BAVLI GITTIN 55B–56B: AN AGGADIC NARRATIVE IN ITS HALAKHIC CONTEXT

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This study presents a literary analysis of the aggadic narrative of Qamza and Bar Qamza, the siege of Jerusalem and R. Yohanan b. Zakkai’s escape (b. Git. 55b–56b). The Bavli redactors combined and revised several independent sources to fashion a sustained and coherent narrative. The story blames the destruction of Jerusalem on rabbinic meekness and inaction, on the rabbi’s failure to take bold measures in moral, social, and political realms. The second part of the study considers the redactional setting of the story, the fifth chapter of Tractate Gittin and specifically m. Git. 5:3. The chapter consists of a collection of rabbinic “amendments” (tiqqunim) and other enactments, rulings that adjust divine laws to further social and moral ends. In this halakhic context the story is an apology for such rabbinic legislative activity. Calamity results from rabbinic inaction and diffidence, while R. Yohanan b. Zakkai “saves a little” by risky action and compromise. The final section discusses the story in relation to an important intertext, t. Sabbath. 16:7, which blames the destruction of the temple on a seemingly minor point of legal indecisiveness. The story should be seen as a narrative explanation of this puzzling charge.

This study analyzes the aggadic narrative of Qamza and Bar Qamza, the siege of Jerusalem and R. Yohanan b. Zakkai’s escape, found in Bavli Gittin 55b–56b. The first section presents a close reading of the story with attention to literary and stylistic features. The second section discusses the story in its halakhic context, namely the Mishna with which it is juxtaposed and the content of the proximate chapters of Tractate Gittin. While many scholars have analyzed aspects of this story, they have focused primarily on historical issues or source-critical questions regarding the four versions that appear in different rabbinic documents.1 To date there is no compre-

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hensive literary analysis of the version found in Bavli Gitin, nor an
assessment of the story’s setting in that section of Talmud.2

A brief word on composition and structure is in order. The Bavli
narrative begins with the episode of Qamza and Bar Qamza and concludes with
R. Yohanan b. Zakkai’s escape from Jerusalem and encounter with Vespasian. Two semi-autonomous scenes come between these two main
episodes: an account of Nero’s approach and the tragedy of Martah. In
addition, two statements attributed to R. Yohanan and two attributed to Rav
Yosef or R. Akiba interrupt the otherwise anonymous voice of the
 narrator. I shall refer to the sections as follows:

Ia. R. Yohanan’s lemma; Prov 28:14
I. Qamza and Bar Qamza banquet scene
II. Bar Qamza, the blemished sacrifice, and R. Zecharia b. Avqulos
IIa. R. Yohanan’s comment on the meekness of R. Zecharia b.
Avqulos
III. Nero’s approach and conversion
IV. Vespasian’s siege; the rich men, the thugs, and the rabbis
V. Martah tragedy
VI. Abba Siqra and R. Yohanan b. Zakkai; the escape
VII. R. Yohanan b. Zakkai greets Vespasian as king; snake parable
VIIa. Comment of Rav Yosef / R. Akiba
VIII. The messenger; the shoes; Vespasian grants a request
VIIIa. Second comment of Rav Yosef / R. Akiba and response

The four main episodes (Qamza and Bar Qamza, Nero, Martah, R.
Yohanan b. Zakkai) probably were independent originally.3 The Bavli
storytellers wove the traditions together into a larger composition by creating

4 A sequential plot and adding connecting phrases.4 III connects to II with the
opening phrase “He sent Nero Caesar against them.” The indefinite “He”
refers back to the emperor mentioned in II who had “sent a fine calf” with
Bar Qamza. IV depends on the earlier scenes with the opening phrase “He
sent Vespasian Caesar against him,” which echoes the sending of Nero in
III and refers again to the emperor in II. After IV concludes with the
statement “there was famine,” V relates how Martah sought food to no
avail. (This connection derives from the flow of the plot, not from a
connecting phrase.) R. Yohanan b. Zakkai laments Martah’s death at the end of
V and then approaches Abba Siqra, the head of the thugs (baryone) in VI.
Moreover, the conflict between thugs and rabbis in VI continues the con-


4 S. Friedman, “La’aggada haḥkitoret betalmud Bavli,” in Saul Lieberman Memorial Volume, ed. S.
Friedman (New York: The Jewish Theological Seminary, 1993), pp. 119–163, meticulously documents the
extent to which the Bavli editors felt free to alter the “historical aggadot” they found in earlier sources. See
(Heb.) and J. Neusner, “Story and Tradition” on the need to analyze different versions independently.

