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JOCHANAN BEN ZAKKAI: HIS CONTRIBUTION TO TANNAITIC LAW

Fredric S. Dworkin

Thesis submitted in partial fulfillment  
of the requirements for the Degree of  
Master of Arts in Hebrew Letters and  
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### Digest

Before one is able to evaluate the contribution of an individual to history, he must first assess the historical framework in which that individual found himself. Jochanan ben Zakkai lived at a time in history when the Jewish people were held in the grip of the mighty Roman Empire. Not only was there oppression from an alien nation, but political unrest was coupled with religious turmoil. The two major religious bodies, the Sadducees and the Pharisees, each desired the elimination of the other as a threat to their concept of Judaism. Jochanan, a disciple of the renowned sage Hillel, was the foremost advocate of the Pharisaic body. This paper, divided into three chapters, discusses first Jochanan's position at that time in history as Pharisaism became the dominant faction in the Judaism of that era. It is important to note that he lived prior to and after the destruction of the Temple in 70 C.E. It was this major event that precipitated Jochanan into the crucial role he was to play in the conservation of Judaism. The first chapter traces his early beginnings until the time of the destruction of the Temple. The major area treated in this paper is the notation and discussion of the various laws Jochanan enacted, his opinion concerning other religious enactments, his activity as both a leader and scholar, and his controversies with the other prominent religious faction of that time, the Sadducees. In addition, Jochanan's conversations with non-Jews, whether of a polemical or apologetic nature are discussed. The third chapter deals with those passages in Scripture which Jochanan quoted as proof-texts for arguments or explanations he gave to his disciples, his opponents, on religious matters, or to heathens and gentiles.

It should be evident to the reader that Jochanan attempted, and in the author's opinion, succeeded in conserving Judaism, even though the central locale, or core of Judaism, the Temple, had been destroyed.

## JOCHANAN BEN ZAKKAI IN HIS HISTORICAL SETTING

### CHAPTER ONE

A man is born, he lives, and then he dies. He brings nothing into the world with him except his naked body. His demise leaves the world with one less human being, and, if he has not imparted to it any remembrance of self in some way, it is almost as if he had not lived at all. History records these "remembrances" by means of the written account, the ledger by which a man is noted. In the vast treasury of Jewish literature, many individuals are noted, scrutinized, and carefully appraised. Their stature appears to dwarf that of the other members of their generation. During the first century of the common era, Judaism was caught in the throes of a war-torn land, a struggle between an alien nation, the Romans, and political unrest among its own inhabitants. A national calamity of such great magnitude as to completely overshadow the many important events of that era, the destruction of the Second Temple by the Romans in 70 C.E., precipitated a re-evaluation of the religion by its leaders. It was a time of decision and Rabbi Jochanan ben Zakkai stepped forward. The religion must be preserved, the hope and faith of the people rekindled. Who was this man, who dared to lift the yoke of Judaism upon his own back, who courageously was prepared to defend his faith against those who questioned his convictions? What were the beginnings that helped him formulate the patterns of his life?

1

The story is told concerning the father of Rabbi Jochanan ben Zakkai that he lived a righteous life, and that he lived past the usually allotted quota of three score and ten years. It appeared to all

those who knew and observed him that he continued to practice his devotions. Many of these observers, seemingly not as blessed as he, questioned him. "Tell us, why hast thou been granted such a long span of life?" He replied: "Cleanliness and holiness have ever been my aims in life. I have never dishonored any friend. I have never failed to welcome the Sabbath without proper benedictions over wine." Although the first point was easily understood by the listeners, the second created some doubt and incredulity. One of them asked: "Is that then so significant a deed, the repetition of Kiddush with wine?" In response to this question, the father of Rabbi Jochanan ben Zakkai replied with a story which concerned his grandmother, a very poor woman. She had no wine in her house for Kiddush, and seemingly nothing from which she could realize any money. Without hesitation, she sold the last article of value she possessed, her only head-covering, in order to purchase wine for the Sabbath. God blessed her for her piety, for when she died, she left 300 bottles of wine. "I have followed this example of piety," said he, "and now I have 3000 barrels of wine from which I give a quantity each Friday to the poor of the city, enabling them to make their Sabbath a joyous one." This was the atmosphere in the home in which Rabbi Jochanan ben Zakkai was raised. By the examples set by his father, he was able to forge for himself a position of great stature in the history of the Jewish people.

We find that for the first 40 years of his life he followed the life of a merchant, in the second forty years he studied, and in the third forty years he taught. <sup>2</sup> There is another account <sup>3</sup> that in the last forty years of his life he was the leader in Israel. Rabban Jochanan ben Zakkai (the name Zakkai appears as early as Ezra 2:9 and is

probably abbreviated from the name "Zecharia")<sup>4</sup> historically followed the lifespans given for both Moses and Hillel, who preceded him and Rabbi Akiba who lived in a later generation.<sup>5</sup> Much has been told concerning the wisdom of the great sage, Hillel, and the fact that in most of his controversies with the school of Shammai his was the opinion taken. The story is told that when Hillel was on his death-bed, he called all his disciples in to see him. He then declared Jochanan, who was the youngest chronologically, to be the greatest of those present, the "father of wisdom and father of future generations."<sup>6</sup> Certainly a man renowned as was Hillel would not make such a statement unless he had seen evidence of Jochanan's wisdom. In Pesahim 3b, we read that two disciples, one of whom was Jochanan, sat before Hillel, and questioned him concerning the cleanness of vintage grapes and olives. Since Jochanan did not use the term "uncleanness" in his question but attached the negative to the verb "to gather," Hillel declared that he would be a teacher in Israel.<sup>7</sup> In two places the same story is told concerning the eighty disciples of Hillel, among whom was Jochanan. He had great learning in the fields of "Scripture, Mishnah, Gemara, Halachah, Aggadah, details of the Torah, details of the scribes, inferences A MINORI AD MAJUS,<sup>8</sup> analogies,<sup>9</sup> calendrical computations,<sup>10</sup> gematrias, the speech of the Ministering Angels, the speech of spirits, and the speech of palm trees,<sup>11</sup> fuller's parables,<sup>12</sup> and fox fables, great matters or small matters;"<sup>13</sup> So was Jochanan described, a man the symbol of learning.

Little is actually known of his family. In Aboth de Rabbi Nathan, 14, we learn that "a son of Jochanan died before him." In Baba Bathra 10b, his nephews are mentioned. One of these nephews, Ben Batiah, is later to play an important role in his life, helping him to escape from the soon to be destroyed city of Jerusalem when it was besieged by Vespasian.



14

Ben Batiah was one of the leaders of the Zealots.

Since Jochanan ben Zakkai was active both before, during, and after the destruction of the Second Temple, it is important to briefly enumerate just what his actions were before the destruction of the Temple (since a comparison can be seen from what transpired after Jerusalem was in ruins.) Both he and Simon b. Gamliel I signed orders which were sent to different areas of Palestine concerning the delivery of the tithe<sup>15</sup> (it has been suggested<sup>16</sup> that both signatures were necessary on the documents because neither man by himself commanded sufficient prestige).<sup>17</sup> He refuted objections by the Sadducees to the Pharisees<sup>18</sup> and he also opposed their halachah. He prevented a Sadducean high priest<sup>19</sup> from following his regulations at the burning of the red heifer. Jochanan is said to have sat in the shadow of the Temple all day teaching (Pes. 26a); in Ab. 2:8 he elaborates on the best type of road which an individual should follow through life. Jochanan is said to have lived in 'Arab,' located somewhere in Galilee, and to have answered two legal questions while he lived there. Both were in regard to Sabbath observance (Shab. 16:7; 22:3) and that he remained there 18 years. He was appalled at the irreligious attitude of the people there and exclaimed that Galilee would fall into the hands of robbers. In prophetic style he foresaw the destruction of the Temple (the gates of the Temple had mysteriously opened by themselves, and Jochanan declared: "O Temple, Temple, why dost thou frighten thyself? I know of thee that thou shalt be destroyed; Zechariah the son of Iddo (Zech. 11.1) has already prophesied concerning thee: 'Open thy doors, O Lebanon, that the fire may devour thy cedars.'" <sup>20</sup>

A man establishes certain principles for himself and then patterns his life accordingly. In Ab. 2:8, Jochanan declares: "If thou hast learned much of the Torah, do not take credit for it, for this was the purpose of thy creation." One's actions should proceed directly from his words. The piety of this man was well known. It was related of him that he would not remove his phylacteries either in summer or in  
 21 winter. No man ever gave him greeting first, even a heathen in the  
 22 street. In Sukkah 28a the personal merits of Jochanan are enumerated in most complete form:

They said concerning R. JBZ that during his whole life he never uttered profane talk, nor walked four cubits without (studying the) Torah or without tefillin, nor was any man earlier than he in the college, nor did he sleep or doze in the college, nor did he meditate (his studies or other sacred subjects) in filthy alleyways, nor did he leave anyone in the college when he went out, nor did anyone ever find him sitting in silence, but only sitting and learning, and no one but he himself ever opened the door to his disciples, he never in his life said anything which he had not heard from his teacher, and, except on the eve of Passover<sup>23</sup> and on the eve of the Day of Atonement,<sup>24</sup> he never said, "It is time to arise from the studies at the college"; and so did his disciple R. Eleizer conduct himself after him.

It seemed as if his knowledge encompassed the entire realm of Jewish  
 25 learning, and his wisdom and discernment in observation of human interaction was unsurpassed. The difficulties and misfortunes which the people encountered were explained with apparent good sense and perception. When he was asked why the Jews were exiled to Babylon rather than to another country, he replied that Israel was to be compared to a wayward wife whose husband sends her back to her own family when she acts in an  
 26 unseemly manner. He was concerned with learning, but felt that education and learning without application was meaningless. "Whoever

possesses both these characteristics at the same time is like the artist  
 who has his tools in his hands."<sup>27</sup> But study of the Torah was important.

The family in Jerusalem whose members used to die at an early age was  
 advised by Jochanan to study the Torah in order that they might ward  
 off the curse of Eli.<sup>28</sup> After studying, the curse was lifted.<sup>29</sup>

Jochanan was aware of human failings, but he was more concerned with  
 certain aspects of human behavior than others. When a report reached  
 him that Simeon, the son of Antipatras, often beat strangers who lodged  
 for the night in his house, he sent Rabbi Joshua to investigate. Simeon  
 was exonerated when it was learned that these strangers took false oaths  
 on the Torah.<sup>30</sup> Each man should give charity according to his means;

a man's earnings are determined before the New Year. When Jochanan  
 dreamed that his nephews were to lose 700 dinars that year, he forced  
 them to give money for charity until only 17 dinars remained in their  
 possession.<sup>31</sup> On the eve of the Day of Atonement, the government seized  
 their remaining money. When his nephews approached him he replied that  
 although he knew this was to happen, he wanted them to perform the  
 religious duty of giving charity disinterestedly. He described the  
 crafty ways of businessmen. When he was asked why he helped educate  
 the knaves to deal wickedly, he replied that he had no choice; if he  
 did not mention them, it would appear that the scholars were ignorant  
 of these practices and if he did mention them, the knaves might learn  
 from him. If deception was their intent, better they should know we are  
 on our guard.<sup>32</sup> Even the man whose intent is good, should be carefully  
 scrutinized. Simeon Sichnah of Ezah, a digger of wells, equated his  
 own importance with Rabbi Jochanan. Both, he felt, were engaged in

public work. Jochanan was quick to point out though that man can do  
 evil due to lack of knowledge, not only through desire to do evil.<sup>33</sup>

Up until this time, the Temple in Jerusalem had been the center of Jewish religious activity. But catastrophe loomed on the horizon. The Zealots, led by Judah of Galilee, felt that submission to the Romans would be contrary to their apparent religious duty. They stirred the people from their lethargy to resist the wicked oppressors. Josephus explains that these Zealots "...acknowledged God alone as their Ruler and Lord, and readily sacrificed themselves rather than call any man  
<sup>34</sup>lord." The entire nation willingly entered into the conflict, even the Essenes, who normally would not engage in any occupation remotely  
<sup>35</sup>connected with war. Jochanan viewed the approaching calamity with mixed emotions. Should he stand together with the people against the alien nation, perhaps at the cost of annihilating the religion? Or should he recognize the oppressors as being an agent of God directed against a sinful nation? Jochanan decided that the latter view was the correct one.

