was Simon who could furnish a worthy link, in a lineage of post-prophetic revelation, to Hillel and thence to the Tannaim.

35 Tropper (2013), p. 212.

36 The logic of the contextual position I posited relies on the accuracy of the ascription of the story to Simon the Just, contra the suggestion of, e.g., Zvi Tamari, *Tannaitic Literature as a Source for Jewish History: from Simon the Just to Johanan ben Zakkai* (Diss.: Dropsie University, Philadelphia, 1972), pp. 17–18. Tamari posits that the auditor was a different Simon, and the cognomen The Just was added by a scribe (see Tropper [2013], pp. 210–211 and n. 32). Noam also insists that issues of anachronism prevent the acceptance of an ascription to Simon the Just, but does not attempt to decide among the alternative candidates suggested by scholars (צלם בהיכל, [p. 18] and nn. 63–64). She notes that the chronology of the subjects of the oracular reports, as opposed to their tradents, is in any event accurate, for Caligula did indeed follow Herod's sons. (The fact that a statement attributed to John the High Priest follows in chronological sequence in *halakhah* 10 is irrelevant, as that citation was brought to further the discussion there).

Having speculated on why, in imitating a given text, viz. the oracular audition of John the High Priest, the Toseftan redactor would choose Simon the Just as a protagonist, we may also speculate on why, beyond the fact that it is couched in Aramaic, that redactor might have chosen the Caligula report for his oracle. Indeed, its subject matter would be more germane to the sages' spiritual priorities than a Hasmonean military victory. Considering, as well, that these incidents partake of legend and could shade into myth, the possibility should be considered that Simon's oracle may have been selected to provide an imaginative reversal of the Destruction, a fantasy in which a despised Roman ruler and his anti-Jewish decrees (the interpretation), not to mention his intended desecration of the Temple (the oracle), are prevented or destroyed in an imaginative anecdote. Surely, here there is no pretense of historical writing.

Be that as it may, the aforementioned factors, taken together, suggest, first, that the Simon story was composed as a doublet of the Hyrcanus anecdote; and second, that this was done by the redactor of tSot 13, as suggested by the employment of the contextually relevant medium of oracles.[37] The doubling of episodes is not unusual in rabbinic literature, occurring in many documents, both tannaitic and amoraic/stammaitic.[38] Beginning with a basic story, names and other details can be changed to fit a new context and provide a new set of

37 Tropper suggests this as a possibility ([2013], p. 211, n. 35). Noam, on the other hand, regards each as a "twin narrative" or "twin tale" (מעשה תאום, ספור תאום), basing herself on the assumption that they both arose in the same oral- literary folk legend matrix ([2013], p. 387; *Tselem* [p. 18]–[p. 19] wherein a pre-existing Aramaic historical kernel was set, later to function as an oracle within a Hebrew narrative frame.

38 The transfer of motifs and linguistic formulae from one personality to another in the elaboration of new stories is well known in rabbinic literature. On the use of such compositional techniques to produce doublets see Jacob Elbaum, "Models of Storytelling and Speech in Stories About the Sages [Hebrew]," *Proceedings of the Seventh World Congress of Jewish Studies* (Jerusalem, 1977) vol. 3, pp. 71–77; Shamma Friedman, "A Good Story Deserves a Retelling," *Jewish Studies Internet Journal* 3 (2004), pp. 59–62; cf. Jeffrey L. Rubenstein, *Stories of the Babylonian Talmud* (Baltimore: Johns Hopkins University Press, 2010), pp. 209–214.

circumstances. This literary type occurs in the Bible, in the two episodes in which Abraham tries to pass off Sarah as his sister; there is even a third adaptation in which Isaac does the same with Rebecca.[39] Similarly, elements from the story of the Jeroboam's establishment of Yahweh worship with golden calves (I Kings 12:28–33) might have been projected onto the mythical past to create a very different story, viz., the episode of the golden calf in Exodus (32:1–6).[40] In the Tosefta, the Simon episode is a doublet to that of Hyrcanus, with the names and revelatory details changed to fit the varied circumstances of their authors' intended audience and literary context.

The doubling of episodes, literary self-consciousness and contextual factors also figured into the complex of tSot 13.3–4, to which we now turn, beginning with the vitally significant Hillel story.

Hillel and the Bat Qol: *the quintessentially tannaitic story and its effects on tSot 13.5–6*

The episode recounting how sages in Jericho, upon hearing a *bat qol* declare that one of their number was worthy of *ruaḥ ha-qodesh*, all set their eyes upon Hillel appears to be in some tension with the proposition, in tSot 13.3, that prophecy had ceased with the last classical prophets. As suggested above, that proposition seems to reflect the feeling that, with no suitable persons coming forward, God ceased revealing Himself through *ruaḥ ha-qodesh* but, still desirous of communicating messages to his people, He resorted to the medium of *bat qol*.[41] The Hillel narrative is ostensibly brought to exemplify that proposition: it follows it directly,

39 Examples of the wife/sister deception occur with Abraham and Sarah (Genesis 12:10–20 and 20:1–18) and with Isaac and Rebecca (ibid. 26:1–17). See the discussion in Alan Segal, *Sinning in the Hebrew Bible: How the Worst Stories Speak for its Truth* (New York: Columbia University Press, 2012), pp. 22–57, and touched on *passim*.

40 See Segal (212), pp. 58–99, especially pp. 75–79.

41 The crucial difference between the two is that a *bat qol* communicates directly with its audience, without commissioning a human intermediary, as I will explain in my forthcoming study on the nature of *ruaḥ ha-qodesh* and how it differs from *bat qol* (and contrast *davar,* n. 24 above).

and is cited as a *ma`aseh*, indicating its status as an exemplary, supportive tale. However, the *ma`aseh* itself reflects a different understanding. It claims that suitable candidates for *ruaḥ ha-qodesh* were still to be found in Israel as recently as Hillel. The reason *ruaḥ ha-qodesh* was not vouchsafed him was that his generation was unworthy.

