

Binyamin Lau

THE SAGES

CHARACTER, CONTEXT & CREATIVITY

VOLUME II: FROM YAVNEH TO THE BAR KOKHBA REVOLT

TRANSLATED BY

Ilana Kurshan

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Volume II: From Yavneh to the Bar Kokhba Revolt

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Introduction

In terms of historical chronology, this book is a continuation of the preceding volume (*The Sages, Volume I: The Second Temple Period*). It begins in the year 70 CE with the destruction of the Temple and ends in 138 CE with the decrees of Hadrian, which followed on the heels of the Bar Kokhba revolt.

Although the first two volumes of this series are similar in format and structure, there is a significant difference between them in terms of the quality and quantity of sources they cite. The first volume spans hundreds of years, but sources about the sages who were active in this period are sparse. This is apparent, for instance, in the history of the Maccabean rebellion, where we do not even know which sages took part. The challenge of the first volume was to set each available source in its proper chronological context. In contrast, this second volume, which covers a period of less than seventy years, draws on a profusion of sources describing the activities of the sages during this period. The earliest sources, from the Talmud and Midrash, are filled with the teachings of the sages of Yavneh, the seat of Jewish learning in the wake of the Temple's destruction. As a result of this wealth of sources, scholars and academics have written extensively about Yavneh, its sages, and the

Introduction

Bar Kokhba revolt that took place during this period. Thus, my work in this volume is that of a curator: I collect and then carefully select those sources that best depict the life of the sages and their era.

From a methodological standpoint, this is no simple task. When confronted by hundreds of sources that describe the activities of a particular historical personality, it is difficult for any scholar to separate the thread of historical truth from the rich tapestry of Aggada (rabbinic stories and legends) woven around it. This was the challenge facing Shmuel Safrai in his book about Rabbi Akiva (Jerusalem, 5738/1978). Safrai argued that although Aggadic tales indeed contain a kernel of historical truth, many stories which were passed down for generations as historical testimony (such as the story of the marriage of Rabbi Akiva to the daughter of Kalba Savua) are in fact mere literary fabrication. The reluctance to rely on Aggada for historical evidence is even more pronounced among academic scholars of Talmud, who argue that it is impossible to separate fact from fiction, thereby preventing us from being able to accurately reconstruct the biographies of Talmudic sages. On the opposite end of the spectrum are the traditional rabbinic commentators who regard Aggada as solid historical fact and rabbinic exegesis as unimpeachable truth.

In this book, I adopt a different approach from that of the academics and the traditional commentators. I accept most Aggadic traditions at face value, so long as they do not contradict one another. Instead of relying only on stories that can be historically documented, I tend to assume that all sources are trustworthy, unless a story describes a logical or historical impossibility – such as those cases, for instance, where a particular sage is depicted as living for an unnaturally long period of time.

Over the course of my work on the first part of this book, I found myself thinking about the relationship between tradition and change. It became clear to me that the internal tensions that dominated the *beit midrash* (study house) at Yavneh are particularly relevant in our own times. Contemporary Judaism – driven between movements that resist all innovation in an attempt to enshrine Torah and halakha (Jewish law) as they were practiced for generations, and those that regard the notion of change itself as inherently sacred – can learn a great deal from the

debates of Yavneh. Perhaps in attempting to understand the past, we can be wiser in the present, thereby benefiting generations to come.

My conclusions from the second half of the book deeply unsettled me. My analysis of the various sages' attitudes toward Bar Kokhba's nationalism challenged several axiomatic truths on which I was raised, and forced me to revisit my basic views on the sovereignty of the Jewish people in the land of Israel. I had always accepted Maimonides' assertion that the sages of Israel unanimously shared Rabbi Akiva's conviction that Bar Kokhba might be the Messianic redeemer. However, upon deeper examination of the sources, I found myself drawn to the opposite conclusion. In considering each sage's views individually, I was able to form a more accurate and complex picture. It became clear to me that many sages did not support Rabbi Akiva's nationalistic vision or his aspirations for sovereign freedom. By re-examining the sources I also came to a better understanding of the way in which the rebellion unfolded. Whether the Bar Kokhba revolt was truly necessary is a nettlesome historical quandary – one that I will not profess to answer, but merely to bring into sharper focus. This question will never have an easy answer, and yet we cannot stop asking it, especially in light of the terrible toll the revolt exacted on the Jews living in the land of Israel at that time. On the one hand the rebellion came at a great cost; on the other hand, it sparked an energy that undoubtedly drove the spirit of Israeli independence in the generations that followed.