5 So J. Fraenkel, “Bible Verses in Tales of the Sages” (see below nn. 29 and 35); N. G. Cohen, “The
Theological Stratum of the Martha b. Boetha Tradition: An Explication of the Text in Gitin 56a,” JHT
Language 12 (1990) 141–147, has noted that the editors constructed a highly-structured and unified story
from smaller units.

6 R. Yohanan’s statement (Ila) deviates from the chronological order by blaming the disasters on R.
Zecharia b. Avqulos before they are narrated. His comments, like those of Rav Yosef/R. Akiba, stand out-
side of the narrative flow. The anonymous narrator tells the events in order.
banquet (I). This causes the emperor to send the sacrifice as a test (II). Because the rabbis do not offer the sacrifice, the emperor sends Nero (III) and Vespasian (IV). In this respect, the story is somewhat unusual, as many rabbinic stories feature tight structures such as chiasms or triads. Yet the sequential ordering fits with one message of the story: that in the absence of decisive action events will snowball until calamity results. Another means of structure is the recurrence of certain motifs, especially food, servants, and feet, as will emerge in the analysis below.

The story appears in a mix of Hebrew and Aramaic, as do most Bavli stories. The narrator's voice is consistently Aramaic. The Amoramic comments and the dialogue of the characters appear in a mix of Hebrew and Aramaic.

I.

The exposition presents an account of personal conflict precipitated by an innocent mistake: an inept servant confuses his master's instructions and invites his enemy Bar Qumza instead of his friend, Qumza. Despite the hatred and violence, it is difficult to see how a private feud could culminate in the destruction of Jerusalem announced at the outset. Moreover, a touch of humor perhaps attends the names Qumza and Bar Qumza, reminiscent of Tweedledee and Tweedledum. Qumza is unattested as a name elsewhere in rabbinic literature, which suggests that this designation relates to the didactic purposes of the storyteller. That qumza means "locust" in Aramaic, rendering the two characters Locust and Son of Locust or Mr. Locust and Locust Junior, shades the playful tone with an intention of looming troubles. For locusts possess destructive potential, invading suddenly, swarming through fields, and leaving desolation for miles. Starvation and death, themes that emerge later in the narrative, typically follow the appearance of locusts. And when two locusts surface, more are sure to follow. Now the guests enjoy the food, drink, and gaiety of the banquet, but their state of plenty has been jeopardized by the advent of locusts.

When Bar Qumza directs his resentment not at his host but at the rabbis—"Since the rabbis were sitting there and did not protest, I will go and inform against them"—we begin to sense that the stakes are larger than they appeared at first glance (II). Yet this sudden reference to the rabbis comes out of nowhere; in the exposition the narrator gave no hint that the banquet included a rabbinic presence. We would have expected this information to have been provided at the start: "A certain man whose friend was named Qumza and whose enemy was named Bar Qumza held a banquet which the rabbis attended..." But the absence of the italicized words or some such reference is precisely the point. The rabbis might as well not have been present, since they took no action. For both the reader and for Bar Qumza the rabbis were non-existent. The rabbis, the spiritual and moral leaders of the community, should not have countenanced such behavior. Because they witnessed his public humiliation and did nothing, Bar Qumza mistakenly concludes that they approved and seeks revenge.

Bar Qumza's slander to the emperor tests the rabbis by putting them in a position similar to that of the banquet. There the rabbis had two options: either to protest the behavior of the host and insist that Bar Qumza be allowed to stay or to express their outrage at such behavior by departing along with Bar Qumza. They did neither. Presented with the blemished sacrifice, the rabbis again have two options: they can either offer the sacrifice, thereby appeasing the Romans and demonstrating their loyalty, or kill Bar Qumza, thereby eliminating the source of the problem. Again they do neither. First the rabbis fail in their role as social and moral exemplars, looking on as the host rejects Bar Qumza's offering. Then they fail in their role as community leaders, rejecting the emperor's offering as Bar Qumza looks on. This time, true, the choice is more difficult. At the banquet the