The superscription *ma`aseh* implies a strong possibility that this narrative is cited as an independent source. Indeed, it does seem to have been composed for a different context. It is not about prophecy *per se*, but rather about Hillel, i.e., it is a celebration of his meaning for the Tannaim. Although *bat qol* is an element in the unfolding of the tale, there are others as well. In fact, the meaning of the *bat qol*'s communication is fully realized only with the further revelation of the sages, who disclose the identity of he who is deserving of *ruaḥ ha-qodesh* inspiration. It should be noted that this representation of a *bat qol* communication as a riddling oracle whose interpretation is in the hands of its recipients is unique in rabbinic *bat qol* narratives, adding to the originality and imaginative nature of this anecdote. In further enumerating the character traits that distinguish such a worthy individual, sages also link themselves, through Hillel, not to the classical prophets — recipients of *ruaḥ ha-kodesh* — but to Ezra, thereby establishing their credentials and pre-pre-eminence as scribes and masters of scriptural study and commentary.[42] This *ma`aseh* is engaged in a sophisticated and significant act of securing a double pedigree: it establishes a (select) sage as both fit to be a prophet, i.e., a recipient of *ruaḥ ha-qodesh*, and an incumbent of a parallel biblical lineage, that of the wisdom of the scribal heritage.

The *ma`aseh* is also quite sophisticated in its inversion of an election theme. From Moses to Jesus, prophets or leaders have been informed that

42 This abbreviated scholastic genealogy may be contrasted with other chains of tradition which link the sages to the prophets. On the other hand, some of the more abbreviated chains trace rabbinic traditions directly to extra-scriptural revelations received by Moses (cf. Tropper [2013], pp. 23–63). Indeed, Ezra seems to be a second Moses or, perhaps even better, a second Joshua, as Tropper extrapolates from accounts in the book of Neḥemiah, which greatly influenced the sages, in that he "reconstituted the people and promulgated Torah law" (ibid., p. 63, and see p. 61).

they were chosen by God for a sacred task or role.[43] Here, Hillel is chosen but circumstances prevent him from playing his role. This tale is both similar and dissimilar to the narrative of the election of Jesus in other ways as well, which are deserving of further examination. Thus, a divine voice announces the *election* in both accounts but, in topical contrast, Hillel is denied *ruaḥ ha-qodesh*, while it descends upon Jesus. Furthermore, the election of both characters was announced in a (semi-) public setting, i.e., in the presence of colleagues, disciples or John the Baptist and others.[44]

Like the John the High Priest audition, the present one, featuring that of the sages (*ḥakhamim*), seems to be a text that the author of tSot 13 incorporated into his composition. It could well be a late text, however, and it is quintessentially rabbinic. Sages (*ḥakhamim*) in tannaitic texts are tannaitic wise men. The story seems to be a relatively late formulation because it reports that the *bat qol* went out (*yatsetah*) but it does not identify the place from whence she issued. While this type of detail may be omitted in amoraic and stammaitic reports in the Talmuds and aggadic midrashim, it is provided in other tannaitic ones sources. There, *benot qol* issue from places associated with the divine, i.e. from Mount Sinai, the (site of) the Temple or the Camp of the Israelites in the Wilderness.[45]

Another possible indication of "lateness" with respect to the tannaitic period may be the manifestation of a divine *bat qol* communication in a post-biblical setting. Of the other tannaitic *bat qol* reports, only one, in mAvot 6.2, imagines the audition of a divine *bat qol* in the world of the rabbis. And Avot, at that, is a late mishnaic tractate, with chapter 6

43 Such texts are designated "commission" or "call" narratives with respect to, e.g., Old Testament figures. For purposes of this analysis I am collapsing them together with the New Testament and Hillel narratives, which do not furnish an actual call, under the term "election" narrative. (See Adela Y. Collins, *Mark: a Commentary* [Minneapolis: Fortress Press, 2007], pp. 146–147).

44 Matthew 3.16–17, Mark 1.12–13, Luke 3.21–22.

45 Sifri Devarim section 357.5 (ed. Finkelstein, p. 427–428) // Midrash Tannaim *ad* Deuteronomy 34.5; Mekhilta de-Rabbi Ishmael, Yitro, Amalek 2, s.v. מעשה באחד (ed. Horovitz, p. 200) // Mekhilta de-Rabbi Shimon bar Yoḥai, 18:27 (ed. Epstein Melammed, p. 135/16–18; tr. Nelson, p. 210).

evidently being a post-mishnaic addition.[46] I hesitate to make too strong a claim from this peculiarity because of the paucity of occurrences, there being only two additional ones; still, this small number may indicate the insignificance of this phenomenon for tannaim[47] (and the editors of their documents) while still, at the same time, highlighting the significance it held for a select group which included both our Toseftan borrower and the original author of the Hillel narrative.

The Hillel story is quintessentially rabbinic in naming the rabbinic "sages" as the significant group, and Hillel as one of their number (i.e., as a tannaitic rabbi). It accomplishes a great deal in few words. It narrates an inversion of an election revelation, as mentioned above, where a prophet is both chosen and prevented from fulfilling his role, the reason being laid at the feet of (non-rabbinic?) Israelites, his "unworthy generation." The unavailability of prophetic revelation underwrites the transition from prophet to sage claimed in *Seder Olam* 30.4 or mAvot 1.1 and implicitly undercuts any claims to prophetic revelation via the Holy Spirit that, e.g., Christians or Dead Sea scrolls theologians might have advanced.[48]

46 Chapter five itself was shorter, and various collections of *baraitot* were added to the tractate, among them some now designated chapter six (Shimon Sharvit, *Tractate Avoth Through the Ages: a Critical Edition, Prolegomena and Appendices* [Hebrew; Jerusalem: Bialik, Ben Yehuda Research Center for the History of Hebrew, The Hebrew University of Jerusalem, 2004], pp. 273–277). Myron B. Lerner claims that chapter 6 was probably added during the Geonic period, but its contents, largely attributed to Tannaim, reflect third (possibly fourth)-century views (*Literature of the Sages 1*, ed. S. Safrai [Philadelphia: Fortress Press, 1987], pp. 273–275).

47 Noted by Azzan Yadin-Israel in *Scripture and Tradition: Rabbi Akiva and the Triumph of Midrash* (Philadelphia: University of Pennsylvania Press, in press) in chapter 8 (which is expected to be covered by pages 161–182 of the published version). I thank Yadin-Israel for sharing this material with me prior to its publication.

48 The Toseftan account is similar to Josephus, who vary rarely uses the designation *prophetēs* for post-classical individuals, and refuses to predicate *ruaḥ ha-qodesh* terminology for them, i.e., phrases like *pneuma theon* (Gray, op. cit., 28, 89; cf. n. 6 above). On uses of *ruaḥ ha-qodesh* in revealing special knowledge to sages, see n. 55 below. Millikowsky (1994), p. 87 comments that *ruaḥ ha-qodesh* has many

This narrative is not really historical *per sé*. If there is any historical reminiscence of Hillel's own time, it may be the location of this incident in the upper chamber of a house in Jericho. Jericho was favored by the wealthy of Jerusalem in the Herodian period, especially for its fertile agriculture and warmth in the winter, and was eclipsed later on by other locations.[49] The substance of the story, however, is wholly tannaitic. There is a marked tension between the sages and an unworthy nation. It is difficult to pinpoint the object of their disapproval. This may be an expression of a negative attitude towards non-rabbinic commoners (*amme ha-arets*), which would be uncharacteristically extreme for tannaitic sources.[50] That tension may reflect a post-Destruction ideology

meanings in rabbinic documents, noting that, in the sense of prophetic inspiration, it is close, if not identical, to *Shekhinah*.

49 There is, however, a Toseftan account of R. Gamaliel of Yavneh reclining there with the elders (*zeqenim;* tBer 4.15).

50 "Tannaitic sources do not refer to the `am ha'aretz with any particular disrespect or vituperation" (Christine Hayes, "The 'Other' in Rabbinic Literature," *The Cambridge Companion to the Talmud and Rabbinic Literature*, ed. Charlotte E. Fonrobert and Martin S. Jaffee [Cambridge, New York: Cambridge University Press, 2007], pp. 243-269, 261, referencing Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* [Baltimore: The Johns Hopkins University Press, 2003], p. 124). If this sentiment reflects a retrojection of the rabbis' placing of blame for the destruction of the Temple, it would be difficult to identify a particular group of offenders because there also the cause is a generalized sense of sin rather than a particular fault (Robert Goldenberg, "The Destruction of the Jerusalem Temple: its Meaning and its Consequences," [*The Cambridge History of Judaism, IV: The Late Roman-Rabbinic Period* ed. Steven T. Katz [Cambridge, New York: Cambridge University Press, 2006], pp. 191-205, 197, and cf. n. 17 on the Talmudic suggestion that it was "causeless hatred"). Although it will be argued below that the Toseftan discourse under consideration represents an advancement in understanding the divine *bat qol* over other tannaitic documents, it is also argued that the Hillel narrative constitutes a source for the redactor of this discourse. Indeed, it does represent a slightly different perspective than the opening proposition, for while the latter implies that men worthy to be prophets no longer appear, the Hillel story insists that they continue to arise but are circumvented by the people. On the other hand, the Hillel narrative may well be recent, inasmuch as it represents a new development in moving *bat qol* manifestations into the tannaitic period.

whereby sin prevents the direct involvement of God with the nation's leaders (save for an occasional *bat qol* communication);[51] sages' wisdom is the only route to knowledge of God and His will.[52]

Indeed, the Hillel story is not so much the stuff of history but of myth. Alan Segal writes[53] that

> A root metaphor or myth usually takes the form of a story about the cosmos or ancient history of the group… it must have four… functions to qualify as a myth: 1. to explain the beginning of… history (prototype); 2. to inform people about themselves by revealing the continuity between key events in the history of the society and the life of the individual; 3. to illustrate a saving power in human life by demonstrating how to overcome a flaw in society or personal experience; and 4. to provide a moral pattern for individual and community action by negative and positive example.

Hillel is a prototype of the ideal sage, capable of healing a rift in divine-human relations, a model of behavior for members of the rabbinic movement; an incarnation of the virtues of the biblical sage and scribe, Ezra.

51 R. Eliezer points out that sin prevents Israel from access to *ruaḥ ha-qodesh.* כי תועבת ה' כל עושה אלה ... כשהיה רבי אליעזר מגיע לפסוק זה היה אומר חבל עלינו ומה מי שמדבק בטומאה רוח טומאה שורה עליו המדבק בשכינה דין הוא שתשרה עליו רוח הקודש ומי גרם (ישעיה נט, ב) עונותיכם היו מבדילים ביניכם ובין אלהיכם (Sifri Devarim 173 [ed. Finkelstein, p. 220]).

52 According to mSot 9.15 (a *baraita* added to the Mishnah but not contained in the Mishnah as found in either Talmud), piety, one of our key attributes, leads to *ruaḥ ha-qodesh*, which leads to resurrection. This may be referring not to oracular revelation, but to preternatural insight and illumination (cf. n. 55 below).

53 Segal (2012), p. 13. The signs of the "lateness" of the composition of the Hillel story do not stand in contradiction to its function as narrating a mythical prototype. A myth achieves its status as a projection of the concerns of the society recounting it onto an earlier time; this plays a role in in Segal's discussion of the dating of stories using the wife/sister motif (see, e.g., pp. 27, 33, 48–49).

From the perspective of the tSot context into which it has been imported, this story's relationship to the basic proposition is of an intentionally dialectical nature. While *ruaḥ ha-qodesh* prophecy ceased after Ḥaggai, Zachariah and Malachi, in the sense that prophets did not arise after them, it does not mean that select individuals deserving of prophecy did not come along. Nonetheless, it would seem to foreclose the possibility that such revelation could begin again.[54] The Hillel episode acknowledges such a possibility, especially for a gifted tannaitic

54 See the summary of conceptions of rabbinic views on the persistence and return of prophecy in Cook (2011), pp. 149–173. Chaim Millikowsky discusses the interpretation of our passage in his commentary to *Seder Olam*, pp. 522–525, where he concludes that the cessation of prophecy is final. The use of the verb *p-s-q* to indicate the cessation of prophecy does seem to indicate an irreversible state of affairs. *Seder Olam* uses that verb to report the stopping of the rain that caused the Flood (chapter 4 [p. 231/14]); the termination of manna with the passing of Moses (the Israelites did, however, have just enough to last until they entered the Promised Land: chapter 10 [p. 251/17; also tSot 11.5]); and the cessation of prophecy from "the nations" once the Torah was revealed (chapter 21 [pp. 288–289]).

To be sure, the verb appears in the Tosefta in lists that also utilize other verbs, e.g., *b-t-l, s-l-q,* in which context it may signify finality or its contrary. For instance, when wisdom *paseqah* with the death of R. Joshua or R. Akiva (tSot 15.3, in ms. Vienna vs. ms. Erfurt), the verb is employed in a eulogistic context, where its purpose is emotional and hyperbolic. The author of that statement may bemoan the lack of such paragons, but it is difficult to imagine that he felt that sages were devoid of wisdom. John R. Levison discusses this verb in "Did the Spirit Withdraw from Israel? An Evaluation of the Earliest Jewish Data," *New Testament Studies* 43 (1997), pp. 35–57, but he does not take context into consideration, nor does he try to distinguish it from the other verbs of cessation and privation in the sources he cites. The cessation of *ruaḥ ha-qodesh* text, on the other hand, is making a historical claim: a period has come to a close (see Cook's summary and critique of Levison's claims, pp. 162–164). In another situation, when the *Shekhinah paseqah* on account of whisperers of insinuations in court (tSot 14.3), their silencing may create the conditions for it to return. On this evidence, one may suggest that, even though tSot 13.3 attributed the cessation of *ruaḥ ha-qodesh* prophecy to the death of Ḥaggai et al., the presence of the Hillel story in that same passage suggests the possibility that, should the people again become worthy, an individual deserving of such inspiration might be granted it. If so, that would be another way in which the redactor deployed the *ma`aseh* to modify the lexical intent of his opening proposition.

sage. At the same time, it implicitly denies such an experience or office to non-rabbinic claimants, who account for the failure of prophets to ariseamong the rabbis. In acknowledging that prophecy was still possible in theory, it also posed a theoretical challenge to the decidedly non-ecstatic rabbinic methods for cultivating wisdom.[55]

This episode also has a role to play in the wider context of tSot 13.3–6. That function explains its a-chronological location in this textual spread, before the Hellenistic period episodes. The divine communication heard by those figures was specifically called a *davar*, a term used in biblical texts, and one carried over into rabbinic liturgical ones to signify prophetic revelation. It was used in the extra-rabbinic, and probably pre-rabbinic, story that the Toseftan redactor shared with Josephus, and copied by that redactor into the Simon the Just doublet. While Josephus translated that episode into Greek for his audience, it is very likely that the Toseftan author was citing from a Hebrew and Aramaic original. Our redactor did not want this connotation to interfere with his initial cessation of prophecy proposition, so he interposed the Hillel episode. There, the divine communication was explicitly delivered by a non-ecstatic revelatory medium, the *bat qol*. That way, the *davar* revelations reported subsequent to the proposition and narrative in tSot 13.3 could with little difficulty be understood as *bat qol* communications.[56] That is

55 Even though prophetic revelation through *ruaḥ ha-qodesh* had ceased, sages were aware of *ruaḥ ha-qodesh* insight into personal affairs or its illumination in interpreting Scripture. This is not the same thing as receiving and delivering a prophetic oracle under divine inspiration (see Cook [2011], pp. 165–167; Millikowsky [1994], p. 89).

56 This is noted by Noam, יוחנן כהן גדול ובת קול, [p. 11]. Indeed, the *davar* incidents reported in tSot 13 do not feature the ecstatic aspects of *ruaḥ ha-qodesh* possession-revelation. Did the redactor wish to prevent his audience from connecting the term *davar* with a contemporary form of a 'logos' theology, along the lines of a function of the term *memra*? Such a connection would be unlikely, because *bat qol* is not associated with rational intellection or spiritual conception, but is rather, as Sperling (1973), pp. 99–101, explains, a thoroughly acoustic phenomenon. The combination of *bat qol* with *davar* is unique in that tannaitic *benot qol* are always directed at a group, whereas the *devarim* seemed to have been

how S. Lieberman explained them in his commentary on this passage.[57] Indeed, the term *davar* has been reformulated in later textual parallels as *bat qol*. [58]

It should be noted that the shift in oracular associations effectuated by tSot 13.3 runs counter to the practice in explicit tannaitic *bat qol* incidents. That is, whereas the tannaitic *bat qol* communicates messages of personal import to its auditors, the *davar* imparts historical information.[59] This incorporation of *davar* into the *bat qol* orbit could be another sign that the discussion in tSota 13.3–6 is a late text engaged in presenting the phenomenon of *bat qol* while redefining its nature and enlarging the scope of its method of revelation, as well as moving its period of activity from biblical times into the Second Temple period (and beyond) as well.[60]

The relationship between the Hillel narrative and the *davar* narratives having been clarified, the group of reports involving Samuel the Small and Judah ben Bava will now be addressed.

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intended for individuals. This could also be a sign of lateness, as *benot qol* are not restricted to groups in amoraic/stammaitic texts, as I will explain in further studies.

57 Tosefta Ki-Fshutah: a Comprehensive Commentary on the Tosefta, Part viii: Order Nasim (New York: JTSA, 1973), p. 738): "ואין 'דבר' אלא בת קול."

58 ySot 9.10 (24a); bSota 33a.

59 Noam notes that the historical and political focus of the Hyrcanus report demonstrates that it is foreign to rabbinic literature, which is a-historical and usually focuses on legendary and religious material. She contrasts the priestly protagonists and temple location of the former with the latter's centering on sages in the academy ([2013], pp. 368–370).

60 This is not a claim that the sages consider *bat qol* an exclusively post-prophetic phenomenon, for the Toseftan author would have been aware, e.g., of the report in Sifri Devarim 357.5 (pp. 427–428) of a *bat qol* exclamation at the passing of Moses (cited in n. 45 above).

The textual complex of tSot 13.3–4: textual relationships and generative relations

tSot 13.4 is a complex text, presenting a mate to the *bat qol* episode of Hillel, but adding a death-bed revelation and yet another story of a Tanna, Judah ben Bava. This is the text.

4a1. On another occasion they were sitting in Yavneh;	**4א1**. שוב פעם אחת היו יושבין ביבנה,
a2. And they heard a *bat qol* saying, "There is in your midst a person who is deserving of *ruaḥ ha-qodesh*, but his generation is unworthy of it"	**א2.** ושמעו בת קול אומרת: יש כאן אדם שראוי לרוח הקודש אלא שאין הדור זכיי.
a3. They all looked at Samuel the Small;	**א3.** ונתנו עיניהם בשמואל הקטן.
a4. When he died, what did they lament over him? "Alas, the humble man! Alas, the pious man! Disciple of Hillel the Elder!"	**א4.** בשעת מיתתו מה היו או': הא עניו הא חסיד תלמידו של הלל הזקן.
4b1. At the time of his death he said, "Simon and Ishmael are for death and their colleagues for the sword, and the rest of the people for spoliation, and great distress will come upon the nation after that."	**4ב1.** אף הוא אומ' בשעת מיתתו: שמעון וישמעאל לקטלא, ושאר חברוהי לחרבא, ושאר עמא לביזה ועקן רברבן יהויין לאחר דנא.
b2. Now it was in Aramaic that he spoke.	**ב2**. בלשון ארמי אמרן.
4c1. The Rabbis also wished to lament for R. Judah b. Baba, "Alas, the humble man! Alas, the pious man! Disciple of Samuel the Small;"	**4ג1.** אף על ר' יהודה בן בבא התקינו שיהו אומ' עליו: הא עניו הא חסיד תלמידו של שמואל הקטן,
c2. The troublous conditions of the time, however, did not permit it.	**ג2.** אלא שנטרפה שעה.

The Samuel the Small anecdote, unit **4a**, is an obvious doublet of the Hillel narrative. A convocation of sages is addressed by a *bat qol*, who stipulates that one of their number is deserving of *ruaḥ ha-qodesh*, being prevented only by his unworthy generation, and a eulogy follows, linking Samuel to Hillel (thereby tipping the redactor's hat to his source of influence and inspiration), the latter being reduplicated in the linking of Judah ben Bava to Samuel in unit **4c1**. While it is always possible that the second doublet was the original one, I believe that the Samuel story was clearly generated from the Hillel one because it does not deal with as significant a figure as Hillel, and its eulogistic connection with Hillel[61] is not as weighty as Hillel's descent from Ezra; it seems secondary and derivative. Hillel is the mythic prototype; Samuel the Small a secondary realization, an incarnation of the mythical paradigm in "historical" time: a legend. This literary lineage is momentous because it continues the theme of the worthiness of *ruaḥ ha-qodesh* revelation into the heart of the tannaitic period.

The deathbed revelation of Simon the Small (an apparent contradiction to the thesis that inspired prophecy had ceased) and the Judah ben Bava addition have yet to be accounted for. The latter does indeed seem unrelated, as it involves no oracular intervention. These additions present a challenge to the claim that the Samuel the Small anecdote was not imported, but rather generated for its present context by the redactor of this chapter. [62] If this is so, these other two additions were

61 Samuel the Small is renowned for his humility (the Yerushalmi's version of this narrative, ySot 9.13, fol. 24b: למה נקרא שמו קטן, מפני שהוא מקטין עצמו ; a *baraita* in bSan 11a).

62 Marc Hirshman, noting that the deathbed revelation of Samuel the Small, including the stipulation that he spoke in Aramaic, also appears in Semahot 8.7 (ed. Higger, pp. 153–151) in conjunction with a eulogy on his death, suggests that it first appeared there (לדמותו של שמואל הקטן, *Jews and Judaism in the Second Temple, Mishna and Talmud Period: Studies in Honor of Shmuel Safrai*, ed. I. Gafni, A. Oppenheimer, M. Stern [Jerusalem: Yad Izḥak Ben-Zvi, 1993], pp. 165–172). Remarking that recent scholarship dates the tractate to the third century, save possibly for some aggadic sections on martyrs in the very next passage (cf. Saul Lieberman, "The Martyrs of Caesarea," *Annuaire de l'Institut de Philologie et d'Histoire Orientales et Slaves* 7 [1939–1944] 395–446, pp. 443–444), Hirshman

also generated with the main anecdote. Why would an editor complicate the presentation with such material?

Close examination of the pair of *davar* anecdotes furnishes a clue to the pattern guiding the development of the Hillel-Samuel doublets. For one thing, this author has an affinity for parallels and balance, creating them from scratch if necessary. To balance his two *davar* narratives, he produces a pair of *bat qol* ones. His self-awareness with regard to mimicking his John the High Priest source by adding an Aramaic oracle is manifest in the two doublets he created, where he comments that Simon heard an Aramaic *davar*, while Samuel delivered one in that language. His literary inclinations and affinities are on display here, not only in the citation of *Megillat Ta`anit* in Simon's *davar*, but in the possibly archaizing borrowing from Daniel 2:29, 48 of some of the vocabulary in which Samuel expresses himself.[63]

The author's feeling for formal patterns is further instructive. He made the second *davar* anecdote longer than the first, which is composed

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asserts that our passage belongs with that group. This assertion seems problematic, however, because the language identification lacks contextual relevance there, whereas it does resonate contextually in tSot 13. Both the Toseftan passage and that in Semahot are complex texts, an indication that both were assembled or created. In the case of Semahot, the prophecy of Samuel does indeed seem to be a borrowing inserted precisely at this point to anticipate the following martyrological reports which describe, *inter alia*, the executions of the subjects of Samuel's prophecy: "Mention of the death of Samuel the Small and the prophecy relating to the death of prominent Sages serve as an introduction to numerous martyrological traditions and teachings…" (Myron B. Lerner, in Samuel Safrai, ed., The Literature of the Sages (Assen, Philadelphia: Fortress Press, 1987, 1:390).

63 Cf. Lieberman, *Tosefta Ki-Fshutah, Sota*, pp. 737–738. Indeed, the connection to Daniel may be referencing a notion held in common by the author of the earlier Hyrcanus anecdote and by our own composer of the Samuel death-bed declaration. Both may have felt that Daniel set a precedent for late, non-classical prophetic oracles to be delivered in Aramaic. The following differences would not refute that notion. While Daniel also has an auditory revelation in the form of a divine voice (*kal*, Dan 4.28), it is not a *bat qol* (or its Aramaic equivalent), and it fell from heaven, which is never the case with tannaitic-document *benot qol*.

Other issues regarding the use of Aramaic and Lieberman's observations are discussed in the appendix at the end of this article.

of two elements (the *davar* and its corroboration/explication), by adding as a third element the report of an Aramaic oracle. To return to the two *bat qol* narratives, both base stories are laid out in the same way: a convocation, a *bat qol*, recognition of the worthy sage, and a eulogy connecting him with an appropriate predecessor (thereby linking his group with a group of significant ancestors).

But why include the additional two incidents? Here the redactor-author is indulging in doublets, in this case in two incidents composed of two parts each, as the outline makes clear. Perhaps this goes back to the fact that the received Hillel *bat qol* anecdote contained four segments, whereas the Hyrcanus *davar* source had two, only half as many. Be that as it may, just as the Aramaic line added one segment to the Simon creation, so the deathbed scene added Aramaic to the Samuel one. But since the base *bat qol* stories contained twice as many segments as the *davar* ones, the author also doubled the number of additional elements, and thus made up the deathbed revelation in order to get the Aramaic in.

Now, the *bat qol* anecdotes contained two major elements, the *bat qol* communication and the sages' eulogy. Therefore our redactor, having added the deathbed scene to complement the first item, invented the aborted Judah ben Bava eulogy to correspond to the second element.[64] This scene also echoes the theme that prevailing conditions prevented sages from achieving praiseworthy actions of which they are worthy, e.g., *ruaḥ ha-qodesh* prophecy.[65] Samuel's deathbed speech is

64 There are two reasons the redactor may have selected Judah ben Bava. The first is that the persecution motif lends a sense of completion to the sequence of eulogies and puts it to rest. The other is that Judah ben Bava, who is remembered for good (*zakhur le-tov*, bSan 14a=bAZ 8b), and who articulates his humble nature (*even she-en lah hofekhin*, ibid.), has been noted for being a *hasid* (bBQ 103a & b), one of the qualities mentioned in our eulogies. There is an irony here that makes Judah praiseworthy and topical, viz., that he was martyred for making possible the continuation of the tannaitic lineage by ordaining five major figures at the cost of his life (bSan 14a=bAZ 8b). Unfortunately, the only mention of a relevant quality found in a tannaitic document, viz., his piety, is that "all his deeds were for the sake of heaven" (tBQ 8.13; repeated in ySot 9.10 [fol. 24a]).

65 In an ironic textual reversal of Ben Bava's misfortune, the Toseftan account memorializes him with the eulogy it claims was denied him.

particularly apropos for this context. It deepens our understanding of prophecy in the post-prophetic era by demonstrating that, while *ruaḥ ha-qodesh* may be prevented from the ecstatic inspiration of worthy individuals, there is still a liminal space between life and death in which revelation or another, similar, form of inspiration might occur. Anthony Saldarini lists "prediction" among the ten elements that may be expressed in stories of the passing of sages and their deathbed scenes.[66] Such predictions may involve a special preternatural insight. The Toseftan author is certainly playing off of that convention.[67] But he is, at the same time, contextualizing his invention by way of contrast to the Hyrcanus and Simon *davar* reports. He communicates this by switching to Aramaic and then stipulating the language of revelation in both types of cases. He makes the comparison and distinction between them clear: Whereas Hyrcanus and Simon *heard* an oracle, Samuel *uttered* one. Samuel's deathbed declaration is indeed an insightful deathbed prediction, but it is more than that: it is an oracle. I think that our author-redactor intended us to understand the present instance of a deathbed prediction as a *ruaḥ ha-qodesh* prophecy (and, by implication, perhaps others' predictions as well).[68] At the very least, he included this scene to demonstrate how

66 "Last Words and Deathbed scenes in Rabbinic Literature," *Jewish Quarterly Review* 68 (1977), pp. 28–45. Prediction appeared in the sources cited there, number 1 (our own), 7, 10, 13, 16 and 19 (a prediction of an observer).

67 As Alon Goshen Gottstein remarks, since no single "Talmudic testament… contains all the elements of [earlier] testaments… we do not find therein the genre of deathbed testaments" ("Testaments in Rabbinic Literature: Transformations of a Genre," *Journal for the Study of Judaism* 25:2 [1994], p. 223). Since Samuel's deathbed scene features only the "prediction," it should not be forced into a traditional definition of that element as a part of that genre.

68 In commenting on this episode, Goshen-Gottstein (1994), p. 225, observes that prediction could happen after the age of prophecy had ended because it is not a prophetic phenomenon; it is, rather, a "lesser [phenomenon], such as… knowledge through the holy spirit." I would modify that assertion by adding two considerations. One is the fact that *davar* revelations whose content was predictions or even knowledge of recent occurrences were close enough to prophecy to impel the redactor to repackage them as *bat qol* communications; indeed, their very denomination as *davar* would have identified them as prophetic oracles had the redactor not "downgraded" them to *bat qol* status. The other is that

liminal-situation declarations, if only ones that border on that, continue to be communicated — by sages — in a post-prophetic age.

Conclusion: putting the pieces together

tSot 13.2–6 is a discourse on prophecy in a post-prophetic age, beginning with the proposition that *ruaḥ ha-qodesh*, in the sense of an ecstatic revelation of an oracle through the medium of a gifted human being, ceased with the demise of the last classical prophets, but was continued, albeit in an attenuated manner, by *bat qol*, a phenomenon first recorded in tannaitic literature. Working with a rhetorical methodology that progresses by indirection, i.e., by juxtaposing conflicting texts to create paradoxes that induce new understandings, the author-redactor dialectically modified and enriched his opening proposition in two ways. First, it becomes clear that there were individuals from the time close to the last prophets, and even into the redactor's own tannaitic period, worthy of *ruaḥ ha-qodesh*; their generations, however, were unworthy. Thus, it was not that people worthy of being prophets, Tannaim especially, did not arise, but that their times prevented such consummation. Nonetheless, divine oracular communication could be effected in another way, i.e., *via* the medium of *bat qol*. Second, and furthermore, people in a liminal situation between this world and the next were able to deliver inspired oracles.

The Toseftan author-redactor placed this discussion in chapter 13 because of its historical relevance. Having detailed how the construction of the First Temple led to the disuse and putting away of some Tabernacle-era artifacts (*halakhah* 1), and how its destruction brought about the cessation or interruption of institutions from the Davidic royal succession to the Cities of Refuge (*halakhah* 2), one of them being the *urim and thummim*, a divinatory form of divine revelation, he decided in

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the liminal situation of the deathbed opens up the possibility of direct communication with and through *ruaḥ ha-qodesh* that exceeds the special "knowledge through the holy spirit" that was vouchsafed other sages not at the point of death. On *ruaḥ ha-qodesh* used in the sense of special non-prophetic knowledge and insight, see n. 55 above.

halakhah 3 to present the cessation of *ruaḥ ha-qodesh* prophecy antecedent to reminiscences from the Second Temple era (*halakhah* 5 to the end of the chapter) for the following reason:

This Toseftan author-redactor, like those of other Late Antique rabbinic documents, incorporated and adapted earlier material from a variety of sources into his composition. One likely source about the Second Temple period was a pre-tannaitic story about John Hyrcanus' *davar,* known also to Josephus, which he wanted to introduce into his own discourse. This troubled him, however, because he felt it was somewhat incommensurate with the idea that *ruaḥ ha-qodesh* prophecy had disappeared with the inception of the Second Temple.

Our author, however, was aware of another source for a discourse on Second Temple era prophecy, viz., the story of Hillel and the *bat qol*. This anecdote featured an attenuated form of revelation, an oracle that could be imagined to be devoid of *ruaḥ ha-qodesh* because it occurred outside of a sacred setting or because the experience lacked the element of ecstasy, and because it did not have the aura of mystery attached to the imparting of secret knowledge of historical events.[69] These differences aside, the introduction of *bat qol* prophecy would provide an alternative to *ruaḥ ha-qodesh*, such that Hyrcanus' *davar* experience, which, truth be told, does lack the element of sacred possession seen in *ruaḥ ha-qodesh*-inspired prophecy, could be seen as a *bat qol* incident. The Toseftan author, however, needed a way to integrate this story from the other end of the Second Temple period into his argument.

Chaim Milikowsky has shown how the author of tSot 12 made use of an earlier tannaitic historical work, *Seder Olam (Rabbah)*.[70] When he got to chapter 13, the author was likely also composing with an eye to that work. It is standard tannaitic thinking that with the cessation of *ruaḥ ha-*

69 It should be noted that the concept of *bat qol* as a medium of revelation (adapted from scriptural divine *qol* in conjunction with the phenomenon of voice-hearing recorded in, e.g., mYev 16.6) is an invention of the Tannaim, as explained in my forthcoming study. See Vered Noam, יוחנן גדול ובת קול [12].

70 סדר עולם והתוספתא, Tarbiz 49.3–4 (1980), pp. 246–263. A. Tropper remarked on a similar connection with tSot 13, ibid., p. 212, n. 37.

qodesh, textual knowledge and enlightened exegesis are routes to wisdom for an erstwhile sage. This shift is expressed in the aforementioned Seder Olam Rabbah 30.4, which relates it to the cessation of classical prophecy, depicting it as a clear epistemological break: וימלוך אלכסנדר מקדון י"ב שנה וימת. עד כאן היו הנביאים מתנבאים ברוח הקודש, מכן ואילך הט אזנך ושמע דברי חכמים ("Alexander [of] Macedon reigned for twelve years, and he died. Up to then, the Prophets would prophesy with *ruaḥ ha-qodesh*; from then onward, incline your ear and give attention to the words of the sages"). It may very well be this source that the redactor of tSot 13.3 decided to use in order to balance and contextualize the Hyrcanus story. He accepted its cessation of prophecy clause, but found its depiction of contemporary scholarly modes irrelevant to his purposes and incommensurate with his understanding that some forms of prophetic experience continued into the Second Temple era and beyond.[71] So he replaced it and amplified it with the claim that communication by means of *bat qol* was (still) employed, which he exemplified with the source from which he derived that idea, viz., the Hillel *bat qol* text.

Now that claim is somewhat subversive of the rejected clause, setting up, as it does, the possibility of a mode of authority and inspiration in competition with the mastership by sages of their modes of instruction and received traditions. This author, however, felt so strongly that this finding about the sacred potential of the rabbinic personality enhanced their status that he reduplicated the story into the complex of Samuel the Small. This unabashedly advanced that paradigm of the worthy sage, even to liminal

71 It must be noted again that the Hillel anecdote renders the redactor's predication of *paseqah*, in his modification of the *Seder Olam* passage, to the cessation of prophecy. On the one hand, that verb should here denote a permanent cessation; on the other, the Hillel narrative opens up the possibility that a reformed nation could induce a reversal of the cessation (cf. n. 54 above), as opposed to a verb like *nistalleqah,* which indicates nothing more than a movement, but neither permanence nor a motive (see n. 11 above). Our redactor must have been aware of this ambiguity when he formulated his proposition and invoked the (pre-existing) Hillel incident by way of illustration. Such incompatibilities do occur in juxtapositions in rabbinic documents; such juxtapositions may be one of the means of "silent" dialectical development utilized by rabbinic redactors.

ruaḥ ha-qodesh(-like) revelation, into tannaitic times, uniting Samuel eulogistically with Hillel, and uniting succeeding Tannaim (Judah ben Bava) with Samuel. This buttressed the claim that revelation had not ceased entirely, because *bat qol* communication did continue, and provided a textual coda to celebrate the revelatory aftermath of prophecy in an age of sages and wisdom.

The final piece, the story of Simon the Just and his *davar*, falls into place in this puzzle as follows: Two considerations impelled the redactor to invent an incident for Simon the Just. One is that the glorious reminiscences connected to the Second Temple with which the redactor sought to continue his text in tSot 13 involved Simon the Just, thus making a transition narrative a desideratum. The other is that Simon had been adopted as a spiritual and intellectual predecessor by the rabbis, who incorporated him into the chain of Torah transmission in mAvot. This was not the case with respect to the Hasmonean Hyrcanus.[72] From our author-redactor's point-of-view, depicting a pre-rabbinic cultural hero such as Simon as a recipient of revelation greatly enhanced his status, and both balanced and advanced the author's own discussion. In this way, he was able to extend his discourse back to a period of transition from prophecy to pharisaic and tannaitic wisdom in the same way that his invention of the Judah ben Bava episode extended the discussion well beyond Hillel into the latter generations of the tannaitic period.

72 The fact that neither character is widely mentioned in rabbinic literature may in part be due to their pre-rabbinic antiquity. Although the Talmudim view him negatively, Hyrcanus figures positively in three mishnaic sources (mYad 4.6, mMaaser sheni 5.15=mSot 9.10, mPar 3.5; Noam, *Yoḥanan*, [4], lists them and also remarks that the Babylonian and Jerusalem Talmuds are critical of him). But it is Simon the Just who would have been known to the Tannaim from Ben Sira's elaborate encomium (50, 1–36) and who served as the bridge from the Great Assembly to the generations of leaders and sages leading up to the rabbis in mAvot 1.1–2. Like a mythical figure, his presence had miraculous effects for his generation (tSot 13.8). The Talmudim preserve several positive, even adulatory, teachings about Simon the Just, many dating to or based upon tannaitic traditions, examined in Tropper (2013).

Appendix to Note 63:
Aramaic Oracles and Middle Aramaic in tSot 13

Saul Lieberman, *Tosefta Ki-Fshutah, Sota*, p. 737–738, citing a lemma attributed to the first–second century Tanna Samuel the Small, observes, "**יהוייַן לאחר דנא. בלשון ארמי אמרן**... והוא בלשון ארמית עתיקה של התנ"ך ושל שטרות (שאף הן בלשון ארמית ממלכתית עתיקה, ולאח"כ לשון חגיגית)." I understand Lieberman to mean that the vocabulary and, perhaps, some grammatical forms as well, found at the conclusion of Samuel the Small's deathbed oracle are couched in the Old Aramaic language of the Bible (Dan 4.28) and of legal formularies (Official Aramaic). Furthermore, such formulations have, over time, come to be seen as "*ḥagigi"* (ceremonial, festive, solemn or oracular). When one tries to understand the period Lieberman has in mind, it would seem that, by the time the author of the Samuel the Small passage was crafting his oracle, the Ancient (Biblical) or Official Aramaic style sounded *ḥagigi*. But clarity is elusive because the vocabulary and forms in the *lemma* cited by Lieberman are also characteristic of Middle Aramaic (200 BCE–200 CE), which was the dialect in use when Toseftan texts were being crafted. They are indeed attested in Michael Sokoloff's *A Dictionary of Judean Aramaic* (Ramat Gan: Bar Ilan, 2003), along with many other Aramaic expressions found in the Mishnah and the Tosefta. That dictionary is restricted to "the written dialect of non-literary texts composed by Jews in the period between the Maccabean Persian and the Tannaitic Period (ca. 165BCE–200 CE)" (p. 9). Perhaps Lieberman did not consider that Middle Aramaic was actually the idiom of the Tannaim, or perhaps he was interpreting the data from the point of view of the Late, Gallilean Aramaic, in use in the amoraic period. The fact that the vocabulary and grammatical forms of this passage echo a (late) biblical passage does not necessarily mean that the allusive phrase itself was actually archaic in its own period of use, even if an oracular flavor results.

The Samuel the Small anecdote, to which has been appended a notice concerning Judah ben Bava, a fourth generation Tanna, must have been composed after 135 CE, and probably around the time of the

composition of the Mishnah (ca. 200), if not later. Therefore, it could have been composed towards the end of the period of Middle Aramaic, possibly as that dialect was giving way to Late Aramaic, which was also eclipsing Hebrew as a language of communication. If he is not edging into anachronism, Lieberman may have meant that echoes of ancient Aramaic usages and practices could lend special *gravitas* to an utterance, as is appropriate to a prophetic declamation.

However, since this text was composed during the Middle Aramaic period, another possible explanation is that the contrast in adorning the spoken mishnaic Hebrew idiom with an Aramaic utterance results in an impression of *gravitas*: it is appropriate for an oracle. Like our Toseftan texts, the Mishnah also features instances of Aramaic utterances set within a Hebrew narrative frame, as in Hillel's solemn, even oracular, pronouncements in mAvot 1.13 and 2.6. In calling attention to the language of the utterance (בלשון ארמית אמרן), the Toseftan redactor may have meant for his auditors to take note of this refined literary device, to appreciate the *gravitas* his choice of language, enhanced with the contrasting Hebrew background language, bestows on the oracle.[73] Noam suggests that setting the Aramaic within a Hebrew frame gives it a numinous or mysterious quality (*mistori*).[74] It could also be said that the

73 In a generalizing characterization of their ostensible respective ages, Noam (2013), p. 387 contrasts הארמי העתיק והעברי המאוחר [הרובד] in the Hyrcanus anecdote. She suggests that the syntactical similarities and brevity of the Aramaic lines in the Hyrcanus and Simon anecdotes came from a lost Aramaic document that related miracles and victories in brief statements (ibid., ibid., and *Yoḥanan* [12]–[14]; *Tselem* [18]–[19]). She remarks further that other similarly pithy lines in *Megillat Ta`anit* may also have originated in such a document. Her ensuing suggestion that the lost Aramaic Caligula original source may have been more expansive, including some of the details reported in a scholion to *Megillat Ta`anit*, complicates the proposal for a shared laconic source (ibid., [19]).

Steven Fraade, "Language Mix and Multilingualism in Ancient Palestine: Literary and Inscriptional Evidence [in Hebrew]," *Leshonenu* 73 (2011), pp. 273–307 does not touch on the use of Aramaic in oracles in Late Antique rabbinic literature.

74 Noam, *Yoḥanan* [12], *Tselem* [18].

brevity and pithiness of these statements contributes to such an impression.

Although it has not been stated, a further consideration may be that Daniel, who received oracles in Aramaic, may have served as a precedent for post-classical-prophetic oracles to be delivered in that tongue. For that reason alone, our author may have had Daniel in mind when working out the Samuel the Small passage, not to mention the precedent of the two *devarim*.

The same stylistic and chronological considerations would apply to the Simon the Just anecdote. My claim that it was also composed by the author of Samuel the Small material finds support in the self-conscious editorial observation that Simon's *davar* was heard in Aramaic, paralleling the comment that Samuel's deathbed pronouncement was delivered in that tongue. While one may propose that such stipulations are late editorial glosses, the anomaly of such a remark being wanting in the Hyrcanus story must be explained.

Two considerations support the likelihood of the latter's relative antiquity. One is that Josephus reported it, placing it in the first century CE, if not earlier.[75] The other is that this anecdote does not call attention to the Aramaic of the *davar*. Such a point would be superfluous for a tale from that time, as its Middle Aramaic vocabulary would have been unremarkable in an age when everyone spoke in that dialect (cf. Hillel and Jesus) and, e.g., the first-century author of *Megillat Ta`anit* and Josephus wrote in it. It is impossible to tell if Josephus' source also used the paradigmatic Hebrew frame + Aramaic declaration known to the Tosefta version, since he retold it in Greek. If it was, the use of Aramaic would not have been unusual.

In the unpublished analyses that Vered Noam was kind enough to share with me, she applies Lieberman's attribute *ḥagigi* to both of the

75 In my opinion, Simon's Aramaic, being drawn from *Megillat Ta`anit*, hails from this period (or earlier, if that work was citing a source), while Noam (2013), p. 387, posits for both texts an earlier genesis as a summary historical notice and subsequent inclusion in a Hebrew-Aramaic *davar* narrative, the latter having occurred early enough for Josephus to access one of them as a tradition (*legetai*).

davar anecdotes. This is an extension of her application of his comment on the antiquity of a phrase from Samuel's Aramaic to the high priestly *devarim*.[76] A claim of linguistic antiquity in this case seems problematic, however, for the anecdotethat reports Caligula's demise would have originated right at a time when Middle Aramaic was widely spoken and written, as opposed to the Hyrcanus oracle, which could have originated much earlier, and accordingly seemed more ancient to the storyteller who framed it (and the Caligula notice) in Hebrew, in which form Josephus received it. Indeed, the narrator's report that Simon heard an Aramaic oracle, while Samuel declaimed one in Aramaic, calls attention to the language, not the dialect or its antiquity. The precedent set by the prophet Daniel was to use Aramaic in delivering oracular declarations.

76 Noam, *Yoḥanan* [12], cites Lieberman (n. 57) and refers to the Aramaic as "the Middle Aramaic of Second Temple times," as opposed to tannaitic times?