I hope that readers will experience the same sense of unease that I felt when writing this book. Perhaps my conclusions will inspire others to revisit fundamental questions about the meaning of independence and Israel's status among the nations. These issues are highly charged, and so we must approach them with openness and honesty. Only then will the lessons of the Bar Kokhba rebellion permeate our consciousness and influence contemporary Jewish public discourse, inspiring us to think deeply about the proper moral and ethical balance that national life demands.

Part One

Rabbi Yoḥanan ben Zakkai and His Students

Rabbi Yoḥanan ben Zakkai	Rabban Gamliel and Rabbi Yehoshua	Rabbi Akiva and His Generation	In the Wake of Persecution
70–85	85–115	115–135	135–138
Rebirth after Destruction	In the Shadow of Rome	Oppression and the Bar Kokhba Revolt	The Hadrianic Decrees

Preface

Rabbi Yoḥanan ben Zakkai was once leaving Jerusalem. Rabbi Yehoshua was walking behind him and saw the Temple in ruins. Rabbi Yehoshua said: Woe unto us for the destruction of the Temple, the place of atonement for the sins of Israel. He said to him: My son, do not worry – we have another form of atonement like it. What is it? Acts of loving kindness. As it is written: “For I desire acts of loving kindness and not sacrifice.” (Hosea 6:6)

At that time, Jerusalem was captured and Rabbi Yoḥanan ben Zakkai was sitting, waiting and trembling, as Eli once sat and waited. As it is written: “He found Eli sitting on a seat, waiting beside the road – his heart trembling for the ark of God” [1 Samuel 4:13]. When Rabbi Yoḥanan ben Zakkai heard that Jerusalem had been destroyed and the Temple set in flames, he rent his clothes, and his students rent their clothes, and they wept and wailed and mourned. (Avot deRabbi Natan, recension A, chapter 4)

The sages in the generation after the destruction of the Temple were seized both by a fierce longing for the Temple and by an intense desire to forge a new way of life that transcended the Temple's absence. It was on this seam between nostalgia and rebirth that Rabbi Yoḥanan ben Zakkai and his students concentrated their efforts.

At this fateful turning point in their history, the Jewish people needed to develop new codes of religious conduct. The comparison drawn in the Midrash between Rabbi Yoḥanan ben Zakkai and the priest Eli is by no means incidental. Both leaders understood that the House of God could be run according to the letter of the law and yet still be devoid of spirit. Rabbi Yoḥanan ben Zakkai recognized that his life's mission was to increase the centrality of Torah and worship in Jewish practice. Under his aegis, new forms of learning emerged, while prayer and sacrifice were replaced by Torah study. The nature of leadership also shifted after the destruction of the Temple. The struggle between the sages and the priests came to an end in the generation of Rabbi Yoḥanan ben Zakkai in Yavneh, when leadership was transferred to the hands of the sages. We no longer hear of other sects playing any significant role. Rabbi Yoḥanan ben Zakkai carried within him the traditions of both Hillel and Shammai, which often conflicted with one another.¹ He did not direct his students to establish legally-binding halakhic norms because to do so would have been premature. Rather, his focus was on finding a way for Judaism to survive. Only in the next generation would his students confront the challenge of shifting from a pluralistic acceptance of different schools of thought to the establishment of authoritative norms.

HISTORICAL AND POLITICAL BACKGROUND

The destruction of the Temple marked the transition from one historical period to another. Although Roman rule had begun decades earlier, the catastrophe of the Great Revolt dramatically altered the social and economic reality of the Jews living in the land of Israel. The Jewish his-

1. The Mishna in *Avot* 2:8 teaches that Rabbi Yoḥanan ben Zakkai received the tradition from both Hillel and Shammai. For a dissenting view that identifies him exclusively with the school of Hillel, see the first volume of this series (*The Sages, volume 1: The Period of the Second Temple*, p. 337).

torian Josephus writes of over one million casualties in Jerusalem in the war that led to the Temple's destruction:

Now the number of those that perished during the whole siege was eleven hundred thousand, the greater part of whom were indeed Jews but not belonging to the city (Jerusalem) itself; for they were coming up from all the country.²

These numbers do not take into account the tens of thousands of captives who were sold into slavery, nor the tens of thousands more who were uprooted from their homes and displaced from their native soil.³ Even those Jews who remained in Judea lost their status – they went from being landowners to tenant farmers, hired to work their own land. The Roman Empire regarded the land as its own property and leased vast tracts to friends of the government, both Jews and non-Jews. These landholders, referred to by the sages of the Mishna as *mesikin* or *metzikin*,⁴ would in turn sublease the lands to the prior landowners for exorbitant sums.

