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THE BIBLICAL LAWS OF SUCCOTH
AS MODIFIED IN THE TANNAITIC PERIOD

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fulfillment of the requirements
for the Degree of
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DIGEST OF THE THESIS

This study is an attempt to trace the commandment, significance, and concretizations of joy as it has been expressed through the vehicle of the Festival of Succoth.

The Festival began with no Biblical definition except that it be a joyous occasion. Gradually the holy days were defined, and by the First Temple they had ceremonial rites. Yet not till the Second Temple did the Festival acquire the character which we know.

Several new ceremonials and sacrifices were instituted having admittedly no Biblical origin. Perhaps these are better explained with reference to neighboring cultures. Even so, their avowed purpose was a concretization of the festive joy.

Simultaneously now, the institutions of the Sukkah and the Lulav were defined, for these made the layman an important participant in the festive joy.

What then was the nature of the joy itself, as these ceremonials expressed it? The joy, it is suggested, did not usally appear by itself in the literature, but dissolved in sorrow. When the joy is extracted and considered alone, then perhaps we can discern a basic disagreement between the divine-centered approach of the school of Akiva, and the human-centered school of Ishmael.

Finally an attempt is offered to trace the same disagreement backwards, finding similar disagreements in

the approaches of Eliezer and Joshua, and still earlier with Hillel and Shammai. On the basis of this evidence, it would appear that we are dealing with an important Tannaitic concern.

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Chapter 1

Introduction

On the happy festivals of Jewish life, the Tosefta[1] commands the pious Jew to express his joy in the Hallel, a collection of Psalms and phrases in praise of God. The years have permitted beautiful melodies to attach themselves to the varied paragraphs, achieving a crescendo of song and prayer, a deeply religious joy. Then at the height of the crescendo, the entire congregation suddenly utters the terrible cry: "Oh Lord, save us, please! Oh Lord, save us, please!"

Is that joy?

Still deeper, if an ambitious student were to ask for the origin of this frightened cry, he would be told that it was originally part of the service of the happiest festival of the Jewish year, the festival of Succoth. And he would wonder, Have the Jews ever known how to rejoice?

He might seek a "true Succoth joy" in the Bible, but there he would only find it undefined, even confused. Yet it would be a purer joy than ever later, unalloyed with sorrow, and dedicated to God.

It was a purity that could not be preserved. The very lack of Biblical definition incited bitter controversies even as early as the days of the Second Temple.

The Mishnah[2] reports that once at the Water Drawing Festival on Sukkot, a certain Sadducee (whom Josephus identifies as Alexander Jannai)[3] refused to pour the water libation as the tradition dictated, but instead poured it out at his feet. The public who saw this became incensed, and cast their Esrogim at him. How dare this "son of a captive" presume to interpret tradition! And the tradition had, according to the Talmud[4] been known from Sinai.

Yet curiously the elaborate ceremony described there in the Mishnah is not mentioned in the Bible; it is not even hinted at. The best support that is offered is a Midrash on Isaiah 12:3, "and ye shall draw water with joy." But Maimonides is much more honest when he admits[5] that although there are 'hints' for it in the Torah, still those who will not acknowledge the Oral Torah will not acknowledge the Water Drawing Festival.

Not only this portion of the Festival, but also the entire Festival seems to have emerged directly from the Oral Torah. The extent of discussion surrounding Sukkot may be inferred from a story told by the Gaon R. Yisroel[6] that once upon a time the Gaon of Vilna remarked before Sukkot to those who were standing around him that every student ought to be an expert on at least one tractate of the Talmud. These words touched the heart of one Rabbi, so that he took courage and reviewed the tractate of the Sukkot

many times until he knew it by heart. On the intermediate days of that festival, when many advanced students sat with the Gaon, this rabbi came and said, "I have studied the tractate of Sukkot, and I know it by heart."

The Gaon asked, "Do you want me to ask you something from this tractate?"

The rabbi agreed, and the Gaon asked him, "How many disputes are there between Rabbi Meir and Rabbi Judah? Between Rabbi Akiva and Rabbi Tarphon? Between Abaye and Rava?---How many in the tractate of Sukkot?"

The rabbi did not know. Immediately the Gaon stood up and counted the controversies; he analyzed the tractate into subjects and systems and laws; he counted the number of valid Sukkot to be equal to the word "Sukkah" spelled without a vav, and the number of invalid Sukkot to be equal to the word "Sukkah" spelled plene.

That only the Gaon of Vilna, with his vast knowledge, could perceive the complexities of the tractate, testifies vividly to the elaborate Oral Law which contains almost the whole of the Festival of Sukkot. Therefore to trace the Festival is to appreciate something of the importance of the Oral Law to Jewish history.

But the survey herein aims at something beyond a bare historical analysis. Is there a theology behind it all? Is there such a thing as Jewish joy? Was there a

constant philosophic undercurrent through the wealth of legal material that very soon surrounded the Festival?

These are questions which are broadly significant. I approach them here first historically by tracing the festival joy through its Biblical growth. Then I propose to center on later elaboration of several ceremonials intended to concretize the joy, but which have only a partial origin in the Bible, and I hope to show why this elaboration was necessary. Finally I will center on the idea of Joy, and trace it through its Tannaitic sources.

Chapter 2

The Autumn Festival in Biblical Times

A. The Period of Judges

The earliest reference to an autumn festival among the Jewish people seems to be in Judges 9:27, where we read that Gaal was inflamed by wine at a "harvest festival" when grapes were harvested, so that he rebelled against Abimelech. "And they went out to the field and gathered their vineyards and trod the grapes, and held a festival; and they went in to the house of their god and they ate and drank and cursed Abimelech."

Thus, we find at the outset an undefined, nameless, seemingly dateless festival, almost an orgy, centering around the harvest of grapes, which we know was in the fall of the year in Palestine.

We can derive support, but no further information, from a later passage, "And they commended the children of Benjamin, saying: 'Go and lie in wait in the vineyards, and see, and behold, if the daughters of Shiloh come out to dance in the dances, then you come out of the vineyards and catch for yourself, every man his wife from the daughters of Shiloh . . . .'"[7] It was seemingly a time when the girls were accustomed to present themselves for courtship. A memory of this is preserved in later literature[8] as Rabban Gamliel

says that Israel never had happy days like the Fifteenth of Ab and like Yom Kippur, for on these days the daughters of Israel would come out with borrowed white garments and dance in the vineyards.

But this specifically refers to Yom Kippur! Such passages lend support to the hypothesis advanced by many scholars[9] that originally Yom Kippur was one festival with Sukkoth, and not till later were they separated. We cannot enter here into a long discussion of this fascinating problem, but for the sake of completeness we must not shrink from a glance at the autumn festival as the Israelites knew it among their neighbors. The modern scientific mind demands a context for any statement, so that similarities may be appreciated and differences assessed.

What then was the context of the joy out of which the Israelites carved a festival? How did their neighbors celebrate the harvest?

The vast literature on this question[10] seems to center around the Egyptian Osiris Cycle, corresponding to the Mesopotamian Tammuz cycle. In each of these civilizations we find the season of the year personified in a god who dies with the summer, and then, lest all of life remain destroyed, is miraculously resurrected with the coming of the life-giving season of winter rains.

The myth is elaborate. The earth and sky are seen as united in the sacred marriage of the supernatural

powers, personified by the nuptials of the king and queen, or the priest and priestess. The commoners and lay folk enact a counterpart, their own marital relations.[11]

This leads into the Autumn Festival, where the king is to die and be resurrected, or is to win in sacred combat.

> Thus the Annual Festival in an agricultural community represents the centre and climax of all the religious activities of the year when the king engages in a sacred combat with his spiritual foes like the gods in the creation story which is enacted as part of the drama. Having won the victory he is re-established in the throne. . .and to ensure the fruitfulness of the earth and the multiplication of men and beasts, he has nuptial relations with the queen.[12]

Without the mythological overlay, is this not very much the same ceremonials as we find in the Jewish Rosh-Hashonoh--Succoth cycle? The similarity becomes still more striking when we read that

> through the rite de separation the evil of the old year is expelled and contagion removed in preparation for the consecration of the new crops . . .after a solemn meals has been held in which a small portion of the first-fruits is eaten sacramentally by the king or chief and certain privileged persons. The rites are usually continued for several days with appropriate dances and asceticisms, concluding with revelries, license, and lustrations.[13]

Thus, among the pagans who were neighbors to ancient Israel, we find the major themes which were to develop into the Jewish autumn festival cycle. There was a solemn, sacred period at almost the exact days of the present Succoth. If the whole was basically a joyous time of the year, then it becomes clear how Rabban Gamliel could

have called it "originally a joyous day."

There is, however, the important difference that among the Israelites we find a complete absence of myth and sex. If there is a struggle, among the Jews it becomes a struggle between man and God for spiritual dominion and ethical obedience. If there is joy, among the Jews it becomes a recounting of the joys of life tinged with sorrow and a plea for salvation. But these Jewish themes emerged slowly. At the outset, there was merely in Israel an undefined, unnamed joy at about the same time as the pagan neighbors were rejoicing.

B. Exodus: the General Account

The code in Exodus makes the autumn festival an officially Jewish celebration. But we are told little more about it. The name remains quite general, Chag Ho'oseef, the same name as before; and this name merely gathers together the description in Exodus 23:16B, "the Feast of Ingathering at the end of the year, when you gather in the results of your work in the field." The date is general, too, being "at the end of the year,"* B'tsays hashonoh. A repetition of the command in Exodus 34:23 gives us little further information, except to clarify the date slightly, bi'tkoofas hashonoh,"at the turn of the year," meaning probably the

*A side question presents itself: if this were the festival "at the end of the year," then what of the Rosh Hashonoh celebration which we know. There seems to have been only one autumn festival. If so, then this supports the parallel with the single, protracted, pagan Tammuz cycle.

autumnal equinox.[14]

We are told little about how the festival was to be celebrated. Exodus 34:23 summarizes it with, "Three times in the year all thy males shall appear before the Lord God, the God of Israel. . . .The choicest first-fruits of thy land thou shalt bring unto the house of the Lord thy God." Thus, the pilgrimage character was established, but we are not told its nature, nor its exact date. One wonders if in fact the festival at that time was exact in either nature or date.

At first we can discern that there was a pilgrimage to Shiloh. To this the Bible testifies twice: first in Judges 21:20, "Go and behold, if the daughters of Shiloh come out to dance. . .", and later, in I Samuel 1:3-5, when Elkenah, Samuel's father, "went up out of his city from year to year to worship and to sacrifice to the Lord of hosts in Shiloh." When, in I Samuel 1:13-14, Eli was concerned that Hannah moved her lips as though drunken, his fear is intelligible when we consider the nature of the autumn festival.