History determines the evaluation of a personality. The German officers involved in the plot to kill Adolf Hitler in Germany in 1944 during the Second World War were considered traitors, primarily because their plan failed. Had they succeeded, the war would have ended much sooner than it eventually did, and they would have been deemed heroes in the eyes of the populace. Resultant history determined their evaluation. So too, with Rabban Jochanan ben Zakkai. Had the Zealots been victorious in their battle with mighty Rome, Jochanan would have been considered a traitor to the Jewish people. But history has borne

out the wisdom of his decision. It was his "foresight" that enabled Judaism to survive.

Jochanan knew that a seat of Jewish learning had to be created other than Jerusalem. The city of Jabneh, located on the coastal plain slightly north of the parallel of Jerusalem, had been relatively unscathed during the war. It has been said <sup>36</sup> that Jochanan made Jabneh into a seat of learning even before the destruction of Jerusalem, but that the Great Sanhedrin was not removed from the Hall of Hewn Stones and set up in Jabneh until after the Temple was destroyed. <sup>37</sup> In Shabbath 33b and Shabbath 138b when we read: "Come and hear; for when our Rabbis entered the 'vineyard' in Jabneh...", it must mean that for teaching purposes the men sat in rows similar to that of vines in a vineyard and that Jabneh was very important as a place of learning. Although we also read in the Talmud <sup>38</sup> that Jochanan established a Beth din and an academy at Berur Hayil (located somewhere near Jabneh) this was not until later in his life. <sup>39</sup> The fact remains that Jochanan established himself and his school in Jabneh; but how did this actually come about?

We know from the story related in Gittin 56a that Jochanan was deeply aware of the terrible conditions which existed in Jerusalem during the seige by the Romans. The aristocratic woman who died from shock after stepping in some dung which adhered to her foot, served as a poignant example that all the inhabitants of the city were affected by the seige, not only the poor and the needy. <sup>40</sup> With privation evident throughout the city and only the Biryonii <sup>41</sup> able to stay alive, Jochanan decided to ask Abba Sikra, his nephew, why the people were prevented <sup>42</sup> from surrendering to the enemy. Abba Sikra maintained that the fault

was not his, but that the members of his group would kill him if he violated the decisions of the group. The time had come for Jochanan to leave the city, for hope of victory had vanished. The written records<sup>43</sup> that have been transmitted through the ages indicate ambivalence on the part of the authors to determine the role of Jochanan, whether hero or coward. In ARN 4:5 Jochanan is pictured as advising the Jewish leaders to surrender in order to save their lives and the Temple. Vespasian, the Roman general, had spies stationed at the walls who overheard these remarks and concluded that Jochanan was friendly toward the Romans. This was reported to Vespasian who was to later grant Jochanan's request<sup>44</sup> for a city of learning. The accounts which deal with his escape approximate each other. Basically, Ben Batia allowed Jochanan to escape from the city hiding in a coffin (only the dead were permitted to leave, so after feigning serious illness, his disciples Rabbi Joshua and Rabbi Eliezer announced that Jochanan had died, and carried him out of the city to be buried.) Although they were halted at the gate by the gatekeepers who wanted to be certain that a dead man was in the coffin, they were stopped from carrying out their will by the fact being made known that it was the great Jochanan ben Zakkai who was in the coffin and it would have been scandalous to do such a thing in the eyes of all Israel and the Gentiles. Upon reaching the Roman camp, Jochanan declared that Vespasian would become Emperor of Rome to replace Nero, as it had<sup>45</sup> been written in Scripture<sup>46</sup> "and Lebanon (the sanctuary) shall fall by<sup>47</sup> a mighty one". He further used Scripture as a basis of true prophecy by predicting that Vespasian's foot which had swelled (and he was unable to put on his boot), could be cured by application of the verse in

<sup>48</sup>  
 Scripture "a broken spirit drieth up the bones." He had someone  
 he disliked pass before him in order to remedy that which Scripture  
 had spoken of by saying "good tidings make the bone fat."<sup>49</sup> (The fact  
 that a messenger had come from Rome and declared him to be the new head  
 of state.) Vespasian, knowing previously that Jochanan was friendly  
<sup>50</sup>  
 toward Rome, and seeing that his prophecies were accurate granted him  
 a request. Jochanan asked for the city of Jabneh and the right to  
 establish an academy of learning there, that the family of Rabban  
 Gamliel would be spared (they were supposed to be of the House of David  
 and Jochanan wished that the Davidic line continue) and that physicians  
 should be brought to heal R. Zadok (who was also permitted to leave  
 Jerusalem). ARN 4:5 reports that when Jochanan and his disciple Rabbi  
 Joshua were leaving Jerusalem, they saw that the Temple had been destroyed.  
 Although Rabbi Joshua seemed most upset, Jochanan indicated to him that  
 though the Temple had been destroyed, the religion had not. True, the  
 place of sacrifice was gone, but another means was available for man,  
<sup>51</sup>  
 that is, loving kindness, as it is written in Scripture "for I  
 desire mercy and not sacrifice."

After establishing his school at Jabneh, which was frequented by  
 many disciples, Jochanan set forth in indicating that the task of  
 Judaism at the moment was one of "conservation, not of reformation."<sup>52</sup>  
 He did not desire to completely revamp the political and religious  
 structure current at the time, but was desirous of maintaining the  
 backbone, or core, of Judaism. Jochanan was succeeded by Gamliel II  
 while he, Jochanan, was still alive. He did not remain in Jabneh, but  
 went to Berur Hayil. Evidence for this can be found in Ecclesiastes

Rabba 7:7, where it is mentioned that Jochanan's disciples went to Jabneh after his death. It is also mentioned<sup>53</sup> that Berur Hayil was the seat of a legal council over which he presided. Still further it is stated<sup>54</sup> that Jochanan's disciple, Joshua b. Hananiah, visited his master at Berur Hayil. It would seem evident then that Jochanan spent the latter part of his life in this area, located somewhere near Jabneh.

"None can say to the Angel of Death, 'Wait till I make up my accounts!'"<sup>55</sup> Jochanan was aware that death could come at any time, that there was no set time for the Angel of Death to appear. He felt that man should constantly be prepared to face the Almighty, who might call him at any time. In Shabbath 153a, Jochanan commented on the verse "Let thy garments be always white; and let not thy head lack ointment."<sup>56</sup> He told a parable which indicated that just as a subject should always be prepared to attend a banquet given by the king, after it has been announced without a specific time given, so too should man be prepared to meet his Heavenly King, for from the time of birth man knows he will be called, but does not know the exact time. Thus, in ARN 25:2, Jochanan described the most appropriate way to die (with a clear mind, while speaking or meditating upon words of Torah, etc.)<sup>57</sup> The time finally came when Jochanan, too, was on his deathbed. Berachot 28b records the incident. Jochanan's disciples asked him: "Light of Israel, pillar of the sanctuary, strong hammer, why dost thou weep?" He replied that he had to face the Almighty King, not just an ordinary king of flesh and blood. He then invoked a blessing upon his disciples: "May it be God's will that the fear of heaven be as strong in you as the fear of flesh and blood (an earthly king)."<sup>58</sup> His last words to them



indicated his belief in the coming of the Messiah. "Put the vessels out of the house, that they may not become unclean, and prepare a throne<sup>59</sup> for Hezekiah, the King of Judah, who is coming."

The importance and greatness attached to Jochanan has been preserved for us in the Talmud and other later works. He is mentioned with Ezra and Hillel in the comment<sup>60</sup> on the verse in Canticles (7:14). In Shir Hashirim Rabba 7:18, he is spoken of as a member of the "late<sup>61</sup> generations." In several passages the verse in Lamentations 1:7 ("The adversaries saw her, they laughed") is said to refer to Rabban Jochanan's death. The verse in II Kings 25:9, "And every great house burnt with fire" refers to the school of Rabban Jochanan where the glories of God were uttered. Three additional passages establish his greatness. In Yerushalmi Sota 9:17, it is said that "When Rabban Jochanan ben Zakkai died, the glory of wisdom departed." In the Mishnah of Sota 49a in the Babylonian Talmud, it is said "when Rabban Jochanan ben Zakkai died, the lustre of wisdom ceased." Even many centuries later, the Gaon, Elijah of Wilna, remarked: "When Rabban Jochanan ben Zakkai died, his wisdom died with him." This "lamp of Israel,"<sup>62</sup> praised and glorified by later generations, had left his imprint on the history of Judaism.

JOCHANAN'S ACTIVITY AS A LEADER, SCHOLAR;  
AND  
HIS DISCUSSIONS WITH SADDUCEES AND NON-JEWS

CHAPTER II

Although his stature among those of his generation is great, Rabbi Jochanan b. Zakkai did not make many pronouncements. In the following material to be presented, it will be noted that the number of takkanot are few, but that the implications drawn from them and other purported statements are varied and many. I have accordingly divided the available material into several categories.

It would be well to note here how the word "halacha" is to be understood. The word itself means a "way of life." When the word is used in the Talmud, it may signify a custom or a law based upon a custom which has received general assent and recognition by the people. But certain regulations which are observed by the multitude have at times no bearing on laws. Thus, halacha is also used to indicate certain established rules and regulations. For example, regulations involved with etiquette and decency are named "laws of established custom."<sup>63</sup> Other laws are specifically mentioned in the Torah. These laws are called "Gufei Halachoth," matters of law.<sup>64</sup> The Talmud indicates that a law must not be challenged in any way; but if the "law" is only a matter of opinion,<sup>65a</sup> questions may be asked concerning it. The word "halacha" stems from the Hebrew verb 'holach', meaning 'to go'. It is a continuing process. The law is a development and redevelopment of the existing practices inherent in man's interaction with members of his own culture and others.<sup>65b</sup>

As Graetz so graphically pictured, "The Halacha forms the chief

trunk of the Law, the Midrash the suckling roots, which draw their nourishment from the words of Scripture. The Talmud formed the wide-spreading branches, and the Agada was the blossom which scented and colored the simple fabric of the laws.<sup>66</sup> This then was the manner in which Jochanan dealt with the people and the words which he taught. The Law is not simply "the Law." It must be explained, defined, and redefined to meet the conditions of the society, and the understanding of those in membership.