In addition to paying for the right to remain on their own soil, the Jews shouldered a heavy tax burden. This included both taxes on the crops that grew in their fields and a head tax that was levied on all Jews regardless of their landholdings.⁵ Aside from these civil taxes, Jews throughout the empire were also required to pay a tax to the Roman god Jupiter. This tax was designed to humiliate the Jews, who were accustomed to donating a half shekel to the Temple. There was also the *Arnona*, a tax intended to subsidize the quartering of soldiers through-

2. Josephus, *The Jewish War*, v1: 9:3.

3. This background is based on Gedalyahu Alon, *The Jews in their Land in the Talmudic Age*, trans. Gershon Levi (Cambridge, Mass.: Harvard University Press, 1989), ch. 3: "Impact of the Great Defeat." Alon cites lower figures in an attempt to show that the destruction of the Temple did not put an end to Jewish settlement in the land of Israel.

4. See, for instance, *Sifrei Devarim*, 357: "And the Lord showed him all the land – this shows that He first showed him the land of Israel inhabited in peace, and then showed him oppressors in possession of it."

5. See Alon (note 3 above).

out Judea and to finance the Roman bureaucracy serving the province. Several historical sources refer to this tax, which was not fixed, but was instead dangerously subject to the whims and voracious appetites of the regiments stationed on the outskirts of the towns. The following Midrash describes how the Arnona became an onerous financial burden to the Jews, as well as an insult to their honor:

“Because you would not serve the Lord your God in joy and gladness over the abundance of everything, you shall serve – in hunger and thirst, in nakedness and poverty – the enemies whom the Lord will loose against you” [Deuteronomy 28:47–48]. In hunger: For example, at a time when one craves food and cannot find even coarse bread, the other nations of the world will request white bread and choice meat. And in thirst: For example, at a time when one longs for a drink and cannot find even a drop of vinegar or a drop of beer, the other nations of the world will demand from him the best wine in the world. And in nakedness: For example, at a time when one is in need of clothing and cannot find even a wool shirt or a flaxen one, the other nations of the world will demand from him silks and the finest textiles in the world. (*Avot deRabbi Natan*, recension A, chapter 20)

Jews were also subjected to forced labor, rendering their lives altogether wretched in the generation after the destruction of the Temple. The Midrash offers the following miserable vignette:

As Rabbi Yoḥanan ben Zakkai was going up to Emmaus in Judea, he saw a maiden picking barley out of the dung of a horse. Rabbi Yoḥanan ben Zakkai said to his disciples: Have you seen this girl? What is she? They said to him: She is a Hebrew. And whose horse is this? They said to him: It belongs to an Arab horseman. Rabbi Yoḥanan ben Zakkai said to his disciples: All my life I have been puzzled by this verse – I would read it and not understand what it meant: “If you do not know, O fairest of women, go follow the tracks of the sheep, and graze your kids by the tents of the shepherds” [Song of Songs 1:8]. You [Jews] did not want to be

subject to heaven, and now you are subject to the most inferior of nations, the Arabs. You were unwilling to pay the head-tax to God, and now you are paying a head-tax of fifteen shekels to the government of your enemies. You were unwilling to repair the roads and streets leading up to the Temple; now you have to repair the posts and stations on the road to the royal cities. (*Mekhilta deRabbi Yishmael, Yitro, BaHodesh, 1*)

Rabbi Yoḥanan ben Zakkai refers to the various Roman decrees against the Jews, most grievously the taxes that left the Jews in a perpetual state of famine. However, he makes no mention of religious edicts or changes in governance. The economic situation alone was sufficient to erode the sense of security and hope the Jews had once known, replacing it with a deep and pervasive sense of despair.

As we shall see, the presence of Rabbi Yoḥanan ben Zakkai in Yavneh, sanctioned by the Roman authorities, allowed for Jewish life to be reborn independent of the Temple. Historians debate the extent of Rabbi Yoḥanan's authority at Yavneh and question whether he held the title of Patriarch.⁶ I would argue that it is unlikely that he held this illustrious title. It seems more plausible that the Romans gave him their support and authorized him to conduct the internal affairs of the Jews, so long as it would not threaten their subservience to Roman rule nor disturb the empire's peace.⁷ It is against this backdrop that we will try to understand Rabbi Yoḥanan ben Zakkai's ambitious undertaking to rebuild the Jewish world.

6. This debate is treated in an article by E.E. Urbach, "The Jews in their Land in the Period of the Tannaim" [Hebrew], *Bekhinot* 4 (1953): 64–65. Urbach disagrees with Alon, who downplays Rabbi Yoḥanan's role in the choice of Yavneh as a Jewish center. It is clear that the debate between Alon and Urbach is deeply rooted in ideological issues.