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7 See J. Fraenkel, "The Structure of Talmudic Legends," Folklore Research Center Studies 7 (1983) 45-97 (Heb.).
8 For the rules governing the use of Hebrew or Aramaic in Bavli stories, see E. Margaliot, "Ivir ve gerimim beildhad wosmidah," Leshem 27-28 (1963-64) 20-33.
10 M. Jastrow, A Dictionary of the Targumim, the Tanna'im and the Sanhaidim and the Midrashic Literature (New York: Jastrow Publishers, 1967), p. 1386. It is tempting to derive Qumza from the root *kum* meaning "to come, to approach, to draw near," with base meaning "to close the hand, to grasp, to scrape together," and also "to be sturdy, to be tightened," with base meaning "to put the hand to the head, to gather, to scrape together," and also "to be sturdy, to be tightened." However, stinger is not the issue; the host is not concerned about the expense of the meal, and finances. Instead, stinger is about the destruction of meaning that is a very trivial cause set in motion the train of events which led to the destruction of Jerusalem.* (Gitten London: Soncino Press, 1936), p. 354, n. 3). This explanation seems to derive from the sense of "stinger," "smallness."

11 Printed versions add to Bar Qumza's statement, "this means the rabbis approve." Most manuscripts lack the phrase.
12 Perhaps the choice of Aramaic idiom for "inform against," *okul bohu garqa*, is not accidental. The idiom derives from the roots for "eat" ("ki") and (perhaps) "bit" ("grq"). See M. Jastrow, Dictionary, p. 1425 and S. Buber's n. 23 to Midrash Eikha Rabbai, p. 71b. Bar Qumza could not eat at the banquet, so he decides to eat*bit* among the Romans. Cf. *Yevun Yaqov* (printed in *Era Yaqov*): "Since they prevented him from eating at that banquet he set himself on a wayward course to eat the king's food at the banquet of kings." (The sense of this idiom, *grq*, is disputed; some explain it as "piece" or "wink"; cf. Dan 3:8.)
choice involved the stress of confronting the host or the inconvenience of leaving without eating their fill—both unpleasant, to be sure, but not matters of life and death or sacrilege. Subsequently the rabbis must choose between committing murder and violating sacrificial law. And when they fail to take the necessary action a second time, we can be sure that the next choice will be even more difficult.

Yet it is not really the drastic nature of the action that prevents the rabbis from acting, but their fear that others might arrive at mistaken conclusions. R. Zecharia does not question whether murder is justified in this case, nor whether violation of the sacrificial law by offering a bleached animal may provoke divine wrath. The importance of maintaining peace with the ruling authorities (shelom hamalkhat) justifies these measures. Rather, he agonizes that others might not be aware of the reason why they sacrifice this particular bleached animal or murder this particular person, and thereby arrive at errant halakhic inferences. Surely this is a backward sort of thinking. And if people do say these things (which is by no means certain), how serious a problem results? While the rabbis realize what must be done, this excessive caution inhibits them from acting.

At this point a comment of R. Yohanan interrupts the narrative and declares that the ‘anvetanut, the “meekness,” of R. Zecharia ultimately caused the destruction of the temple and the accompanying disasters (IIa). The abrupt formal shift from unattributed Aramaic narrative to attributed Hebrew statement highlights the statement and alerts the audience to its significance. It has been noted that this comment does not do justice to the story, since it is oblivious of the complexity of events to follow and ignores the role of R. Yohanan b. Zakkai. R. Yohanan possibly commented on an earlier form of the story, perhaps on the Qamza and Bar Qamza sections (I and II) alone. Be that as it may, the lemma serves an important function in its present context. The pronouncement—part lament, part condemnation—signals that the crisis, the point of no return, has passed. The tension now shifts from what will happen to how it will happen. And the ultimate cause of meekness has been identified. As the narrative continues, the audience focuses on this trait as an interpretive key to the moral of the story.

The negative valorization placed on ‘anvetanut is striking. In rabbinic sources ‘anvetanut generally means humility, modesty, patience, or gentleness and is positively valorized. I have translated it here as “meekness” to capture something of the negative valence. Perhaps “wimpiness” would be more accurate, if the colloquialism can be tolerated. Whatever translation we adopt, the unexpected use of the term is significant. In the famous series of stories comparing the reactions of Hillel and Shammayi to prospective proselytes, the Talmud enjoinis “One should always be a gentle person (‘anvetan) like Hillel and not an impatient person (qapdani) like Shammayi” (b. Sabb. 30b–31a). Elsewhere the same R. Yohanan characterizes God as an ‘anvetan, prays that God’s attribute of ‘anvetan be manifest and extols R. Hanina for being an ‘anvetan. God, the angels, Moses, various biblical heroes, and numerous rabbis are regularly praised for their ‘anvetan.