The shekel tax was a sum paid by every Israelite before the first of Nisan to go towards the upkeep of the public offerings in the Temple. This law was based on the verse in Exodus (Ex. 30:13) which stipulated that it applied to "everyone that passeth among them that are numbered." Since the priests and Levites were not among those numbered (in totality with the rest of the nation; they were numbered separately) they were exempt from the shekel tax. This placed a privileged status upon the priests which Jochanan did not see fitting. Accordingly, he set out to prove that the priests were biblically liable to pay the tax. Instead of interpreting the verse as related above, Jochanan interpreted "everyone that passeth" as meaning all of the people (priests, Levites, Israelites), no matter how they were numbered (either together with the tribes of Israel or separately). The priest who does not pay<sup>67</sup> the shekel tax has committed a sin. In this ruling he disagreed with Ben Bokri who maintained that a priest did not commit a sin if he<sup>68</sup> did not pay the tax, since it was his prerogative to pay or not to pay. Jochanan felt that the priests were interpreting the verse in Exodus for their own advantage, even though the amount of money involved was

quite insignificant. It was the principle that mattered. When the priests interpreted Leviticus 6:16 ("And every meal-offering of the priest shall be wholly burnt; it shall not be eaten"), it followed, said the priests, that this would be contrary to Scripture. The Omer, and the two loaves, and the shewbread were offerings which were bought out of the Shekel fund, but were consumed by the priests. The law of Lev. 6:16 applied only to private meal-offerings, and not to any public offerings such as the Omer, the two Loaves and the Shewbread. The Beth Din granted this concession to the priests. In Nedarim 33b, the point is discussed whether a man should be compensated for paying his neighbor's shekel tax. The story of Honan's ruling concerning one man who supports the wife of another while he is not in the country is applied. Jochanan remarks that it is like putting money on the horn of a stag. (Just as one will never recover his money from the stag, neither will he recover his money from his neighbor.) Similarly, he is quite foolish to allow the priests not to pay the shekel tax; he is in effect paying their share, and can never hope to regain his "investment."

Jochanan was concerned with equity among the people. Rabbi Eliezer said that he had received a tradition from his teacher Rabban Jochanan b. Zakkai of an halacha which stemmed from Moses that in Ammon and Moab the tithe of the poor is to be given in the seventh year. Obviously, during the sabbatical year, even the poor must eat, and there was no tax exemption. But one had to be careful in regard to taxes. Jochanan examined the halacha which stated that a proselyte in those days must put aside one-fourth of a denar for his bird sacrifice. This amount of money was to be put aside in readiness for the day when the

Temple would be rebuilt and bird-sacrifice again instituted. Rabbi Simeon remarked that Jochanan held a voting on this rule and caused it to be abolished. He was aware that the proselyte might make unlawful use of the money, that is, he might spend the sum and then replace it at a later time when he remembered. It was a law which would be broken more often than followed. Thus, he abolished it. While the Temple stood, a new convert had to bring a sacrifice, the smallest sacrifice accepted being two pigeons. After the Temple had been destroyed, the Rabbis still insisted that they should be brought, in the event that the Temple would be rebuilt. R. Simeon b. Eleazar said Jochanan annulled this ruling because wrong-doing (the money might be used for secular purposes) might result.

Many of our festivals, in particular Passover, are observed as agricultural feasts. This holiday is the season of ripeness, when the barley sown in winter had become ripe. This was also the time when the Lord pronounced judgment on the produce which was to be reaped on the Harvest Festival of Shavuot. This was such an important time that the Torah (Lev. 23:15) commanded that the Omer should be counted after the people came to the Holy Land. The Israelite was told to bring to the priest, or Temple, on the second day of Passover <sup>75</sup> the Omer (the yield of a sheaf of the first produce (barley) which he had cut in the field). This was done to emphasize the importance of the time and to show his faith in God. In Rosh Hashanah 16a Rabbi Akiba states that the Torah told us to offer an Omer on Passover because it is the season of produce. Therefore, God said: "Bring before Me an Omer on Passover so that your produce in the field may be blessed." After the Temple had been destroyed

and the Omer could no longer be offered up, the counting of the Omer (seven weeks, from Passover to Shavuoth) continued. The counting took place at nightfall, since the reaping of the Omer took place by night.<sup>76</sup> Although in Babylon the custom was only by night, in the Holy Land it could be done during the day. (If one forgets to do so at night, he can then legitimately count during the next day, since the previous night and the following day are considered the same day.)<sup>77</sup> It was important that the Omer be offered on the second day of Passover. There was no problem while the Temple was still standing. However, after it had been destroyed, exact time could not be known. When, then, could the new corn be eaten? According to Menahoth 68a, it was permitted immediately after the Omer was offered; and for those who lived outside the city of Jerusalem, they could commence eating the corn of the new produce after midday, since it was recognized that the Beth Din were punctual in their duties. Jochanan took exception to this ruling, and, not desiring to make a new law, explained that the Pentateuchal words "until this self-same day" (Lev. 23:14) means including the day itself it is forbidden to eat of the new corn. The fact that the Mishnah in Menahoth 68a says that "Rabban Jochanan ben Zakkai ordained" is simply<sup>78</sup> telling us that he expounded the Pentateuchal verse and then instituted<sup>79</sup> the law accordingly. In several other sections of the Talmud it is stated that since the destruction of the Temple, Jochanan ordained that new grain should be forbidden on the entire day of the upraising of the Omer.

Thus far it can be seen that Jochanan was intent upon preserving

custom and ceremony as opposed to institution of new laws. In the Gemara of Sukkah 41a Jochanan expounds the verse in Jeremiah (Jer. 30:17) as meaning that ceremonies which call to memory the Temple should be performed. One of these ceremonies involved the shaking of the Lulab. During Temple times, it was taken seven days in the Temple and once in the provinces.<sup>80</sup> Jochanan instituted that the Lulab should be taken in the provinces for seven days now that the Temple was no longer standing, specifically in memory of the Temple. There is further discussion in Sukkah 46a between Rabbi Joshua b. Levi who maintained that the shaking of the Lulab on the first day is Pentateuchal and that the other six days an ordinance of Jochanan, whereas Rabbi Isaac ruled that the entire seven days are an institution of Jochanan. It would appear that Jochanan was interpreting the verse in Leviticus (Lev. 23:40) "And ye shall rejoice before the Lord your God, seven days" as being the basis of his ordinance that the Lulab should be shaken in the country for seven days.<sup>81</sup>

In Rosh Hashanah 31b the nine regulations of Jochanan are mentioned, although there is a statement by the rabbis in Sotah 40a that Jochanan instituted ten regulations.<sup>82</sup> Three of them have previously been commented upon,

1. that the lulab should be taken in the province seven days;
2. that new corn should be forbidden the whole of the sixteenth of Nisan.
3. According to R. Simeon b. Eleazar, Jochanan took a vote on the rule that a proselyte must set aside either a quarter of a shekel or a Dinar for a nest of pigeons<sup>83</sup> (bird sacrifice), and annulled it for fear of misuse.

Another of Jochanan's regulations was that "the priests are not permitted to ascend the 'duchan' in their sandals..."<sup>84</sup> Although it might be thought that Jochanan instituted this regulation out of respect for the congregation, R. Ashi<sup>85</sup> said that this was not the reason. He reasoned that if a priest wore shoes, the laces might become untied. It would then be natural for him to stoop to retie his laces, and the people (the congregants) might think that he is the son of a divorcee or a Haluzah, thus being disqualified for priestly service. The priest at all times must retain complete dignified behavior. If he stooped on the platform, he would be inviting the criticism of those in attendance.

The regulation contained in Rosh Hashanah 29b stipulates that the Shofar shall not be blown on the holiday when it coincides with the Sabbath. When the Temple was in existence the Shofar was only blown<sup>86</sup> in the Temple, but not in the country.<sup>87</sup> After the Temple was destroyed, Jochanan decreed that the Shofar could be blown wherever there was a Beth Din (at that time, specifically in Jabneh). It has been stated that "since Jochanan b. Zakkai ordained that the Shofar should be sounded on Sabbath (R.H. 29b) as a public sign that the synagogue replaced the Temple, the Liberal practice has orthodox precedent." Yet this view does not take into consideration the comment of Jochanan's disciple, R. Eliezer who stated in the same Mishnah (R.H. Ch. 4, 29b) that Jochanan laid down this rule "for Jabneh only." It would appear that the words of a distinguished disciple are to be taken over one's own present day reasoning. Further, a story is stated in the following Gemara that once when the New Year fell on the Sabbath, all the town assembled in Jabneh to hear the blowing of the Shofar by representatives of the Beth Din.



Those in opposition to this petitioned Jochanan to sit down and discuss whether the shofar should be blown or not. (Evidently they were numerically smaller, else they would have forced their will upon Jochanan and his followers). Should the prohibition of blowing the shofar be extended to a place where a Beth Din was assembled? Realising that delay would be fatal to his ruling, he remarked to the opposition<sup>89</sup> that he would certainly discuss the matter, but that first they should blow the shofar. Not considering the implications of this remark, the opposition agreed. As soon as the Shofar had been blown, the Bene Bathyra wished to discuss the matter. Jochanan, however, remarked that the matter was no longer open to discussion, since it had already been accomplished, and precedent had been set. His reason was that if the matter were discussed and it would be decided that the shofar should not be blown on the Sabbath, then they would have to admit that they had erred in judgment, and the people would lose faith in their leaders. Since no further discussion is mentioned in the Talmud, we must assume that the Bene Bathyra were forced to admit defeat.

During the days when the Temple was in existence, there was no problem in determining the beginning of the new month. However, after the destruction of the Temple, certain difficulties arose. At this period of time in history, the calendar was not yet fixed and established. Rosh Chodesh was declared by the direct observation of the re-appearance of the moon at the end of twenty-nine days. (Thus, Rosh Chodesh is often referred to as "the New Moon"). Witnesses would appear with their information regarding the new moon before the Sanhedrin or Beth Din. The judges would then examine the witnesses, and, if they were satisfied with their report, would declare that day to be Rosh Chodesh. But in

a case where no witnesses came forth after twenty-eight days, or if the witnesses could not sustain their evidence, then that day was added to the number of days of the last month. The following day then became the first day of the next month. In such a case, both the thirtieth day of the previous month and the first of the following month were declared to be Rosh Chodesh. It was then broadcast throughout the land that the new month had begun. At first the method of communications was by lighting<sup>90</sup> torches on the hills; later, due to interference from the "Minim" (Christians, Heretics, Gnostics, etc.), communication to the people in the Holy Land and the communities outside the land was accomplished by special messengers.

It had been customary for the head of the Beth Din to declare the validity of the new moon. Jochanan made several regulations in regard to this day, which had the status of a minor holiday.<sup>91</sup> First, he stipulated that it was not necessary for the head of the Beth Din to be in attendance when the exact time of the New Moon was to be established.<sup>92</sup> The witnesses were to proceed to the place of the assembly, and not to the place where the head of the Beth Din was at that time. Thus, some measure of authority was taken from one man, and given to the governing body. Jochanan also decreed that the testimony of the witnesses should<sup>93</sup> be received or admitted during the entire day, and that witnesses should<sup>94</sup> be allowed to profane the Sabbath only for Nisan and Tishri. Jochanan's regulation regarding the witnesses and their testimony establishing the day of the new moon could only affect the Holy Land. There only one day, the thirtieth, could be considered the new moon, without regard to the time of day the messengers arrived announcing the new moon. In any other area outside the Holy Land, two days were observed for the New Year

and were considered as one continuous day of holiness. It is related by Rabbi Jehudah<sup>95</sup> that these regulations were instituted by Jochanan ben Zakkai after the destruction of the Temple, but those practices in effect before his enactments will be restored when the Temple is rebuilt.

It would appear from Rosh Hashanah 31b that Jochanan made nine regulations, although in Sotah 40a he is mentioned as having made ten regulations.<sup>96</sup> A stronger case can be made for the one who maintains that Rabban Jochanan instituted only nine regulations. The statement in Sotah 40a has accepted both the opinion of R. Papa and of R. Nahman b. Isaac, and considered each statement valid. However, there are several objections to the regulation as quoted by R. Nahman b. Isaac. First, he maintains that the regulation was the one regarding the thread of scarlet.<sup>97</sup> This thread had very significant symbolic meaning for the people. Previously, it had been fastened on the outside of the door of the Temple court, after the High Priest had performed the service on Yom Kippur.<sup>98</sup> The people would then pass by the door and if they saw that the thread had turned white in color, they would be exultant. This meant that their sins had been forgiven. If the scarlet thread remained the same color, there was occasion for great sadness since their sins had not been forgiven. There was too great a possibility for the thread to remain the same color, and since the priests did not wish the people to become disconsolate, they then fastened the thread on the inside of the door. This, too, proved unsatisfactory, since the people would come and peer behind the door to see if the thread had turned color. Finally, half of the thread was fastened to a rock and the other half was placed between the horns of the goat which was sent into the wilderness on

Yom Kippur. The element of the unknown and the unprovable had entered in the ritual. If Jochanan had made this rule, did a thread of scarlet ever turn white during his time? Only during the last forty years of his life did Jochanan teach.<sup>99</sup> And it has been taught that for forty

years prior to the destruction of the Temple, the thread of scarlet<sup>100</sup> never turned white. Thus, Jochanan never would have made a ruling such as this. More conclusively, the statement in the Mishnah of Rosh Hashanah 30b is "After the destruction of the Temple, Rabban Jochanan b. Zakkai ordained...."<sup>101</sup> No thread of scarlet could have been in existence, for the door of the Temple upon which it was to be fastened no longer existed.

R. Papa's statement that Jochanan's ninth ruling concerned a vine in the fourth year is more acceptable to reason. The fruit of a vine of the fourth year was carried to Jerusalem from any point within one day's journey on every side of the city. The streets of Jerusalem could then be decorated with fruit and the entire area of land within this circle surrounding Jerusalem was considered as if it were Jerusalem, the city itself. However, this custom was only in effect while the Temple was in existence. Since it appears that all of Jochanan's enactments were made after the Temple had been destroyed, one would presume that his regulation nullifying the above custom of the vine of the fourth year would be proper.

102

Jochanan is mentioned in two places in the Talmud concerning regulations dealing with the Sabbath. The first instance involves whether a gentile or a minor may come to extinguish the sabbath candle. The gentile is permitted to extinguish, the minor is not permitted. It was

then pointed out that the duty of the Beth Din might even include restraining a minor from eating forbidden food, since it is the duty of the Beth Din to insure the "resting"<sup>103</sup> of a minor on the sabbath.

Rabban Jochanan pointed out that only in the latter case is the Beth Din responsible for the actions of the minor, although he usually behaves according to the desire of his father. A minor is more likely to be immediately influenced by what he feels to be the wish of the father. However, what of the case of a Gentile? Is he not also performing the wish of an adult Jew? This may be true, but the gentile has the option of doing that which he himself desires to do. One may be asked to perform a certain action, but may neglect through free choice not to perform it. Jochanan upheld the autonomy of the parent as opposed to the dominion of the court.

The question is posed in Shabbath 146a whether a cask may be opened on the sabbath in order to eat the raisins it contains. After discussion, it was stated that the cask could be opened in such a manner as to validate the action on the sabbath. Rabbi Joshua disagreed with this statement and remarked that a similar incident had come before Rabban Jochanan in 'Arab' and he had indicated that one who performed such an action on the sabbath would be liable to a sin-offering. Jochanan reasoned that in case of doubt whether an action is permitted on the sabbath or not, one should refrain from performing the act. Jochanan's diligence in matters of law was well known. One may not make use of an object for that which it was not intended.<sup>104</sup> Abaye related a story about Jochanan whom he said sat in the shadow of the Temple and taught all day.<sup>105</sup> Was this not impossible, for the wall of the Temple could

not be used for a secular use? Raba answered that there was no problem, for evidently Jochanan considered the Temple to be outside the scope of this law. It was the interior of the Temple which was of importance, and not the exterior walls. Thus, one would be permitted to make use of the shade the walls of the Temple afforded.

Hanan was one of the two judges who administered the law in the city of Jerusalem. It was his ruling that any woman who claimed maintenance when her husband left the country, if the husband died, she had to take an oath at that time (when she took her kethubah) that she had no property of her husband in her possession. Jochanan agreed with this ruling that the woman only had to take an oath when her husband died, not while he was out of the country and none knew where he was exactly located.

106 In a second ruling, Hanan decreed that any man who supports the wife of another man while the latter is not in the country cannot recover his money from either the husband or the estate of the husband. Jochanan metaphorically compared this to a man who placed money on the horn of a stag. 107 Just as it would be impossible to recover the money from the stag (who would run away), so too he could never hope to regain his money from either the woman he had supported or her husband. Jochanan made one ruling concerning marriage. If a pregnant woman and her husband-to-be (bridal couple) both declare that the child was fathered by the husband-to-be, Jochanan ruled that no court could be established in order to declare the legitimacy of the child. This legitimacy is in regards to genealogy..

Immorality and lawlessness were the order of the times. The people were suffering from the results of a disorganized society.

Jochanan observed the behavior of those about him and discontinued the  
 108  
 ritual of the bitter water which had been used in cases of suspicion  
 of adultery. He applied the verse in Hosea (Hosea 4:14) as the basis of  
 109  
 his ruling. Murders had become so frequent that Jochanan nullified  
 the sin-offering which was performed for the shedding of innocent blood.  
 He reasoned that too many animals would have to be slaughtered to accom-  
 modate the number of humans who had been slain. This sin-offering  
 sacrifice was a heifer which was beheaded at the location where the  
 murdered man had been discovered, if the murderer himself remained  
 110  
 unknown.

As a teacher of morality and justice, Jochanan was concerned with  
 the facts of experience. Society is as it appears to be, and the facts  
 111  
 of experience bear this out. In certain places in the Talmud Jochanan  
 is simply called Ben Zakkai. One might consider that this name means  
 "son of the innocent one," or actually, the person who established the  
 innocence of the accused man. In Sanhedrin 9b the story is related how  
 Jochanan established the innocence of an accused man by careful examina-  
 tion of the incriminating witnesses. This was a murder trial, and the  
 exactness of the testimony had to be established. The murder had been  
 committed under a certain fig tree. He questioned the witnesses as  
 112  
 to the thickness of the stalks of the figs and the size of the prickles  
 113  
 on the fig-tree. The accused man was acquitted of the murder charge,  
 for as Rabbi Meir said in agreement with Jochanan, the testimony is con-  
 sidered invalid as a result of contradictions in the evidence as pre-  
 sented by each witness.

Can one partake of any food outside the sukkah during the holiday

of Sukkoth? It would be apparent that Jochanan established the ruling by setting an example for others to follow. It is related <sup>114</sup> that cooked food was brought to Jochanan to taste during the holiday, and he said to the people that they should carry the food up to the sukkah. (The sukkah was built on the flat roof of the house, thus the need to <sup>115</sup> 'bring up'.)

<sup>116</sup> In two places Jochanan answers questions put to him by his pupils relating to ritual matters. His answers seem to indicate that in an early part of his life, he himself acted in the role of a priest. Upon rendering the opposite decision which he had previously taught to his pupils, and their remark questioning him on his ruling, it is related that he said: "You have spoken well. I have forgotten the things that I did with my own hands and that I saw with my own eyes (evidently while the Temple was still in existence), surely could I forget things <sup>117</sup> that came to me by hearsay." The proposed reason for his remark is that he wished to urge his students on to study. In this manner, he forced his students to be attentive to his words at all times.

Scattered throughout the Talmud are passages which would come under the category of items considered ritually clean or unclean. I shall state Jochanan's position in each of the matters. The Mishnah of Chullin 52a relates a long list of defects which render cattle Trefah. Number eighteen stipulates that the animal is Trefah if most of its ribs were fractured. In the Gemara, commenting on the above rule, 'Ulla reported that Ben Zakkai taught that if most of the ribs (actually, 6 ribs) of the animal were dislocated or if most of the ribs on both sides of the animal were fractured, the animal is to be considered Trefah.



Rabbi Jochanan also maintains that any chicken which is hatched out on a festival is permitted to be eaten after it has been ritually slaughtered;<sup>118</sup> also a calf which is born on a festival is permitted<sup>119</sup> to be eaten, since it is considered "mukan" by virtue of its mother. Jochanan's opinion is rejected when he declares that an egg which was partially laid (the greater part of the egg came forth from the hen) the day before the festival but went back into the hen (was not fully laid) is permitted to be eaten if the egg is laid on the festival day. Jochanan was applying the law of "mukzeh" (something which is not mentally intended or set in readiness for us on a holiday). The rabbis decided that the law of mukzeh did not apply in this case.

<sup>120</sup>  
A story is related in which Jochanan declares that the water of a sin-offering is contaminated because the hand which held the water came in contact with a key which itself had been contaminated by a corpse. Shemayah, of the village of Abtani, is told to acquire another measure of water for his offering, since his first offering is considered unclean.

<sup>121</sup>  
Jochanan ruled that a stone jar or Galilean jar which has been broken is still susceptible to uncleanness. This ruling only affects the bottom of the jars, not the sides, and then only if it can contain a certain amount of liquid. Thus to be susceptible to uncleanness, a fragment of a large jar must be able to contain an amount equal to two logs (log equals the space occupied by six eggs, or in liquid measure, a quarter of a kab); any fragment of a Galilean cruse or small jar which can contain any amount of liquid is susceptible to uncleanness.

It was told by Rabbi Joshua that Rabban Jochanan ben Zakkai

declared (a tradition which he in turn heard from his teacher) that Elijah will not come to pronounce anything clean or unclean. Any law which was established in a just manner will remain, only those which were arbitrary will be rendered inadequate and then removed.

In one other place in the Talmud<sup>123</sup> Jochanan is said to have declared that anything which comes in contact with something unclean in the third degree remains itself clean. He adduces this from the reason that there is no text in the Torah according to which it might be rendered unclean. However, Rabbi Joshua says that Jochanan's pupil, Rabbi Akiba<sup>124</sup> has found a text<sup>125</sup> in the Torah which renders it unclean. Jochanan was specifically speaking of the third loaf,<sup>126</sup> which he declared to be always clean, since no verse in Scripture could be found which would render it unclean.

While the Temple still remained in existence, Jochanan was the foremost leader of the Pharisees on their attitude toward the Torah. They maintained that one should adhere to religious practices, with certain legal modifications, and the observance of the Oral Law. They also attempted to reduce the influence of the priestly caste. In opposition to their principles were the Sadducees. With this latter group, Judaism was a fixed system, bound for all time by the written code of the Pentateuch. Since the Pentateuch itself was the source of the ritual of the Temple, upon which the Sadducees themselves were dependent, their influence ceased to exist with the destruction of the Temple, and soon afterwards was to disappear. In the same vein, the position of the Pharisees was vindicated during that time of crisis.

They were able to keep alive the religion of the people by adapting it to each new subsequent condition which arose. It was Jochanan and his council who decided those questions which arose after the Temple was destroyed, matters upon which there was no rule or precedent. In effect, they assumed many of the functions of the Sanhedrin. Most of the stories related of Jochanan and how he defeated his Sadducean opponents in verbal arguments occurred prior to the destruction of the Temple. The following stories and incidents related in various sources indicate not only the attitude of Jochanan regarding his adversaries, but the means he implored to seek the desired end, the humiliation of his opponents.

There are five distinct accounts concerning Jochanan's disagreements with the Sadducees which have been recorded for history. Two of the accounts are listed in two distinct places <sup>127</sup> while there is mention in only one place of each of the other three accounts. In each instance, the opposing view (Sadducean) is represented either by a "chattering old man" <sup>128</sup> or an "old man who stammered," <sup>129</sup> thus indicating the degree of validity of his opinion. It is quite understandable that the Sadducean position is not only refuted, but mocked as well. Each report indicates this fact to the reader. In Yadayim 4:6 the principle of the cleanliness or uncleanness of the bones of an ass are debated. The Sadducees are reported as saying that they disagree with the Pharisaic ruling that the Holy Scriptures render the hands unclean, but that the Books of Hamiram <sup>130</sup> do not. The justification for their principle that the bones of an ass are clean (but that the bones of a human being are to be considered unclean) is depicted by their statement that "proportionate to their love for them, so is their uncleanness." <sup>131</sup> It was unthinkable

that a man should use the bones of his dead mother or father (or any skeleton) as articles for eating, such as spoons. The Pharisaic position, as represented by Jochanan, declared that the precious nature of the article in question is most definitely to be considered. To return to the original point of argument, whether the Holy Scriptures were considered to convey uncleanness or not, he quoted the same principle the Sadducees had used, namely, "proportionate to the love for them so<sup>132</sup> is their uncleanness." Thus, according to logic based upon a common premise, the Holy Scriptures do render the hands unclean, but the Books of Hamiram, certainly which cannot be considered precious, do not convey uncleanness. Jochanan had demolished the Sadducean argument by demonstrably using the same principle to which they themselves had adhered.

Jochanan felt that the priests were interpreting the Laws in the Torah for their own particular advantage. Thus it is reported<sup>133</sup> that the Sadducees were eating the flour offering of the people together with the animals. The Sadducean reasoning was, as usual, represented by an old man, who declared that Moses had told his brother Aaron to eat flour with meat. Unfortunately, this was taken out of context. Demonstrating his knowledge of the Torah (as I will indicate further in a chapter on Jochanan's use of Scriptural verses as "proof" for his arguments) Jochanan quoted two verses from the Torah exemplifying that the Pharisaic position in this matter of eating the meal offering with meat was correct according to Law. His first quotation was the twenty-seventh verse of Chapter fifteen in the Book of Exodus. Ironically he declares to the old man if this verse is not a better example of their position, for

the verse declares that there were twelve wells of water and seventy palm trees in Elim. (The preceding verses in this chapter declare that the water the Israelites found on their journey throughout the wilderness was impure, but by casting a tree into the water, it then became purified. Thus too, the Sadducees were attempting to "purify" their sinfulness.) However, the old man does not accept this as valid proof for a contradiction of the Sadducean behavior. Jochanan then quoted to him Lev. 23:18, which in part reads, "with their meal-offering and their drink-offerings, an offering made by fire, of a sweet savour unto the Lord." Here it specifically states that the meal offering is to be consumed by fire, and certainly not eaten by the priests. Certainly that which is sacrificed with it, namely, the meat offering or flour, is consequently to be consumed by fire also. He had effectively demolished the circumvention of the law----to the benefit of the priests----which was evident in the opening gambit by the old man.

It is in Tosefta Parah 3:8 that we truly sense Jochanan's attitude toward the Sadducees. It is related that the High Priest had come to burn the red heifer at sunset. When Jochanan saw him he approached and made known to the priest that he must bathe in order to be certain he was cleansed from impurities. Not wishing to give his opponent cause or suspicion that he might be impure, he followed Jochanan's instructions and bathed. When he ascended from the water, he cut his ear, the release of blood causing him to become impure for the performance of the sacrifice. Wait until I am healed from this injury, he seemed to imply, then he would take measures to discipline this son of Zakkai. Jochanan implied that this healing would never take place, and so consequently,

neither would the sacrifice of the red heifer. Within three days, the High Priest was dead. If the efficacy of a curse is ever proven, how valid an example this is.

Does the daughter of a son have the same right of inheritance as any of the sons themselves? What exactly is the inheritance status of a granddaughter, and does the daughter of a man have equal inheritance rights with the sons? In our day and age, children whatever be their sex, have equal rights of inheritance, but in the days of Jochanan such equality was not considered by the Pharisees. It is recorded <sup>134</sup> that the Sadducees believed that this equality did exist. Their reason, seemingly quite practical, was expressed (as usual) by an old man who maintained that if the progeny of a son had equal rights of inheritance with the son himself, certainly a sister of the son (who derived her right of inheritance from the father of both of them) is equally entitled to a share in the estate of the deceased parent. But it was the decision of the Pharisees that only sons could inherit from the father and the children of the sons retained the right of inheritance in turn from their fathers. Nowhere, however, is the inheritance right of daughters recognized. Jochanan quoted a passage to the old man (Gen. 36:20) "These are the sons of Seir the Horite, the inhabitants of the land: Lotan and Shobal and Zibeon and Anah." Since further on in the chapter (verse 24) it is written: "and these are the children of Zibeon: Aiah and Anah...." it would appear that Anah was the result of an incestuous relationship between Zibeon and his mother. However, it is explained that Anah was a woman, not a man; thus, according to verse 20 she is reckoned as being one who inherits equally with the sons of Seir (since Zibeon is a

son and Anah is his daughter.) when it says that she is "one of the inhabitants of the land"; thus, daughters of sons consequently have equal rights of inheritance with sons, and the Pharisaic principle of inheritance is justified by Scripture. Jochanan was using Scriptural basis in elaborating upon the custom of the time, namely, that only sons and their children have rights of inheritance.

It had been maintained by the opponents of the Pharisees that the Feast of Weeks----the closing festival of Passover----had to fall on the day after the Sabbath. In other words, seven full weeks from the offering of the 'omer' (which itself was offered on a Sunday) the holiday of Shavouth occurred. The Sadducees maintained that the reason was that Moses, a great lover of Israel intended for them to have two successive days of holidays,<sup>135</sup> the Sabbath being considered a holiday in itself. Jochanan as representative of the Pharisaic position, effectively decimated his Sadducean opponent by using Scripture for the foundation of his arguments. Quoting Deut. 1:2 ("it is eleven days journey from Horeb unto Kadesh Barnea by the way of Mount Seir"), he questioned Moses' love for Israel if he detained them in the desert for forty years when the actual journey could have been accomplished in far shorter a period of time. This remark was recognized as not relating specifically to the question of the number of days between Passover and the holiday of Shavuoth. Then Jochanan quoted Lev. 23:15 which declares that "seven weeks shall there be complete." (It must be understood that a Full week begins on Sunday, the first day of the week.) The following verse (Lev. 23:16) says that "ye shall number fifty days." It must be understood that the counting of the fifty days should begin irrespective

of the day upon which the holiday of Passover falls. Thus if the holiday falls on the Sabbath, you begin your count at that time, but if it falls on any other day, you begin your count of fifty days from that day (whether it be the 2nd, 3rd, or any day other than the seventh day of the week.) Moreover, when the Torah states "on the morrow of the Sabbath," it means the day following the first day of Passover.<sup>136</sup> It is apparent from Jochanan's interpretation that, contrary to the Sadducean position, the Feast of Weeks may fall on any day of the week, and not only on the first day (Sunday) of the week.

Jochanan is reported<sup>137</sup> to have had numerous conversations with non-Jews which could be considered both polemical and apologetic in nature.<sup>138</sup> One of these conversations which occurred with a heathen depicts Jochanan's attitude toward the non-Jew, polite, informative, yet subtle in inference. The heathen described the ceremony of the Red Heifer and declared that it was akin to sorcery. Was the animal not slain, its corpse burnt until it had become ashes, and then water into which the ashes had been cast is sprinkled upon an individual who had contracted uncleanness? Do you not then declare the individual to be clean? Jochanan decided to answer a question with a question of his own. He asked the heathen if a demon of madness (probably temporary insanity or irrationality) had ever entered his body. When the heathen answered in the negative, Jochanan further inquired if the heathen had ever seen this condition in another human being. In addition to his affirmative answer, the heathen described the procedure whereby the demon was exorcised. "They take roots and make a smoke underneath the man, sprinkle water on him, and the demon flies away from him."<sup>139</sup>



Jochanan then compared the two cases, first declaring that the "unclean spirit" common to both cases was the spirit referred to in Zech. 12:2 ("I will cause the unclean spirit to pass out of the land,") and that the "sprinkled waters" were the waters referred to in Numbers 19:21 ("waters of separation"). If the heathen condemned the practice of the Jews, he was also condemning the practices of his own people in the same breath. However, Jochanan's disciples did not accept his answer to the heathen as totally valid, or adequate. When they asked for a truly adequate answer, Jochanan replied that the dead body did not really defile nor did the water purify, but if God has ordained a decree, no man may question or disregard it, although its purpose may not be comprehensible. This was one of the laws of the Torah which was not subject to interpretation by the rabbis or the populace; if it is an established law, we must follow it, though it be contrary to reason.

140

The most often mentioned incident<sup>140</sup> reported of Jochanan and his contact with non-Jews deals with his answer to a gentile who had asked him what holidays Jews and non-Jews have in common. The gentile<sup>141</sup> had mentioned certain of his most important holidays and attempted to equate one of the Jewish holidays (such as Passover, Pentecost, Tabernacles) with them. He asked if there were not one holiday they both had in common. Jochanan replied that truly there was one holiday which both Jew and non-Jew celebrated together, and that was the day on which it rained. Quoting the verse from Psalms (Psalms 65:14) "The meadows are covered with flocks and the valleys are enveloped with corn, men shout for joy;" (evidently due to abundant rainfall), and the

concluding section of the verse declares that all the lands should "shout joyfully unto God." Obviously, here is an occasion for all peoples, no matter their own particular beliefs, political, social, or religious, to give thanks unto the One God.

Jochanan realized that man was mortal, a creature small in stature both mental and physical. For an individual to declare that he was the equal of the Lord in any respect was both fatuous and asinine. Yet, the claim had to be refuted. It was reported <sup>142</sup> in the Book of Isaiah (Isa. 14:14) that Nebuchadnezzar had stated that he would ascend the heights of the heavens and be like the Most High, but that a Bath Kol had rebuked him. Jochanan stated that the Bath Kol must have told Nebuchadnezzar that since he was a mortal man his expected life span might reach seventy or eighty years and that it was a journey of five hundred years to reach heaven from earth. Furthermore, since there are seven heavens, it would take a total of thirty-five hundred years to reach the Most High. Nebuchadnezzar's statement had been reduced to absurdity. This refutation by Jochanan was considered valid by the rabbis.