7. Urbach, *ibid.*

Chapter One

Rabbi Yoḥanan ben Zakkai: Jewish Life in the Wake of Destruction

RABBI YOḤANAN BEN ZAKKAI'S RULINGS IN YAVNEH

Rabbi Yoḥanan ben Zakkai received [Torah] from Hillel and Shammai. He used to say: If you have learned much Torah, take no special credit for it, because it was for this very purpose that you were created. (*Avot* 2:8)

At the end of the first volume of *The Sages*, we witnessed Rabbi Yoḥanan ben Zakkai in his *beit midrash* in Jerusalem as the city was destroyed from within. In this section we will accompany him as he establishes a *beit midrash* at Yavneh and sets the world of Judaism on a new foundation in the wake of the Temple's destruction. While the role of the Temple and the status of the priests who served in it had already been undermined by corruption at the end of the Second Temple period, the Temple nonetheless continued to be the focal point to which Jews directed their prayers. Without the Temple, Jewish life became destabilized and the

people lacked an axis of orientation. One of Rabbi Yoḥanan ben Zakkai's most important acts in saving the nation was the establishment of a series of new religious rulings aimed at addressing these concerns. A *baraita* describes nine such decrees attributed to him, and geonic literature speaks of ten.¹

Rabbi Yoḥanan ben Zakkai is commonly depicted as trying simultaneously to forge two opposing paths. The first, which might be called “in memory of the Temple,” placed primary importance on the past by urging the people to recall the Temple at each significant moment in their personal and national lives. The second, which might be called “life without a Temple,” advocated moving forward with all aspects of religious life, despite the loss of Judaism's central place of worship.² According to this representation, Rabbi Yoḥanan ben Zakkai's efforts signify the creation of a new form of Jewish life in a world without a Temple.³

The following examples of Rabbi Yoḥanan ben Zakkai's rabbinic decrees offer a sense of what lay at the heart of his project.

SOUNDING THE SHOFAR ON SHABBAT

One of the best examples of a rabbinic ruling enacted by Rabbi Yoḥanan ben Zakkai in the wake of the Temple's destruction deals with the sounding of the shofar on Shabbat.

The sounding of the shofar is the only mitzva associated with the holiday of Rosh HaShana.⁴ Originally, the shofar was linked to the Temple, where it was one of the musical instruments used in the worship service. On ordinary days the priests would blow trumpets, as the Mishna explains at the end of the tractate *Tamid*:

1. The *baraita* appears in *Rosh HaShana* 31b. The geonic tradition appears in a letter by Rav Sherira Gaon, ed. Levine (Jerusalem 5732), #83. Also see the Ritva's commentary on *Rosh HaShana* 29b, and the Ran's commentary on *Sukka* 41a. See also Y. Shetzpinski, “The Enactments of Rabbi Yoḥanan ben Zakkai” [Hebrew], *Or HaMizrach* 34 (5746): 23–35, 148–164.
2. This issue is discussed in greater depth by Rabbi Adin Steinsaltz, *Personalities in the Talmud* [Hebrew] (Tel Aviv: Broadcasted University, 2006): 21–26.
3. This is the main argument of S. Safrai, “New Inquiries into the Issue of the Status and Actions of Rabbi Yoḥanan ben Zakkai after the Destruction” [Hebrew], in *A Book in Memory of Gedalyahu Alon*, ed. S. Safrai (Tel Aviv 5730): 203–226.
4. See Maimonides, *Introduction to the Laws of Shofar, Sukka, and Lulav*.

Two priests would stand on the table of fats with two silver trumpets in their hands. They would blow a Tekia [long trumpet blast], then a Terua [short trumpet blast], and then a Tekia. Two came and stood beside Ben Arza, one to his right and one to his left. He bent down to offer the libation, and the deputy waved the flags, and Ben Arza struck the cymbal, and the Levites recited the song. When they reached a section, they blew a Tekia and the people prostrated themselves. For every section a Tekia, and for every Tekia a prostration. (Mishna, *Tamid* 7:3)

The trumpets, which were stored in the Temple, were also blown on holidays and in times of celebration and mourning. On Rosh HaShana, the priests would sound the shofar in addition to the trumpets:

The shofar of Rosh HaShana is of a wild goat, straight, and its mouthpiece is coated with gold, and there are two trumpets at its sides. The shofar sounds a long note and the trumpets a short note, for the mitzva of the day is with the shofar. (Mishna, *Rosh HaShana* 3:3)

