

## Mourning Jerusalem: Maimonides (Rambam)

Maimonides (1135-1204) wrote a code of Jewish law that was organized by topic, called the Mishnah Torah. Previously, Jewish law books followed the order of the Talmud, where different topics were often placed together based on common concepts of law. In the Mishnah Torah, Maimonides did not quote his sources, cite names of those whose opinions he was forwarding, or bring down differing opinions. For these reasons, many Jewish scholars were upset by the Mishnah Torah. However, Maimonides believed writing the book this way was necessary to ensure the Jews further observance and learning of Jewish law.

The destruction of the Temple was a major event in Jewish History. Maimonides discusses how the Jewish people were supposed to mourn Jerusalem at the end of the laws of the fast days that were set up to remember the major events leading to the destruction of the Temple.

5:12-13 When the Temple was destroyed, the sages of that generation made several takkanot:

- Buildings should not be adorned like the palaces of kings, but an area in the building, opposite the entrance, should be left unfinished in the dimension of an amah squared. However, someone who buys a building already finished is not obligated to take anything down.
- When having a meal for guests a place on the table should be left empty, without the appropriate setting.
- When a woman wears jewelry, she should leave off a piece so that it will not appear complete.
- When a man marries a woman, he should put ashes where he usually puts his tefilin.

All of these things were done to remember Jerusalem, as it is written: If I forget you, Jerusalem, may my right hand lose its cunning, if I don't remember you, if I don't place the memory of Jerusalem above my happiness.

5:14-16,18 They also decreed:

- It is forbidden to play musical instruments because of the destruction.
- A groom may not wear a crown on his wedding day.
- The head piece of a bride should not be made of silver or gold.
- One rents his clothes upon seeing Jerusalem in her destroyed state (without the Temple), and rents his clothes again upon seeing the Temple Mount in her destroyed state.
- One is required to rent his clothes if he has not seen Jerusalem or the Temple Mount in thirty days.

Questions:

1. What is the fundamental difference between the rules attributed to the sages and the rules attributed by the mishnah to Rabban Yohanan ben Zakkai?
2. Which of these rules are no longer in practice in the Jewish community? Why do you think this rule or these rules are no longer in practice?
3. How else do we remember Jerusalem in our daily lives?

## Jewish Leadership after the Great Revolt: Babylonian Talmud

From 70CE until circa 80CE Rabban Yohanan ben Zakkai led the Jewish people through the re-establishment of the Sanhedrin in Yavneh. He stepped down for Rabban Gamliel II, who was a descendant of the House of Hillel - the traditional heads of the Sanhedrin - Patriarch. Rabban Shimon ben Gamliel, Rabban Gamliel II's father, was the head of the Sanhedrin when the revolt broke out. It was dangerous for Rabban Gamliel II to resume leadership of the Jewish people immediately after the Revolt was over. The following is one incident between Rabban Yohanan ben Zakkai and the other sages described in the Tractate (Masekhet) Rosh Hashanah.

"When the Temple was destroyed Rabbi Yohanan ben Zakkai made takkanot..."<sup>1</sup> The Tanaim learned, once Rosh Hashanah fell out on Shabbat [and the witnesses were present]. Rabban Yohanan ben Zakkai said to the sons of Beitar, "Blow the shofar." They answered, "Let's form an opinion on the law." He said, "Let us blow the shofar and then form an opinion." After they blew the shofar, they said, "Let us form an opinion on the law." He said to them, "It was already done and one does not retract a ruling once the action has been done."

Rabban Gamliel II also had difficulty during his rule. For a brief time the other sages, who included Rabbi Akiva and Rabbi Joshua ben Hanania, wished to remove Rabban Gamliel II from his position. They appointed Rabbi Elazar ben Azariah for a brief period of time and then allowed Rabbi Elazar ben Azariah to continue to teach one week a month afterward. The following is a small excerpt from the account of the conflict.