In fact, I find no other example of ‘anvetan used in a negative sense in all of classical rabbinic literature.

In the context of the story, R. Yohanan indicted R. Zecharia’s meekness, difference, and cowardice when faced with a situation that calls for action. In the context of rabbinic values, R. Yohanan registers a protest against excessive ‘anvetan. Modesty and humility may be praiseworthy qualities

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13 See J. D. Sinzheim, Yad David (Jerusalem: Makhon Yehudahayim, 1976), ad loc., p. 126: “This matter is certainly perplexing. If one may violate a negative commandment (sacrificing a bleached animal) in the interests of maintaining peace with the authorities, then certainly because of this ‘should people say...’ which is merely a fear that others may make a mistake later, they should not have feared this danger at all.”

14 See J. D. Sinzheim, Yad David, in p. 126: “How could they not sacrifice it because of this concern? Certainly one would make a mistake about this in the future. Behold, it is explicitly written in the Torah that it is forbidden to sacrifice a bleached animal.”

15 See A. A. Hala, Sha’arei ha’aggada, p. 208, n. 28.

16 Rashbi offers savlanutu, "patience" or "tolerance," as a synonym: R. Zecharia "was patient with him [Bar Qamza] and did not kill him." This explanation is problematic, for it does not apply to the reluctance to offer the bleached sacrifice. See the parallel in t. Sabbath 16:7 below. L. Ginsburg, "Beitrae zur Lexikographie des Juedisch-Aramaischen, III," Essays and Studies in Memory of Linda R. Miller, ed. I. Davidson (New York: The Jewish Theological Seminary, 1938), p. 97, comments that R. Zecharia in t. Sabbath 30b:16 did not have the courage to take a stand on the disputed law. He translates ‘anvetan as "difference" and "lack of self-confidence." See also Ginsburg’s notes in Tosafot HaArakh Hashalem, ed. S. Krauss (New York: Alexander Kohut Memorial Foundation, 1937), p. 418, s.v. ‘aqalnu.


19 The exception being the parallels to R. Yohanan’s statement in t. Sabbath 16:7 and the other versions of the narrative. In Bereishit Rabbah 74:10, ed. J. Theodor and Ch. Albeck (reprint; Jerusalem: Wahrmann, 1965), pp. 886–887 and parallels, ‘anvetan and qapdani are used ironically, so the tradition positively valorizes the former. M. L. Lilienblum, "Harageth vehamehot ybe'inon hayishuv," Hazeman, ed. E. Goldin (Warsaw; Toshiya, 1989) found the use of ‘anvetan in our story so problematic that he comments, "In truth his intention was to say the qapdani (puritanism) of R. Zecharia, but he said ‘anvetan as a euphemism, since it is the opposite of qapdani." M. Simon, in the Soncino translation, employs ‘scrupulousness,’ presumably alluding to Zecharia’s anxiety at possible misinterpretations of law. But it is qapdani that means scrupulousness! See too D. Rokeah, "Zecharia ben Avkules—Humility or Zealotry," Zion 53 (1988) 53–56 (Heb.) and the rejoinders pp. 313–322.
within the confines of the rabbinitic academy or in theoretical discussions, but the world of realpolitik calls for decisive action. Diffidence and meekness will not work when choices must be made.20

The application of the verse R. Yohanan cites at the outset can now be appreciated: “Happy is the man who is fearful (mefahed) always, but he who hardens his heart falls into misfortune” (Prov 28:14). The first half of the verse celebrates the God-fearing and cautious man.21 The second half, however, conditions the promise of happiness with a significant reservation. Misfortune results when one “hardens his heart” and stubbornly refuses to act due to that fear.22 R. Zechariah and his colleagues were extremely cautious lest their actions be misconstrued and the law misunderstood. But they “hardened their heart” by failing to take the necessary steps to save the community from its plight. The same fear of God that instills a sense of meekness, taken too far, results in paralysis and misfortune, in the destruction of Jerusalem.

When the rabbis fail to sacrifice the offering, the emperor, like Bar Qamza, arrives at a mistaken conclusion. Where Bar Qamza mistakenly interpreted their inaction as a sign that they approved of the host’s behavior, the emperor now interprets the non-sacrifice as a sign of revolt and sends Nero to punish the rebels (III). Ironically, the rabbis fail to act because they fear that the community will misconstrue their conduct and misconstrue the law. The Romans then misinterpret their non-action and mistake their attitude toward Roman rule. Hoping to avoid a minor halakhic misunderstanding, the rabbis cause a major socio-political misunderstanding.