The shofar blast was magnificent. It was the high point of the day's festive music, which was played only in the Temple, in fulfillment of the verse: "With trumpets and the sound of the shofar, make a joyful noise before the Lord, the King" (Psalms 98:6). The words "before the Lord" were interpreted to mean that only one physically present in the Temple enjoyed the opportunity to glorify and exalt the day of God's coronation with the sublime blast of this special golden shofar.⁵ Congregations outside the Temple used an ordinary shofar. When Rosh HaShana fell on Shabbat, the shofar would be sounded only in Jerusalem, as we learn from the Mishna:

5. The Talmud describes how the *amora'im* wanted to blow trumpets but were forbidden to do so (see *Rosh HaShana* 27a). See also Rabbi Abraham Isaac Kook's article about the relationship between the shofar blowing that took place in the Temple and the accepted way of blowing shofar today, "The Shofar and the Trumpets" [Hebrew], *The Articles of Rabbi Abraham Isaac HaKohen Kook* (Jerusalem 5744): 146–147.

Part One: Rabbi Yoḥanan ben Zakkai and His Students

When the holy day of Rosh HaShana fell out on Shabbat, they would blow in the Temple, but not in the rest of the nation. (*Rosh HaShana* 4:1)

Maimonides explains that the “Temple” in this Mishna refers to all of Jerusalem. (Several commentaries likewise treat the essential differences between Jerusalem and other locations, but we will not discuss them here.)

The Mishna goes on to speak of Rabbi Yoḥanan ben Zakkai’s ruling after the destruction of the Temple:

Rabbi Yoḥanan ben Zakkai decreed that they would blow in every place that had a court. Rabbi Eliezer said: Rabbi Yoḥanan ben Zakkai instituted this decree for Yavneh alone. They replied: It is the same whether it is Yavneh or any other place in which there was a court. (*Rosh HaShana* 4:1)

The *baraita* in the Babylonian Talmud describes the process that led to this rabbinic decision:

Our sages taught: Once Rosh HaShana fell out on Shabbat, and all the surrounding towns gathered [in Yavneh to hear the blowing of the shofar]. Rabbi Yoḥanan ben Zakkai said to the sons of Beteira: Let us blow the shofar. They said: Let us first discuss the matter. He said to them: Let us blow and then discuss. After they had blown they said to him: Now let us discuss. He said to them: The horn has already been heard in Yavneh, and what has been done can no longer be discussed. (*Rosh HaShana* 29b)

The *baraita* describes a year, presumably not long after the destruction of the Temple and the transfer to Yavneh, when Rosh HaShana fell out on Shabbat. Without a Temple there was widespread confusion: Would it be permissible to sound the shofar? The Temple was considered not only a site of seasonal pilgrimage, but the enduring place that linked Israel to God. Even if the majority of the Jews had never personally been to the Temple to hear the shofar on a year when Rosh HaShana fell on

Shabbat, they knew that there was only one place in the world where the shofar was sounded on that day. Now, in the Temple's absence, the people wondered if there would be any shofar blasts at all. As the Talmud relates, they felt cut off from God: "From the day that the Temple was destroyed, an iron wall has separated Israel from their Heavenly Father" (*Berakhot* 32b).

Rabbi Yoḥanan ben Zakkai's goal was to alleviate this sense of loss, and thus that year, when Rosh HaShana fell on Shabbat, he instructed the people to sound the shofar in Yavneh. It was nothing short of a revolution, and the sons of Beteira challenged his authority: "They said to him: Let us discuss the matter!" The sons of Beteira were the ones who wielded the authority to dictate rabbinic decisions affecting the whole nation; it was they who had appointed Hillel as patriarch. A powerful family, they comprised the elite of the spiritual leadership.⁶ Some claim that their high status in Jewish society was a result of their allegiance to Rome. They were already closely tied to the empire by the time Rome consolidated its power in Judea in the days of Hillel, so it makes sense that they came to Yavneh, a place protected by the authorities.⁷ It seems that when the patriarchal line came to an end with the death of the first Rabban Shimon ben Gamliel, the sons of Beteira wished to involve themselves once again in seminal decisions. The fact that Rabbi Yoḥanan ben Zakkai had to resort to a ruse to establish the precedent of "what has been done can no longer be discussed" speaks to the tensions that surrounded his rabbinic enactments.

THE SACRIFICE OF CONVERTS

Even if the bird offering has ceased,
Even if the Tabernacle in which He dwelt is empty,
We need not be lost on that account,
For we have the merits of an ancient patriarch.
(from *Seliḥot* for the Days of Penitence)

6. See Alon, *The Jews in their Land in the Talmudic Age*, trans. Gershon Levi (Cambridge, Mass.: Harvard University Press, 1989), ch. 16.
7. E.E. Urbach, "The Jews in their Land in the Period of the Tannaim" [Hebrew], *Bekhinot* 4 (1953): 65.