When the First Temple was built, the festival was of course transferred there. In fact, the autumn festival was already so important an event in the public life that this was the time selected for the dedication of the Temple. I Kings 6:38 tells us that the Temple built by Solomon was finished "in the month of Bul, which is the eighth month." The commentary Radak finds this month to be Marcheshvan, on

the basis that אתנן is related to איתן, meaning "a flood," and "this is the season when the rains begin." The text is not clear as to whether or not the dedication took place immediately. If so, then it stands here in contradiction to the account in chapter eight where we read that Solomon assembled all the people "at the Chag in the month of איתנים, which is the seventh month." Radak, Rashi, and Kimchi* all interpret this as Tishri, because Numbers 24:21 employs איתן as "strong," and Tishri is the "month strong with holidays." Schauss suggests[15] that this latter reference may have originally read also "the eighth month," but was later changed to "the seventh month" when the Chag was fixed at that month. He finds a proof for this hypothesis in the account of Jeroboam[16] who celebrated the festival in the eighth month, but a later writer added there that this was a festival "of his own heart," i.e., it should have been in the seventh month!**

A second possibility remains: that the Temple was not dedicated on that same Succoth, but on the Succoth of the following year. This is Snaith's view,[18] who says: "Solomon would have no choice as to the date when the Temple should be dedicated. He was bound to wait until the next annual feast after the completion of the building operations." Therefore there is "no real difficulty about the different

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*Along with modern scholars. See Interpreter's Bible, Exegesis, ad loc., New York: Abingdon, 1962.

**Many other writers have discussed the problem of the date discrepancy. See especially J. Morgenstern.[17]

dates." And this does seem logically simple as an answer to the problem.

Without entering into the vast universe of Biblical scholarship, we can glance at the problem. Up to this time, the festival had not been dated. It is sufficient here, merely to note the fact that the many textual discrepancies point to an emerging date. And therefore the Tannaim later spent considerable effort discussing the date, to fix it properly.

Interestingly, in Exodus the autumn festival was called "the Feast of Ingathering." But by the time of the dedication of the First Temple, the festival had become so firmly fixed in the religious life of the people that now it was called "The Festival" par excellance. By now the festival had begun to take on a more or less set month, and a more or less definite meaning. The meaning we can derive from a number of corroborating prophetic references. (Though this, too, becomes an important problem for the later rabbinic authorities.)

C. The Prophetic Expression

The vineyards were places of joy. Isaiah 16:10 threatens that the day will come when "no songs are sung in the vineyards, no shouts are raised. . .and I have hushed the vintage shout."

Again, in 24:7-11, the same prophet spoke to the people at a time when they were merry with wine, and once more he predicted a time when "all the happy-hearted sigh

. . .no more do they drink wine with singing."

Isaiah, in his beautiful "Vineyard Song" (5:1-2ff) was most probably standing among the people when they had assembled for their Autumn Festival at the grape harvest: "Let me sing of my beloved." A song would have been timely, and a joyous song would have been appropriate. Therefore, when the prophet turns suddenly upon the people with words full of reproof, it must have been the greater shock amid the reigning joy.

A generation earlier, when Amos (5:18ff) was preaching that the "Day of the Lord" would be a day of darkness and gloom, it may be possible to suggest that he delivered that sermon on the happiest day of them all, the Autumn Festival. This suggestion is supported by the very next verse in the text, where the prophet majestically cries out

> I hate, I despise your feasts, and I take no delight in your solemn assemblies. Even though you offer me your burnt offerings and cereal offerings, I will not accept them, and the peace offerings of your fatted beasts I will not look upon. Take away from me the noise of your songs; I will not listen to the melody of your harps. But let justice roll down like waters, and righteousness like an ever-flowing stream.[19]

Is this not a vivid description of the Autumn Festival as we believe it to have been celebrated in the days of the First Temple? Amos takes care to list in each of the cases the prescribed offerings by name. (Even the mention in verse 26 of "Sakkut," a pagan god, taunts us to

link this speech with the festival of Succoth, as their syncretistic practice.) Amos tells of the songs, and gives a general picture of the joy that must have reigned on those festive days.

Perhaps the prophetic attitude is best summed up by Amos 8:10, where the prophet foresees the days when "I will turn your festivals (Chag) into mourning." The Chag is the direct antithesis of mourning; if mourning is supreme sorrow, then the festival is supreme joy.* But still there was merely a very general idea of what joy ought to be.

D. Deuteronomy

The actual form of joy was not clearly expressed until we find it recorded in Deuteronomy, usually dated near the close of the period of the First Temple. We are immediately struck with a new name: the indiscriminate Festival of Ingathering (Judges) which later had become the important Chag, (Exodus) now is called Chag Succoth, which the Septuagint translates as "tent pitching." Perhaps the tents represented the booths, or huts, used overnight in the work of harvesting. No historical explanation is offered in Biblical sources.

The account in Deuteronomy 16:13-16 offers no definite date for the festival, only that it is to be observed at the end of the harvest "after you have gathered

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*Later Jewish law forbade mourning during the festival days. The Romans, too, forbade mourning during their festival of Ceres, which took place at the same time as the Jewish Succoth; see T. Gaster, Thespis, Doubleday, 1961, p. 44, quoting Livy 12:56. No festival is a time for mourning and especially the autumn festival seems to have been the antithesis of mourning.

in from your threshing floor and your wine press." For seven days "you shall rejoice in your feast." The joy is to take place, however, "at the place which the Lord your God shall choose," i.e., at the Temple. Perhaps this limits the joy which the earlier sources seemed to indicate, a joy that apparently before could have been celebrated anywhere one happened to be, but was now much narrowed. If earlier it had been obscurely a pilgrim festival, here it seems to have been primarily a pilgrim festival. And is that not to be expected? A central Temple ought to centralize the cult.

As the pilgrim comes before the officers of the Temple, he has a prayer to offer, to explain himself. Deuteronomy records it as follows:

> My father was a fugitive Aramean. He went down to Egypt with meager numbers and sojourned there. . . .The Lord freed us from Egypt by a mighty hand. . . .He brought us to this place and gave us this land, a land flowing with milk and honey. Wherefore I now bring the first fruits of the soil which Thou, Oh Lord, hast given me.[20]

Several threads run through this beautiful prayer. The festival is still an agricultural celebration. But the history of the land is important, so that the people will remember how they obtained it. The first fruits are specifically dedicated to God (vs. 10b: "You shall leave them before the Lord your God"). And the joy, therefore, is no longer free, but confined religiously, tied to a priesthood. These are themes which were much expanded in

Tannaitic discussions.

A further stricture was placed on the joy: it must be shared with the less fortunate. Verse 32 names the Levite, the stranger, the fatherless, and the widow; these are the responsibility of the community. And we are told that to share with them the produce of the land is to reaffirm God's covenant with his people. The joy now has strong ethical overtones.

The covenant is reaffirmed, secondly, with a reading of the Torah. Deuteronomy 31:9-13 commands that "every seventh year, the year set for remission, at the Feast of Booths, when all Israel comes to appear before the Lord your God in the place which He will choose, you shall read this Torah aloud in the presence of all Israel. . . ."

In summary, the book of Deuteronomy, while not yet offering a positive date for the Festival, has defined it (1) by commanding that it center around the Temple, and prescribing a ceremony to be held there by each pilgrim who formally dedicates his harvest to God; and (2) by insisting on this Festival as a time when each man recognizes his ethical responsibilities toward the community as a whole and toward the less fortunate; and (3) by choosing this as a reaffirmation of the covenant between God and Israel, recalling the history of that covenant.

E. The Post-Exilic Festival of Succoth

Ezra tells us that when the exiles returned to their land, one of their first deeds was to celebrate the Festival of Succoth.

> And when the seventh month had come, and the children of Israel were in their cities, the people gathered themselves together as one man to Jerusalem. . . .And they kept the feast of Tabernacles as it is written, and offered the daily burnt offerings by number according to the ordinance, as the duty of every day required. . . .From the first day of the seventh month they began to offer burnt offerings unto the Lord; but the foundation of the Temple was not yet laid.[21]

Notice that the date is still not specific. The text says that they possessed an ordinance as to the proper number of sacrificial offerings, but it does not give us that number. No significance is offered for the festival. Even the booths are missing. In sum, the lessons of Deuteronomy seems to have faded; the festival is again almost the skeleton that it was in the days of the judges.

The reconstruction of the festival took a step forward in Nehemiah 8:14-18*. In the seventh month, all

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*John Bright, in his A History of Israel, Westminster, Philadelphia, 1959, hesitantly dates Nehemiah before Ezra, thus reversing the traditional order. If so, then we might see in Ezra a decline from the exalted religious joy which Nehemiah had previously evoked. We might hypothesize that Ezra did this merely as an emphasis on the centrality of the Temple functions, in the same way that Numbers later emphasized the Temple functions, while Leviticus took a more balanced view. So that, on this view, Nehemiah: Ezra:: Leviticus: Numbers. This does seem to be a probable approach. Even so, it is a minor point, because it deals with only two generations, and if we view the development of the Festival broadly, we can visualize Ezra-Nehemiah, a single entity, with both religious and cultic features.

the people gathered themselves together "as one man" into the street which was before the water gate, and they asked Ezra the scribe to bring the book of the Torah of Moses. And Ezra brought the book and read it to the congregation, on the first day of the seventh month. But the people wept and were greatly moved. The Levites comforted the people, and then they all ate and drank and were happy, "because they had understood the words that were declared unto them." But does this not sound quite similar to the modern renewal of the covenant on Rosh Hashonoh, followed by the joy of Succoth? Surely it is at least a seed of the ceremonials which expanded to so much in later days.

On the second day, again the people gathered themselves together to hear the Torah read. They found written in the Torah* that the children of Israel are commanded to dwell in booths in the feast of the seventh month. So they gathered the green branches of five species** and made with these, booths on their roofs and in their courts and in the streets--for "since the days of Joshua the son of Nun, unto that day, the children of Israel had not done so; and there was great joy."

Then on each day following, he continued reading the Torah. The festival lasted for seven days, and the

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*In the book of Deuteronomy?--Only here were booths mentioned previously, as our analysis has shown.

**Ibn Ezra, ad loc, unites the Hadas with the Ovos so that there are only the traditional four species, as required by Leviticus. He cites the Kabbalah for authority.

eighth day was a solemn assembly according to the ordinance. The twenty-fourth day was a great fast, in which the people reaffirmed their covenant with God.

To this point, the festival had attained several important features. It was still a time of joy. But now it centered on both a specific meaning and a specific concretization of that joy. The meaning was a joy at a reaffirmation of the covenant between Israel and God. The concretization was the Booth.

There remained only two major points for clarification. A date had to be settled on, and the Temple service had to be outlined. These we find in Ezekiel.

F. Ezekiel

Ezekiel, in his account in 45:25, for the first time offers an exact date for the festival of Succoth. "In the seventh month, on the fifteenth day of the month. . . seven days, the sin offering as well as the burnt offering, and the meal offering as well as the oil."

This is not only a specification of the date, but also of the offerings with which the festival was celebrated publically in the Second Temple. Ezekiel was interested in re-establishing the priesthood; therefore he insisted that the festival center around the Temple. He described an elaborate ritual which required, of course, both priests and the Temple.

Interestingly, Ezekiel returns here to the name

Chag used for the autumn festival in the early days of the First Temple. Possibly he is striving for historical associations. But it is more tempting to wonder if perhaps he may have hoped to forget the Booths which would only have tended to decentralize the festival. We might recognize that neither Deuteronomy nor Nehemiah had offered a meaning for the Booths, so Ezekiel could easily de-emphasize them. The Chag would imply, for our purposes, that this festival remained the festival.

In sum, for Ezekiel the festival had become purely a ritual. The command for joy had entirely disappeared, along with the agricultural significance. Were we to combine the religious joy of Nehemiah with the ritual of Ezekiel, we would find the festival full-grown as in Leviticus.