Once a student came before Rabbi Joshua, and said to him: "Are the evening prayers optional or mandatory?" Rabbi Joshua said to him: "Optional."  
The same student came before Rabban Gamliel and said to him: "Are the evening prayers optional or mandatory?" Rabban Gamliel said to him: "Mandatory."  
Rabban Gamliel said to the student: "Wait until the shield bearers enter the House of Study."  
When the shield bearers entered, the questioner stood and asked: "Are the evening prayers optional or mandatory?" Rabban Gamliel said to him: "Mandatory."  
Rabban Gamliel said to the sages: "Is there anyone who disagrees in this matter?"  
Rabbi Joshua said: "No."  
Rabban Gamliel said to him: "But in your name they have told me, 'They are optional.'"  
Rabban Gamliel said to him: "Joshua, stand on your feet and they will testify against you."

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<sup>1</sup> The Gemara always starts a new section quoting the section of the mishnah that it is going to deal with. This is referring to the takkanah that Rabban Yohanan ben Zakkai made that when Rosh Hashanah is on Shabbat the shofar is blown in Yavneh.

Rabbi Joshua stood on his feet and said: "If I were alive and [the student] were dead, then the live person could contradict the dead one, but since he is alive and I am alive, how can one live man contradict another live man?"

Rabban Gamliel was sitting and expounding, while Rabbi Joshua stood on his feet, until all the people shouted and told Huzpit, the translator, "Stop," and he stopped. They (the sages) said, "How long will Rabban Gamliel go on harassing Rabbi Joshua? He harassed him last year in the Tractate (Masekhet) Rosh Hashanah; he harassed him in Tractate (Masekhet) Berakhot about the matter of Rabbi Sadok; and here too he is harassing him. Come let us depose him."

Questions:

1. What was the problem in Yavneh?
2. Describe Rabban Yohanan ben Zakkai's position from the first section of Talmud presented here.
3. Why didn't Rabbi Joshua state his opinion when Rabban Gamliel asked him?
4. Why would the sages be willing to depose Rabban Gamliel?
5. Describe the challenges of a leader of Jewish sages in the aftermath of the Great Revolt and destruction of the Temple.

Thought question: How would you handle a situation such as that faced by Rabban Yohanan ben Zakkai and Rabban Gamliel II.

## Bar Kokhba: Why Revolt?

The Bar Kokhba Revolt is surrounded by much confusion. Different sources that refer to the events give different reasons for why the Jews rebelled against Rome so soon after the destruction of the Second Temple. It is also unclear when the revolt began; some historians claim that it took place from 132CE-135CE with the Romans not taking it seriously until the last three years; other claim the revolt was from 132CE-135CE based on the presence of additional Roman troops in Judea. The following are different sources, which offer different perspectives on the Revolt and its impact on Judea and Rome.

### Bereishit Rabbah 64:10

Bereishit Rabbah is a midrash aggadah that was written during the Amoraic Period circa 220CE-500CE. It is a Jewish account of the reasons for the Bar Kokhba Revolt and the view of the sages of the time about revolting against Rome so soon after Judea, Jerusalem, and the Temple were decimated by the Roman army.

In the days of Rabbi Joshua ben Hanania, the wicked Roman government issued a decree that the Temple was to be rebuilt. Pappus and Lulianus set up tables all the way from Acco to Antioch, to provide gold and silver and other needs to those who were to come up from exile. At that, the notorious Cutheans went and warned the king, "Let Caesar know that the Jews are about to rebel against you." "But what can I do," he asked, "seeing that I have already issued the decree?" "Send word to them that they must either change its site, or add five cubits to it, or diminish it by five cubits, and then of their own accord they will withdraw from rebuilding their Temple."

Now, all the people were assembled in the valley of Beth Rimmon. When the new royal writ arrived, they wept in frustration and wanted to revolt against Caesar. The sages decided: Let a wise man go to pacify the assembly. Who is the one to go? Rabbi Joshua ben Hanania should be the one, since he is a master of Torah. Rabbi Joshua ben Hanania stepped before the assembly and sought to pacify them by the means of a fable: As a lion was devouring his prey, a bone stuck in his throat. He wailed, "I shall give a reward to anyone who removes it (the bone in his throat)!" An Egyptian heron<sup>1</sup>, which has a long beak, came forward, plunged his beak into the lion's throat, pulled out the bone, and demanded, "Give me my reward." The lion roared, "Move off! Go boast, prattling, 'I entered a lion's mouth in peace and came out in peace.' You can have no greater reward than that." So, too, it should be enough for us that we entered into dealings with this Roman people in peace and have emerged in peace.

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<sup>1</sup> Type of bird

## Dio Cassius

Dio Cassius was a Roman historian and politician that lived circa 150CE-235CE. He wrote extensively of the history of Rome and served as a consul in Rome. The following is his account (which is a secondary source) of the reasons for and the course of the Bar Kokhba Revolt.

At Jerusalem [Hadrian] founded a city in place of the one which had been razed to the ground, naming it Aelia Capitolina, and on the site of the Temple of the God he raised a new temple to Jupiter. This brought on a war of no slight importance nor of brief duration, for the Jews deemed it intolerable that foreign races should be settled in their city and foreign religious rites planted there. So long, indeed, as Hadrian was close by in Egypt and again in Syria, they remained quiet, save in so far as they purposely made of poor quality such weapons as they were called upon to furnish, in order that the Romans might reject them and they themselves might thus have use of them; but when he went further away, they openly revolted. To be sure, they did not dare try conclusions with the Romans in the open field, but they occupied the advantageous positions in the country and strengthened them with mines and walls, in order that they might have places of refuge whenever they should be hard pressed...

At first the Romans took no account of them. Soon, however, all Judea had been stirred up, and the Jews everywhere were showing signs of disturbance, were gathering together, and giving evidence of great hostility to the Romans, partly by secret and partly by overt acts; many outside nations, too, were joining them in their eagerness for gain, and the whole earth, one might almost say, was being stirred up over the matter. Then indeed, Hadrian sent against them his best generals. First of these was Julius Severus, who was dispatched from Britain, where he was governor, against the Jews... nearly the whole of Judea was made desolate, a result of which the people had had forewarning before the war. For the tomb of Solomon, which the Jews regard as an object of veneration, fell to pieces of itself and collapsed, and many wolves rushed howling into the cities. Many Romans, moreover, perished in this war. Therefore Hadrian in writing to the senate did not employ the opening phrase commonly affected by the emperors, "If you and your children are in health, it is well; I and the legions are in health."

## Eusebius

Eusebius, an early Christian leader, also recorded a history of the world. He lived in Palestine, Lebanon, and Egypt from the middle of the 3<sup>rd</sup> century CE into the 4<sup>th</sup> century CE. Eusebius helped to establish the Christian view of the world and participated in the legalization of Christianity and the adoption of the Christian religion by the Roman government.

The rebellion of the Jews once more progressed in character and extent, and Rufus, the governor of Judea, ... moved out against them without mercy. He destroyed in heaps thousands of men, women, and children, and under the law of war, enslaved their land.

Hadrian commanded that by a legal decree and ordinances the whole nation should be absolutely prevented from entering henceforth even the district around Jerusalem, so that not even from a distance could it see its ancestral home. ... Thus when the city came to be bereft of the nation of the Jews, and its ancient inhabitants had completely perished, it was colonized by foreigners, and the Roman city which afterwards arose changed its name, and in the honor of reigning Emperor Aelius Hadrian was called Aelia.

### **Aelius Spartianus**

Aelius Spartianus was a biographer of Roman Emperor, Hadrian, who was in power during the Bar Kokhba Revolt. The following text is taken from the Internet Ancient History Sourcebook.

In the course of these travels he conceived such a hatred for the people of Antioch that he wished to separate Syria from Phoenicia, in order that Antioch might not be called the chief city of so many communities. At this time also the Jews began war, because they were forbidden to practice circumcision.

#### **Questions:**

1. List the reasons for the Bar Kokhba Revolt and indicate the sources for the reasons.
2. How could there be such differences between the sources? Two solutions.
3. Why did the Sanhedrin try to dissuade the people from rebelling against Rome?
4. Did the Romans take the revolt seriously? Why?

Thought Question: Rabbi Akiva supported the Bar Kokhba Revolt. Why would he disagree with Rabbi Joshua ben Hanania?

## Assret Harugei Malkhut: The Ten Martyrs

After the Bar Kokhba Revolt was over, the Romans wanted to punish the Jews and their sages for waging a war against Rome that damaged its prestige and made it vulnerable to rebellion in other parts of its empire. They decreed that the Jews should not learn Torah, since the religion of the Jews was what caused the Jews to be different and rebel against Rome. They decreed that the sages of Israel be put to death for teaching the religion and encouraging the Jewish people to rebel. The following is an account from the midrash of the ten sages that were killed by the Romans. This is not the account in its entirety. The effect on the Jewish people at this time was devastating. Many people were forced to leave Judea; the name of Judea was changed to Palestine, Jerusalem was changed to Aelia Capitolina and it was off limits to the Jewish people, public learning and observance of Jewish law was forbidden by the Roman authority. The loss of the sages of Israel at this point was designed to erase any potential for the Jewish people to regroup and continue after the revolt.

Both (Rabban Simon ben Gamliel and Rabbi Ishamel) pleaded with the executioner. Rabbi Ishmael said, "I am a high priest son of a high priest, of the seed of Aaron, the High Priest. Slay me first, so that I shall not have to witness the death of my colleague." And Rabbi Simon said, "I am a prince son of a prince, of the seed of David, king of Israel. Slay me first, so that I shall not have to witness the death of my colleague."

The executioner said, "Cast lots." The lot fell on Rabban Simon ben Gamliel. At once the executioner seized the sword and cut off his head. Then Rabbi Ishmael took Rabban Simon's head and clasped it to his chest as he wept and cried out, "Holy mouth, faithful mouth, the mouth that uttered beautiful gems, precious stones, and pearls, who consented to have you put in the dust? Who allowed your tongue to be filled with dust and ashes? Woe unto Torah! And woe unto its 'reward!'" ...

Caesar then issued an order to remove Rabbi Ishmael's scalp. When the executioner reached the place on the forehead where the tefillin are worn, Rabbi Ishmael uttered a great and bitter cry, so that heaven and earth were shaken. When he cried out a second time, even the throne of glory quivered.

Then the ministering angels spoke bluntly to the Holy One, "A man so righteous that you showed him all the treasures of the worlds above and the mysteries of the worlds below - should he be put to death in such a horrible way? Such Torah, and such a reward?"

The Holy One: "But what can I do for my son? It is a decree and no one may nullify it." Then a divine voice came forth and said, "If I hear one more such cry, I will turn the world to void and desolation." When Rabbi Ishmael heard this, he fell silent.



Caesar said to him: "Do you still trust your God?" Rabbi Ishmael: ""Yea, though He slay me, yet will I trust in Him" (Job 13:15). At that the soul of Rabbi Ishmael left him. ...

He ordered that Rabbi Akiva be brought out and his flesh combed with combs of iron. Each time a comb tore into his flesh, he would say, "The Rock, His work is perfect; for all His ways are justice; a God of faithfulness and without iniquity, true and upright is He" (Deuteronomy 32:4). A divine voice came forth and said, "Blessed are you, Rabbi Akiva - you yourself were true and upright, and your soul left you with the words 'true and upright.'" ...

After Rabbi Akiva was slain, they brought out Rabbi Hanina ben Teradion for execution. It was said of him that he was pleasing to the Holy One as well as to men. Never did a word condemning a fellow cross his lips. When the Caesar of Rome decreed that Torah was not to be taught, he openly arranged public assemblies and occupied himself in expounding Torah.

They brought him out, wrapped him in the Torah scroll, placed bundles of vine shoots around him, and set them on fire. Then they brought tufts of wool, soaked them in water, and placed them over his heart, so that he should not expire quickly. His daughter exclaimed, "Oh, Papa, that I should see you in such a state!" He replied, "If I alone were being burned, it would have been hard for me to bear; but now that I am burning together with a Torah scroll - He who will have regard for the humiliation of the Torah will also have regard for my humiliation." His disciples called out, "Rabbi, what do you see?" He answered, "Sheets of parchment being burned, but the letters soaring on high." The disciples: "Open your mouth, so that the fire will enter you quickly." Rabbi Hanina: "Let Him who gave me my soul take it away - no one has the right to end his own life. The executioner then said to him, "Master, if I raise the flame and take away the tufts of wool from over your heart, will you bring me into the life of the world-to-come?" "Yes." "Swear to me." Rabbi Hanina swore to him. Hearing that, the executioner raised the flame and recovered the tufts of wool from over his heart, and Rabbi Hanina's soul departed quickly. The executioner then jumped up and threw himself into the fire. A divine voice exclaimed, "Both Rabbi Hanina ben Teradion and his executioner have been assigned to life in the world-to-come." ...

After Rabbi Joshua ben Teradion was slain, Rabbi Judah ben Baba was out to death.

The wicked Roman government issued a decree that he who ordained an elder should be put to death, he who was ordained should also be put to death, the town in which such ordination took place should be laid waste, and the area surrounding the town in which the ordination took place should be uprooted. What did Rabbi Judah ben Baba do? He went and sat down between two mountains, between Usha and

Shefaram<sup>1</sup> - and there ordained five elders: Rabbi Meir, Rabbi Judah bar Ilai, Rabbi Simon, Rabbi Yose, and Rabbi Elazar ben Shammua. Seeing that the foes became aware of their presence, he said to the newly ordained elders, "Flee, my children!" But they replied, "And you, O master, what about you?" "I," he said, "will lie still before them, as a stone that is not turned."

It is said that the Romans did not move from there until they drove three hundred iron spears into his body, making his corpse look like a sieve!

After Rabbi Judah ben Baba was slain, they brought out Rabbi Judah ben Dama for execution. ... After Rabbi Judah ben Dama was slain, they brought out Rabbi Huspit the Interpreter for execution. ... After Rabbi Huspit was slain, they brought out Rabbi Hanina ben Hakinai for execution. ...

After Rabbi Hanina ben Hakinai was slain, they brought out Rabbi Yeshevav the Scribe for execution. As he was being brought out, his disciples came to him and said, "Our master, what is to become of Torah?" Rabbi Yeshevav: "My children, Torah is destined to be forgotten in Israel. For this wicked [Roman] nation in its insolence is brazenly plotting to have us lose our precious pearls [the sages]. Oh, if only I could be the expiation of for the people of this generation! But I foresee that not a street in Rome will be without one slain by the sword, for this wicked nation will persist in shedding innocent blood in Israel. The disciples: "Our master, what will become of us?" Rabbi Yeshevav: "Strengthen one another. Love peace and justice. There may be hope." ...

And after Rabbi Yeshevav was slain, they brought out Rabbi Elazar ben Shammua for execution.

Of Rabbi Elazar ben Shammua it is said that he was one hundred and five years old, and that from his childhood to the end of his days, no man heard a frivolous word issue from his mouth; he did not allow himself to become annoyed with his colleagues, either by what they said or what they did; he was humble and meek, and for eighty years observed more fasts than the number prescribed. The day he was put to death was Yom Kippur. His disciples came to him and asked, ""Our mnaster what do you see?" Rabbi Elazar: "I see Rabbi Judah ben Baba's bier being carried side by side with the bier of Rabbi Akiva ben Joseph, and they arguing with each other over a question in Halakhah." The disciples: "And who endeavors to bring harmony between them?" Rabbi Elazar: "Rabbi Ishmael the High Priest." They: "Who prevails?" Rabbi Elazar: "Rabbi Akiva, because he labored with all his might in Torah." Rabbi Elazar went on: "My children. I see more - the soul of each and every righteous man purifies itself in the waters of the Siloam to enter in purity this day into the academy on high and listen to Rabbi Akiva's exposition of the passage

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<sup>1</sup> In an area that would not be considered near either of the two towns. The midrash states that it was in the area past the Tehum Shabbat.

of the day. And each and every angel brings a golden chair for each and every righteous man to sit upon in purity."

Caesar commanded that he be put to death. A divine voice came forth and said, "Blessed are you, Rabbi Elazar ben Shammua. You were pure, and your soul left you with the word 'purity.'"