Another rabbinic ruling that sheds light on Rabbi Yoḥanan ben Zakkai's orientation pertains to converts. In spite of the destruction of the Temple (or perhaps because of it), there was a wave of conversions to Judaism at the end of the first century.⁸ A *baraita* describes Rabbi Yoḥanan ben Zakkai's response to the situation:

A convert who converted nowadays must set aside a quarter shekel for his bird pair. Rabbi Shimon ben Elazar said: Rabbi Yoḥanan ben Zakkai already voted on this decree and annulled it, because of the obstacle it created. (*Rosh HaShana* 31b)

According to tannaitic literature, a convert has three responsibilities in order to become part of the Jewish people: circumcision, immersion in a *mikveh*, and the offering of a sacrifice (an animal for the affluent, and a brace of doves for those of modest means). Rabbi Yehuda HaNasi explains the reasoning behind this triple requirement:

Just as your forefathers were able to enter the covenant only through circumcision, ritual immersion, and the acceptance of blood on the altar, so too could they enter the covenant only through circumcision, ritual immersion, and the acceptance of blood on the altar. (*Keritot* 9a)

Rabbi Yehuda HaNasi's statement implies that having entered into the covenant in Egypt and at Sinai, all Jews are, in a sense, converts.⁹ Thus, anyone who subsequently wishes to join the Jewish people must

8. L.H. Feldman, "Conversion and Syncretism" [Hebrew], in *The History of the Jewish People*, volume 10, ed. M. Stern (Tel Aviv 1983): 392–401; M. Samet, "Conversion in the First Centuries of the Common Era" [Hebrew], in *Jews and Judaism in the Second Temple Period: The Mishna and Talmud – Studies in Honor of S. Safrai*, ed. A. Oppenheimer (Jerusalem 1993): 316–343.

9. The covenant that God made with Israel at Sinai, described in Exodus 24, is known as the Covenant of the Basins (*Berit Ha-Aganot*). In the *Mekhilta deRabbi Yishmael*, the *tannaim* disagree about whether this covenant preceded the revelation at Sinai or immediately followed it. The Talmud (*Keritot* 9a) describes this covenant as a mass conversion of all of Israel.

undergo a similar process of conversion, as outlined by Rabbi Yehuda HaNasi. While it is not clear if the entire process was already in effect in Temple times, the sacrificial obligation was certainly enforced, as the Tosefta explicitly states:

The requirement of a bird offering for a convert applies only in the time of the Temple. In our days one must set it aside. Rabbi Shimon says: In our days one must not set it aside, on account of the obstacle. (Tosefta, *Shekalim* 3:22)

This passage illustrates the tannaitic debate about the status of the sacrificial requirement in the Temple's absence, a debate that is preserved elsewhere as well:

“And to the resident who dwells.” From this, Rabbi Eliezer said that a convert must bring the quarter shekel for a bird offering. Rabbi Yehoshua says: He does not need to bring it, because this will be an obstacle for him. (*Sifrei Zuta*, Lieberman edition, p. 283)

The obstacle that the rabbis describe is a practical one: Sacrifices could only be performed in the Temple, but the Temple was no longer standing. On account of this procedural problem, three sages rescinded the sacrificial obligation for conversion: Rabbi Shimon in the Tosefta, Rabbi Yehoshua in *Sifrei Zuta*, and Rabbi Yoḥanan ben Zakkai in the *baraita* in the Talmud. Each sought a way to continue converting Jews at a time when bringing an offering was no longer possible. It is this historical moment that the poet refers to in the hymn from the *Seliḥot* service:

Even if the bird offering has ceased,
Even if the Tabernacle in which He dwelt is empty.

The motivation for Rabbi Yoḥanan ben Zakkai's rabbinic decree was very pragmatic. At a time when God's presence was no longer manifest, when there was no way to maintain the conversion process as it was practiced during the Temple period, the rabbis searched for alternatives to the sacrificial requirement. The *baraita* above teaches that

converts who joined the nation of Israel after the Temple's destruction would set aside a fourth of a Dinar coin, which was designated for a sacrifice "when the Temple would be rebuilt." Rabbi Yoḥanan ben Zakkai ostensibly worried that this ceremonial gesture would result in the misappropriation of sacred funds, and so he did away with it.¹⁰ But this explanation is not entirely satisfying, since there were other instances in which money was set aside for holy purposes, and yet those cases were not called into question. For example, money for the *ma'aser sheni* tithe was set aside throughout the tannaitic and amoraic periods, and rabbinic literature attests to the custom of redeeming the fruit of *ma'aser sheni* at full price and saving the funds until the Temple would be rebuilt.¹¹ There is further evidence that during this period there were special jugs in which *ma'aser sheni* money was stored.¹² Nowhere, however, do we hear of Rabbi Yoḥanan ben Zakkai or other sages objecting to this practice lest it present "an obstacle." Why, then, was the convert's long-term deposit of funds for a sacrifice considered more problematic than that of a Jew who tithed his fruit and redeemed the tithe with cash designated for "when the Temple would be rebuilt"?

It seems that Rabbi Yoḥanan ben Zakkai's real fears concerned a different obstacle: not the accidental misappropriation of funds, but rather the "iron wall" that separated God from His people. The destruction of the Temple and the end of sacrificial offerings threatened to make conversion henceforth impossible. Rabbi Yoḥanan ben Zakkai sought to overcome this obstacle by forfeiting the requirement to donate a fourth of a Dinar.¹³ He thus paved a way for newcomers to join the Jewish world even without Temple offerings. This act is reminiscent of his

10. This seems to be the Jerusalem Talmud's understanding (see *Shekalim* 8:4 [51b]). The *rishonim* and *aḥaronim*, too, wrote that it would be impossible for a person to keep money in his home for years on end without eventually using it for non-sacred purposes.

11. Several sources attest to this custom: Mishna *Ma'aser Sheni* 2:7, 4:4; Tosefta *Ma'aser Sheni* 3 and the corresponding passage in the Jerusalem Talmud.

12. These jugs were known as *Ir Pirkin*. See S. Lieberman, "Ir Pirkin" [Hebrew], *Studies in the Torah of the Land of Israel* (Jerusalem 5751): 417–418.

13. S. Safrai (note 3 above), p. 209–211.

words to his student Rabbi Yehoshua when they left Jerusalem, quoted at the beginning of this section:

My son, do not worry – we have another form of atonement. What is it? Acts of loving kindness. As it is written: “For I desire acts of loving kindness and not sacrifice.” (*Avot deRabbi Natan*, recension A, chapter 4)

THE PRIESTLY BLESSING, BAREFOOT

Our rabbis taught: The priests are not permitted to ascend the platform in sandals to bless the people, and this is one of nine enactments instituted by Rabbi Yoḥanan ben Zakkai. (*Rosh HaShana* 31b)

Prayer existed outside of the Temple even when the Temple was still standing, as much scholarly literature attests.¹⁴ However, there was a clear distinction between prayer in the Temple and prayer in the rest of the land. In the Temple prayer was combined with sacrificial worship. As we learn from sources on the priestly benediction, the priests would raise their hands when blessing the nation, a practice that originated in the sacrifice that Aaron brought during the dedication of the Tabernacle: “Aaron lifted his hands toward the people, and blessed them, and came down from offering the sin offering, and the burnt offering, and the peace offerings” (Leviticus 9:22). The priestly benediction took place both in the Temple and outside of it, but there were several differences, as the Mishna describes:

The priestly benediction – how was it done? In the provinces [anywhere outside the Temple], they would say three blessings, and in the Temple they would say one; in the Temple they would say God’s name as it is written, and in the provinces they would

14. S. Safrai, *The End of the Second Temple Period and the Time of the Mishna* [Hebrew] (Jerusalem 5741). See, especially, chapter 5: “The Synagogue,” and the bibliography therein.

say God's name as it was spoken;¹⁵ in the provinces the priests would raise their hands to the height of their shoulders, and in the Temple they would lift them above their heads – except for the high priest, who would not raise his hands above the *tzitz* [the golden headplate]. Rabbi Yehuda says: Even the high priest would lift his hands above the *tzitz*, as it is written: “Aaron lifted up his hands toward the people, and blessed them” [Leviticus 9:22]. (Mishna, *Sota* 7:6)

The Mishna makes no mention of one other difference between the priestly benediction in the Temple and in the provinces that Rabbi Yoḥanan ben Zakkai rescinded: In the Temple, the priests would bless the people while barefoot; in the provinces, they wore their sandals while blessing the people.

The priests were barefoot when they performed all parts of the regular Temple service; they never entered the sanctuary in sandals. Rabbi Yoḥanan ben Zakkai instituted a decree stating that following the Temple's destruction, the priestly benediction would be performed barefoot, even in the provinces. This decree was enacted not to remind the people of the Temple¹⁶ – for the priestly benediction was said even in the provinces before the destruction – but rather to elevate the status of the synagogue, so that it would more closely resemble the Temple. If this is indeed the case, then this ruling may be counted among those that allowed for the preservation of a full religious life even without the Temple.

THE ENTIRE DAY OF WAVING IS PROHIBITED

After the Omer is offered, the new crop becomes permitted immediately. Those who are distant [from Jerusalem], are allowed [to

15. In the Temple, too, it was customary that only the high priest would say God's name as it was written, while the other priests would say it as it is pronounced, as we learn from Rabbi Tarfon's testimony. Rabbi Tarfon remembered hearing the high priest bless the people using God's name. (*Kohelet Raba* 3:11)

16. This runs counter to the position of G. Alon (note 6 above), ch. 5.

eat the new crop] from midday onwards. After the destruction of the Temple, Rabbi Yoḥanan ben Zakkai instituted that [the new crop] be prohibited for the entire day of waving. (Mishna, *Menaḥot* 10:5)

Rabbi Yoḥanan ben Zakkai's enactment concerning the new crop is also related to the loss of the Temple. The Torah forbids the eating of fresh grain until the Omer sacrifice is brought (on the sixteenth of the month of Nisan):

And you shall eat neither bread, nor parched corn, nor green ears, until that very day, until you have brought an offering to your God: it shall be a statute forever throughout your generations in all your dwellings. (Leviticus 23:14)

The Mishna states that in the time of the Temple, the Omer offering would render the new grain permissible. Anyone who was far from the Temple would wait until the middle of the day to eat the new grain, because it could be assumed that by then the priests would have already offered the Omer sacrifice.

The Talmud tries to understand the nature of Rabbi Yoḥanan ben Zakkai's decree:

What is the reason? May the Temple be speedily rebuilt, and the people will then say: Last year, did we not eat when sun rose in the east? Now, too, let us eat [at sunrise]. And they will not realize that last year, since there was no Omer offering, it was sunrise that rendered the grain permissible; but now when there is an Omer offering [because the Temple has been rebuilt], it is the offering [and not sunrise] that permits the new grain. (*Menaḥot* 68b)

That is to say, if the eating of new grain were not prohibited throughout the entire day of the sixteenth of Nisan, then the people would forget the original rule and fail to observe it when the Temple was rebuilt. And so Rabbi Yoḥanan ben Zakkai's decree serves to preserve the memory of the Temple. Unlike the edicts we have seen thus far, this decree

exemplifies the second of Rabbi Yoḥanan ben Zakkai's two approaches. While the other decrees were intended to lay the basis for Jewish life without a Temple, this decree reinforces the memory of the Temple in the people's consciousness.

The Talmud elaborates on this decree and its intent:

When do we suppose [according to Rabbi Yoḥanan's decree] that the Temple will be rebuilt? If you should say his concern is for when it would be rebuilt on the sixteenth of the month, then sunrise in the east would have already rendered the eating of the grain permissible [because when the sun rose, there was still no Temple]. And if his concern is for when it will be rebuilt on the fifteenth of Nisan, then let the new grain be permitted from midday onwards, because even in the time of the Temple, it was permissible from this point onwards. As the rabbis taught: Those who are distant [from Jerusalem] are permitted to eat the new grain from midday on, because the court does not delay this offering. Rather, his concern must be for when it will be rebuilt just before sundown on the fifteenth of the month, or else on the night of the sixteenth. (*Rosh HaShana* 30a)

The Talmud's reasoning seems forced.¹⁷ In the Jerusalem Talmud and in other sources from the land of Israel, we do not find any such explanation for Rabbi Yoḥanan ben Zakkai's decree. It would be much simpler to claim that he wanted to transform a prohibition that was bound up with the Omer sacrifice in the Temple into a commandment that was dependent only on the calendar. If this is the case, then this decree is consistent with his broader aim of strengthening Jewish life and affixing the religious calendar in the absence of the Temple.¹⁸

17. See also Rashi and Tosafot, who must rely on the notion that the Third Temple will not be built by human hands, but will descend intact from heaven.

18. This notion is further developed in the literature of the *tannaim*, who expanded the commandment about the eating of new grain so that it applied both in the land of Israel and beyond its borders. This development could take place only when this commandment was disconnected from the Omer. See my own work on this subject:

**SUMMARY: THE PURPOSE OF RABBI
YOḤANAN BEN ZAKKAI'S DECREES**

The picture that emerges from Rabbi Yoḥanan's decrees is that of a leader who refashioned the character of Judaism in the wake of the destruction. It would be impossible to imagine Jewish life today without his bold legislative enactments, which preserved the memory of the Temple while allowing Judaism to persevere in its absence. Controversy about his political views continues to reverberate in our own day, but it in no way detracts from the greatness of this leader, who navigated Jewish life at a crucial moment in our people's history.

B. Lau, "New Grain Outside of Israel: Ways in Which the Commentators Dealt with Gaps between Law and Reality" [Hebrew], Master's thesis, Bar-Ilan University, 5756.