G. Leviticus

The book of Leviticus[23] broadens Ezekiel's Chag to Chag Adonoy (vs. 39), implying a newly religious orientation; not only ritual, but also a religious emotion is to characterize the festival of Succoth. Possibly under the influence of Ezekiel* the festival is narrowed here; whereas Deuteronomy had included strangers in the festival joys,

*See Pfeiffer,[24] p. 243, which says that this section of Leviticus, which is part of the H-code, was influenced by Ezekiel, Jeremiah, and Deuteronomy. He dates this code at around 550 BCE.

Leviticus permits only Israelites. In consequence, the religious joy can be heightened; when the family circle is narrowed the family spirit is intensified.

Leviticus, secondly, spiritualizes the joy by making every Jew part of the ceremony. For the first time we find mentioned the "Four Species": "Take the fruit of the goodly trees, branches of palm trees, and boughs of thick trees, and willows of the brook--and rejoice before the Lord your God for seven days."[25] No longer is the joy confined to "the place where the Lord your God shall designate," but now each Jew is commanded his own important ceremonial. No longer does he express his joy with license, but now he rejoices with the "four species." The importance of the individual is a lesson that was learned from the Exile.

Leviticus, thirdly, commands that every citizen of Israel dwell in booths for the seven days of the festival.[26] The reason given is historical: "That your generations may know that I made the children of Israel to dwell in booths when I brought them out of the land of Egypt; I am the Lord thy God." In this, it becomes truly a festival"before God."

The former features of the "solemn assembly" together with its prescribed sacrifices are retained. (Vss. 35-39) And the date is retained, too, as it was in Ezekiel.

The major theological characteristics of a

religious festival are now present. The holiday has a fixed date. It is an expression of joy out of nature, in the "four species." It remembers the history of the people, in the Succoth. In these it makes provision for the individual's religious experience. But it also ties the individuals together into a community, with a solemn assembly to participate in centralized ceremonies. With the account in Leviticus, the Biblical festival is complete.

Later works needed merely underscore the essentials developed in Leviticus. Numbers 29:12-39 deals specifically with the "solemn assembly" of the festival. Here we find outlined the sacrifices which were to be required. An interesting feature is the decreasing number of animals sacrificed on each succeeding day. On the first day thirteen young bullocks are sacrificed, but the second day requires only twelve, and so on for the remaining five days. This list differs from that in Ezekiel, for Ezekiel had required the same number of sacrifices on Succoth as on Passover,* while Numbers requires considerably more sacrifices on Succoth,

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*This tends to support the view of Gaster, op cit, and many others, that originally the Passover and Succoth festivals were the same festivals held twice a year. Hence they were often confused. See also Heidel, the Day of Yahweh, The Century Co., New York, 1929, for a discussion of New Testament parallels. In the New Testament, Heidel finds, it is recorded that Jesus entered Jerusalem in the spring, on "Palm Sunday", with palm branches. But this was a rite clearly associated with the Jewish autumn festival, as early as Tannaitic times. Thus the scholarly view emerged, that the two festivals, spring and fall, tended to coalesce at first, then only later were they separated.

more in fact than on any other sacred day of the Jewish year.

One point remained to complete the festival as the Bible saw it. Zechariah added a messianic vision. On that great day in the future (Zech. 14:16-19) all the nations that have survived will go up year after year to worship the King, the Lord of hosts, and to keep the festival of Succoth. And if the family of Egypt do not go up, then a plague shall come upon them; and a similar punishment shall come upon all nations who do not keep the festival of Succoth.*

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*Later generations added much to the Messianic conceptions of this festival. Distinguished guests out of the Jewish past were invited to the legendary meal to be held someday in the Sukkah. And perhaps someday even the great Leviathan will be served for the main course. But this is a study in itself.

CHAPTER 3

AFTER THE BIBLE--CLARIFICATION AND DECREE

The post-Biblical authorities were able to focus on several problematic areas that the Bible had kindly failed to clarify. From their decisions emerged a festival which was not only much clearer than the Bible had left it, but was in many ways a new festival, because a large Temple and an increased population now required new ceremonials.

A. The Date of the Festival

The first scholarly discussions centered around the date of the festival. Although an exact date had finally emerged from the Bible itself, still the Bible contained unresolved all the ambiguities of its earliest days. And now, if the Bible was to be considered a non-contradictory unit, then it required some scholarly analysis.

The Mechilta[27] notes that both Exodus 23:16 and Exodus 34:22 do not date the Festival of Ingathering commanded there. Exodus 23:16 commands the Festival on בצאת השנה , and Exodus 34:22 commands the same festival at תקופת השנה . Therefore, reading the two passages together reveals that the Festival of Ingathering must be both (1) at the end of the year, and (2) at the equinox.

The Mechilta adds, however, that this also must be "the seventh month." From where this addition? It can only be

from Leviticus 23:39, "on the fifteenth day of the seventh month." But this is cheating, for the T'koofoh could as well be the spring equinox on March 21; and if Nissan were the New Year, then this holiday could as well be in the spring! Thus it is apparent that the Mechilta could not date the holy day given Exodus alone. Yet a date is possible by using the information from Leviticus; thus the Biblical accounts are brought together and harmonized.

The Sifra[28] notes the special problem of leap year, and commands that the autumn festival be a sign that the year has been properly intercalated. The festival must occur at a time "when you have gathered in all the fruit"; not merely a part of the fruit, but all of it. In this way the calendar is kept in accord with nature. Furthermore, the discussions on the date for the prayers for rain are elaborations of this same problem.[29]

B. An Order for the Festivals

Once the date and calendar position had been established, the varied celebrations of the year could be set in their proper order and given their unique meanings.[30] Nissan is the beginning of the year, as regards the order of the months, the reign of kings, and the order of the festivals, and for renting of houses. That is, apparently, the secular fiscal year seems to have begun with Nissan. But spiritual matters begin with Tishri: the beginning of the

year, for years in general,* sabbatical years, Jubilees, and for plants and vegetables.** The implication is that the autumn festival belongs to this latter, spiritual, portion of the year.

The Sifra[31] uniquely interprets the order of festivals. In each year, Passover is the first festival; Succoth is the last. If an offering ought to have been brought on Passover but one has delayed, then the delay is not sinful until Succoth a full year and a half later has passed without the offering having been brought. Again, if a vow to bring an offering was made just before Succoth, then one may wait this Succoth, and the entire year following; but if he still has not brought his offering when the second Succoth has passed, then he has sinned. Succoth is the end of the festive year.

In this dating of the festival, and setting of it in the liturgical calendar, the Tannaim did not go much beyond what even a cursory reading of the Bible would make obvious. But they expand the Biblical account by discovering therein the necessary deadlines, and established the order of these and the significance of that order.

B. The Pilgrimage to Jerusalem

On the proper date, the Jewish populace had been accustomed to come to the Temple in Jerusalem. When this

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*The "recounting" of the years, in that we count their contents, which is a spiritual matter.

**Nature, judged at this time.

practice was transferred from custom to law, it became necessary to specify who should be required to come. The problem was easily solved.

Both Exodus 23:14-17 and Deuteronomy 16:16 require "all" to appear before the Lord. Yet surely some ought to be excepted: the deaf man, the imbecile, and the small child can be excused, because they would be unable to appreciate the sanctity of the occasion. The person of unknown sex and the hermaphrodite would be undesirable among the pilgrims. Women and unfreed slaves were needed at home. The lame, the blind, the sick, and the aged, all would be unable to make the journey.

A little later, the Mechilta (Kaspa, ch. 5) clarifies itself. These categories of persons are only excluded from reading the prayer prescribed in Deuteronomy 26:1-11. But they still must bring the proper offering.

If these were very early decisions, yet they were not recorded till Tannaitic times[32]. Still later the Amoraim discussed this matter in detail,[33] and found clearer definitions for each of these categories, along with Biblical verses to support them. But the need for such exemptions is obvious, and the modern mind demands neither rational nor Biblical defense. Yet this was the rabbinic method, and it enabled them to specify, ultimately from the Bible, who should be permitted, indeed required, to present himself in Jerusalem at the festival there.

C. The Pilgrimage Offerings

The Bible had commanded that no pilgrim come to Jerusalem empty-handed. He is to bring something (the Bible implies an offering) to express his joy, and to dedicate that joy to God. But what should he bring? The Bible is silent, so the authorities cleverly interpreted two Biblical verses, thereby creating two offerings which had previously been unknown.

The one verse is Exodus 23:14, "three times in the year shall you hold a festival for Me."

שלש רגלים תחג לי בשנה

This verse was interpreted as requiring an offering, called the Chagiga, playing on the word תחג . Similarly, the same word occurs in Lev. 23:41, referring especially to the festival of Succoth; here, too, it is understood to command the Chagiga offering.

A second verse produced the R'iyah offering. Deut. 16:16 commands "three times in the year shall all your males appear before the Lord your God."

שלש פעמים בשנה יראה כל זכורך את פני ה' אלהיך

This is the offering of "appearance", playing on the word יראה . This offering, together with the Chagiga, was brought each year to Jerusalem by the pilgrim.

Those Biblical texts hardly suggest the offerings derived from them. Even the Mishna[34] admits that the Chagiga is "as a mountain suspended by a thread [of Biblical

evidence]." Yet the rabbinic reasoning can easily be conjectured: the Bible seems to require some offerings, whatever they be; since the Bible did not specify them, the Oral Law must. These two categories of offerings then opened a vast area for discussion in the learned academies.

The rabbis intend these offerings to represent a concretization of the joy which is the essence of the festival.[35] Joy was always seen to be the essence of the festival of Succoth, so that Maimonides says that no man is free to withhold his rejoicing.[36] Therefore the implication is drawn that the more offerings one brings, the greater his joy. He can offer as many as his finances permit him.[37]

The Chagiga was a "peace offering" brought to the Temple where the fat was burned on the altar, and the meat was eaten by the owner. The R'iyah was also brought to the Temple, but there it was wholly burned before God.*

In summary, the able-bodied Jewish male was required on a set date in the fall of the year to make a pilgrimage to the Temple in Jerusalem, and there to bring before God the two animal sacrifices.

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*For a full discussion of the implications of the differences between these two offerings, see the next chapter herein.

D. The Two Temple Ceremonies

At the Temple, he was privileged to witness two ceremonies, which were wholly unknown to the Bible: the Water Drawing Festival and the Arava Ceremony.

The Arava Ceremony is described in the Mishna.[38] It consisted of a rite in which young willow branches were gathered from a place called Motsa in Jerusalem. These branches were then set upright along the sides of the altar, with their tops bent over the top of the altar. The Shofar was sounded, and a procession marched once around the altar crying "Save us, Oh Lord." This entire rite has no Biblical authority.

A second rite, also without Biblical basis, was the Water Drawing Festival. The Mishna[39] describes this in detail, with important Talmudic elaborations.[40] On the day following the important first day of the festival, the Temple would be re-arranged to bring into prominence the great Menorot, and other utensils, so that a vast light would illuminate the proceedings to follow. "There was no courtyard in Jerusalem that was not lit up from the light of the Water Drawing Festival."[41] Then the leaders of the community would dance and sing and even juggle torches. The festivities lasted through the night, till at cock-crow, the Shofar was sounded, and a procession was formed to draw the water, and then to pour out a libation at the altar.[42]

There is not one bit of Biblical authority for this ceremony. But two statements suggest a possible origin in neighboring cultures. The first is the emphasis on light. It seems to have been a ceremony in which light was more important than water. Water comes only at the end of the rite, with the statement, "Our ancestors bowed down to the sun, but our eyes are turned toward God."[43] And then the water is poured--as if to put out the light!

This suggests a possible parallel to the Zoroastrian fire festivals, and also to the Greek and Roman sun festivals. Without entering into the vast literature on these religions, we might say that the Jews of this period had taken over some of these "light rites," rejecting any sexual and mythological symbolism connected with them among the pagans, and then expressly declared that "our eyes are on God."*

Important for the development of the festival as a whole, however, is the recognition that these two ceremonials, the Arava and the Water Drawing Festival, undoubtedly originated in extraneous sources and neighboring customs, rather than in the Bible. They are wholly unknown to the Biblical editors.

When the Temple was destroyed, of course, neither the pilgrimages with their complex sacrificial ceremonials, nor the Arava and the Water Drawing Festival, were possible.

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*If this interpretation be correct, we need only understand "our fathers who were in this place" (Mishna Sukkot 5:4) to be not the Jews of the First Temple, but the pagans. It is a likely veil.

As one Braitha notes,[44] Rabbi Judah ben Betayra said that when the Temple was existent, there was rejoicing only with flesh, as it is written,[45] "And you shall sacrifice peace-offerings, and eat them there, and rejoice before the Lord your God." But now that the Temple is no longer existent, there can be no joy except with wine, as it is written[46] "and wine makes happy the heart of man."

Actually, though, after the destruction of the Temple, the Festival of Succoth did not die, nor did it degenerate into a ceremonial of drunkenness. The seeds of its continuation had long ago been planted, in requiring the joy to be concretized in two rites that had been given to the charge of every individual Jew. These rites were the Sukkah and the Lulav. Originally they may have centered around the Temple, but even then they seem to have been the responsibility of the individual. And because of them, the Festival, and Judaism, too, survived.

The Sukkah

A. A Sukkah in Every House

Where should the Sukkah be? Perhaps in the Temple? No, says the Sifra[47]; the rabbis remove any doubt by stating that when the Bible said "make for yourself a Sukkah," it means to require a Sukkah for each man, for each home.*

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*Such is the argument of the school of Akiva, which the Sifra represents. But see the discussion of the

That the Sukkah is a home institution is the implication of another derivation of the same verse. "Thou shalt make"[48] means that one must make a Sukkah specifically for the purpose of this festival.

An old Sukkah is not valid. The Mishna[49] defines an "old Sukkah" as one which was made thirty days before the festival. Such a structure is not valid, according to the school of Shammai. Even if the school of Hillel would permit an "old Sukkah," the reason is possibly an economic one, since not every man could afford a new Sukkah each year. Nevertheless, the intention of the ruling, on the part of both schools is clearly that the Sukkah is a home-built institution.

B. Structure of the Sukkah

Secondly, how should the Sukkah be built? Well, what was the Sukkah in the Biblical experience? Genesis 33:17 tells us that "Jacob traveled to Succoth, and he built for himself a house, and for his flock he made a Sukkah."* Rashi here quotes the Talmud[50] which understands this as follows: Jacob stayed eighteen months in this place,

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opposing opinion of the school of Ishmael, later in this paper. Nevertheless, even Ishmael would agree that the intention of the Sukkah was to require the Sukkah to be a home institution, which is the point we are observing here.

*The JPS translation, 1962, calls this a "stall."

and during that time built for himself both a house and a Sukkah; during the winter he lived in the house; during the summer he lived in the Sukkah.

So a "Sukkah" is both a temporary home (i.e., a summer residence) and a stall for cattle. This seems to be the Biblical meaning, as the Rabbis interpreted it. But never does the Bible give more than this hint of what the Sukkah ought to look like. The Tannaim pick up the hint and expand it thus: Any Sukkah is valid; "Our rabbis taught that a Sukkah of Gentiles, women, cattle, Samaritans, and any Sukkah whatever, is valid, provided that it is covered according to law."[51] The Mishna[52] makes this still more emphatic: Any material is valid for the sides of the Sukkah--for the essence of the Sukkah is in its covering.[53] Rashi[54] derives the name "Sukkah" from the name for its roof, "S'chach." The Mishna orders that a Sukkah be declared invalid it its "sunlight is more than its shade"; therefore the covering must really cover the structure.

The covering is described in detail. A sheet may not cover it; nor a vine, a gourd, or an ivy; nor bundles of straw or of wood. The general principle is given[55] that whatever is susceptible to uncleanness and does not grow from the soil may not be used for a covering.

The Tosefta includes a report illustrating the importance of the covering.[56] Rabbi Eliezer was sitting in the Sukkah of Rabbi Yochanan ben Ilai, when the sun rose till it reached the Sukkah. Rabbi Yochenan suggested, "Why

not spread a sheet over it?"

But Rabbi Eliezer merely replied, as if he hadn't heard the suggestion, "There is not a single tribe among the Israelites that did not provide a prophet."

The sun rose still higher, and Rabbi Yochanan repeated his suggestion, "Why don't we spread a sheet over the Sukkah?"*

Again Rabbi Eliezer responded, "There was not a single tribe in Israel that did not raise a judge from its midst." The sun reached his feet.

Rabbi Yochanan (being a good host?) took a sheet and spread it over the top of the Sukkah.

But Rabbi Eliezer, without a word, arose and went away.**

The point is clear: the covering is the essence of the Sukkah. And the point is more strongly made by the Mishna[57] itself when it permits any material to be suitable for the sides of the Sukkah.

The Sukkah requires, however, not only the proper covering, but also construction to the proper dimensions.

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*And the sheet would be only a temporary added covering, for after the sun had gone down, they would remove the sheet. See Chazon Yehezkail, Commentary, ad loc.

**The Gaon of Vilna, ad loc., gallantly suggests that he left not out of disagreement with Rabbi Yochanan, but because these Midrashic pearls were ones he had already heard from his teacher. This story beautifully supports the argument I offer in the next chapter. Rabbi Yochanan obviously represents a human-centered viewpoint, opposing the Divine-centered viewpoint of Rabbi Eliezer.

The maximum height allowed is twenty cubits; nor may it be less than ten handbreadths high. In modern measures, the Sukkah must be between about thirty-five inches and about thirty-five feet in height.

That the height of the Sukkah is of primary importance is attested to by the opening of the Tosefta,[58] where a disagreement is reported between Rabbi Judah and his colleagues. They maintained that the maximum height should be twenty cubits. (And this is the law as finally codified.) But Rabbi Judah called to mind a larger Sukkah which Queen Helena (a convert to Judaism) had built,[59] and he reported that he knew that the elders would enter and leave from it, while none of them would say a word of reproof.

No, his colleagues said, she was a woman, and therefore not obligated to the Sukkah, so even if the size were improper they would not have complained.

But, he answered, she had seven sons who were themselves scholars, and they would have complained had they felt the height to be wrong. The Tosefta leaves the discussion here, but the Talmud carries it further.[60] Nevertheless, the point for our purposes is clear: that the height of the Sukkah was of major concern, and that common usage rather than Biblical support was determinant.

C. The Theory behind the Structural Requirements

But now the essential question: how were these measurements and covering requirements derived? The Bible made merely the command[61] that a man must dwell in a Sukkah. This "dwelling" is what the rabbis had sought to define. Therefore, they expanded the Biblical meaning that the Sukkah be a "temporary home," and spoke of it as something of "a permanent temporary home." The Mishna expressed it

כל שבעת הימים אדם עושה סוכתו קבע וביתו עראי

"All the seven days, a man his Sukkah permanent, and his house temporary."[62] It means, of course, that during the festival of Succoth, the Sukkah, constructed as a temporary abode, must become his permanent home, until the close of the festival.

Therefore, the measurements were discussed with the apparently contradictory double intent in mind: the Sukkah must be a home-like place, and also a temporary structure.

Specifically, Sukkot 4a reports Raba's comment on a suggested design, that "no man lives in such a dwelling [as you would want him to]." Possibly therefore, Shammai's ruling was accepted, that the Sukkah requires all four walls, for only then is it home-like. And furthermore it was commanded that "its shadow be more than its sunlight," so that it be still a more permanent structure.

Seemingly a paradox appears when the Talmud,[63] contrasts the Sukkah with a house! The Sukkah does not need a Mezuzah nor a parapet, which houses require, nor need an Eruv be prepared for it, "because it is unsuitable as a dwelling." The Sukkah must be of a temporary nature.

Now it becomes clear why the height was restricted. More than twenty cubits' height would require the sinking of solid posts, and thereby create a more permanent structure. The Talmud[64] lists several attempts to derive the limitations on height from Biblical verses. But the real reason seems to have existed long before these Biblical verses were so interpreted. The real reason is that the Sukkah in principle must remain temporary.

In summary, then, the rabbis expected of the Sukkah that it be a relatively solid temporary structure. Their laws regulating the Sukkah attempted to preserve this delicate balance between the temporary and the permanent. And the Midrashic attempts made much of comparing such a Sukkah to human life in general, and to Jewish life in particular.

The Lulav

Another concretization of the Autumn Festival was to be found in the Lulav and its bouquet, together called by the rabbis "the Four Species."

Tracing the festival through its Biblical development, in the last chapter, revealed that the Four Species did not appear until very late. The first mention is as late as Leviticus 23:40, "And you shall take on the first day the fruit of the goodly tree, branches of palm trees, and boughs of thick [leafy]* trees, and willows of the brook, and you shall rejoice before the Lord your God seven days."

This verse is the only mention of such a ceremonial in the Torah. Therefore it was an important verse to the rabbis, and occasioned many, many problems. For our purposes herein, let us focus on the four areas which follow.

A. The Meaning

First, the verse clearly interprets the Four Species as expressive of the joy of the festival; the meaning seems to occasion little rabbinic difficulty, but considerable scientific difficulty.

The meaning the Four Species actually had might be ascertained from the many Midreshim which are devoted to fanciful developments of the Four Species and their interrelationships. But the legal codes might grant us a more

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*1962 JPS translation.

accurate understanding of the meanings that were ultimately attached to this ceremonial.

The Biblical explanation was merely "and ye shall rejoice." But apparently the Second Temple practice arrived at something else entirely. An element of salvation was added to the Biblical joy. Here the Four Species were used in a circumambulation of the altar. The Mishna[65] directs that as the people (carrying their bouquets of the Four Species) proceeded around the altar, they were to cry out אנא ה' הושיעה נא . Rabbi Judah disagreed, forbidding the use of the Divine Name in this ceremony, and directed instead that the people recite: אנו ולו הושיעה נא
The Talmud[66] expands this cryptic phrase, showing that vohoh is really the name of the Holy One Blessed be He, and then offers a Midrash on Exodus 15:2, in which we are asked not to read אלי זה , but אל זה . This reference is clearly to the Divine Name.

Thus, whether or not the final decision should permit the pronunciation of the Divine Name, it is clear that the petition was agreed on. "Oh Lord, save us, please!"

The Tosafot[67] nicely suggest that the meaning is "Oh Lord, thou art bound in the chains of exile, as are thy children, save thyself together with them." And on this interpretation, which has much Midrashic support,[68] Eleazer Kalir wrote his famous piyyut for Hoshonoh Rabbah.

From whence came this additional element, the request for salvation, superimposed upon the Biblical joy? And how was the idea of salvation associated with the Four Species?

Judaism had long had a tradition in which Eternity was thought to be connected with trees: From the very early "Tree of Life" in the Garden of Eden, on down through the theophany at the Burning Bush, and further with Deborah judging under a tree. The tree (possibly representing long life and an eternity of seasons; namely, representing all of Nature) symbolized salvation.

But still more interesting is a possible parallel to the Zoroastrian Haoman rites, in which eternal life was believed to come from the Haoman shoot.[69] This plant had been brought from India, and may possibly have been the Dar tree mentioned below. Its appearance in Persia must have been just about the time the Jewish exiles were there. It would seem reasonable to conjecture that if not the plant itself (which would have been a blatantly pagan adoption), then at least the idea of salvation attached to it, was sufficient to revive the already Jewish tradition of salvation rooted in the tree. And thus was perhaps born the meaning of the Lulav: joy together with salvation.

B. Specification of the Etrog

Secondly, the components of the bouquet had to be specified. This appears to have been a considerable problem through the period of the Soferim, and into the early Tannaitic period.

To take the example of the Etrog, we can illustrate the complexity of the problem to be faced. The פרי עץ הדר was translated as "the fruit of the goodly tree." Were there not many such trees? Was one tree more goodly than another? The Jerusalem Talmud[70] understands this to be "a tree whose fruit is goodly, and also whose wood is goodly." The Midrash[71] requires that it have both a pleasant taste and a pleasant odor. The Mishna[72] specifies its size and characteristics; it describes that which could only be the citron we know.

This description was not reached without argument. Once Rabbi Akiva[73] came to the synagogue with an Etrog so large that he carried it on his shoulder. But this proved nothing, for his colleagues told him that such an Etrog was not הדר .

The specification of the Etrog as a citron was arrived at still earlier, and is hidden and possibly lost to us. Curious is the suggestion of Webber[74] that the Bible had referred to a specific "fruit of the Dar tree," which was a "holy tree" in India which apparently produced a cone-shaped fruit. This fruit then was carried by the Medes to

Persia* at which time a citron was substituted for it. Finally it found its way to Palestine. The earliest mention of its use as an Etrog is its picture on the back of a Maccabean coin (ca. 136 B.C.E.)

The Midrash[75] attempts to find Biblical support for the specification of the Etrog: Which tree was it from which Adam and Eve ate? Rabbi Abba said it was the Etrog tree. This we know from the verse (Genesis 3:6) "And the woman saw that the tree was good to eat." And what other tree is there whose wood is as good to eat as its fruit? The Etrog tree is the only one; therefore from of old, the Etrog we are told was a desirable fruit. But objective scholarship will hardly permit us to consider the Etrog Biblical.

By the beginning of the Tannaitic period, however, there remains neither a question, nor even evidence of earlier questions, regarding the identification of the components of the Four Species. Probably the most accurate guess would be that Leviticus had codified a practice already common though not specific, and the Soferim were responsible for the specification.

C. The Nature of the Ceremonial

A third area of clarification was the expression in Leviticus 23:40, "and ye shall take." "Taken" was understood as requiring that they be employed for ritual purposes.

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*Where perhaps it was used for the purposes of Zoroastrian ritual?

But how was this to be concretized?

Nehemiah 8:15 directs that the Four Species be used to decorate the Sukkah! The Samaritans and the Karaites preserved this usage.[76] Among the Tannaim, Rabbi Judah also said he thought it proper to use materials of the Four Species to cover the Sukkah.[77]

But by II Maccabees 10:6-7, we find a suggestion that the Four Species was hand-held. "Taken" was understood literally as "taken in the hand." Also Josephus[78] refers to Etrogim that were thrown; so that of course they had to have been hand-held. The book of Jubilees, too, in 16:30-31, tells that the children of Israel were commanded to sit in Sukkot, and to take the fruit of the goodly tree.

Finally, the Tosefta[79] very clearly acknowledges the practices of holding the four species: Rabbi Eleazer of the school of Rabbi Zadok reported that thus were the men of Jerusalem accustomed to do; when he would enter the synagogue, the Lulav would be in his hands; when he would rise to interpret the Torah or to lead in prayer, the Lulav would be in his hands; when he would rise to read in the Torah, or raise his hands to recite the priestly benediction, he would lay the Lulav on the ground; he would enter a home to visit a sick man, or to comfort a mourner, and carry the Lulav in his hand; then when he would come to the House of Study, he would give the Lulav to his son, or to his servant, and ask that it be taken back to his house.

The transition to a hand-held bouquet is not at all clear. Possibly the controversy preserved in the Tosefta[80] over whether the Four Species can be taken unbound, or whether they must be bound together, might be a clue to the transition point. If they are to be hand-held, how can one conceive of their usage unbound? Nevertheless, even the opinion permitting them unbound still does not say that they must not be held in the hand. So the transition is still earlier than this controversy; and it is now lost.

We might conjecture that the Four Species came to be hand-held by association with the Arava ceremony described in the Mishna and Tosefta.[81] When the Talmud[82] terms this "a law from Moses on Sinai," it means that it had long ago become tradition.

D. For How Many Days

1. Leviticus 23:40 states quite specifically that the Four Species are to be taken on the first day of the festival. "And you shall take on the first day fruit of the goodly trees. . . ." But the festival lasts seven days, as the continuation of the same verse says explicitly: "And you shall rejoice before the Lord your God seven days." Shall the Four Species be taken, however, only on the first day?

The Sifra[83] solves the problem easily by understanding the festival to consist of "seven first days." Therefore,

since the Lulav is clearly required on the first day, then it is by extension required also on the other days. This extension is supported by analogy with the Sukkah: as the Sukkah is required for seven days by the Biblical injunction,[84] "In Sukkot shall you dwell for seven days," and as the holiday itself is seven days in length, for "and you shall rejoice before the Lord your God seven days,"[85] so also is the Lulav to be taken for seven days. "The Sukkah and the Lulav are one holiday."[86]

And this does seem to be the intention of the Bible, that the Lulav be taken on the first day, and again on each succeeding day, until the seven days are completed. This was the custom at the great Temple in Jerusalem.[87] But because of the difficulty in the Bible text, pointed out above, a distinction was made in the cities outside of Jerusalem. There the Lulav was permitted only on the first day.

2. Since the first day was therefore the most important, as far as the Lulav was concerned, the question arose, what if that first day fell on the Sabbath? Even so, the Lulav was to be taken. Mishna 4:2 says specifically that when the first day is on Sabbath, the Lulav is used in the Temple that year for the full <u>seven</u> days of the festival. Normally, it would have been taken for only six days, omitting the intermediate Sabbath.

But when the first day was Sabbath, the Mishna[88]

reports that (before evening) the people would bring their Lulavim to the Temple mount, where the superintendents would arrange them on the balcony. The older men would place their Lulavim in the office where they could get them without braving the crowds. And each man, as he left his Lulav there, would say as follows: "To whosever hand my Lulav comes, behold it his as a gift." On the morrow, they arose and came early, and the superintendents would throw the Lulavim to them. But the men were unwilling to accept any Lulav which they happened to catch; they would sometimes actually start fights, physically assaulting each other.

Why such an insistence on possession of the Lulav? The rabbinic law had been set, that "no man can fulfill his obligation [regarding the Lulav] on the first day of the holiday, with the Lulav of his neighbor."[89] This law was of course based on the verse cited above, "On the first day you shall take <u>your</u> [ולכם]," [90] and the men intended to be pious, not even to accept a Lulav received as a "gift."[91]

But when the piety got more insistent, so that the physical fighting was becoming passionate, the court recognized that this procedure was dangerous, and decreed that the Lulavim should be employed at the respective homes and not be brought to the Temple. Still, in the Temple surroundings, the Lulav was used for the full seven days of

the festival.

Then the Temple was destroyed. The Mishna[92] reports the decree of Rabbi Yochanan ben Zakkai, that in memory of the Temple the Lulav should be used for seven days throughout the provinces. So the apparent original intention of the Bible was at last carried out, and the Lulav was taken for seven days wherever a Jew might find himself.

If we may extend our research into the Amoraic period, we find that it was the custom in the Babylonian communities to refuse to permit the Lulav to override the Sabbath.[93] Even if the first day of the festival fell on the Sabbath, still the Lulav was not used on that day. The reason given by Rashi[94] and the Talmud[95] was that because of the uncertainty of the observations of the moon, the first day of the festival in Babylonia was in doubt. This practice has become codified into Law.[96]

D. Summary

In this way, the Autumn Festival moved from an indiscriminate joyous occasion, to become a well-defined Temple festival. But concurrently, we have traced an inner movement from the individual to the Temple center, and finally back again to the individual. Because the festival could at last become securely a individual's ceremonial, it survived.

But now we can turn to a deeper question: Why should the festival have survived? In what way did the Festival of Succoth speak to the real needs of the people? What did it express that touched them deeply?

CHAPTER FOUR

AN APPROACH TO

THE NATURE OF FESTIVAL JOY

A simple counting of the commands to rejoice reveals that there is a variation in the nature of the joy attributed to each of the festivals. The Yalkut Shimoni[97] notes that the Bible does not command joy even once in its description of the Passover. Perhaps, suggests the Midrash, it is because at that time the fate of a man's crops is still in the balance and he cannot yet rejoice. Or perhaps it is because the Passover celebrates an event at which Egyptians had to be killed; and one does not rejoice, in accordance with Proverbs 24:14, "When your enemy falls, be not glad; and when he stumbles, let your soul not rejoice." For that reason, it is commanded that the whole Hallel not be read on Passover for most of the festival.

Secondly, on Shavuot there is one expression of rejoicing. Deuteronomy 16:11 commands "Thou shalt rejoice, thou and thine house." But still only one, because though the corn has been harvested and gathered in the barn (meriting one command for joy), yet the fruit of the trees has not yet been picked.

But the Festival of Succoth is accorded three commands for joy. Leviticus 23:40 says that with the Four

Species "You shall rejoice before the Lord your God seven days." Then Deuteronomy 16:14 says again, "You shalt rejoice on the festival, you and your son. . . ." And again, the following verse emphasizes that "You shalt be altogether joyful."

Why the need for three commands for joy on Succoth? The Midrash finds three reasons: (1) that man has been cleared of sin on the preceding Yom Kippur; (2) that the corn has been harvested and stored; and (3) that the fruit has been harvested and stored.

Then the Midrash adds a sweet consolation, that though the triple joy be incomplete in this troubled world, still there is the promise of a better future.

But the command remains: rejoice on the Festival of Succoth! Yet, as I remarked at the outset of chapter one, it is a strange sort of joy, which grew to include in its happiest moment an agonized cry for salvation. And even here, one wonders why a Midrash should, without a break, in the very next line, qualify that joy, to promise it in another day.

The inescapable conclusion is that unalloyed joy was foreign to the Jewish temperament. When one considers the Jewish history of exile and destruction, the sorrow becomes intelligible, even expected.

But was it always so? Our earlier investigation

of the Bible showed quite clearly that the Bible intended a pure joy. The prophets tried to suggest an element of sorrow within the joy, but the very force of their preaching shows that their message was not well received. The people demanded a pure joy.

And this is strange, for our study of comparative Mesopotamian cultures, together with later Jewish traditions that seem to hark back to earlier days, suggests that joy for the Jew had most probably always been alloyed with sorrow. It may be, then, that the later Oral Law preserved a truer picture of Jewish joy than did the Bible itself in connection with the holy day of Succoth.

Certainly, however, in later days through the Tannaitic period, joy and sorrow were not opposites, but were subtly intertwined. Sometimes the joy was expected in the next world. And sometimes a bitter-sweet comment was offered about the "goodness" of God. A typical example might be that of the Yalkut[98] where a consolation is offered to Job. When Job criticized the strict justice of the Lord, God promised him a residence in a Sukkah made from the skin of the Leviathan in the World to Come.

An example of a pessimistic sort of joy is that of the P'sikta d'Rav Kahana[99]:

> When a man rejoices in this world, so that a festival comes and he cooks meat and bakes in his home in order to rejoice on the festival. He does this only for the sake of his family. But one son says "my

> brother's share is larger than mine." And the man finds troubles in the midst of his joy. But in the Future to Come, when the pots are boiling with good food, a man will see and his soul will delight. That will be a time of complete joy.

Such is the nature of a joy dissolved in sorrow; it has been much a part of Jewish life. Yet on another level the rabbis were able to consider joy as an entity in itself, as an element almost separated from life. They were able to analyze it clinically and to discuss it in depth.

Their discussions produced a lengthy dispute which I should like to discuss here, regarding how to direct this joy. For a hint on an approach to this problem, I express appreciation to A. J. Heschel[100] for suggesting that the schools of Akiva and Ishmael were really quarreling over a transcendent God, as opposed to an imminent God. Heschel marks out a path for a possible theological approach to Halacha.

The present study approaches the problem somewhat differently than did Heschel. In my own investigations, I wondered if these rival schools disagreed about the place where God was to be found, (the transcendent or the imminent God), or whether it may not have been an argument on the proper arena where one ought to begin the search for God. It seems to me to be more in accord with the evidence to suggest that Akiva fought for a Divine-centered law, while Ishmael fought for a human-centered law.*

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*The consequences of this are far-reaching, but most interesting among them is that we might see a parallel

First I want to explain this distinction, and to offer the evidence which I think would tend to support it. Then I want to trace the same controversy back through the previous legal discussions, as much as I find evidence available for doing so.

The Ishmaelitic school is the more difficult to discover, because eventually it was absorbed into the school of Akiva and the actual controversy waned. Therefore the sources seem to permit the school of Akiva to speak more clearly. Yet the controversy appears to have remained latent in the opinions of opposing Tannaim down through the generations.

It must be stressed that this was not a sharp controversy between two clearly opposing positions. Rather, the disagreement is merely on the choosing between two poles of a single continuum. In general, there are theological consequences to every legal decision, but usually the consequences are not clearly distinguishable. Here, both Akiva and Ishmael are seeking God. The one, according to our theory, is centering his search on his goal, God. The other is centering his search on that which we know best, man. But the search of each passes through the large gray area between

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in that ancient argument to modern Jewish life. We might suggest that today, in the twentieth century, the Orthodox are pleading, with Akiva, for a Divine-centered approach, while the Reform, with Ishmael, are pleading for a human-centered approach.

man and God. Therefore to trace the search is at best difficult.

A. The School of Ishmael

Let us begin with the school of Ishmael, since that is the more difficult. Their view is perhaps best exemplified by the account in the Mechilta[101] where the Biblical pilgrim is enjoined against appearing before God empty-handed.* The Mechilta specifies that this means he must come with an animal that is suitable to be offered as a burnt offering. Neither money nor a peace-offering can be substituted.

Until here, the law is straight-forward. But now the Mechilta, of the school of Ishmael, proceeds to supply a reason for that sacrificial gift. It refers to Deut. 27:7B, "thou shalt rejoice before the Lord thy God." And it explains this verse with the strange phrase: it is not right that your own table be full, while your Master's table be empty. אינו דין שיהא שולחן עצמך מלא ושולחן קונך ריק That is, you rejoice in a way that God would approve, then think to share your joy with God. A joy fitting to God can only be judged by human standards.**

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*Based on Ex. 23:15B.

**This reminds one of the philosophic phrasing, derived from Carneades, "Any notion of deity is either anthropomorphic or meaningless." See C. Hartshorne and William Reese, Philosophers Speak of God (University of Chicago Press, 1953), p. 416.

The Sifre, also basically from the school of Ishmael, carries this viewpoint still further.[102] Commenting on the Biblical "You with your sons and household. . ." the Sifre notes that this means a family joy. You are directed to invite your closest friends, חביבה חביבה קודם. Again, it is a human-centered joy, for the implication is that only in such a family atmosphere is a rejoicing before God.

Another passage in the Sifre makes the same point.[103] There are three mitzvos on a festival: celebration, appearance before God, and joy; each has its own unique quality. "Appearance before God" is entirely dedicated to God.* "Celebration" took place both before and after revelation**; it partakes of both the human and the Divine. And finally, "joy" has the quality of being participated in by both men and women; therefore it is wholly human.

In this passage we see a gradation of the joyous mitzvos, from the purely divine to the purely human. Coming as it does from the school of Ishmael, it is an instance and illustration of our point that we are dealing on both sides with a continuum rather than a sharp debate. But the import of this passage is nevertheless clear: that festive joy includes a ritual dedication to God, yet is primarily to

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*Probably this means the R'iyah offering.

**This refers to the ritual Pascal offering, which is therefore both a human and divine institution; possibly we are meant to consider it originally human, but afterwards commanded by the Divine.

be experienced in the human emotion of joy (free from revelation).

To present one more passage from the school of Ishmael, perhaps the clearest statement of their position, we can note the expansion by the Sifre[104] on a difficulty in Deut. 16:13, "The festival of Succoth shalt thou celebrate for seven days. . . ." Why this commandment? It is for the common people!

But vs. 15 then says that these seven days are celebrated for God; "Seven days shall you keep a festival unto the Lord your God."

No, vs. 13 stands; when it commands "the festival of Succoth shalt thou celebrate, . . ." it understands these days as a human celebration.

Why then the apparently divine-centered statement in vs. 15? This is to show that when you build a Sukkah for yourself (as vs. 13 had commanded), it is a deed for the sake of God. Again, the school of Ishmael sees this as a human joy, whose purpose is a dedication of man to God.

B. The School of Akiva

Now, the school of Akiva takes directly an opposite emphasis with respect to this same verse. The Talmūd[105] records a statement by Rav Shesheth in the name of Rabbi Akiva, that the wood of the Sukkah is forbidden to be used for secular purposes, for all seven days of the festival, because the Bible says "the festival of Succoth seven days

unto the Lord."

The Sifra[106] records a statement by Rabbi Akiva that when Ezra commanded that the Four Species be used to decorate the Sukkah in memory of the Exodus from Egypt. Ezra was referring not to the Sukkah itself which Ezra might be thought to have believed existed in the desert experience, but rather Ezra was concretizing the "clouds of Divine glory." Thus Akiva is interpreting the Sukkah, even in the desert days, to have been a strongly divine-centered memory.*

Similar to Akiva's ascription of the Sukkah to God Himself, in Akiva's ascription of the Four Species also to God Himself. The P'sikta of Rav Kahana[107] quotes Akiva in attributing the "fruit of the goodly tree" to God, on the basis of Psalm 104:1; Rabbi Akiva continues, listing each of the Four Species, and finds for every one of them a verse which proves that it is ascribed to God. The obvious implication is that when a man takes the Lulav, he takes it for God. It seems to be not so much human as it is almost a holding of the Divine by the hands of man. On this interpretation, Eliezer Kalir wrote his piyyut for Sacharis of the first

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*The Talmud, Suk. 11b, reverses the order of the Sifra, understanding Akiva as saying that which Eliezer says here, and vice versa. In either case, they are probably both referring to a divine-centered interpretation, because, as I will suggest below, Eliezer was theologically a descendent of Akiva rather than of Ishmael. The disagreement in both the Sifra and the Talmud at this point is on exegesis and not on theology. The confusion with respect to names herein becomes understandable when we appreciate that there is apparently no theological, hence, no real, distinction between them.

day of Succoth, אקחה בראשון : "I will take on this first day, for Him who is first-and-last, the fruit of the noble tree. . . ."

It would be easy to multiply citations of the position of the school of Akiva. But it seems obvious and quite clear. More interesting is an interchange between the rival schools of Akiva and Ishmael, where Akiva apparently was forced to surrender his position so that men could live with the mitzvah.

The Mitzvah in question is that of the Sukkah. From the position stated above, we would expect Akiva to interpret the Sukkah as a Divine institution. Such is the case, for the Talmud reports[108] Rabbi Judah ben Bathyra teaching a Braitha supporting the view of Akiva, that just as the Name of Heaven rests upon the Festival offering* so does it rest upon the Sukkah. He offers a verse in support of his position: "The Festival of Succoth, for seven days unto the Lord. . . ." This he interprets as meaning that just as the festival offering ("Festival" from the verse) is for the Lord, so also is the Sukkah ("Succoth" from the verse) for the Lord. Therefore the Sukkah is expressly

*This is a fascinating emphasis of the school of Akiva. It will be shown below that the Festival offering was understood by the earlier Tannaim, the school of Hillel and Shammai both agreeing, to be dedicated to Man. While not disagreeing with that viewpoint, R. Judah ben Bathyra focuses on the offering itself, before it is slaughtered. At this time it is conceived of as dedicated to God. Only afterwards does man benefit from it. Therefore, he cleverly maintains the position of Akiva's school, by attributing even this to God.

declared to be for the Lord, a divine-centered institution.

Now, the view of the school of Akiva with respect to the Sukkah is in direct contrast to that of the school of Ishmael, which we discussed just above, from the Sifrei (140), that the Sukkah is "for you," for the common people. It is not necessary to repeat the entire passage, because the point of disagreement seems clear: the school of Ishmael understands the Sukkah to be a human-centered institution, while the school of Akiva understands the Sukkah to be a divine-centered institution.

C. Debate over the Corollary

An important corollary of the school of Akiva is reported in the Sifre.[109] Rabbi Eleazer (ben Azariah--see b. Sukkot 41b) compared the Sukkah to the law which had been previously stated with respect to the Lulav. Just as each man must have his own Lulav, so on the first day of the festival, each man must have his own Sukkah. And this is consistent with the school of Akiva, for if the Sukkah is a divine-centered institution, then "and you shall make. . ." means that each one of you shall make a Sukkah. It is a commandment from which no man is free.

But the school of Ishmael[110] recognizes the economic situation in which many men find themselves. Not everyone can afford to have his own Sukkah. Some inevitably must be forced to borrow a Sukkah, or to share one in partnership. Perhaps, academically asked, a man may even

stel a Sukkah! In these cases, let us recognize the humanity of man, and consider such Sukkot as validly fulfilling the laws. The Sifre offers a verse in support of this view. Leviticus 23:42 commands every citizen of Israel to dwell in a Sukkah. But the "Sukkah" there is singular; so that conceivably, if it were necessary, every citizen of Israel could legally dwell in the same Sukkah!

Therefore, the human-centered answer offered by the school of Ishmael is to not require a separate Sukkah for each man. And this becomes the law.[111]

Ideally, however, the school of Ishmael surely would have preferred each man to have his own Sukkah. And if the ideal could not be attained in regard to the Sukkah, then surely it could by means of the Lulav, because the Lulav costs very little. Here, therefore, both of the schools found themselves in agreement.

As before, we can illustrate the initial law by citing the school of Akiva. The story is related[112] that once Rabbi Akiva, Rabban Gamliel, Rabbi Joshua, and Rabbi Eleazer ben Azariah were traveling on a ship. Rabban Gamliel alone had a Lulav. He used it to fulfill his obligation, then gave it as a gift to Rabbi Eleazer ben Azariah, who used it, and gave it to Rabbi Akiva, who in turn gave it to Rabbi Joshua, who finally returned it (as a gift of course) to Rabban Gamliel.

This accords with the law later established in

the Mishna[113] which reflects the school of Akiva:

The Sifre[114] from the school of Ishmael is in agreement, for twice it insists that each man must have his own Lulav. For support it quotes Leviticus 23:40, "And you shall take. . ." to mean each one of you. Surely the reason of the Ishmaelitic agreement is that in no way would economic hardship prohibit each man from having his own Lulav. The human situation would permit the stricter law. Yet in the case of the Sukkah, the school of Ishmael insisted upon, and won, a permission to share the Sukkah.

D. Joy, a Positive Factor

Can similar theological disagreements be found in other generations? How did they expect the festival to be celebrated? What concrete form should the joy take?

Leviticus 23:35 commands that "on the first day there shall be a sacred occasion. Then the next verse commands a complementary sacred occasion on the eighth day. With reference to these commands, the Sifra[115] asks how one must sanctify that occasion? It answers that one does so with food and feasting and clean clothing.[116] The Bible text in vs. 35 already had required an abstention from work, ". . . and you shall do no kind of work." Therefore the next verse, in repeating the command, must imply that something else is to be understood. This additional factor is a santifying

of the occasion by some positive action. The Sifra therefore supplies a party dinner, with its festive, clean atmosphere.

Before we can appreciate that positive addition, we must undertake a study of what the Tannaim meant by the negative factor, and how it relates to our major question when the positive is added to it.

In context, the Sifra returns to the question of abstaining from work as a means of sanctifying the festival. The Bible was clear when it required one to abstain from his occupation on the first and last days of the festival. Even vs. 39 repeats that these days shall be "a solemn rest." But how should one mark the festival during its intermediate days? Should he be permitted to work then?

This brings up in the Sifra fragments of a considerable controversy. The initial anonymous statement forbids work during the intermediate days. Rabbi Jose the Galilean, however, permits work; his reason is that only the first and last days were singled out by the Bible to prohibit work on them, but since there is no express restriction on the intermediate days, why not permit work on them? Then the Sifra closes with an anonymous statement agreeing with Rabbi Jose. Perhaps, then, the Sifra's conclusion is that work is to be permitted during the intermediate days.

Yet the extent of the controversy is revealed by noting that the Shulchan Aruch[117] codifies the final law in agreement with the initial position of the Sifra, that a

man's occupation is actually forbidden during the intermediate days.

This decision derives from the Talmudic discussion in Dhagiga 8a, where intriguing light is shed on our problem. There we find two Braithot which are brought into opposition with each other.

The first Braitha is a clear statement that Rabbi Jose the Galilean forbids work on the intermediate days. But this statement is directly opposite to that of the same Rabbi quoted in our Sifre! Yet in the Talmud it is elaborated with the support of Rabbi Akiva, who offers a Biblical basis for it. Thus, from the Talmud, the school of Akiva, together with Rabbi Jose, seem to want to forbid work, and to want this strongly enough to seek for it in the Bible.

The second Braitha, however, presents another view, the opinion of the school of Ishmael. This position would seem from here to be that work perhaps ought to be permitted on intermediate days. They suggest a Biblical verse to support their position, but then state that "the Biblical verse was not handed to the scholars, except that they tell you which days are forbidden and which days are permitted, which work is forbidden and which work is permitted." This means that if work is to be forbidden (as the school of Akiva would like), then know ye all that the rabbis have forbidden the work, and not the Bible! Yet

the tone of this Braitha seems to indicate that actually the school of Ishmael felt it necessary to permit work on these intermediate days, and though they recognized the validity of Akiva's prohibition, still they insisted on the human need to pursue daily life: surely it is difficult for a man to observe an eight-day festival wholly away from the demands of his occupation.

This is the position that our theory would have led us to expect from the school of Ishmael. Then we would have expected the school of Akiva to both forbid work and dedicate the festival entirely to God. These are the viewpoints offered by the Talmud, in contrast to the Sifra.[118]

The Mechilta,[119] however, clearly takes another view. Here the school of Ishmael is said to desire to forbid work on the intermediate days. Rabbi Josiah interprets Exodus 23:15, "The feast of unleavened bread shall you keep seven days," to mean that for all seven days you shall not work. Rabbi Josiah was an outstanding disciple of Ishmael, therefore his view[120] could be considered an authoritative view of that school.

Yet immediately this raises an intramural dispute. Another leading disciple of Ishmael's school,[121] Rabbi Jonathan, rebukes Rabbi Josiah with the curt statement, "This is unnecessary."

He means that even if Rabbi Josiah desires to forbid work on the intermediate days, and even if the majority

think it advisable to follow that opinion, still let them not base their prohibition on Biblical evidence. Rather, he says, let them employ a rabbinic argument, reasoning in this way:

> On the first and last days of the festival, neither of which is preceded by a sacred day, work is forbidden. Therefore how much more is it proper to forbid work on the intermediate days, which are preceded and followed by holy days.

The Mechilta discusses this at some length, and attempts to refute it, as any purely rabbinic statement is easily opened to dispute. But in the end,[122] the Mechilta accepts it, stating, "Behold we have thus learned that work is forbidden during the intermediate days of the festival.

In summary, there seems to be a majority opinion, shared by both the schools of Ishmael and Akiva, that work ought to be forbidden on the intermediate days. The text of the Sifra is not supported by the parallel evidence, and therefore if it is not simply wrong, then at best it reflects a minority opinion that stems from the earlier controversy now lost to us. Significant, however, is not the conclusion, but the dispute around the derivation of that agreement. If work is to be forbidden, then Akiva insists it is the Bible which forbids the work, while Ishmael insists it is the rabbis who forbid the work. Akiva is centering on the Divine; Ishmael, on the human.

The Shulchan Aruch[123] derives the law by a nice compromise: If in truth the Bible was given to the scholars (as the school of Ishmael emphasizes), then let those scholars adopt the Biblical support (offered by the school of Akiva).[124] In this way both schools are satisfied, though of course the basically theological differences remain.*

Now that we have considered the negative requirements of the festival, and now that we have understood both schools to be in agreement that the festival is best spent away from the secular world, we can turn to the positive aspects of the festive joy. Merely a negative law is insufficient. Additionally the festival ought to be characterized by food and feasting and clean clothing. Rabbi Abba bar Mammal describes it[125] in these words: "Whoever forbids work on the intermediate days, only does so in order that people should eat and drink and tire themselves out with Torah--but we eat and drink and live it up!"

By study also? This introduces us to an interesting controversy: Eliezer vs. Joshua.

The joy, being a religious joy, must be dedicated. Shall it be dedicated to God? Akiva would probably have agreed to this. Similarly his predecessor Eliezer would have

*The compromise is extended to permit some work and forbid other work, but there is no specification as to exactly which work should be permitted and which forbidden. In this way, the law is made liveable. This, then, seems like an ultimate victory for the school of Ishmael.

agreed:

Once on a festival, Rabbi Eliezer ben Hyrcanus lectured apparently without end. His colleagues left, a few at a time, until very few remained. The Rabbi was very greatly angered. "On a festival," he said, "a man should do nothing but eat and drink, or sit and study." That is, the festival must be understood to belong either to man or to God. And the implication of course as judged by Rabbi Eliezer's own action of lecturing at length, is that the festival ought to belong to God. The Talmud (Betsa 15b) and also Pesachim 68B, quotes Rabbi Yochanan who finds support from Deuteronomy 16:8, "Six days shall you eat Matzos, but the seventh day is a solemn assembly for the Lord your God; you shall do no work."

Rabbi Joshua, however, took a different view. Considering also Numbers 29:35, "The eighth day is a solemn assembly for you," he suggested that one ought to divide the observance, half for God and half for man. This becomes law, codified in Shulchan Aruch 529:1. On a casual glance, this view of Joshua appears to be merely a molification of Eliezer's harsh statements. But the two men have a long history of controversy throughout the Tannaitic literature, and one would expect a more basic disagreement. Therefore, on a longer examination, one can see Joshua reflecting a human-centered viewpoint, in contrast to Eliezer's more rigorous insistance on study for the sake of God.[126] Since these men were the teachers of Akiva and Ishmael, we find that this has traced the same controversy back another

generation: Is this joy to be dedicated to God or to man? Joshua would dedicate it to man; Eliezer would dedicate it to God.

Is this controversy between Joshua and Eliezer really a parallel to that between Ishmael and Akiva a generation later? Yes, we can suggest, for the Sifre[127] from the school of Ishmael records it again, with almost precisely the same words, even the same proof texts as those employed by Joshua. It reads as follows:

Deuteronomy 16:8 commands that the seventh day of the festival be a solemn assembly (dedicated to God) upon which you shall do no work. Does this mean that a man must be shut up the whole day in the synagogue? No, for Numbers 29:35 terms it "a solemn assembly <u>for you</u>." This means, says the Sifre, that one divides the day, half for the synagogue (for God), and half for himself(for feasting).

Even if the Sifre be quoting here the very words of Joshua without offering his name, still it is the school of Ishmael quoting them in order to agree with them. Therefore the Sifre supports our suggestion that we have traced the dispute backwards another generation.

<u>Hillel vs. Shammai</u>

Can we now trace the same dispute back further still? The Sifra[128] records an intriguing dispute that might be the clue we seek. The schools of both Hillel and Shammai are said to agree that the Chagiga must be offered up on the

first day of the festival. The school of Shammai finds a scriptural basis from Leviticus 23:41, "And you shall keep it a feast unto the Lord"--"feast" means the Chagiga, and "it" is interpreted[129] to refer to the first day only. Apparently the school of Hillel accepts this interpretation.[130]

But a second offering was enjoined. This was the R'iyah that was intended to be brought to the Temple and wholly burnt on the altar there. Could we consider the R'iyah to be God's offering, since it is wholly burnt? Could we further consider the Chagiga to be man's offering, since only the fat must be burnt, while the pilgrim eats the remainder?

This suggestion is the more plausible when we note a Mishnaic dispute[131] centering around these offerings. The school of Shammai requires that the R'iyah be worth twice the value of the Chagiga. The school of Hillel holds the opposite.

Shammai says his reason is that "the R'iyah is offered entirely to God," namely, is wholly burnt, so that man derives no benefit from it. He implies that the Chagiga, however, is eaten partly by the pilgrim and hence it is human-centered; it should be of lesser value because the divinely dedicated R'iyah must be the more important.

Hillel agrees that the Chagiga is human-centered. He even offers the additional proof that the Chagiga was known[132] prior to the revelation at Sinai, for it was

offered up below the mountain, before Moses had descended with the revealed Tablets. --But therefore Hillel feels that, just because the Chagiga is human-centered, it should be worth twice the value of the R'iyah.

It would seem from this that the lines of dispute have been drawn clearly. Is the festival to center on man or on God? Shammai says God; Hillel says man. And this appears to be a direct parallel to the disagreement of Eliezer and Joshua, which in turn is a parallel to Akiva and Ishmael.

But if so, then the discussion in the Sifra (Emor 15:5) becomes difficult. Shammai, though agreeing that the Chagiga should be offered up on the first day of the festival (because the pilgrim is hungry?), holds that the R'iyah should not be offered up. One might ask, therefore, how can Shammai, who according to our theory believes that the festival must be dedicated to God, not require God's offering, the R'iyah, on the first day of God's festival? Nowhere does the school of Shammai give its reasons.

Possibly we can find an answer by comparing Shammai's opinion with that of the school of Hillel. Hillel requires that the R'iyah <u>should</u> be offered up on the first day. Hillel, it seems, is requiring that both the R'iyah and the Chagiga should be offered up on the first day. Then we are further mystified by the statement of Ullah[133] that Hillel dedicates both of these offerings "to God."

Yet in the light of the evidence deduced here, we can wonder if Hillel really means to center on God. Is he not, perhaps, looking at the actual human situation? Consider for a moment: a man comes from far away; he has with him two animals or more; one animal all agree he must offer up on the first day, but Shammai would require him to feed and care for the second animal until the following day. Hillel disagrees, and permits the pilgrim to offer up that R'iyah immediately. Thus Hillel, as we would expect, appears to be the more practical, the more human-centered, the more aware of the common man.

Therefore a Braitha is quoted[134] in which the school of Hillel explains that they understand "for God" to mean that the offering must be brought on the first day of the festival. But the implication is that the Chagiga, at least, is still a human-centered institution.

The Mishna explicitly supports our reasoning, when in Chagiga 1:5 it quotes Deuteronomy 16:17, "each with his own gift, according to the blessing which the Lord your God has bestowed upon you," and explains this to mean that each man need only bring what he can afford: the man with many mouths to feed but little wealth, need bring fewer offerings for God, though more offerings for his family; and so the reverse: the man with few mouths to feed but with much wealth, need bring more offerings for God, though fewer for his family. Therefore the school of Hillel clearly explains

that humanistic considerations motivated their ruling. In this way Hillel centers on men and man's monetary difficulties.

In Conclusion

We have followed this conflict between the divine-centered and the human-centered joy through the strata of almost the entire Tannaitic period. We have seen this to be a possible explanation in depth for the differences between the varied schools. The fact that this conflict can be traced through an extended period of history would seem to indicate a tension between two elements which are perhaps a natural source of the religious expression, as man seeks to satisfy both himself and his God.

But most important, we have attempted to demonstrate here a method of textual criticism, whereby one considers the theological consequences which any legal decision inevitably awakens. Is there such a thing as consistency in these consequences? Is there an application in them for the understanding of human nature? Do they illuminate modern living? One can only say that, if this approach be valid, the possibilities for further research are vast.

FOOTNOTES

[1]Suk. 3:2.

[2]Ibid., 4:9.

[3]Josephus, Antiquities (New York: Putnam, 1927), 13:13.

[4]b. Taanit 3a.

[5]Commentary to the Mishna Suk., ch. 2.

[6]In his introd. to Pe'as Hashulchan, quoted in "Aseef l'chag Hasukkot" (Jerusalem: Jewish Agency, 5699).

[7]Jdg. 21:20-21.

[8]Mishna Taanit 4:8.

[9]J. C. Rylaarsdam, "Booths, Feast of," Interpreter's Dictionary of the Bible (New York: Abingdon, 1962), I, 455-58.

[10]Summarized in E. O. James, Comparative Religion (Rev. ed.; London: Methuen, 1961).

[11]Ibid., p. 96.

[12]Ibid.

[13]Ibid.

[14]Koehler Baumgartner, "Equinox," A Hebrew and English Lexicon of the Old Testament, F. Brown, S. R. Driver, C. A. Briggs, eds. (Oxford: Clarendon, 1953), p. 880.

[15]Hayyim Schauss, The Jewish Festivals (Cincinnati: Union of American Hebrew Congregations, 1938), p. 306, note 195.

[16]I Kings 12:32-33.

[17]J. Morgenstern, "Three Calendars of Ancient Israel," Hebrew Union College Annual, I (1924).

[18]Norman H. Snaith, The Jewish New Year Festival (London: Society for Promoting Christian Knowledge, 1947), p. 52.

[19]Amos 5:21-24.

[20]Deut. 26:5-10.

[21]Ezra 3:1-6.

[22]Neh. chs. 8-9.

[23]Lev. 23:33-43.

[24]Robert H. Pfeiffer, Introduction to the Old Testament (New York: Harper, 1941), p. 343.

[25]Lev. 29:40.

[26]Ibid., 29:42-43.

[27]Mechilta, "Pischa," ch. 2 (Lauterbach ed.; Philadelphia: Jewish Publication Society, 1935), I, 16-17, line 13.

[28]Emor 15:17.

[29]Mishna Taanith 1:1, and the Gemara to this.

[30]Mechilta, op. cit., pp. 17-18.

[31]Emor 15:3.

[32]Mishna Chagiga 1:1, and Mechilta Kaspa, ch. 4, ed. op. cit., III, 182ff.

[33]b. Chagiga 2a through 7b.

[34]Chagiga 1:8.

[35]Chanoch Albek, Mishna (Tel Aviv: Dvir, 1954), introd. Cf. Maimonides, Mishna Torah, "Halchot Chagiga" (Berlin: Sittenfeld, 1862), 1:1.

[36]Maimonides, ibid., "Hilchot Yom Tov," 8:16.

[37]Ibid., 1:2, and Mishna Chagiga 1:5.

[38]Suk. 4:5.

[39]Ibid., 5:1-5.

[40]Ibid.

[41]Mishna Suk. 1:3.

[42] Ibid., 4:9.

[43] Ibid., 5:5.

[44] b. Pesachim 109a.

[45] Deut. 16:26.

[46] Ps. 104.

[47] Sifra 12:3.

[48] Ibid.

[49] b. Suk. 9a.

[50] Megillah 17. Cf. Mechilta, "Pischa," op. cit., I, ch. 14, 108.

[51] b. Suk. 8b; b. Menochoth 42a. (The latter makes a point of also permitting the Sukkah of a Gentile, thus supporting our argument.)

[52] Suk. 1:8.

[53] Albek, op cit. See also S. Y. Zavin, Hemoadim Bahalacha (Tel Aviv: Avraham Zioni, 1954), p. 90ff.

[54] Commentary to the first Mishna in b. Suk. 2a.

[55] Mishna Suk. 1:4.

[56] Suk. 1:9.

[57] Mishna Suk. 1:5.

[58] Suk. 1:1.

[59] b. Suk. 2b.

[60] Ibid., 2b-3a.

[61] Lev. 23:40.

[62] Suk. 2:9.

[63] Ibid., 3b.

[64] Suk. 2a.

[65] Ibid., 4:5.

[66]b. Shab. 104a.

[67]to b. Suk. 45:1a "Ani Vohoh."

[68]Avraham Joshua Heschel, Torah Min Hashomayim Ba-Aspechulariah Shel Hadoros (New York: Soncino, 1962).

[69]R. C. Zaehner, The Dawn and Twilight of Zoroastrianism (New York: Putnam, 1961), p. 88ff., and also his source, J. J. Modi, The Religious Ceremonies and Customs of the Parsees (2d ed.; Bombay, 1937). Modi also has a fine article, "Haoman," in Hastings' Encyclopedia of Religion and Ethics.

[70]Jer. Talmud Suk. 3:5.

[71]Lev. Rabbah 30.

[72]Mishna 3:57.

[73]b. Suk. 26b.

[74]Herbert J. Webber and Leon D. Batchelor (eds.), The Citrus Industry, Vol. I, History, Botany and Breeding (Berkeley: University of California Press, 1943), p. 3.

[75]Gen. Rabbah 15.

[76]Albek, op. cit.

[77]b. Suk. 12a; Jer. Suk. 4:4.

[78]Josephus, op. cit., 13, 13, 5.

[79]Tosefta, Suk. 2:10.

[80]Tosefta 2:10; also b. Suk. 11b and 33a; b. Menachot 27a; Sifra Emor 16; and Mechilta R'Shim. b. Yoch., p. 25ff.

[81]Tosefta 3:1; Jer. Suk., ch. 4 ff.

[82]b. Suk. 34a.

[83]Emor 12:1.

[84]Lev. 23:42.

[85]Ibid., 23:40

[86]Israel Meir, commentary to Sifra (Phiatrkov: Mordecai Tsederbaum, 5671/1911).

[87]Mishna Suk. 3:12.

[88]Suk. 4:4.

[89]Mishna Suk. 3:13.

[90]Lev. 23:40.

[91]Bertinuro, ad. loc.

[92]Suk. 3:12; Sifra Emor 16:9.

[93]b. Suk. 43a, ff.

[94]Rashi, ad loc.

[95]Supra.

[96]Shulcham Arach 658:2.

[97]Emor 23, 654.

[98]Yalkut Shimoni, ibid., p. 653.

[99]P'sikta Acharita d'Sukkot, ed. Buber, p. 189B.

[100]Ibid.

[101]Mechilta, Kaspa, ch. 4, ed. op. cit., III, 183-4.

[102]Sifre R'ay, 138.

[103]Sifre, ibid.; see also Chagiga 6; Tosefta Chagiga 1:4; and Jer. Talmud Chagiga, 1:2.

[104]Sifre, ibid., p. 140.

[105]b. Suk. 9a.

[106]Emor 17:11.

[107]ed. Buber, 1868, p. 184a.

[108]Suk. 9a.

[109]Sifre, ibid., p. 140.

[110]Ibid.

[111]Shulchan Aruch 637:2-3.

[112]b. Suk. 41b; and see Sifra, Emor, 16:2; and also Tosefta, Suk. 2:11.

[113]Suk. 3:13.

[114]Sifre, op. cit., 140.

[115]Emor 12:4.

[116]Meir, ad loc.

[117]Shulchan Aruch, Ohrach Chayim, 539:1; see also 530.

[118]Cf. Heschel, op. cit., p. 7.

[119]Pischa, op. cit., 9:7ff.

[120]Hermann Strack, Introduction to the Talmud and Midrash, (Philadelphia: Jewish Publication Society, 1931), p. 114.

[121]Ibid.

[122]Mechilta, op. cit., l. 32.

[123]Shulchan Aruch, op. cit. Cf. Maimonides, op. cit., "Hilchot Yom Tov," ch. 7.

[124]The B'air Ha-golah commentary, ad loc.

[125]Jer. Talmud, Moed Kelan, 2a.

[126]Isaac Hirsch Weiss, Dor Dor V'dorshov (ed. Romm; Wilna: Romm, 1904), II, 81, footnotes.

[127]R'ay 135.

[128]Emor 15:5.

[129]In a Braitha, Chagiga 9a.

[130]See Bitsa 19a, and especially Rashi's commentary to these passages.

[131]Chagiga 1:2.

[132]Ex. 24:5.

[133]Bitsa 19a. This is disputed immediately, but seems to be accepted later.

[134]Bitsa 20b.

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