The brief account of Nero’s predicament and solution presents a stark contrast to the rabbis. Nero displays caution by soliciting an oracle that his imperial commission to attack Jerusalem meets divine approval. He displays extreme caution by not trusting the unambiguous sign that God wants him to take the city, the supernatural force that drives all the arrows toward

Jerusalem,23 and by seeking additional confirmation. The second oracle, ascertained through the common rabbinitic technique of asking a child to recite his study-verse, is ominous.24 Ezekiel prophecies that since Edom (= Rome) acted brutally toward Israel (Ezek 25:12), God will turn his blazing anger against Edom, and then Israel will “wreak vengeance” upon their former oppressors (25:14). The meaning could hardly be more obvious: Rome will pay for devastating Israel, and presumably the Roman general will bear the brunt of the retribution. Nero, to put it bluntly, realizes that he is being used. Doubly used, in fact, by both the emperor and God. But what can he do? To abandon the campaign invites an immediate death sentence from the emperor, while to continue means momentary victory followed by inexorable vengeance by God and Israel. Nero, like the rabbis, faces a difficult decision. Indeed, he is caught in far more dire straits, for both options spell doom. Amazingly, Nero, unlike the rabbis, finds a way out. He flees and converts to Judaism, thereby avoiding the clutches of the emperor, demonstrating his faith in the God of Israel and siding with the ultimate victors. The postscript informing that R. Meir descended from Nero makes it clear that the general’s action received divine approval. Like Ruth, from whom King David descended, Nero became the father of an illustrious family in Israel.25

This strange and blatantly non-historical account functions as an ironic foil with which to compare the behavior of the rabbis. When pressed to act by the emperor, they do not seek omens, nor inquire of children, nor turn to the text themselves. Nero—the Roman, the pagan, the gey—does. The rabbis choose to do nothing, since the two options they consider are imperfect. Nero, in a far grimmer situation, pursues a radical course of action. He displays the proper type of caution, the caution celebrated by Prov 28:14, without the hard-hearted refusal to take the appropriate measures. His caution apprises him of the gravity of the situation and the urgency to act. The rabbis’ caution, by contrast, paralyzes them with the fear of the

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20 R. Judah b. Qelonymos (d. 1217), Tefillat Tannaim ve’amorim in, ed. Y. Maimon (Jerusalem: Ray Kook, 1963), comments that R. Yohanan meant that the rabbis should have acted as did Rav Kahana in B. Qamza, 117a. There Rav Kahana “ripped out the throat” of a man who threatened to disobey the rabbis. This, I think, is the decisive sort of action R. Yohanan had in mind.


22 “Harden the heart” means to be stubborn or obstinate, as in Exod 7:3, “but I will harden Pharaoh’s heart.” Pharaoh obstinately refused to let the Israelites go despite the ominous plagues. Cf. Ezek 2:4; 3:7; Ps 95:8; Exod. Rab. 31:4. The host also hardened his heart by refusing to let Bar Qamza remain at the banquet.

23 Cf. Ezek 21:26–27: “For the king of Babylion has stood at the fork of the road, where two roads branch off, to perform divination: He has shaken arrows, consulted teraphim, and inspected the liver. In his right hand came up the uven against Jerusalem to set battering rams...” Cf. Midrash Tehillim, ed. S. Buber (Jerusalem: n.p., 1966 [Vilna, 1891]), 188a to Ps 79 and 166b to Ps 74, and Buber’s n. 5. And see S. Lieberman, Hellenism in Jewish Palestine (New York: Jewish Theological Seminary, 1962), p. 195, n. 20.


25 For a (speculative) assessment of the “historical kernel” behind the Nero tradition, see N. G. Coben, “Rabbi Meir, a Descendant of Anatolian Proselytes: New Light on his Name and the Historic Kernel of the Nero Legend in Gitin S6a.” JSJ 23 (1972) 51–59.
consequences of their actions and prevents them from acting. Nero's courage produces a rabbinic authority and the proliferation of Torah; rabbinic cowardice leads to the destruction of the temple.

Nor do the rabbis seem to have changed their policy during the three years that Vespasian besieges Jerusalem (IV). We are told that three rich citizens supply the residents with basic necessities but learn nothing about the rabbis. In the first scene they eat the food of the banquet, standing on the sidelines and oblivious to the conflict taking place. Here too they consume the food proffered by the rich and hide their time, ignoring the surrounding strife. When the rabbis finally decide that something should be done and suggest that the Jews sue for peace, the situation has become more complicated. Years of inaction produced a leadership vacuum, and a new group, the thugs (bar'yone), consolidated power. The rabbis again take no decisive action, neither attempting to eliminate the thugs nor finding a way to make peace. Whether these were feasible options or the rabbis were too "meek" to act, or whether the thugs had so much control that nothing could be done, is unclear. That the thugs apparently cannot force the community to fight the Romans suggests that the rabbis still had some clout. In any case, the rabbinic response is too little too late. Again, inaction produces a difficult situation where the rabbis' options are decidedly unpleasant and severely limited.

Stalemate may suit the rabbis, but not so the thugs. They take action, burning the stores of food in order to compel the people to fight. Like Nero, they take a daring and risky course. The resulting hunger may weaken the people and they may lose the war, but the thugs have the self-confidence to pursue the policy they believe best. Again we witness the opposite of 'anvetanu'. While the rabbis believe such actions are responsible for the destruction of the city, the storyteller blames the rabbis and their diffidence. Perhaps there is an ironic twist in the resemblance of the terms rabanan (rabbis) and bar'yone (thugs), a rare word in rabbinic literature.26 Rearranging the letters of rabanan almost yields bar'yone thus producing a type of wordplay.27 The rabanan and the bar'yone are two sides of the same coin. When the rabbis fail to act as rabbis, as leaders, the anti-rabbis take over. They pursue a course opposite to that of the rabbis and eventually destroy the city. But at a deeper level we know that the rabanan and their choices, not the bar'yone, are to blame.

The story of Martah (or Martha), like that of Nero, functions as an interlude between major turns in the plot (V).28 In the context of the larger narrative it portrays the severity of the famine and the urgency of the situation confronting R. Yohanan b. Zakki. Yet the episode simultaneously rehashes the themes of the story and provides a second illustration of its moral. As in the first scene, a notable sends a servant to carry out a simple task. The matter again concerns food, although in this case the servant seeks food for his master, not a guest to eat his master's food, and the account of starvation and abject death contrasts sharply with the banquet scene. Unable to comply exactly with Martah's wishes because the precise item she requested is unavailable, the servant repeatedly returns for further instructions, and in the meantime the food runs out. The servant's failure, like that of the rabbis, is the inability to act. Although he sees different kinds of bread and grain disappearing, he fails to purchase what remains, presumably because he fears deviating from his orders. He lacks the self-confidence to recognize the exigencies of the situation and the necessity to make a decision. R. Yohanan's initial proverb might equally well apply to him. "Fearful always" of not fulfilling his commission precisely, he does nothing, and misfortune ensues. This servant displays a type of 'anvetanu—the meekness preventing him from taking initiative. If in the first scene the servant confused his instructions and invited the wrong person, leading to an unpleasant situation, in this case the servant did nothing, leading to death. That non-action can be worse than wrong action is the moral of the story presented in microcosm.

These common themes—masters, servants, and food/starvation—give the narrative coherence and create the irony that underscores the moral. Bar Qamza ultimately offers to pay for the entire banquet if he can stay and eat, but the master refuses. Now the mistress offers all her wealth for

26 E. Urbach, The Sages: Their Concepts and Beliefs, trans. I. Abrahams (Jerusalem: Magnes, 1979), pp. 959-960, n. 400, notes that the etymology of bar'yone is unclear, and suggests it is a diminutive form of bar'a (creature) in a derogatory sense. If so, the anagram-like resemblance to rabanan perhaps played a factor in the choice of term here. M. Hengel, The Zealots, trans. D. Smith (Edinburgh: T. & T. Clark, 1989), pp. 53-56, provides a thorough discussion of the conflicting theories of the etymology. Most translators use "bandit" or "rebel" under the influence of the account in Josephus. In rabbinic literature, a bar'yone is basically a thief or rogue, and need not be a bandit by trade. Cf. b. Sanh. 37a and Rashi, s.v. bar'yone.


any morsel of food, but finds none. If Bar Qamza was involuntarily thrown out of a place full of bounty, now Martah voluntarily leaves a place of scarcity, her comfortable home, where she formerly entertained at similar banquets. The locust has lived up to his name, leaving no food in his wake.

The appearance of R. