WHO WAS THE HABER?

A New Approach to an Ancient Institution

BY

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Introduction

Despite an impressive literature on the subject 1), the enigma of who the Talmudic haber was, still remains. It is obvious that the term had different connotations in different eras. It was first associated with tithes and purity, then with scholarship. However, the origin of the institution and the historical conditions which caused the change have not been sufficiently clarified. The haburah or haberim council, has many of the features of an organized sect, yet no such sect appears to have existed. None of the solutions offered to date is fully satisfying. This essay is an attempt to view the problem in an entirely new light.

The haber is assumed to be a member of a strictly religious group. But he may also have been a regular functionary of the community connected with the collection of tithes. It will be shown that such a hypothesis will explain the major sources and other references with the least amount of difficulties.

The prime source of information on haber comes from the Mishnah and Tosefta of Demai. In the Mishna we read 2):

If a man has taken upon himself to be trustworthy (ne’eman), he must tithe whatever he eats and whatever he sells and whatever he buys; and he may not be the guest of an ‘am ha-’arez. R. Judah says: A man

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2) II, 2. Soncino translations are used where available. Other translations are this author’s.
who is the guest of an ‘am ha-‘aref may still be considered trustworthy. But they said of him: If he is not trustworthy in respect of himself, how can he be considered trustworthy in respect of others?

It is clear that the Mishna is describing requirements for entering a distinct class in society, the class of ne’eman. To be a ne’eman one must be scrupulous in tithing and beyond suspicion. The ‘am ha-‘aref presumably does not tithe. Therefore a ne’eman should avoid impugning his integrity by eating the ‘am ha-‘aref’s food. Rabbi Judah and his colleagues argue whether the ne’eman does in fact lose his trustworthiness as a result of accepting the hospitality of an ‘am ha-‘aref.

In the following Mishna we read 3):

If a man has taken upon himself to become an “associate” (haber), he may not sell to an ‘am ha-‘aref either moist or dry [produce]; nor may he buy from him moist [produce]. He may not be the guest of an ‘am ha-‘aref who is wearing his own garment. R. Judah says: He may not also breed small cattle, nor may he be addicted to making vows or to laughter; nor may he defile himself by the dead, but he must be an attendant at the house of study. But they said to him: These [requirements] do not come within the general rule [of “associate-ship].”

The pattern of this Mishna is similar to the first. It too describes requirements for entering a distinct class of society. The requirements concern ritual purity, which the ‘am ha-‘aref presumably does not observe. The ‘am ha-‘aref’s produce and garments are subject to differing degrees of impurity. Only his moist produce is susceptible to impurity and prohibited; his dry produce is not. Rabbi Judah adds supplementary ethical disciplines to the requirements, like not breeding small cattle (the owners steal when the animals forage in private properties) and certain other matters.

Upon first glance it appears that ne’eman is a preliminary stage in a progression to the class of haber. However, upon closer examination it becomes apparent that the second Mishna describes a new class, haber, unrelated to ne’eman and with different requirements 4). The

3) Ibid., II, 3.
4) Both RABIN (Qumran, pp. 16 ff.) and NEUSNER (“The Fellowship”, pp. 131 ff.) assume that ne’eman is a stage in affiliation of the haburah. See, however, BAUMGARTEN, JBL LXXVII, Sept. 1958, p. 251, who states, “The sources ... make no such distinction”.

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