Questions:

1. Who were the *asseret harugei malkhut*?
2. What were the decrees of Hadrian that they violated?
3. Why did they violate those decrees?
4. Describe the qualities that were common among the sages described.

Enrichment Question:

Ashkenazim say a kinnah on Tisha b'Ab about *Asseret Harugei Malkhut*. They also have a slightly different version that they read on Yom Kippur. Find the kinnot. Why are they read on those particular days? Use evidence from the kinnah itself.



## The Written Oral Law

The traditional mode of Jewish study of law was orally. However, after many years of war with Rome and Roman decrees which forbade Jewish learning - a situation arose which required a change in the method of transmission. Rabbi Judah HaNasi was the leader of the Jewish people at the time, (in English, he was the Patriarch). It was his decision to commit the Oral Law to writing in the Mishnah to prevent the laws from being lost and to prevent the proliferation of disagreements in Israel.

## Babylonian Talmud Tractate (Masekhet) Temurah 14b

The writing of the Oral Law was a tremendous shift for the study of the Law. The Amoraim (sages of the Gemara) discuss the seriousness of the nature of changing the method of transmission below.

Rabbi Abba son of Rabbi Hiyya son of Abba said in the name of Rabbi Yohanan: "Those who write the laws are as if they burn the Torah, and he who learns from them (the books) does not receive reward."

Rabbi Judah the son of Nahmani, the translator of Rabbi Simon ben Lakish expounded, "It is written (Exodus 34:27), 'Write yourselves these words...' and it is written, 'For according to [the mouth of] these words...' How could this be? Words which are in writing you are not permitted to transmit orally, and words which are transmitted orally, you may not transmit in writing."

A teacher in the school of Rabbi Ishmael taught, "These words you may write, but you may not write halakhot."

## Iggeret Rav Sherira Gaon

Sherira Gaon wrote a history of the Oral Law and how it became necessary to commit the Oral Law to writing. He seeks here to establish the legitimacy of the decision to write the Oral Law in light of the historical circumstances of the Jewish people. He wrote this history toward the end of the 10<sup>th</sup> century CE.

When the Temple was destroyed, the sages moved to Betar<sup>1</sup>, and when Betar was also destroyed, they dispersed in every direction. On account of all these upheavals, persecutions, and disturbances, the students did not serve the sages sufficiently, and disputes increased. ...

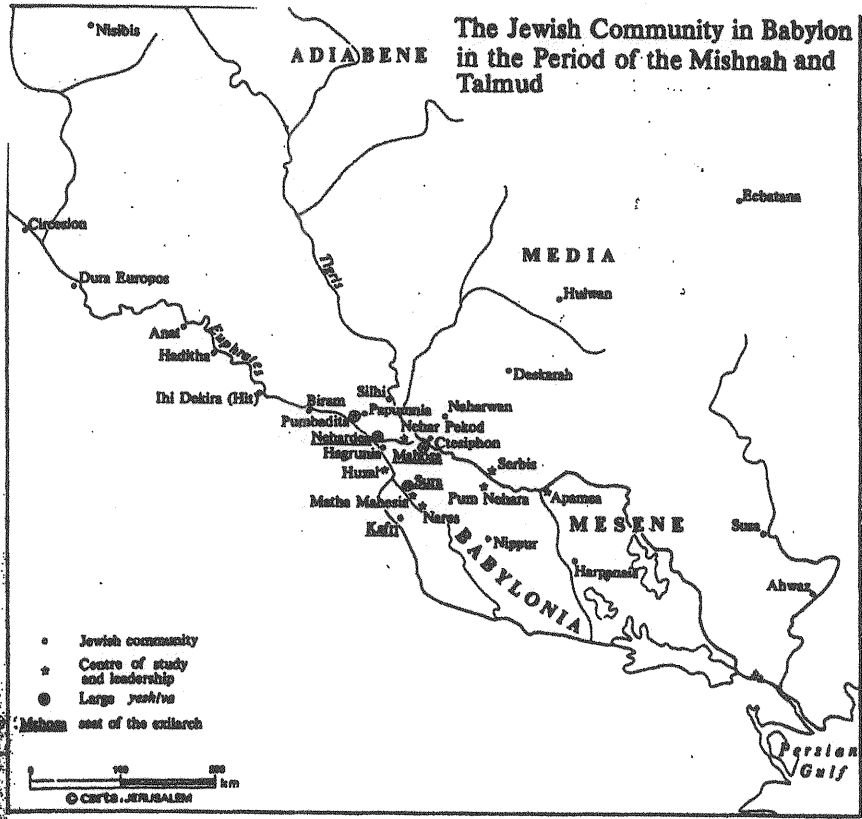
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<sup>1</sup> Betar was the city that was the center of the Bar Kokhba Revolt. It was destroyed by the Romans, its inhabitants were massacred.

During all these years [the sages] clarified all the laws which had been left unresolved in the academies due to the great loss that took place because of the Temple's destruction and the unresolved halakhic questions that had arisen during those troubles and confused times. All the halakhic disputes that had come into existence during those three generations were decided. The individual and majority opinions were made known after our sages had diligently and completely analyzed and investigated them. They thoroughly examined all the traditions and mishnayot in order to establish the correct version. They did not add to the earlier teachings of the Men of the Great Assembly. But they toiled mightily and examined the material until they understood what the earlier masters had said and had practiced. Thus they finally resolved all their doubts.

Questions:

1. Why should the Oral Law not be written?
2. What changed for the Jewish people that the sages felt writing the Oral Law was essential to its continued survival?
3. How does writing the Oral Law change its nature?
4. How can you tell that the written version of the Oral Law was extremely careful about properly attributing statements made by the sages?
5. Why was it necessary for Sherira Gaon to write a history of the Oral Law?



## The Talmud

The following is taken from a novel, The Source, written by James Michener about the history of the Jewish people in Judea. He describes here the purpose and process of learning the Oral Law, as if from a rabbi to a curious Roman.

A Roman came to Rabbi Gimzo, the water carrier, and asked, "What is the study of the law that you Jews are engaged in?" and Gimzo replied, "I shall explain. There were two men on a roof, and they climbed down the chimney. One's face became sooty. The other's not. Which one washes?" The Roman said, "That's easy, the sooty one, of course." Gimzo said, "No. The man without the soot looked at his friend and saw that his face was dirty and assumed that his was too, and washed it." "Ah ha! So that's the study of law. Sound reasoning." But Gimzo said, "Foolish man, you don't understand. Let me explain again. Two men on a roof. They climb down a chimney. One's face is sooty, the other's not. Which one washes?" The Roman said, "As you just explained, the man without the soot." Gimzo cried, "No, you foolish one! There was a mirror on the wall and the man with the dirty face saw how sooty it was and washed it." The Roman said, "Ah ha! So that's the study of the law! Conforming to the logical." But Rabbi Gimzo said, "No, you foolish one. Two men climbed down the chimney. One's face became sooty? The other's not? That's impossible. You're wasting my time with such a proposition." And the Roman said, "So that's the law! Common sense." And Gimzo said, "You foolish man! Of course it was possible. When the first man climbed down the chimney he brushed the soot away so the man who followed found none to mar him." And the Roman cried, "That's brilliant, Rabbi Gimzo. Law is getting at the basic facts." And for the last time Gimzo said, "No, you foolish man. Who could brush all the soot from a chimney? Who could ever understand all the facts?" Humbly the Roman asked, "Then what is the law?" And Rabbi Gimzo said quietly, "It's doing the best we can to ascertain God's intention, for there were indeed two men on a roof, and they did climb down the same chimney. The first man emerged completely clean while it was the second who was covered with soot, and neither man washed his face, because you forgot to ask me whether there was any water in the basin. There was none."

### Question:

1. How does the study of law happen according to this passage?
2. Why is this study necessary?



## Stability in Judea/Palestine: Bereishit Rabbah 97:13

Below is a list of the different places where the Sanhedrin met since the destruction of the Temple. It is important to consider what might have led to the Sanhedrin's movement from one city to the next.

"Zebulun shall dwell by the seashore" (Genesis 49:13) in his commerce, and Issachar in his Torah. Together they are in partnership in this world and the next. Another interpretation: "Zebulun by the seashore," why did Jacob first bless Zebulun and only afterwards Issachar? Was not Issachar older and thus worthy of being blessed first? Rather God foresaw that the Temple would be destroyed and the Sanhedrin would be uprooted from the tribe of Judah and would be relocated in that of Zebulun. At first when the Sanhedrin was exiled, it resided in Yavneh, and from Yavneh to Usha, and from Usha to Shefaram, to Beth Shearim, and from Beth Shearim to Sepphoris, and Sepphoris was located in the portion of Zebulun. Only afterward did it move to Tiberias.

### Questions:

1. List the different cities where the Sanhedrin was located.

Thought question: Why would it be necessary for the Sanhedrin to move?

## Exilarch vs. Patriarch: Babylonian Talmud Horayot 11b

Descendants of Hillel remained the leaders of the Jewish people in Palestine and had the title Patriarch (Nasi), but as the situation in Palestine grew worse economically and fell under Christian control - the center of Jewish learning and power shifted to Babylonia where Jews were successful economically and centers of Jewish learning sprang up. The following is a discussion about the comparative places of the Exilarch (Reish Galuta), head of the Jewish community in Babylonia from the House of David, and the Patriarch.

Rabbi inquired of Rav Hiyya, "Is one like myself to bring a goat [as a sin offering of a ruler]?"

"You have your rival in Babylonia," he replied.

"The kings of Israel and the kings of the House of David," he objected, "bring sacrifices independently of one another."

"There," Rabbi Hiyya replied, "they were not subordinate to one another. Here we are subordinate to them [in Babylonia]."

Rav Safra taught thus, "Rabbi inquired of Rabbi Hiyya, 'Is one like me to bring a goat [as a sin offering of a ruler]?' There is the scepter, here is only the law giver, as it was taught, 'The scepter shall not depart from Judah' refers to the exilarch in Babylonia who rules Israel with the scepter, 'nor the ruler's staff between his feet' refers to the grandchildren of Hillel who teach Torah to Israel in public."

### Questions:

1. Why is it important to ask about sacrifices given during the time when the Temple stood, if there is no longer a Temple?
2. Describe the difference in position of the Patriarch and the Exilarch from the discussion above.

## Moving On

The destruction of the Temple and then the destruction following the Bar Kokhba Revolt and similar revolts throughout the Jewish Diaspora in Roman held territories left the Jewish people in need. Many of the leaders of the Jewish people were killed and Rome reacted angrily.

After Hadrian's death Antoninus Pius became the Emperor of Rome. He sought to heal his empire and that included Palestine. The Midrash discusses the relationship between Antoninus Pius and Rabbi Judah HaNasi. It was during this time that Antoninus Pius allowed the Jews to re-establish their own governing body in religious laws. Rabbi Judah HaNasi seeking to repair the damage of the years of war had the statements of the Tanaim (sages from 70CE-220CE) committed to writing. He followed the tradition of Rabbi Meir who was a student of Rabbi Akiva most closely, to the point that it is known that an unnamed Mishnah is attributed to Rabbi Meir. Those Tannaitic statements that were not included in the Mishnah were either collected in what is called the Tosefta, or can be found throughout the Talmud as Braita, which means outside. The Midrashei Halakha were also written during this time period.

After the Tannaitic period, the situation in Palestine grew worse. Christian rulers persecuted the Jews and the economic situation declined. The Amoraim (Scholars who lived from 220CE-500CE) contributed to the Palestinian Talmud and the Babylonian Talmud, which sought to explain, clarify, and apply the Mishnah. The Palestinian Talmud is much shorter and more cryptic than the Babylonian Talmud because of the persecution that Jews suffered in Palestine. The Babylonian Talmud had a longer period in which to develop. Rav Ashi and Rabina were the Amoraim who redacted the Talmud. The Midashei Aggada were written during this period.

The writing of the Oral Law and the relationship of Jews in exile and Jews in Palestine changed the way Judaism developed and has repercussions even in our lives today.