

Jewish was required to be circumcised (Acts 15:1; see also Galatians 2:12). He also ordered Paul to observe Jewish law (Acts 21:24). Paul rejected James's command. "We conclude," he taught instead, "that a man is put right with God *only through faith* and not by doing what the Law commands" (Romans 3:28; my emphasis).

Paul's, not James's, teaching prevailed in Christianity. Consequently, Catholics came to assess people's righteousness in God's eyes primarily by virtue of their faith in Jesus as well as their performance of the sacraments. Protestantism's founder, Martin *Luther, differed from the Church only in teaching that *faith* alone (without sacraments) is sufficient. In *On Christian Liberty*, a pamphlet he issued in 1520, Luther wrote: "Above all things, bear in mind what I have said, that faith alone without works, justifies, sets free and saves."

Paul vigorously fought the Jewish belief that observing the Torah's ritual and ethical laws made one righteous in God's eyes. If that were true, he reasoned, people could achieve righteousness through their own efforts. It would mean that there was no purpose to the crucifixion, and "Christ would have died in vain" (Galatians 2:21).

Paul believed, as did the Jews, that God had given mankind the Torah. However, unlike the Jews, he maintained that people could only be saved if they followed the Torah's laws perfectly. Since it is impossible to do so, and since God will damn people for any violations whatsoever, the Torah's many laws must be seen as a curse, not a blessing. To be saved, mankind must be redeemed from the Law, a redemption which can only come through belief in Jesus (see Galatians 3:10, 21–22; and Romans 3:28).

Judaism rejected virtually every element in Paul's reasoning process. While it advocated complete observance of the Torah, it also recognized that people inevitably would sin (Ecclesiastes 7:20). Well before Jesus and Paul, it had worked out an extensive process for repentance (known in Hebrew as **teshuvah*). Unfortunately, Paul's claim that God damns people for violating any Torah law has helped lead many people in the Western world to believe that the God of the Hebrew Bible is a harsh, vengeful figure.

As long as the small sect of Christians differed from their fellow Jews only with regard to certain beliefs about Jesus, they remained part of the Jewish community. But once Paul dropped the Torah, and dropped any legal requirements for converting to Judaism, Christianity ceased being a sect and became a separate religion. From the perspective of Christianity, this made Paul into a great hero, Saint Paul. Most Jews find it hard to regard him with equal adulation.

SOURCES AND FURTHER READINGS: Two contrasting Jewish views of Paul—the first hostile, the second far more sympathetic—are found in Hyam Maccoby, *The Mythmaker: Paul and the Invention of Christianity*, and Richard Rubenstein, *My Brother Paul*. See also Alan Segal, *Paul the Convert*; E. P. Sanders, *Paul and Palestinian Judaism*; Dennis Prager and Joseph Telushkin, *The Nine Questions People Ask About Judaism*, pp. 78–91.



PHARISEES

SADDUCEES

ESSENES

DEAD SEA SECT

MANY JEWS THINK THAT THE CURRENT DIVISION OF THEIR COMMUNITY into different denominations is a new phenomenon, that before modernity all Jews thought and acted alike. In actuality, the Jewish sects that existed during the *Second Temple period had differences as profound as those that separate Reform, Conservative, and Orthodox Judaism today.

Pharisees The most important thing to know about the Pharisees is that they are the ancestors of all contemporary Jews. The other sects that existed contemporaneously with them died out shortly after the Second Temple's destruction. Once they disappeared, the Pharisees no longer were called by that name; their religious practices became normative Judaism. *Unfortunately*, at the very time all Jews were increasingly identifying as Pharisees, the word began to acquire a new, highly pejorative meaning. The New Testament repeatedly depicted the Pharisees as small-minded religious hypocrites. Eventually, the word "pharisee" came to be synonymous in English with "hypocrite"—a distortion as obnoxious to Jews as the expression "to jew," meaning "to bargain down or to cheat." In actuality, the greatest teachers of talmudic Judaism, men like *Hillel, Rabbi *Yochanan ben Zakkai, and Rabbi *Akiva, were Pharisees.

The Pharisees' understanding of Judaism was characterized by their belief in the *Oral Law. They believed that when God gave the Torah to *Moses, He also gave him an oral tradition that specified precisely how its laws were to be carried out. For example, although the Torah demands "an eye for an eye," the Pharisees maintained that God never intended that physical retribution be exacted. Rather, a person who blinded another was required to pay the victim the value of the lost eye (for the reasoning behind this ruling, see *An Eye for an Eye*). The Pharisees believed that the Oral Law also empowered them to introduce necessary changes into Jewish law, and to apply the law to unanticipated circumstances.

In a famous legend (**Aggadata*) in the Talmud, the rabbis describe Moses being summoned forward some thirteen hundred years to sit in on a lecture by Rabbi Akiva. Moses understands nothing of what Akiva is expounding and is growing increasingly depressed. Then Akiva announces a specific ruling and his disciples say to him, "From where do you know it?" He answers, "It is a law given unto Moses at Sinai." At that point, the Talmud says, Moses is comforted (*Menakhot* 29b). Akiva, of course, was not lying when he said, "It is a law given unto Moses at Sinai." He saw himself as issuing a ruling based on principles that Moses had established.

In defiance of their Sadducean opponents, the Pharisees also believed in an *afterlife in which God rewards the righteous and punishes the wicked. They also believed in the coming of a *Messiah, who would usher in an age of universal peace and return the Jewish people from the four corners of the earth to Israel. Finally, they believed in the somewhat paradoxical notion that human beings have full freedom of moral choice even though God knows every detail of the future.

Sadducees. The Pharisees' opponents, the Sadducees, generally belonged to the wealthier classes: Many were priests who served at the Temple. While the Sadducees had some orally transmitted traditions of their own explaining how to carry out the Torah's law, they rejected the Oral Law of the Pharisees and came close to being biblical literalists. For example, they interpreted literally *"an eye for an eye." They rejected the notion of an afterlife because it did not appear in the Torah.

Their major religious focus apparently was the Temple rituals and sacrifices. The Pharisees complained about what they felt was the Sadducees' obsessive interest in these matters: "the [ritual] uncleanness of the knife [used in a murder at the Temple] was to them worse than the murder itself"

(*Josefta Yoma* 1:10). Unfortunately, no Sadducean writings survive, so all that we know about them comes from their Pharisaic opponents.

The Sadducees went out of existence after the *destruction of the Temple in the year 70. Their religious life was apparently so centered around the Temple that its destruction robbed them of their *raison d'être*. Some scholars speculate that the religious practices of the medieval *Karaites (a Jewish sect that also rejected the Oral Law) were based in part on Sadducean teachings.

Essenes. In drawing historical parallels it is sometimes hard not to be reductionist; nonetheless, the third sect, the Essenes, come across as an ascetic and disciplined group of ancient hippies. Believing that city life was corrupting, they moved to sparsely populated parts of Palestine, particularly to the desert near the Dead Sea. Most Essene communities were celibate; thus, their survival depended on constantly winning new converts. More than anything else, their celibacy is probably what accounted for the group's short life-span.

Unlike the Sadducees, the Essenes wanted nothing to do with the Temple; they apparently felt it had been corrupted by the Sadducean priests. The Essene communities practiced very strict laws of purity and impurity; immersion in a ritual bath seems to have been one of their most important ceremonies.

The Essenes were not tolerant of dissent, and members who violated the group's regulations were excommunicated. Reputedly, this punishment was sometimes in effect a death sentence for those proscribed individuals who continued to believe that the only ritually permitted food was that prepared in the community. Once that food source was cut off, they starved.

Essene regulations resembled those of a monastic order. Members ate their meals together in strict silence, except for prayers at beginning and end. They had no private dwellings, but lived together and pooled their income.

Dead Sea Sect. Among the sects living in the desert was another that came to be known as the Dead Sea Sect. Its existence, and its writings, were unknown until 1947, when a Bedouin shepherd discovered scrolls they had left behind in the cave of Qumran. The scrolls of this sect suggest that they were an extremist offshoot of the Essenes.

SOURCES AND FURTHER READINGS: Josephus, *The Jewish War*, has an account of each sect's main beliefs. See also Lee Levine, ed., *Jewish Sects, Parties and Ideologies in the Second Temple*.

THE GREAT REVOLT (66-70 C.E.)

Zealots

THE JEWS' GREAT REVOLT AGAINST ROME IN 66 C.E. LED TO ONE OF the greatest catastrophes in Jewish life and, in retrospect, might well have been a terrible mistake.

No one could argue with the Jews for wanting to throw off Roman rule. Since the Romans had first occupied Israel in 63 B.C.E., their rule had grown more and more onerous. From almost the beginning of the Common Era, Judea was ruled by Roman procurators, whose chief responsibility was to collect and deliver an annual tax to the empire. Whatever the procurators raised beyond the quota assigned, they could keep. Not surprisingly, they often imposed confiscatory taxes. Equally infuriating to the Judeans, Rome took over the appointment of the High Priest (a turn of events that the ancient Jews appreciated as much as modern Catholics would have appreciated Mussolini appointing the popes). As a result, the High Priests, who represented the Jews before God on their most sacred occasions, increasingly came from the ranks of Jews who collaborated with Rome.

At the beginning of the Common Era, a new group arose among the Jews: the Zealots (in Hebrew, *Ka-na'im*). These anti-Roman rebels were active for more than six decades, and later instigated the Great Revolt. Their most basic belief was that all means were justified to attain political and religious liberty.

The Jews' anti-Roman feelings were seriously exacerbated during the reign of the half-crazed emperor Caligula, who in the year 39 declared himself to be a deity and ordered his statue to be set up at every temple in the Roman Empire. The Jews, alone in the empire, refused the command; they would not defile God's Temple with a statue of pagan Rome's newest deity.

Caligula threatened to destroy the Temple, so a delegation of Jews was sent to pacify him. To no avail. Caligula raged at them, "So you are the enemies of the gods, the only people who refuse to recognize my divinity." Only

the emperor's sudden, violent death saved the Jews from wholesale massacre.

Caligula's action radicalized even the more moderate Jews. What assurance did they have, after all, that another Roman ruler would not arise and try to defile the Temple or destroy Judaism altogether? In addition, Caligula's sudden demise might also have been interpreted as confirming the Zealots' belief that God would fight alongside the Jews if only they would have the courage to confront Rome.

In the decades after Caligula's death, Jews found their religion subject to periodic gross indignities, Roman soldiers exposing themselves in the Temple on one occasion, and burning a Torah scroll on another.

Ultimately, the combination of financial exploitation, Rome's unbridled contempt for Judaism, and the unabashed favoritism that the Romans extended to gentiles living in Israel brought about the revolt.

In the year 66, Florus, the last Roman procurator, stole vast quantities of silver from the Temple. The outraged Jewish masses rioted and wiped out the small Roman garrison stationed in Jerusalem. Cestius Gallus, the Roman ruler in neighboring Syria, sent in a larger force of soldiers. But the Jewish insurgents routed them as well.

This was a heartening victory that had a terrible consequence: Many Jews suddenly became convinced that they could defeat Rome, and the Zealots' ranks grew geometrically. Never again, however, did the Jews achieve so decisive a victory.

When the Romans returned, they had 60,000 heavily armed and highly professional troops. They launched their first attack against the Jewish state's most radicalized area, the Galilee in the north. The Romans vanquished the Galilee, and an estimated 100,000 Jews were killed or sold into slavery.

Throughout the Roman conquest of this territory, the Jewish leadership in Jerusalem did almost nothing to help their beleaguered brothers. They apparently had concluded—too late, unfortunately—that the revolt could not be won, and wanted to hold down Jewish deaths as much as possible.

The highly embittered refugees who succeeded in escaping the Galilean massacres fled to the last major Jewish stronghold—Jerusalem. There, they killed anyone in the Jewish leadership who was not as radical as they. Thus, all the more moderate Jewish leaders who headed the Jewish government at the revolt's beginning in 66 were dead by 68—and not one died at the hands of a Roman. All were killed by fellow Jews.

The scene was now set for the revolt's final catastrophe. Outside Jerusalem,

Roman troops prepared to besiege the city; inside the city, the Jews were engaged in a suicidal civil war. In later generations, the rabbis hyperbolically declared that the revolt's failure, and the Temple's destruction, was due not to Roman military superiority but to causeless hatred (*sinat khinam*) among the Jews (*Yoma* 9b). While the Romans would have won the war in any case, the Jewish civil war both hastened their victory and immensely increased the casualties. One horrendous example: In expectation of a Roman siege, Jerusalem's Jews had stockpiled a supply of dry food that could have fed the city for many years. But one of the warring Zealot factions burned the entire supply, apparently hoping that destroying this "security blanket" would compel everyone to participate in the revolt. The starvation resulting from this mad act caused suffering as great as any the Romans inflicted.

We do know that some great figures of ancient Israel opposed the revolt, most notably Rabbi Yochanan ben Zakkai (see next entry). Since the Zealot leaders ordered the execution of anyone advocating surrender to Rome, Rabbi Yochanan arranged for his disciples to smuggle him out of Jerusalem, disguised as a corpse. Once safe, he personally surrendered to the Roman general Vespasian, who granted him concessions that allowed Jewish communal life to continue (see next entry).

During the summer of 70, the Romans breached the walls of Jerusalem, and initiated an orgy of violence and destruction. Shortly thereafter, they destroyed the Second Temple. This was the final and most devastating Roman blow against Judea (see *Destruction of the Second Temple*, 70 C.E.).

It is estimated that as many as one million Jews died in the Great Revolt against Rome. When people today speak of the almost two-thousand-year span of Jewish homelessness and exile, they are dating it from the failure of the revolt and the destruction of the Temple. Indeed, the Great Revolt of 66–70, followed some sixty years later by the *Bar-Kokhba revolt, were the greatest calamities in Jewish history prior to the Holocaust. In addition to the more than one million Jews killed, these failed rebellions led to the total loss of Jewish political authority in Israel until 1948. This loss in itself exacerbated the magnitude of later Jewish catastrophes, since it precluded Israel from being used as a refuge for the large numbers of Jews fleeing persecutions elsewhere.

SOURCE: Solomon Zeitlin, *The Rise and Fall of the Judean State*, vol. 3. It is Zeitlin's thesis, which I believe he argues quite plausibly, that the provisional government knew the revolt was hopeless, and therefore did nothing to help the Galilee.



RABBI YOCHANAN BEN ZAKKAI

"Give Me Yavneh and Its Sages"

WHILE ALMOST ALL CONTEMPORARY JEWS REGARD RABBI YOCHANAN ben Zakkai as a hero, many Jews of his own day saw him as a traitor, and some, such as the Jews who fought at *Masada, would have gladly killed him.

Rabbi Yochanan lived in Jerusalem in the year 70, when the city was under Roman siege (see preceding entry). To prevent any inhabitants from surrendering to the Romans, the Jewish rebel leaders forbade people, on pain of death, from leaving Jerusalem. Rabbi Yochanan was determined to find a way out of the besieged city; he realized that Rome would soon overpower the rebel forces and destroy Jerusalem—perhaps even the Temple—thereby threatening Judaism's very survival. He sent for his nephew, Abba Sikra, one of the revolt's leaders, and said: "Find some way for me to leave the city. Perhaps I will be able to save something."

"Abba Sikra replied: 'Pretend to be sick and let people come to visit you. Get something with a bad odor and let the smell become overpowering, and people will then say you have died. Then let [two of] your disciples carry you out, and no one else.'

"He carried out this procedure. Rabbi Eliezer carried him by the head and Rabbi Joshua by the feet and Abba Sikra walked in front. When they reached the city gate, the guards asked, 'What is this?' They replied: 'A dead man. Do you not know that a corpse may not be kept overnight in Jerusalem?' [The guards] wanted to pierce him through to make certain he was a corpse. Abba Sikra said to them, 'The Romans will [hear about it and] say, "They pierced their own master . . ."

"[The guards] opened the gate and the group left. Rabbi Yochanan was carried to a cemetery outside the city, the others left him there and returned. He went to the camp of [the Roman general] Vespasian."

Delighted at the surrender of so prominent a Jewish leader—one who in

addition prophesied that someday he would be Caesar—Vespasian said to Rabbi Yochanan: “You can make one request and I will grant it.”

“Give me Yavneh and its sages,” he asked of Vespasian; in other words, permit him to establish a seminary in the outlying town of Yavneh. Vespasian granted the request.

This tale is one of several that illustrate Rabbi Yochanan’s strong doubts about the wisdom of the rebellion against Rome. He was a man of extraordinary common sense, and from the rebellion’s very outset he understood that it was not winnable. It must have frustrated him terribly to see masses of Jews swept along in messianic frenzy, naively certain that God would intervene to compensate for Rome’s overwhelming military superiority. Rabbi Yochanan allowed no such mystical thinking to intrude on life-and-death decisions. He once advised: “If you should happen to be holding a sapling in your hand when they tell you that the Messiah has arrived, first plant the sapling, and then go out and greet the Messiah.”

When the catastrophic defeat occurred, and both Jerusalem and the *Temple were destroyed, many Jews fell into the deepest depression, certain that God had deserted them (see *Jeremiah*). Not Rabbi Yochanan. He was too busy establishing a new center of Jewish life in Yavneh. When a disciple expressed despair that the Temple’s destruction made it impossible to bring sacrifices and atone for sins, Rabbi Yochanan consoled him: “My son, be not grieved. We have another atonement as effective as this . . . *acts of loving-kindness, as God says [in the Bible], ‘For I desire mercy, not sacrifice.’” (Hosea 6:6).

Rabbi Yochanan’s academy of Jewish learning in Yavneh soon became a worthy successor to the *Sanhedrin in Jerusalem. More than any other figure, he must be credited with establishing a model of a Judaism that could survive without a Temple, without sacrifices, and even without a state.

SOURCES: The story of Rabbi Yochanan’s surrender to Vespasian is told in the Talmud, *Gittin* 56a–b; I have generally followed the translation of Judah Nadich, *Jewish Legends of the Second Commonwealth*, pp. 273–275. Rabbi Yochanan’s statement that acts of loving-kindness have replaced sacrifices is found in *Avot d’Rabbi Nathan*, ch. 5; Judah Goldin’s translation. See also Gedaliah Alon, *The Jews in Their Land in the Talmudic Age*, pp. 86–118.



DESTRUCTION OF THE SECOND TEMPLE,

70 C.E.

IN TERMS OF SHEER HUMAN SUFFERING, THE DESTRUCTION OF THE Second Temple was hardly the worst thing that befell the Jews during the *Great Revolt. In terms of the Jewish psyche, however, it was. To this day, when Jews speak of the tragedy of the failed revolt against Rome, they usually mention first the *Churban Bayit Sheni* (Destruction of the Second Temple).

The Temple’s destruction seems to have come about quite quickly. On the *ninth of Av (which is still observed as a Jewish fast day), in the summer of the year 70, Roman soldiers threw torches at the Temple, starting an enormous conflagration. By the time it was extinguished, all that survived of Judaism’s holiest place was one outer wall, on the western side of the Temple’s courtyard. This has been known ever since as the *Western Wall (*Kotel ha-Ma’aravi*); it remains to this day the holiest site in Jewish life.

The Temple’s fall, more than any other loss, signaled to the Jews the final failure of the revolt. The Talmud speaks of Jews who went into a permanent state of depression, who “became ascetics, binding themselves neither to eat meat nor to drink wine. Rabbi Joshua got into a conversation with them and said to them: ‘My sons, why do you not eat meat nor drink wine?’ They replied: ‘Shall we eat meat which used to be brought as an offering on the altar, now that the altar is no more? Shall we drink wine which used to be poured as a libation on the altar, but now no longer?’ He said to them: ‘If that is so, we should not eat bread either, because the meal offerings have ceased.’ They said: ‘[That is correct, and] we will manage with fruit.’ ‘We should not eat fruit either, [he said] because there is no longer an offering of firstfruits.’ The ascetics responded that they would manage with other fruits. Rabbi Joshua said, ‘But we should not drink water because there is no longer any ceremony of the water libation.’” To this they had no answer, whereupon the pragmatic Rabbi Joshua advised them: “My sons, come and listen to me. Not to mourn at all is impossible, because the blow has fallen. To mourn overmuch is also

impossible, because we do not impose on the community a hardship which the majority cannot endure." He therefore suggested three ways Jews should mourn for the Temple's destruction. "A man may stucco his house, but he should leave a little bare. . . . A man can prepare a full-course banquet, but he should leave out an item or two. . . . A woman can put on all her ornaments, but leave off one or two" (*Bava Batra* 60b). Not many Jews—particularly, I sometimes think, Jewish caterers—realize that these regulations are still considered binding.

Orthodox Jews still pray three times a day for the restoration of the Temple and the sacrifices.



FLAVIUS JOSEPHUS (37 C.E.—C. 100)

THOUGH FLAVIUS JOSEPHUS LIVED ALMOST TWO THOUSAND YEARS AGO, Jews still passionately debate whether he was a loyal Jew or a traitor. Even his greatest detractors, however, concede that Josephus's writings are the most important historical source on the *Great Revolt against Rome.

As a young man, Josephus visited Rome and was impressed by her massive military power. It is thus odd that when the Jews launched the revolt against Rome in 66 C.E., he was appointed as general of the Galilee. He later admitted that he had always regarded the revolt as hopeless.

The Galilee was quickly defeated by the Romans, with the Jewish fighters suffering massive casualties. When the city of Jotopata fell, Josephus fled with forty men to a cave. Finding themselves besieged by Roman troops, and unwilling to surrender, they resolved to kill each other. Josephus later wrote that he manipulated the ensuing lottery so that he would be among the last two to survive. He then persuaded the other surviving soldier to go with him and surrender.

Josephus charmed the Roman general, Vespasian, who appointed him to record the war's progress. Vespasian's clear affection for the Jewish general was apparently influenced by Josephus's confident prediction that Vespasian

would be the next Roman emperor. In the late stages of the war, when the Jews inside the besieged city of Jerusalem refused to surrender, Josephus took up a position outside the city's gates. In a loud voice, he called to the people inside to give up the fight, even quoting the words of the prophet Jeremiah, who, six hundred years earlier, had urged the Jews to abandon their hopeless revolt against Babylon. Josephus's appeal made little impact. The great nineteenth-century Jewish historian Heinrich Graetz posed the question: Both Jeremiah and Josephus advocated surrender. Why is it that subsequent generations of Jews regarded Jeremiah as a hero and Josephus as a traitor? The difference between the two, he answered, is that Jeremiah advocated surrender while speaking from within Jerusalem, while Josephus advocated it from the camp of the Romans. Graetz's insight is poignant but somewhat polemical. Had Josephus advocated surrender from inside Jerusalem, he undoubtedly would have been killed immediately.

After the war, Josephus went to Rome, where he wrote his account of the revolt, *The Jewish Wars*, the only extended account by a contemporary writer of the uprising. Because he was living under Roman protection, Josephus provided a sympathetic account of Rome's behavior during the war. In order to mitigate Rome's anger at the Jews, he blamed the *Zealots for the revolt, arguing that this small group of Jewish revolutionaries "dragged" the entire Jewish populace into insurrection. Josephus identified himself as a *Pharisee, and wrote of them very sympathetically.

In his later years, Josephus also produced a comprehensive work of Jewish history, *The Antiquities*, as well as a sharp, polemical response to an Egyptian antisemite, *Against Apion*.

Josephus's importance to the Christian world derives from a Slavonic edition of his works, in which he reputedly wrote of Jesus, "And there arose a man, if you could indeed call him a man." If this passage truly was written by Josephus, it would be the only relatively contemporaneous passage outside of the New Testament (aside from Tacitus's notation of Jesus' crucifixion) that speaks of Jesus. But virtually all scholars today believe that the paragraph about Jesus was inserted later by a Christian writer, and is definitely a forgery.

SOURCES AND FURTHER READINGS: Gaalyahu Cornfeld, ed., *Josephus, The Jewish War*, a very readable and aesthetically pleasing edition of Josephus's important book. William Whiston, trans., *The Works of Josephus: Complete and Unabridged*.

MASADA, 73 C.E.

MASADA TODAY IS ONE OF THE JEWISH PEOPLE'S GREATEST SYMBOLS. Israeli soldiers take an oath there: "Masada shall not fall again." Next to Jerusalem, it is the most popular destination of Jewish tourists visiting Israel. As a rabbi, I have even had occasion to conduct five *Bar and Bat Mitzvah services there. It is strange that a place known only because 960 Jews committed suicide there in the first century C.E. should become a modern symbol of Jewish survival.

What is even stranger is that the Masada episode is not mentioned in the Talmud. Why did the rabbis choose to ignore the courageous stance and tragic fate of the last fighters in the Jewish rebellion against Rome?

After Rome destroyed Jerusalem and the Second Temple in 70, the *Great Revolt ended—except for the surviving Zealots, who fled Jerusalem to the fortress of Masada, near the Dead Sea. There, they held out for three years. Anyone who has climbed the famous "snake path" to Masada can understand why the surrounding Roman troops had to content themselves with a siege. Masada is situated on top of an enormous, isolated rock: Anyone climbing it to attack the fortress would be an easy target. Yet the Jews, encamped in the fortress, could never feel secure; every morning, they awoke to see the Roman Tenth Legion hard at work, constructing battering rams and other weapons. If the 960 defenders of Masada hoped that the Romans eventually would consider this last Jewish beachhead too insignificant to bother conquering, they were to be disappointed. The Romans were well aware that the *Zealots at Masada were the group that had started the *Great Revolt; in fact, the Zealots had been in revolt against the Romans since the year 6. More than anything else, the length and bitterness of their uprising probably account for Rome's unwillingness to let Masada and its small group of defiant Jews alone.

Once it became apparent that the Tenth Legion's battering rams and catapults would soon succeed in breaching Masada's walls, Elazar ben Yair, the

Zealots' leader, decided that all the Jewish defenders should commit suicide. Because Jewish law strictly forbids suicide, this decision sounds more shocking today than it probably did to his compatriots. There was nothing of Jonestown in the suicide pact carried out at Masada. The alternative facing the fortress's defenders were hardly more attractive than death. Once the Romans defeated them, the men could expect to be sold off as slaves, the women as slaves and prostitutes.

Ironically, the little information we have about the final hours of Masada comes from a man whom the Jews there considered a traitor and happily would have killed: Flavius Josephus (see previous entry). When he wrote the history of the Jewish revolt against Rome, he included an extensive, largely sympathetic section on Masada's fall. According to Josephus, two women and five children managed to hide themselves during the mass suicide, and it was from one of these women that he heard an account of Elazar ben Yair's final speech. Josephus probably added some rhetorical flourishes of his own, but Elazar's speech clearly was a masterful oration: "Since we long ago resolved," Elazar began, "never to be servants to the Romans, nor to any other than to God Himself, Who alone is the true and just Lord of mankind, the time is now come that obliges us to make that resolution true in practice. . . . We were the very first that revolted [against Rome], and we are the last that fight against them; and I cannot but esteem it as a favor that God has granted us, that it is still in our power to die bravely, and in a state of freedom." Even at this late juncture, Elazar could not accept that the main reason the revolt had failed was because Rome's army was vastly superior. Instead, he dwelt on his belief that the Lord had turned against the Jewish people. Finally, he came to an inescapable conclusion: "Let our wives die before they are abused, and our children before they have tasted of slavery, and after we have slain them, let us bestow that glorious benefit upon one another mutually." Elazar ordered that all the Jews' possessions except food be destroyed, for "[the food] will be a testimonial when we are dead that we were not subdued for want of necessities; but that, according to our original resolution, we have preferred death before slavery."

After this oration, the men killed their wives and children, and then each other.

I suspect there are two reasons the Talmud omits the story of Masada. First, many rabbis still felt a lingering anger toward the extremist Zealots who died at Masada. We know that Rabbi *Yochanan ben Zakkai had to flee Jerusalem secretly to avoid being killed by the sort of people who died there. Furthermore, at a time when the rabbis were desperately attempting to

reconstruct a Judaism that could survive without a *Temple and without a sovereign state, they hardly were interested in glorifying the mass suicide of Jews who believed that life without sovereignty was not worth living.

The story of Masada survived in the writings of Josephus. But not many Jews read Josephus, and for well over fifteen hundred years, it was a more or less forgotten episode in Jewish history. Then, in the 1920s, the Hebrew writer Isaac Lamdan wrote "Masada," a poetic history of the anguished Jewish fight against a world full of enemies. According to Professor David Roskies, Lamdan's poem, "more than any other text, later inspired the uprising in the *Warsaw Ghetto." In recent years, Masada became widely known through the excavations of the late Israeli archaeologist Yigael Yadin. In addition to finding two *mikvaot* (ritual baths; see *Mikveh*) and a synagogue used by Masada's defenders, he uncovered twenty-five skeletons of men, women, and children. In 1969, they were buried at Masada with full military honors.

The term "Masada complex" is sometimes applied critically to advocates of right-wing policies in the Israeli government. Political scientist Susan Hattis Rolef has defined this "complex" as "the conviction . . . that it is preferable to fight to the end rather than to surrender and acquiesce to the loss of independent statehood."

SOURCES AND FURTHER READINGS: Yigael Yadin, *Masada*. The quote about the "Masada complex" is found in Susan Hattis Rolef, ed., *Political Dictionary of the State of Israel*, p. 214. See also David Roskies, *The Literature of Destruction*, p. 358.



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RABBI AKIVA (?-C. 135 C.E.)

RABBI AKIVA IS A LARGER-THAN-LIFE FIGURE, ARGUABLY THE TALMUD'S greatest scholar, and certainly its greatest martyr.

Unlike many of Judaism's leading sages, he was not descended from a prominent rabbinical family, but was the son or the grandson of a convert to

Judaism. As a young man, he worked as a shepherd and received no education at all. Nonetheless, Rachel, the daughter of his very wealthy employer, Kalba Savua, recognized something special in his spirit and agreed to marry him on condition that he start learning Torah. Such a prospect seemed discouraging to the forty-year-old Akiva, until one day he came across a stone that had been hollowed out by falling drops of water. He reasoned: "If water, which is soft, can hollow out a stone, which is hard, how much more will the words of the Torah, which are hard, cut through and make an impression on my heart, which is soft."

He and Rachel married over the objections of Kalba Savua, who immediately disowned his daughter. But despite the horrendous poverty into which the couple were thrust, she continued to encourage Akiva in his studies.

Within a few years, it was not just Rachel who recognized the special qualities of Akiva's mind. The formerly illiterate shepherd was rapidly elevated by the rabbis to higher and higher positions until finally he was recognized as the leading scholar of his age.

Akiva was courageous as well as bright. When the Roman government made the study of Torah a capital offense, he continued teaching. A colleague, Pappos ben Judah, was shocked at his seemingly foolhardy courage. "Akiva," he challenged him, "are you not afraid of the wicked government?" Akiva responded with a parable. "To what is the matter like? To a fox who was walking along the banks of a stream, and saw some fishes gathering together to move from one place to another. He said to them, 'From what are you fleeing?' They answered: 'From nets which men are bringing against us.' He said to them: 'Let it be your pleasure to come up on the dry land, and let us, I and you, dwell together, even as my fathers dwelt with your fathers.' They replied: 'Are you the animal who they say is the shrewdest of animals? You are not clever, but a fool! For if we are afraid in this place which is our life-element, how much more so in a place which is our death-element! So also is it with us: If now, while we sit and study Torah, in which it is written, 'For this is your life and the length of your days' [Deuteronomy 30:20] we are in such a plight, how much more so if we neglect it?' " (*Brakhot* 61b).

Akiva's anti-Roman actions, however, went far beyond teaching Torah. When Simon Bar-Kokhba (see next entry) organized a rebellion against Rome in 132 C.E., Akiva became one of his most ardent followers. In an error of tragic proportions, he became convinced that Bar-Kokhba was the *Messiah, and urged thousands of his disciples to follow him in what proved to be an ill-fated rebellion. One of Akiva's contemporaries, Rabbi Yochanan ben

Torta, ridiculed him for conferring the messianic title on Bar-Kokhba "Akiva," he said, "grass will grow out of your cheekbones and the Messiah will still not have arrived."

After the Romans put down the revolt, they sentenced Rabbi Akiva to death. He was led off to his execution early one morning, at the hour at which the prayer **Sh'ma Yisrael*—"Hear, O Israel, the Lord our God, the Lord is One"—is recited. Even as he was being burned, Akiva continued reciting the words of the *Sh'ma*, with a smile on his lips. The Roman general in charge of the execution was shocked at his insensitivity to pain and asked him if he was a sorcerer. "No," Akiva replied, "but all my life, when I said the words, 'You shall love the Lord your God with all your heart, with all your soul, and with all your might,' I was saddened, for I thought, when shall I be able to fulfill this command? I have loved God with all my heart, and with all my might [which means, with all one's means], but to love him with all my soul [i.e., my life itself] I did not know if I could carry it out. Now that I am giving my life, and the hour for reciting the *Sh'ma* has come, and my resolution remains firm, should I not smile?" As he spoke, his soul departed" (Palestinian Talmud *Brakhot* 9:5; see also *Brakhot* 61b).

The quintessential martyr, Akiva died **al kiddush ha-Shem*—to sanctify God's name. During the more than eighteen hundred years since, Jews have studied his life as a model both of how to live and how to die.

SOURCE AND FURTHER READING: Louis Finkelstein, *Akiba: Scholar, Saint and Martyr*.



BAR-KOKHBA REBELLION (132–135 C.E.)

AS A RULE, PEOPLE REGARD BOLD ACTIONS THEY ADMIRE AS COURAGEOUS, and those of which they disapprove as foolhardy. In 1980, Israeli General Yehoshafat Harkabi shocked Israeli public opinion by arguing that one of the great Jewish national heroes, Simeon Bar-Kokhba, the leader of a second-

century revolt against Rome, should be placed into the category of the foolhardy rather than the courageous. Harkabi, himself a former head of Israeli military intelligence, argued that Bar-Kokhba initiated a revolt that was unnecessary and, more important, unwinnable.

The reasons for the outbreak of the Bar-Kokhba revolt are obscure. Some talmudic texts claim that the Romans had embarked on a campaign to eradicate Judaism; they had made **circumcision* and the study of the Torah capital offenses. The same sources note that the age's greatest spiritual leader, Rabbi Akiva (see preceding entry), enlisted in Bar-Kokhba's struggle and greatly promoted it by announcing that Bar-Kokhba was the **Messiah*. Other talmudic sources, however, express considerable skepticism about Bar-Kokhba's character, and about the messianic claims made on his behalf.

If, in fact, the Romans *were* trying to eradicate Judaism, it is understandable that the Jews would have revolted no matter how hopeless the odds. But Harkabi cites a significant, seldom noted detail which suggests that the Romans were not warring against Judaism. The Galilee, in Israel's north, did not participate in the Bar-Kokhba revolt, and after it was crushed, Galilean Jews were allowed to go on practicing their religion as usual. Indeed, because of the destruction the Romans inflicted on Judea, where the revolt occurred, the Galilee became the new center of Jewish life. Less than a century later, the **Mishna* was composed there. Thus, Judaism's very survival might not have been imperiled during Bar-Kokhba's time. The revolt might have been the outgrowth rather of the ongoing Jewish desire for independence from Roman rule.

Bar-Kokhba himself must have been a charismatic figure; tens of thousands of Jews flocked to join his army. In the revolt's early stages, his troops inflicted heavy casualties on the Roman forces, and even took control of Jerusalem. This was a particularly important victory because the Roman emperor Hadrian was trying to turn Jerusalem into a pagan, Roman city (a detail that challenges Harkabi's thesis that the revolt was unnecessary).

The winning of Jerusalem was unfortunately temporary and, as Harkabi notes, "In war, the main thing is to win the last battle, not the first." This, the Jews could not do. Eventually, the Romans sent Julius Severus at the head of a mighty army. The Roman historian Dio Cassius provided a detailed description of the Roman general's strategy: "He was reluctant to fight the enemy face-to-face after seeing their great numbers and desperate anger. Instead, his practice was to have his numerous soldiers and officers capture them singly or enclose and besiege them in their fortified places, thus depriving them of food

supplies. In this way he was able, by degrees and with little risk, to frustrate, immobilize, and destroy them. Very few [Jews] were saved. Fifty of the Jews' strongest fortresses were destroyed by the Romans, and nine hundred and eighty-five of their most important settlements razed. Five hundred and eighty thousand Jews were slaughtered in battles and skirmishes and countless numbers died of starvation, fire, and the sword. Nearly the entire land of Judea lay waste."

The Jewish soldiers did inflict heavy casualties on the Romans, so many that when the emperor Hadrian sent notice of his victory to the Roman Senate, he refrained from using the customary opening, "I and my troops are well." Nonetheless, the Jews were defeated in battle after battle, until they were pushed back to their last fortress, at Betar, southwest of Jerusalem. According to Jewish tradition, it fell on the *ninth of Av, the anniversary of the day on which both Temples were destroyed.

By the time the Romans finished putting down the rebellion, 50 percent of Judea's population was dead. After the collapse of the Bar-Kokhba revolt in 135, the Jews found themselves outnumbered by non-Jews in their own country. The Judeans who survived the war did not fare well at all. Tens of thousands of Jewish men and women were sold into slavery, while other women were forced to become prostitutes. Jews also were forbidden to visit Jerusalem.

In the opinion of many Jewish historians, the failure of the Bar-Kokhba rebellion, along with that of the *Great Revolt, were the greatest catastrophes to befall the Jewish people prior to the Holocaust.

SOURCES AND FURTHER READINGS: Yehoshafat Harkabi, *The Bar-Kokhba Syndrome*; Gedaliah Alon, *The Jews in Their Land in the Talmudic Age*, pp. 592-637; Samuel Abramsky, "Bar Kokhba," in the *Encyclopedia Judaica*, vol. 4, pp. 227-239; H. H. Ben-Sasson, ed., *A History of the Jewish People*, pp. 330-335.



BERURIAH

OVER FIFTEEN HUNDRED RABBIS ARE MENTIONED IN THE TALMUD, ALL men. There is one woman, however, whose learning equaled theirs: Beruriah, the wife of the second-century rabbi Meir. In recent years she has become a heroine to religious Jewish feminists, her rising status reflected in the naming of a prominent women's seminary in Jerusalem after her.

Although the talmudic stories about Beruriah emphasize her sharp intellect, they also capture more complex dimensions of her personality. In some stories she is sweet; in others, angry, and in some tragic. The happiest anecdote is told in tractate *Brakhot* (10a). When hoodlums harassed her husband, Meir, he prayed to God that they should die. Beruriah reproached him for his violent words. "Do you justify yourself because of the Psalmist's plea, 'Let sins cease from the land?' But sinners don't have to die for sins to cease; it is sufficient that they stop sinning." Whereupon, Rabbi Meir prayed that the hoodlums repent of their evil behavior, and they did.

In another episode, it is Beruriah, not Meir, who is the angry one. Apparently, she had been offended by a popular rabbinic adage, "Don't speak much to women." When Rabbi Yossi the Galilean asked her, "By which route shall we travel to Lod?" she mocked him: "You foolish Galilean. Don't the sages teach, 'Don't speak much to women.' You should have said, 'To Lod, how?'" (*Eruvin* 53b).

The most famous tale about Beruriah deals with the paramount tragedy of both her and Meir's life. One Shabbat afternoon, their two sons died—whether they were murdered or were victims of an accident or epidemic, the Talmud does not say. When Rabbi Meir returned home from synagogue, he asked after the boys, but Beruriah put him off, so that instead he recited **havdala*, the prayer concluding the Sabbath. She then posed a question to him: "Some time ago, I was given a treasure to guard, and now the owner wants it back. Must I return it?"

"Of course," Meir said, no doubt perplexed by the query. Whereupon,

Beruriah led him into the bedroom and showed him the two bodies. "These are the treasures, and God has taken them back" (*Yalkut Proverbs* 964).

If these were the sole tales about Beruriah, she would have entered Jewish consciousness as a talented person, and as a scholarly inspiration for Jewish women. But the notion of Beruriah as a role model apparently troubled some fiercely conservative Jews, who didn't like the idea of women delving into advanced religious texts. A story began to circulate—it doesn't appear in the Talmud, only in a very important medieval talmudic commentary—that depicted both Beruriah and Rabbi Meir in a very bad light. According to the tale, Beruriah mocked a rabbinic adage, "Women are lightheaded [easily manipulated]." Vexed by her contempt for a rabbinic saying, Meir set out to prove that it was true. He persuaded one of his students to try to seduce her. When the student succeeded, Beruriah, deeply shamed that she had let passion carry her into adultery, hanged herself, while Rabbi Meir went off in disgrace. The lesson was obvious: This learned woman of easy virtue was not to be emulated. Fortunately, in modern religious life, the story has generally been ignored or repudiated, and Beruriah's good name restored.

SOURCE: The story of Beruriah's supposed act of adultery is recorded in Rashi's commentary on Talmud *Avodah Zara* 18b.



ORAL LAW/TORAH SHE-BE-AL-PEH
WRITTEN LAW/TORAH SHE-BIKHTAV

THE WRITTEN LAW IS ANOTHER NAME FOR THE *TORAH. THE ORAL Law is a legal commentary on the Torah, explaining how its commandments are to be carried out. Common sense suggests that some sort of oral tradition was always needed to accompany the Written Law, because the Torah alone, even with its 613 *commandments, is an insufficient guide to Jewish life. For example, the fourth of the *Ten Commandments, ordains, "Remember the *Sabbath day to make it holy" (Exodus 20:8). From the Sabbath's inclusion

in the Ten Commandments, it is clear that the Torah regards it as an important holiday. Yet when one looks for the specific biblical laws regulating how to observe the day, one finds only injunctions against lighting a fire, going away from one's dwelling, cutting down a tree, plowing and harvesting. Would merely refraining from these few activities fulfill the biblical command to make the Sabbath holy? Indeed, the Sabbath rituals that are most commonly associated with holiness—lighting of candles, reciting the **kidush*, and the reading of the *weekly Torah portion—are found not in the Torah, but in the Oral Law.

The Torah also is silent on many important subjects. We take it for granted that the large majority of couples want their wedding ceremony to be religious, but the Torah itself has nothing to say concerning a marriage ceremony. To be sure, the Torah presumes that people will get married—"Therefore shall a man leave his mother and father and cleave to his wife and they shall be one flesh" (Genesis 2:24)—but nowhere in the Torah is a marriage ceremony recorded. Only in the Oral Law do we find details on how to perform a Jewish wedding.

Without an oral tradition, some of the Torah's laws would be incomprehensible. In the **Sh'ma's* first paragraph, the Bible instructs: "And these words which I command you this day shall be upon your heart. And you shall teach them diligently to your children, and you shall talk of them when you sit in your house, when you walk on the road, when you lie down and when you rise up. And you shall bind them for a sign upon your hand, and they shall be for frontlets between your eyes" (see Deuteronomy 6:4-8).

"Bind them for a sign upon your hand," the last verse instructs. Bind what? The Torah doesn't say. "And they shall be for frontlets between your eyes." What are frontlets? The Hebrew word for frontlets, *totafot*, is used three times in the Torah—always in this context (Exodus 13:16; Deuteronomy 6:8, 11:18)—and is as obscure as is the English. Only in the Oral Law do we learn that what a Jewish male should bind upon his hand and between his eyes are **tefillin* (phylacteries).

Finally, an Oral Law was needed to mitigate certain categorical Torah laws that would have caused grave problems if carried out literally. The Written Law, for example, demands an *"eye for an eye" (Exodus 21:24). Did this imply that if one person accidentally blinded another, he should be blinded in return? That seems to be the Torah's wish. But the Oral Law explains that the verse must be understood as requiring monetary compensation: the *value* of an eye is what must be paid.

For these three reasons—the frequent lack of details in Torah legislation, the incomprehensibility of some terms in the Torah, and the objections to following some Torah laws literally—an Oral Law was always necessary.

Strangely enough, the Oral Law today is a written law, codified in the Mishna and Talmud (see next entry). Orthodox Judaism believes that most of the oral traditions recorded in these books date back to God's revelation to Moses on Mount *Sinai. When God gave Moses the Torah, Orthodox teaches, He simultaneously provided him all the details found in the Oral Law. It is believed that Moses subsequently transmitted that Oral Law to his successor, Joshua, who transmitted it to his successor, in a chain that is still being carried on (**Ethics of the Fathers* 1:1).

Given this chain of authority, one might wonder why the Mishna and Talmud are filled with debates between rabbis; shouldn't they have all been recipients of the same, unambiguous tradition? Orthodox teachers respond that the debates came about either because students forgot some of the details transmitted by their teachers, or because the Oral Law lacks specific teachings on the issue being discussed.

While *Conservative and *Reform Judaism also believe that some kind of Oral Law was always necessary to make the Torah comprehensible and workable, they reject the belief that most of the Talmud dates back to Moses' time. They are more apt to see the Talmud and the Oral Law as an evolving system, in which successive generations of rabbis discussed and debated how to incorporate the Torah into their lives. Thus, they feel more free than the Orthodox to ignore, modify, or change the Oral Law.

The differing views of Orthodox and Conservative Judaism on both the antiquity and binding nature of the Oral Law are one of the major, perhaps the major, issues separating them.

SOURCES AND FURTHER READINGS: George Foote Moore, *Judaism in the First Centuries of the Christian Era*, vol. 1, pp. 3–124, 235–280; Ephraim E. Urbach, *The Sages: Their Concepts and Beliefs*, pp. 286–314; Hyam Maccoby, *Early Rabbinic Writings*. A traditional Orthodox view of the relationship between the Oral and the Written Law is found in H. Chaim Schimmel, *The Oral Law*.



BABYLONIAN TALMUD, PALESTINIAN

TALMUD, MISHNA

Rabbi Judah the Prince

Tanna'im, Amora'im

THE JEWISH COMMUNITY OF PALESTINE SUFFERED HORRENDOUS losses during the *Great Revolt and the *Bar-Kokhba rebellion. Well over a million Jews were killed in the two ill-fated uprisings, and the leading *yeshivot, along with thousands of their rabbinical scholars and students, were devastated.

This decline in the number of knowledgeable Jews seems to have been a decisive factor in Rabbi Judah the Prince's decision around the year 200 C.E. to record in writing the Oral Law (see preceding entry). For centuries, Judaism's leading rabbis had resisted writing down the Oral Law. Teaching the law orally, the rabbis knew, compelled students to maintain close relationships with teachers, and they considered teachers, not books, to be the best conveyors of the Jewish tradition. But with the deaths of so many teachers in the failed revolts, Rabbi Judah apparently feared that the Oral Law would be forgotten unless it were written down.

In the Mishna, the name for the sixty-three tractates in which Rabbi Judah set down the Oral Law, Jewish law is systematically codified, unlike in the Torah. For example, if a person wanted to find every law in the Torah about the Sabbath, he would have to locate scattered references in Exodus, Leviticus, and Numbers. Indeed, in order to know everything the Torah said on a given subject, one either had to read through all of it or know its contents by heart. Rabbi Judah avoided this problem by arranging the Mishna topically. All laws pertaining to the Sabbath were put into one tractate called *Shabbat* (Hebrew for "Sabbath"): The laws contained in *Shabbat's* twenty-four chapters are far more extensive than those contained in the Torah, for the Mishna summarizes the Oral Law's extensive Sabbath legislation. The tractate *Shabbat* is

part of a larger "order" called *Mo'ed* (Hebrew for "holiday"), which is one of six orders that comprise the Mishna. Some of the other tractates in *Mo'ed* specify the Oral Laws of **Passover* (*Pesachim*); **Purim* (*Megillah*); **Rosh ha-Shana*; **Yom Kippur* (*Yoma*); and **Sukkot*.

The first of the six orders is called *Zera'im* (*Seeds*), and deals with the agricultural rules of ancient Palestine, particularly with the details of the produce that were to be presented as offerings at the **Temple* in Jerusalem. The most famous tractate in *Zera'im*, however, **Brakhot* (*Blessings*) has little to do with agriculture. It records laws concerning different blessings and when they are to be recited.

Another order, called *Nezikin* (*Damages*), contains ten tractates summarizing Jewish civil and criminal law.

Another order, *Nashim* (*Women*), deals with issues between the sexes, including both laws of marriage, *Kiddushin*, and of divorce, *Gittin*.

A fifth order, *Kodashim*, outlines the laws of sacrifices and ritual slaughter. The sixth order, *Taharot*, contains the laws of purity and impurity.

Although parts of the Mishna read as dry legal recitations, Rabbi Judah frequently enlivened the text by presenting minority views, which it was also hoped might serve to guide scholars in later generations (*Mishna Eduyot* 1:6). In one famous instance, the legal code turned almost poetic, as Rabbi Judah cited the lengthy warning the rabbinic judges delivered to witnesses testifying in capital cases:

"How are witnesses inspired with awe in capital cases?" the Mishna begins. "They are brought in and admonished as follows: In case you may want to offer testimony that is only conjecture or hearsay or secondhand evidence, even from a person you consider trustworthy; or in the event you do not know that we shall test you by cross-examination and inquiry, then know that capital cases are not like monetary cases. In monetary cases, a man can make monetary restitution and be forgiven, but in capital cases both the blood of the man put to death and the blood of his [potential] descendants are on the witness's head until the end of time. For thus we find in the case of **Cain*, who killed his brother, that it is written: 'The bloods of your brother cry unto Me' (Genesis 4:10)—that is, his blood and the blood of his potential descendants. . . . Therefore was the first man, Adam, created alone, to teach us that whoever destroys a single life, the Bible considers it as if he destroyed an entire world. And whoever saves a single life, the Bible considers it as if he saved an entire world. Furthermore, only one man, **Adam*, was created for the sake of peace among men, so that no one should say to his fellow, 'My

father was greater than yours. . . . Also, man [was created singly] to show the greatness of the Holy One, Blessed be He, for if a man strikes many coins from one mold, they all resemble one another, but the King of Kings, the Holy One, Blessed be He, made each man in the image of Adam, and yet not one of them resembles his fellow. Therefore every single person is obligated to say, 'The world was created for my sake' " (*Mishna Sanhedrin* 4:5). (One commentary notes, "How grave the responsibility, therefore, of corrupting myself by giving false evidence, and thus bringing [upon myself] the moral guilt of [murdering] a whole world.")

One of the Mishna's sixty-three tractates contains no laws at all. It is called **Pirkei Avot* (usually translated as *Ethics of the Fathers*), and it is the "Bartlett's" of the rabbis, in which their most famous sayings and proverbs are recorded.

During the centuries following Rabbi Judah's editing of the Mishna, it was studied exhaustively by generation after generation of rabbis. Eventually, some of these rabbis wrote down their discussions and commentaries on the Mishna's laws in a series of books known as the Talmud. The rabbis of Palestine edited their discussions of the Mishna about the year 400: Their work became known as the *Palestinian Talmud* (in Hebrew, *Talmud Yerushalmi*, which literally means "Jerusalem Talmud").

More than a century later, some of the leading Babylonian rabbis compiled another editing of the discussions on the Mishna. By then, these deliberations had been going on some three hundred years. The Babylon edition was far more extensive than its Palestinian counterpart, so that the Babylonian Talmud (*Talmud Bavli*) became the most authoritative compilation of the Oral Law. When people speak of studying "the Talmud," they almost invariably mean the *Bavli* rather than the *Yerushalmi*.

The Talmud's discussions are recorded in a consistent format. A law from the Mishna is cited, which is followed by rabbinic deliberations on its meaning. The Mishna and the rabbinic discussions (known as the *Gemara*) comprise the Talmud, although in Jewish life the terms *Gemara* and Talmud usually are used interchangeably.

The rabbis whose views are cited in the Mishna are known as *Tanna'im* (Aramaic for "teachers"), while the rabbis quoted in the *Gemara* are known as *Amora'im* ("explainers" or "interpreters"). Because the *Tanna'im* lived earlier than the *Amora'im*, and thus were in closer proximity to Moses and the revelation at Sinai, their teachings are considered more authoritative than those of the *Amora'im*. For the same reason, Jewish tradition generally

regards the teachings of the *Amora'im*, insofar as they are expounding the Oral Law, as more authoritative than contemporary rabbinic teachings.

In addition to extensive legal discussions (in Hebrew, **halakha*—see next entry), the rabbis incorporated into the Talmud guidance on ethical matters, medical advice, historical information, and folklore, which together are known as **aggadata* (see next entry).

As a rule, the *Gemara's* text starts with a close reading of the Mishna. For example, Mishna *Bava Mezia* 7:1 teaches the following: "If a man hired laborers and ordered them to work early in the morning and late at night, he cannot compel them to work early and late if it is not the custom to do so in that place." On this, the *Gemara* (*Bava Mezia* 83a) comments: "Is it not obvious [that an employer cannot demand that they change from the local custom]? The case in question is where the employer gave them a higher wage than was normal. In that case, it might be argued that he could then say to them, 'The reason I gave you a higher wage than is normal is so that you will work early in the morning and late at night.' So the law tells us that the laborers can reply: 'The reason that you gave us a higher wage than is normal is for better work [not longer hours].'"

Among religious Jews, talmudic scholars are regarded with the same awe and respect with which secular society regards Nobel laureates. Yet throughout Jewish history, study of the Mishna and Talmud was hardly restricted to an intellectual elite. An old book saved from the millions burned by the Nazis, and now housed at the YIVO library in New York, bears the stamp THE SOCIETY OF WOODCHOPPERS FOR THE STUDY OF MISHNA IN BERDITCHEV. That the men who chopped wood in Berditchev, an arduous job that required no literacy, met regularly to study Jewish law demonstrates the ongoing pervasiveness of study of the Oral Law in the Jewish community.

SOURCES AND FURTHER READINGS: The text of the admonition to the witnesses generally follows the text of the Soncino translation of the Talmud. The commentary is also from the Soncino commentary, *Sanhedrin*, p. 234, n. 6. The text from *Bava Mezia* 83a is cited in Louis Jacobs, *Jewish Law*, pp. 57–61. See also Jacob Neusner, *Judaism: The Evidence of the Mishnah*; Hyam Maccoby, *Early Rabbinic Writings*; Adin Steinsaltz, *The Essential Talmud*; Ephraim E. Urbach, *The Sages: Their Concepts and Beliefs*, two volumes, translated by Israel Abrahams. H. Danby, *The Mishnah*, is a translation of the entire Mishna; the Soncino Press of England has published a translation of the entire Babylonian Talmud, edited by Isidore Epstein. A new, very readable translation of the entire Talmud, by ArtScroll, a publisher in Brooklyn, New York, has recently been completed and, with its help, an increasing number of people are now studying the Talmud daily.



HALAKHA
AGGADATA
MIDRASH

THE TALMUD (SEE PREVIOUS ENTRY) IS THE MOST COMPREHENSIVE compilation of the **Oral Law*. Throughout its many volumes, one finds the rabbis engaged in two types of discussions, *halakha* (purely legal matters), and *aggadata* (ethical and folkloristic speculations).

The opening Mishna in the tractate *Bava Mezia* is a classic *halakhic* discussion:

"Two men are holding a cloak [and come before a judge]. This one says: 'I found it,' and the other one says, 'I found it.' If this one says, 'It is all mine,' and the other one says, 'It is all mine,' then this one must swear that he does not own less than a half, and the other must swear that he does not own less than a half and they divide it [dividing means that each gets half of the value of the cloak].

"If this one says: 'It is all mine,' and the other one says, 'It is half mine' [because he believes that they discovered it simultaneously]—then the one who says, 'It is all mine' must swear that he does not own less than three quarters, and the one who says, 'Half of it is mine' must swear that he does not own less than a quarter, and this one takes three quarters and this one takes one quarter."

The Talmud's discussion of this Mishna is very extensive, and directly and indirectly raises numerous legal nuances. For one thing, since each party concedes that he only found the cloak but never purchased it, what about the man to whom the cloak originally belonged—shouldn't it be returned to him? We must assume, therefore, that the cloak either had been abandoned or that efforts to find the owner had proven futile. (There are extensive laws in the Talmud dealing with restoring lost objects to their owners, based on the biblical laws recorded in Deuteronomy 22:1–3.)

Secondly, it is no coincidence that the Mishna portrays both parties coming into court *holding* the cloak. As a rule, Jewish law accepts the principle that "possession is nine tenths of the law." In noting that both litigants are holding the garment, the text underscores that each has a tangible claim. If in fact, only one party held the cloak, the cloak would be presumed to belong to him unless the second litigant could produce evidence that the first person had taken it from him.

Third, why the need for an oath at all? Why not just divide the cloak? The purpose of the oath is to induce fear in the liar, to discourage him from persevering in his dishonesty. Without an oath, a person might be more prone to lie, feeling that no harm is involved, since he is not depriving the real finder of something that had cost him money, but only of something he had found. Rabbi Louis Jacobs summarizes the principle behind the oath: "While a man may be willing to tell an untruth in order to obtain something that is not his, he will be reluctant to swear in court that he is telling the truth when he is not really doing so." In Jewish law, perjury is a particularly serious sin, and outlawed by the ninth of the *Ten Commandments.

Fourth, why do the rabbis impose so strange an oath? Since each litigant claims "it is all mine," why not have each one swear that the entire cloak belongs to him? What is the sense in saying "I swear that I own not less than a half." There is a moral consideration behind the strange wording. Were each party to swear to owning the entire garment, the court knowingly would be administering a false oath: Two people would be swearing to full ownership of *one* garment. Yet were each party to swear that he owns only half of the garment, he would be discrediting his earlier claim that he owns it all. That is why each party swears, "I own not less than a half." This is the only oath that might possibly be truthful, for the two litigants might have picked up the garment simultaneously.

As for the Mishna's second part—in which one party claims ownership of the whole garment, and the other ownership of half—why the strange wording of the oath, and why give one litigant three quarters of the garment's value and the other only one quarter? The Talmud reasons: Since the person who claims that he owns only a half admits that the other half of the garment belongs to the first litigant, the dispute facing the court is restricted to the remaining half. That half, the court in turn divides in half, so that one party gets three quarters and the other a quarter.

This lengthy discussion about halves reminds me of an old Jewish tale about a man who complains to his friend, "A horrible thing. My daughter is

getting married tomorrow and I promised a five-thousand-ruble dowry. Now, half the dowry is missing."

"Don't worry," his friend consoles him. "Everybody knows that people usually pay only half the promised dowry."

"That's the half that's missing."

Aggadata refers to all of the Talmud's nonlegal discussions, including such varied matters as medical advice, historical anecdotes, moral exhortations, and folklore. One particularly well-known bit of *aggadata* is found in the talmudic tractate *Bava Mezia* 59b. The *aggadata* follows a *halakhic* discussion in which the rabbis debated whether an oven that had become impure could be purified. While almost all the sages felt it couldn't be, Rabbi Eliezer, a lone voice but a great scholar, disagreed:

"On that day, Rabbi Eliezer put forward all the arguments in the world, but the Sages did not accept them.

"Finally, he said to them, 'If the *halakha* is according to me, let that carob-tree prove it.'

"He pointed to a nearby carob-tree, which then moved from its place a hundred cubits, and some say, four hundred cubits. They said to him, 'One cannot bring a proof from the moving of a carob-tree.'

"Said Rabbi Eliezer, 'If the *halakha* is according to me, may that stream of water prove it.'

"The stream of water then turned and flowed in the opposite direction.

"They said to him, 'One cannot bring a proof from the behavior of a stream of water.'

"Said Rabbi Eliezer, 'If the *halakha* is according to me, may the walls of the House of Study prove it.'

"The walls of the House of Study began to bend inward. Rabbi Joshua then rose up and rebuked the walls of the House of Study, 'If the students of the Wise argue with one another in *halakha*,' he said, 'what right have you to interfere?'

"In honor of Rabbi Joshua, the walls ceased to bend inward; but in honor of Rabbi Eliezer, they did not straighten up, and they remain bent to this day.

"Then, said Rabbi Eliezer to the Sages, 'If the *halakha* is according to me, may a proof come from Heaven.'

"Then a heavenly voice went forth and said, 'What have you to do with Rabbi Eliezer? The *halakha* is according to him in every place.'

"Then Rabbi Joshua rose up on his feet, and said, 'It is not in the heavens' (Deuteronomy 30:12).

"What did he mean by quoting this? Said Rabbi Jeremiah, 'He meant that since the Torah has been given already on Mount Sinai, we do not pay attention to a heavenly voice, for You have written in Your Torah, 'Decide according to the majority' (Exodus 23:2).

"Rabbi Nathan met the prophet Elijah. He asked him, 'What was the Holy One, Blessed be He, doing in that hour?'

"Said Elijah, 'He was laughing and saying, "My children have defeated me, my children have defeated me."'"

The British-Jewish scholar and writer Hyam Maccoby has commented "This extraordinary story strikes the keynote of the Talmud. God is a good father who wants His children to grow up and achieve independence. He has given them His Torah, but now wants them to develop it. . . ."

A third category of rabbinic literature is *midrash*, of which there are two types. *Midrash aggada* derive the sermonic implications from the biblical text. *Midrash halakha* derive laws from it. When people use the word *midrash*, they usually mean those of the sermonic kind. Because the rabbis believed that every word in the Torah is from God, no words were regarded as superfluous. When they came upon a word or expression that seemed superfluous, they sought to understand what new idea or nuance the Bible wished to convey by using it. Thus, we find the following discussion on a verse from Genesis concerning Noah.

"This is the story of Noah. Noah was a righteous and blameless man in his generation" (Genesis 6:9).

What words seem superfluous? "In his generation." So why, the rabbis ask, did the Torah include them?

Characteristically, more than one view is offered. Rabbi Yochanan said "In *his* [particularly awful] generation [Noah was a righteous and blameless man] but not in other generations." Resh Lakish maintained: "[If even] in his generation—how much more so in other generations" (*Sanhedrin* 108a).

Aside from the ingenuity of these explanations, this *midrash* also demonstrates that a reader understands a text in light of his own experiences. This is Resh Lakish's point: If even in *his* generation Noah was righteous, how much more so would he have been had he lived in another society? Elsewhere, the Talmud informs us that Resh Lakish became religious only as an adult. Earlier on, he had been a thief, a gladiator, or a circus attendant. Resh Lakish

knew firsthand how much harder it is to be a good person when you come out of a seedy or immoral environment. In his eyes, if Noah could emerge from so immoral a society as a righteous man, how much greater would he have been had he been raised among moral people.

Midrash continues to be created. For example, Genesis 19:26 records that when Lot and his family were fleeing the destruction that God wrought on Sodom and Gomorrah, they were told not to look back. "But Lot's wife looked back, and she thereupon turned into a pillar of salt."

What possible relevance could this verse have to our lives? A friend of mine was teaching this chapter at a home for the aged, and the residents were debating the verse's meaning. An eighty-five-year-old woman broke into the discussion: "Don't you understand what it means? When you are always looking backwards, you become inorganic."

Finally, in modern Jewish life, the word *halakha* refers to any issue of Jewish law. If a person wants to know the Jewish law on a specific issue, he will ask a rabbi: "What is the *halakha* in this case?" The word also is used for the Talmud's legal sections, the codes of Jewish law (for example, the **Shulkhan Arukh*) or any of Judaism's legal writings (e.g., **Responsa*).

Aggadata, as noted, describes the non-*halakhic* sections of the Talmud, and the word *aggada* in modern Hebrew refers to any legendary or folkloristic writing.

Midrash most commonly refers to the famous compilation of *Midrash Rabbah*, a compilation of the rabbis' comments on each of the five volumes of the Torah. But to this day, you can hear a Jew who has some novel interpretation of a Torah passage say, "I want to give you a *drash* [from *midrash*] on this week's Torah portion."

SOURCES AND FURTHER READINGS: The discussion of the Mishna concerning the two litigants and the cloak is based on Louis Jacobs, *Jewish Law*, pp. 33–36. The *aggadata* about Rabbi Eliezer is particularly well translated in Hyam Maccoby, *The Day God Laughed*, pp. 141–142. A brief but beautiful selection from the *midrash* is found in Nahum Glatzer, ed., *A Midrash Reader*. See also Ephraim Urbach, *The Sages: Their Concepts and Beliefs* (two volumes); Louis Ginzberg, *The Legends of the Jews* (seven volumes); C. G. Montefiore and H. Loewe, *A Rabbinic Anthology*; Glatzer, *The Judaic Tradition*; Judah Nadich, *Jewish Legends of the Second Commonwealth*; Louis Jacobs, *Jewish Law*.