<sup>143</sup>  
A Roman general Controcus asked Jochanan to explain the apparent numerical inconsistency as detailed in the Book of Numbers with regard to the number of Levite families. The families of Gershon numbered <sup>144</sup> 7500, the families of Kehath numbered <sup>145</sup> 8600, and the families of Merari numbered <sup>146</sup> 6200, making a total count of 22,300 families. Yet, it is mentioned in the 39th verse of the same chapter that the total number was 22,000 families. What could have happened to the other 300

families? Jochanan answered that those that remained were Levite first-born, and that "a first born cannot cancel the holiness of a first-born." Abaye remarked that it was sufficient for a Levite first-born to cancel his own holiness. Evidently Jochanan had satisfied the Roman general on this point, but a further point was to be raised. The Roman accused Moses of being a poor mathematician or a thief since it is stated that one hundred talents of silver were to be used for casting. <sup>148</sup> Since this money was collected from the donation of every Israelite of the sum of one-half shekel <sup>149</sup> the total amount should have exceeded one hundred kikkar or talents. (A kikkar was a weight of silver or gold, and was also termed a "talent." Since a kikkar contains 60 maneh, and a maneh itself is composed of 25 holy shekels, thus there are 1500 shekels in one kikkar. 603,550 half shekels were collected from the people, or a total of 301,775 full shekels. If 1500 is divided into this number, there would be 201 kikkar and a remainder of 275 shekels, that is, 11 maneh. Now a maneh itself is a weight of gold or silver worth 25 common shekels. Therefore, half of the money which Moses used for casting should have been one hundred and a half kikkar and five and a half maneh; yet it states in Ex. 38:27 that he used one hundred kikkar. Jochanan answered the Roman by declaring that in the latter part of Ex. 38:25 it states that Moses did have some money over the amount of 100 talents, specifically stated, "a thousand seven hundred and three score and fifteen shekels;" furthermore, it is stated later (verse 28) that he used this money to make hooks for the pillars of the Temple. Jochanan explained that Moses was a most trustworthy treasurer since the sacred or holy maneh was worth double the value of the common maneh.

Thus there are one hundred twenty maneh in a kikkar, the hundred kikkar or talents mentioned in verse 27 are really two hundred and the remaining kikkar and the 11 maneh were 1775 shekels mentioned in verse 28 from which the hooks of the pillars of the Temple were to be made.

It would appear from the foregoing discussion that Jochanan knew Scripture quite well; how well he knew its contents and from what areas in Scripture he drew the proof-texts for his arguments will be the subject of the following chapter.

## JOCHANAN'S BIBLE EXEGESIS

CHAPTER THREE

It is the purpose of this chapter to list each passage from Scripture which Jochanan used either as a proof-text for an argument, or the explanation which he gave to the particular verse. I have accordingly listed these passages in the same order that both book and verse appear in the Holy Scriptures according to the Masoretic text, beginning with Jochanan's comments on the verses in the Book of Genesis and concluding with his comment on the verse in the Book of Daniel.

Genesis 1:5

"And God called the light Day, and the darkness He called Night; and there was evening and there was morning, one day."

The combination of a night and a day are to be considered one  
150  
day.

Genesis 1:24

"And God said: 'Let the earth bring forth the living creature after its kind, cattle, and creeping thing, and beast of the earth after its kind.' And it was so."

This verse, which speaks of creation, is associated with the seventh verse in Gen. 4 dealing with dominion. The two verses together explain the law of Deut. 20:19 which declares that bulwarks may be made  
151  
from trees which do not bear fruit.

Genesis 2:19

"And out of the ground the Lord God formed every beast of the field, and every fowl of the air; and brought them unto the man to see what he would call them; and whatsoever the man would call every living creature, that was to be the name thereof."

This is not considered a repetition of the act of creation,<sup>152</sup>  
but rather that the subjection of the animal kingdom is described.

Genesis 3:7

"And the eyes of them both were opened, and they knew that they were naked; and they sewed fig-leaves together, and made themselves girdles."

This passage is interpreted to mean that God had opened the eyes of Adam and Eve and had them witness the evil they had brought upon<sup>153</sup>  
the future generations of man yet unborn.

Genesis 7:4

"For yet seven days, and I will cause it to rain upon the earth forty days and forty nights; and every living substance that I have made will I blot out from off the face of the earth."

Jochanan interpreted the number forty to refer to the forming of the face of the fetus in the womb. Just as they destroyed the face (of God) given to them on the fortieth day, the deluge descended upon<sup>154</sup>  
the inhabitants of the world for the same number of days.

Genesis 7:12

"And the rain was upon the earth forty days and forty nights."

The total number of days of rain correspond to the time it takes<sup>155</sup>  
for the formation of the human embryo.

Genesis 15:18

"In that day the Lord made a covenant with Abram, saying: 'Unto thy seed have I given this land, from the river of Egypt unto the great river, the river Euphrates;.....'"

Rabban Jochanan says that it was at this time that the Lord<sup>156</sup>  
revealed to Abram this world, but not the world to come.

Genesis 36:20

"These are the sons of Seir the Horite, the inhabitants of the land: Lotan and Shobal and Zibeon and Anah."

Jochanan uses this verse to prove his argument that granddaughters  
157  
have the same right of inheritance as sons.

Genesis 36:24

"And these are the children of Zibeon: Aiah and Anah....."

This is the second verse used by Jochanan to prove the right  
157  
of inheritance of granddaughters.

Exodus 15:1-18

"Then sang Moses and the children of Israel this song unto the Lord, and spoke, saying: I will sing unto the Lord, for He is highly exalted; ....."

According to Jochanan the Song of Moses (the above passage in  
159  
toto) was spoken at the afternoon sacrifice on the Sabbath.

Exodus 15:27

"And they came to Elim, where were twelve springs of water, and three score and ten palm-trees; and they encamped there by the waters."

Ironically Jochanan declared to a Sadducee that he could use this  
verse as proof that priests were permitted to eat the meal offering  
160  
with animals.

Exodus 20:3

"Thou shalt have no other gods before Me."

When asked by his pupils why the ear of a slave should be punished  
above any other part of his anatomy, Jochanan explained that it was the  
ear that heard on Mt. Sinai to accept only the yoke of the kingdom of  
heaven. Since it was an earthly "king" they now accepted, the ear  
161  
accordingly was punished.

Exodus 20:13

".....Thou shalt not steal....."

A Jewish man is sold into slavery by the court for stealing,  
thus transgressing the above law. Since this law was heard by the ear  
162  
at Sinai, it is to be pierced.

Exodus 21:6

"Then his master shall bring him unto God, and shall bring  
him to the door, or unto the door-post; and his master shall  
bore his ear through with an awl; and he shall serve him for  
ever."

Jochanan deduced a very important ethical principle, man's free-  
dom, from this law. Let his ear be bored if a man declines the freedom  
163  
which is rightfully his.

Exodus 21:29

"But if the ox was wont to gore in time past, and warning  
hath been given to its owner, and he hath not kept it in,  
but it hath killed a man or a woman; the ox shall be stoned,  
and its owner also shall be put to death."

Jochanan declared that this passage equated the guilt of a rob-  
ber or any wrong-doer with his associate. If he was an agent of another,  
the other was equally guilty in the eyes of the courts.

Exodus 21:37

"If a man steal an ox or a sheep and kill it, or sell it,  
he shall pay five oxen for an ox and four sheep for a sheep."

Jochanan declared that the law was more stringent upon a thief  
than a robber since the former by stealing in secret indicates his dis-  
164  
belief in the Omnipotence and Omniscience of the Creator.



Exodus 25:22

"And there I will meet with thee, and I will speak with thee from above the ark-cover....."

This was the first of the ten stages by which the Divine  
165  
Presence left Israel.

Exodus 30:13

"This they shall give, every one that passeth among them that are numbered, half a shekel after the shekel of the sanctuary---the shekel is twenty gerahs---half a shekel for an offering to the Lord."

Jochanan explained that the half shekel of the atonement money (made-up of ten gerah) corresponded to the Ten Commandments. If one  
166  
transgresses, atonement is to be made.

Exodus 32:16

"And the tables were the work of God, and the writing was the writing of God, graven upon the tables."

Jochanan considered that only the first Tablets were the work of God, whereas the second set of Tablets was the work of  
167  
Moses.

Exodus 34:1

"And the Lord said unto Moses: 'Hew thee two tables of stone like unto the first; and I will write upon the tables the words that were on the first tables which thou didst break.'"

This is a further explanation that only the first set of tablets  
168  
was the work of God.

Exodus 38:26-27

"A beka a head, that is, half a shekel, after the shekel of the sanctuary, for every one that passed over to them that are numbered, .....And the hundred talents of silver were for casting the sockets of the sanctuary....."

Jochanan interpreted the meaning of these verses to a Roman general who had questioned the honesty and/or intellect of Moses when he rendered an account of the money collected for the sanctuary. <sup>169</sup>

Leviticus 4:22

"When a ruler sinneth, and doeth through error any one of all the things which the Lord his God hath commanded not to be done, and is guilty:"

Jochanan translates the Hebrew word 'asher' as meaning 'happy' (like 'ashray'). Thus a nation should exult when a ruler brings a sacrifice for something he has committed unwittingly, how more repentant he would be if he committed a sin willfully. <sup>170</sup>

Leviticus 6:16

"And every meal offering of the priest shall be wholly made to smoke; it shall not be eaten."

Since the priests interpreted this verse to their own advantage, Jochanan expounded the correct meaning to them, to follow the words according to the literal meaning. <sup>171</sup>

Leviticus 23:15-18; 24:5

"And ye shall count unto you from the morrow after the day of rest, from the day that ye brought the sheaf of waving; seven weeks shall there be complete, even unto the morrow after the seventh week shall ye number fifty days; ..... They shall be a burnt-offering unto the Lord, with their meal offering, and their drink-offerings, even an offering made by fire.....And thou shalt take fine flour, and bake twelve cakes thereof:...."

As an arch opponent of the Sadducees, Jochanan interpreted these verses to mean that no advantage was to be given to the priests because of their special status, and that the Pharisaic interpretation of the festival was the correct one. <sup>172</sup>

Leviticus 25:55

"For unto Me the children of Israel are servants; they are My servants whom I brought out of the land of Egypt: I am the Lord your God."

Jochanan declares that the servants of servants (slaves have  
173  
nullified the concept of individual freedom.

Numbers 3:39

"All that were numbered of the Levites, whom Moses and Aaron numbered at the commandment of the Lord, by their families, all the males from a month old and upward, were twenty and two thousand."

Jochanan explained that this verse stated the exact number of the Levites (although at first glance appearing to lack three hundred families) due to the fact that the missing members were Levite first  
174  
born.

Numbers 14:34

"After the number of the days in which ye spied out the land, even forty days, for every day a year, shall ye bear your iniquities, even forty years, and ye shall know My displeasure."

Jochanan taught that this verse came to teach that any person who commits a transgression even one day in the year, it is considered as  
175  
if he had transgressed the whole year through.

Numbers 19:21

"And it shall be a perpetual statute unto them; and he that sprinkleth the water of sprinkling shall wash his clothes; and he that toucheth the water of sprinkling shall be unclean until even."

Jochanan maintained that this verse corresponded to the heathen practice of sprinkling water upon anyone suspected of being inhabited  
176  
by an evil demon.

Numbers 21:17

"Then sang Israel this song: Spring up, O well----sing  
ye unto it--."

Jochanan declared that this passage, together with the "Song of  
Moses" (Ex. 15:1-9), was said at the afternoon sacrifice of Sabbath. 177

Deuteronomy 1:2

"It is eleven days journey from Horeb unto Kadesh-barnea  
by the way of Mount Seir."

Jochanan refuted the argument of an opponent of the Pharisees  
who declared to him that Moses was a great lover of Israel. If Moses  
was so inclined toward Israel, why did he then keep them in the wilder-  
ness for forty years? Does not the above verse indicate that the  
journey was far shorter in length? 178

Deuteronomy 3:25

"Let me go over, I pray thee, and see the good land that  
is beyond the Jordan, that goodly hill-country, and Lebanon."

This verse was explained to Vespasian who came to besiege  
Jerusalem. Jochanan said that "Lebanon" referred to the sanctuary  
which he was destined to destroy. 179

Deuteronomy 20:5-7

"And the officers (of the army) shall say to the people,  
saying: 'What man is there that hath built a new house,  
and hath not dedicated it? let him go and return to his  
house, lest he die in the battle, and another man dedicate  
it.....And what man is there that hath betrothed a  
wife and hath not taken her? let him go and return unto  
his house, lest he die in the battle, and another man take  
her.'"

Jochanan declared that these ordinances were given so that no  
city in Israel would become depopulated in time of war. 180

Deuteronomy 20:19

"When thou shalt besiege a city a long time.....thou shalt not destroy the trees thereof by wielding an axe against them; for thou mayest eat of them, but thou shalt not cut them down....."

Since living things were created before man (Gen. 1:24; 4:7)

181

man does not have the right to destroy them.

Deuteronomy 27:5-6

"And there shalt thou build an altar unto the Lord thy God, an altar of stones; thou shalt lift up no iron tool upon them. Thou shalt build the altar of the Lord thy God of unhewn stones...."

The altar is created to establish peace between God and Israel.

Iron itself is a metal associated with war, for from it is made the sword, a symbol of suffering. The altar is the symbol of forgiveness,

182

thus no iron is permitted in its structure.

Deuteronomy 28:57

"The tender and delicate woman among you, who would not adventure to set the sole of her foot upon the ground for delicateness and tenderness....."

This verse was applied to the aristocratic woman who went out during the siege of Jerusalem to find food and died from shock when

183

she accidentally stepped in dung.

Deuteronomy 31:21

"Then it shall come to pass, when many evils and troubles are come upon them, that this song shall testify before them as a witness; for it shall not be forgotten out of the mouths of their seed....."

Jochanan interpreted this verse as referring to a slave whose master brings troubles upon him and there is no remedy for his situation.

184

I Samuel 2:33

".....And all the increase of thy house shall die young men."

All the members of a family in Jerusalem used to die at the age of eighteen. They came to Jochanan who recommended that they engage in the study of Torah in order to nullify the curse of the house of Eli (of which they were evidently descended). They did so, and lived longer lives.<sup>185</sup>

Isaiah 10:34

"And He shall cut down the thickets of the forest with iron, and Lebanon shall fall by a mighty one."

The 'mighty one' here referred to is applied to Vespasian, the Roman general who besieged Jerusalem and destroyed the Temple.<sup>186</sup>

Isaiah 29:4

"And brought down thou shalt speak out of the ground....."

One of the ten places of banishment to which the Sanhedrin would be sent.<sup>187</sup>

Isaiah 29:15

"Woe unto them that seek deep to hide their counsel from the Lord, and their works are in the dark, and they say: 'Who seeth us? and who knoweth us?'"

These are the thieves and all those who deny the All-Presence and Omniscience of the Lord.<sup>188</sup>

Isaiah 52:2

"Shake thyself from the dust; Arise, and sit down, O Jerusalem;...."

The Sanhedrin are destined to be re-established with their former glory.<sup>189</sup>

Isaiah 58:2

"Yet they seek Me daily, and delight to know My ways;...."

Jochanan interpreted this to mean that even if one studies the Torah for one day during the year, it is accounted to him as if he  
190  
studied the Torah the whole year through.

Jeremiah 30:17

"For I will restore health unto thee, and I will heal thee of thy wounds, saith the Lord; Because they have called thee an outcast: 'She is Zion, there is none that careth for her.'"

Jochanan interpreted this verse to mean that we must perform ceremonies in memory of the Temple. 'There is none that seeketh after her' implies that she should be sought, or in other words, that ceremonies  
191  
in her memory should be performed.

Jeremiah 30:31

"And their mighty one shall be of themselves, and their ruler shall proceed from the midst of them;....."

The 'mighty one' here referred to is applied only to a king, thus  
192  
Jochanan's justification for predicting that Vespasian would be a king.

Ezekiel 9:3

".....for they say: The Lord hath forsaken the land, and the Lord seeth not."

These are the thieves and all those who deny the All-Presence  
194  
and Omniscience of the Lord.

Ezekiel 10:4

"And the glory of the Lord mounted up from the cherub to the threshold of the house; and the house was filled with the cloud, and the court was full of the brightness of the Lord's glory."

The third of the ten stages whereby the Divine Presence left  
195  
Israel.

Ezekiel 11:23

"And the glory of the Lord went up from the midst of the city, and stood upon the mountain which is on the east side of the city."

The eighth of the ten stages whereby the Divine Presence left  
196

Israel.

Hosea 4:14

"I will not punish your daughters when they commit harlotry, nor your daughter-in-laws when they commit adultery;....."

This was the Scriptural basis for Jochanan's decision to dis-  
197

continue the ceremony of the bitter water.

Hosea 5:15

"I will go and return to My place till they acknowledge their guilt, and seek My face;....."

The last of the ten stages whereby the Divine Presence left  
198

Israel.

Hosea 6:6

"For I desire mercy and not sacrifice, and the knowledge of God rather than burnt-offerings."

Jochanan comforted his pupils with this verse following the  
199

destruction of the Temple.

Hosea 14:10

".....For the ways of the Lord are right, and the just do walk in them; but transgressors do stumble therein."

Jochanan was undecided whether to mention the sharp practices of traders or not, but finally reached a decision to speak of them, basing  
200  
his decision on the above text.



Amos 7:7

"Thus He showed me: and behold, the Lord stood beside a wall made by a plumbline, with a plumbline in His hand."

The sixth of the ten stages whereby the Divine Presence left  
201

Israel.

Amos 9:1

"I saw the Lord standing beside the altar....."

The fourth of the ten stages whereby the Divine Presence left  
202

Israel.

Micah 6:9

"The voice of the Lord crieth unto the city."

The seventh of the ten stages whereby the Divine Presence left  
203

Israel.

Zechariah 11:1

"Open thy doors, O Lebanon, that the fire may devour thy cedars."

Jochanan predicted the destruction of the Temple forty years  
204  
prior to the occurrence, basing his prediction on the above verse.

Zechariah 13:2

".....And also I will cause the prophets and the unclean spirit to pass out of the land."

Jochanan maintained that this verse corresponded to the heathen  
205  
practice of exorcising a person suspected of possessing an evil spirit.

Malachi 3:5

"And I will come near to you to judgment; and I will be a swift witness against the sorcerers, and against the adulterers, and against the false swearers; and against those that oppress the hireling in his wages....."

Jochanan felt that here was an example of inequity in Scripture. Serious crimes, such as sorcery and adultery for which the penalty is death, are mentioned side by side with crimes punishable in lesser degrees; yet, if the verse is taken as one utterance, the crimes are  
206  
equal in severity.

Psalms 65:14

"The meadows are clothed with flocks; the valleys also are covered over with corn; they shout for joy, yea, they sing."

This verse indicated the holiday both Jew and non-Jew have in  
207  
common, that is, the day upon which it rains.

Psalms 94:7

"And they say, 'The Lord will not see, neither will the God of Jacob give heed.'"

These are the thieves and all those who deny the All-Presence  
208  
and Omniscience of the Lord.

Proverbs 14:34

"Righteousness exalteth a nation; but sin is a reproach to any people."

Jochanan interpreted this verse to mean that any benevolence of the part of a gentile nation was to be considered the equivalent  
209  
-----or have the atoning power-----of a sin-offering by a Jew.

Proverbs 15:30

".....And a good report maketh the bones fat."

Jochanan's Scriptural basis why Vespasian could not replace the  
210  
shoe (which he had taken off his foot).

Proverbs 17:22

"A merry heart is good medicine; but a broken spirit drieth the bones."

Jochanan quoted this passage to Vespasian which enabled him to  
 211  
 replace his shoe.

Proverbs 21:9

"It is better to dwell in a corner of the housetop than in  
 a house in common with a contentious woman."

The fifth of the ten stages whereby the Divine Presence left  
 212  
 Israel.

Proverbs 21:19

"It is better to dwell in a desert land, than with a  
 contentious and fretful woman."

The ninth of the ten stages whereby the Divine Presence left  
 213  
 Israel.

Job 1:1

"There was a man in the land of Uz whose name was Job; and  
 that man was wholehearted and upright, and one that feared  
 God, and shunned evil."

214  
 Jochanan taught that Job served God out of fear.

Job 2:3

".....and thou (Satan) didst incite Me against him  
 to destroy him without cause."

If a slave, incited by his master, yields to him or his advice,  
 215  
 there is none to help him.

Job 11:20

"But the eyes of the wicked shall fail, and they shall have  
 no way to flee, and their hope shall be the drooping of the  
 soul."

After the Divine Presence had departed from Israel in ten stages,  
 It still tarried in the wilderness for six months in the hope that  
 216  
 Israel would repent. When it did not, It said: 'Let their soul expire.'

Job 15:15

"Behold, he putteth no trust in His holy ones; Yea, the heavens are not clean in His sight."

God fears that the righteous will lose their excellence just like ripe figs; thus they die at an early age. Jochanan had seen a man gathering figs to take on a journey and was taking only those which  
217  
were half-ripe.

Song of Songs 1:8

"If thou know not, O thou fairest among women, Go thy way forth by the footsteps of the flock and feed thy kids, beside the shepherds' tents."

When Jochanan viewed the humiliating status of an Israelite woman, he realized that the above verse meant that the Jews were beholden not only to a heathen nation, but even to their animals, indicative of the  
218  
lowly status of the Jew.

Ecclesiastes 4:17

".....it is better than when fools give sacrifices; for they know not that they do evil."

Quoted by Jochanan in response to a statement by a well-digger  
219  
who had declared that he was as important as Jochanan and as knowledgeable.

Ecclesiastes 9:8

"Let thy garments always be white; and let thy head lack no oil."

Jochanan allegorically interprets this to mean that one must  
220  
fulfill all the commandments, do good deeds, and study Scripture.

Ecclesiastes 12:14

"For God shall bring every work into the judgment concerning every hidden thing, whether it be good or whether it be evil."

If every offence is judged in equal measure, even an offence  
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committed unknowingly, what hope is there for man?

Daniel 6:11

".....now his windows were open in his upper chamber toward Jerusalem-----and he kneeled upon his knees three times a day, and prayed, and gave thanks before his God, as he did aforetime."

Jochanan interprets this to mean that a man should only pray in a room which has windows, thus enabling him to have a view of the  
222  
heavens.

Footnotes to Chapter One

1. Megilla 20:27
2. Rosh Hashanah 30b
3. Sifre, Deut. 357; Bereshith Rabba, 100, 1
4. Strack, Introduction Pg. 110
5. Rosh Hashanah 31b
6. Yerushalmi Nedarim 39b
7. Sukkah 28a; Baba Bathra 134a
8. Minute rabbinic enactments
9. The first of the 13 hermeneutical principles of Rabbi Ishmael.
10. Laws which are derived from numerical equivalents and other numerical computations of letters.
11. On a windless day, if a man stands between two palm trees and he sees how they incline towards each other, certain signs can be deduced which give the information.
12. The fuller is a well-known figure in Roman comedy.
13. "great matters" mean the Ma-aseh Merkabah, esoteric speculation based on Ezekiel 1; "small matters" were the discussion of Abaye and Raba who retaught and harmonized the Mishnah and Baraitha (according to Rashi)
14. Lamentations Rabba to 1:4
15. Statement of his pupil Joshua b. Nehunya in the Mekilta of Simeon b. Yohai; Midrash HaGadol to Deut. 26:13
16. Hugo Mantel--Studies in the History of the Sanhedrin
17. Yadayim 4:5
18. Men. 65a; Baba Bathra 115b
19. Tosef. Parah 3:8
20. Yoma 39b; comp. Ab. R.N. "B" 7. ed. Schechter p. 21

21. Yerushalmi Berachot 2:3; (Zechariah 11:1, "Ido was his grandfather, but it occurs occasionally that a man is called "the son" after a distinguished ancestor.
22. Berachot 17a
23. When it was necessary to hurry home to the Passover meal for the sake of the children who might otherwise fall asleep (cf. Pesachim 109a)
24. when the last meal of the day had to be eaten early before the fast began.
25. Abot de R.N. 14, end; Baba Bathra 134a, Masseket Soferim 16:8; Sukkah 28a
26. Tosefto Baba Kamma 7:3
27. Ab. R.N. 22:1
28. I Sam. 2:33; "And all the increase of thy house shall die young men."
29. Rosh Hashanah 18a; Yebamoth 105a
30. Derech Eretz Rabba, Ch. 6
31. Baba Bathra 10a
32. Baba Bathra 89b; Kelim Mishnah 17:16
33. Eccles. R. 4:18
34. Antiquities 18, 1:6; Wars, II, 8,1
35. Wars, II, 8:10
36. Weiss, Dor, II, p. 37
37. Sanhedrin 89a
38. Sanhedrin 32b
39. see Derenbourg, MGWJ. 1893, pg. 304
40. The woman herself, had gone out in search of food after learning from her servant that nothing, not even black flour, could be found.
41. Those who bribed Roman soldiers in order to stay alive.
42. Gittin 56a

43. Echah Rabba 32; Kohelet Rabba 7:25; Yalkut Kohelet 975; ARN 4:5
44. ibid.
45. Isa. 10:34
46. Gittin 56a; cf. Deut. 3:25
47. Gittin 56a; cf. Jer. 30:21
48. Prov. 17:22
49. Prov. 15:30
50. ARN 4:5
51. Hosea 6:6
52. G. F. Moore, "Judaism," pg. 131
53. Sanhedrin 32b; Sifre, Deut. 144
54. Tosef., Ma'aser al-Rison 1:1
55. Eccles. R. 8:8
56. Eccles. 12:5
57. In Ketuboth 103b, Rabbi Hiyah Rabba mentions these characteristics without stating their origin.
58. Berachot 28b
59. ibid.
60. Leviticus Rabba 2:10
61. Yerushalmi Megillah 3:1; Yerushalmi Ketuboth, beginning of Chapter "Sheni Dayyane Gezerot"; Echah Rabbati, Chap. Bila Ad.
62. Berachot 28b; stated by the disciples of Jochanan



Footnotes to Chapter Two

63. Berachot 22a
64. Yerushalmi, Sabbath Ch. 2, Halacha 7
- 65a. Yebamoth 76b; Kerithoth 15b
- 65b. See M. Guttman, Zur Einleitung in Die Halacha, Budapest, 1909, 1913
66. Graetz, Pg. 329
67. Menachoth 46b; 'Arakin 4a; Menachoth 21b; Shekalim Ch. 1, Mishnah 4
68. ibid
69. The sheaf of waving, Leviticus 23:9
70. Lev. 23:17
71. Ex. 25:30; Lev. 24:5
72. Shekalim 7:7
73. Hagigah 3b; Yadayim 4:3
74. Kerithoth 9a. The Mishnah on 8a stipulates that this is a minimum amount.
75. Men. 65b
76. Men. 66a; Meg. 21a
77. Tosefot Meg. 20b and on Men. 66a
78. Specifically, the word "until."
79. Yerushalmi Succah 3:13; Chalah 1:1; Menachoth 26; Succah 41a; Rosh Hashanah 4:3; Rosh Hashanah 30a
80. Rashi interprets provinces to mean including Jerusalem, the city itself.
81. Yerushalmi Succah 3:13
82. It would appear that the two opposing views of R. Papa and R. Nahman b. Isaac, each contending his to be the 9th regulation of Jochanan, are each considered valid; thus when each is added to the remaining eight regulations, they equal the "ten regulations" mentioned in Sotah 40a.

83. Ker. 9a
84. Rosh Hashanah 31b; Sotah 40a
85. Sotah 40a
86. When Rosh Hashanah coincided with the Sabbath
87. Rashi includes Jerusalem, Maimonides does not include the city.
88. The Bene Bathyra, who were descendants of the leaders of the Sanhedrin who resigned their position in favor of Hillel. (Pesahim 66a). It was these men who forced the calamity of the destruction of the Temple and Jerusalem in the year 70 C.E., against the pleas of Jochanan.
89. Certain members of the council; Baraitha R.H. 29b
90. Rosh Hashanah 22b
91. Taanit 28b
92. R.H. 31b; related by R. Joshua b. Korha
93. R.H. 30b; Bezah 5a; R.H. 31b
94. R.H. 21b; R.H. 31b
95. Tosefta R.H. 5:3
96. See note 82
97. R.H. 31b
98. Yoma 67a
99. Rosh Hashanah 30b
100. R.H. 31b
101. R.H. 30b
102. Shabbath 121b; Shabbath 146a
103. Shabbath 121b
104. Pesahim 26a
105. This was thirty days before a festival, and he was lecturing to the masses, the number of people involved too large to permit him to use his school.

106. Kethuboth Ch. 13
107. Kethuboth 107b
108. Sotah 47a
109. Hosea 4:14--"I will not punish your daughters when they commit harlotry, nor your daughter-in-laws when they commit adultery, for they themselves consort with lewd women, and they sacrifice with harlots; and the people that is without understanding is distraught."
110. Tosefta Sotah 11:1
111. Sanhedrin 81b; 9b; 41a
112. Sanhedrin 81b; Sanhedrin 41a
113. Sanhedrin 9b
114. Sukkah 26b
115. Yoma 79b
116. Tosefta, 'Oholot 16:8; Tosefta Parah 4:7
117. ibid
118. Bezah 6a
119. Bezah 6b
120. Tosefta, Parah 10:2
121. Kelim Mishnah 2
122. 'Eduyyoth Ch. 8
123. Sotah 27b
124. Not actually his pupil, but a pupil of Jochanan's disciple, Rabbi Eliezer b. Hyrcanus. Akiba is described as "his pupil" because of his eminence.
125. Lev. 11:33--"Whatsoever is in it shall be unclean."
126. Tosefta Sotah 5:13; Yerushalmi, Sotah 5:3
127. Baba Bathra 115b and Megillat Taanit, Ch. 5; Megillat Taanit, Ch. 1; Menachot 65a

128. Megillat Taanit, 88
129. Menachot 65a
130. Perhaps books dealing with entertainment (or Homer's Books)
131. Yadayim, Mishnah 6
132. ibid
133. Megillat Taanit, 88
134. Megillat Taanit. Ch. 5; Baba Bathra 115b
135. Menachot 65a
136. Megillat Taanit, Ch. 1
137. Pesahim 94b; R.H. 13b; Bekoroth 5a; Numbers Rabbah, Hukat 19:8;  
Bereshith Rabbah 13:4; Bamidbar Rabbah 6; Devarim Rabbah 7:8;  
Midrash Thilim 117
138. Numbers Rabbah, Hukat 19:8
139. ibid
140. Bereshith Rabbah 13:4; Bamidbar Rabbah 6; Devarim Rabbah 7:8;  
Midrash Thilim 117
141. The Calends, the Saturnalia and Cartesim
142. Pesahim 94b; R.H. 13b
143. c.f. Chullin 27b; possibly Quintus or Quietus
144. Numbers 3:22
145. Numbers 3:28
146. Numbers 3:34
147. Bekoroth 5a
148. Exodus 38:27
149. Exodus 38:26

Footnotes to Chapter Three

150. Pesikta Rabbati, para. "Vayhi Bachazi Halilah"
151. Bereshith Rabbah 17:4
152. Bereshith Rabbah 17
153. Bereshith Rabbah 19:10
154. Bereshith Rabbah 32:7
155. ibid
156. Bereshith Rabbah 44:25
157. Baba Bathra 115b
158. ibid
159. Rosh Hashanah 31a
160. Megillat Taanit, 88
161. Yerushalmi, Kidushin 1:2
162. Mechilta, Mishpatim 2
163. Kidushin 22b
164. Baba Kamma 79b
165. Rosh Hashanah 31a
166. Pesik. 19b; c.f. Menachoth 21b
167. Tosefta Baba Kamma 7:3
168. Devarim Rabbah 3:16
169. Bekoroth 5a
170. Horayoth 10b
171. Menachoth 21b
172. Menachoth 65a; Shekalim Ch. 1, Mishnah 4; Megillat Taanit, 88
173. Kidushin 22b
174. Bekoroth 5a
175. Hagigah 5b

176. Numbers Rabbah, Hukkat 19:8
177. Rosh Hashanah 31a
178. Menachoth 65a
179. Gittin 56a
180. Sife, Deut. 192
181. Bereshith Rabbath 17:4
182. Tosefta Baba Kamma 7:3
183. Gittin 56a
184. Hagigah 5a
185. Yebamoth 105a; Rosh Hashanah 18a
186. Gittin 56a
187. Rosh Hashanah 31a
188. Baba Kamma 79b
189. Rosh Hashanah 31a
190. Hagigah 5b.
191. Sukkah 41a
192. Gittin 56a
193. Rosh Hashanah 31a
194. Baba Kamma 79b
195. Rosh Hashanah 31a
196. ibid
197. Sotah 47a
198. Rosh Hashanah 31a
199. ARN 4:5
200. Baba Bathra 89b; Koheleth Rabbah 6:1
201. Rosh Hashanah 31a

202. *ibid*
203. *ibid*
204. Yerushalmi, Yoma 6:3
205. Numbers Rabbah, Hukat, 19:8
206. Hagigah 5a
207. Bereshith Rabbah 13:4
208. Baba Kamma 79b
209. Baba Bathra 10b
210. Gittin 56a
211. *ibid*
212. Rosh Hashanah 31a
213. *ibid*
214. Sotah 27b
215. Hagigah 5a
216. Rosh Hashanah 31a
217. Hagigah 5a
218. Ketuboth 66b-67a; ARN 17:4
219. Koheleth Rabbah 4:18
220. Koheleth Rabbah 9:6; Shabbath 153a
221. Hagigah 5a
222. Berachot 34b

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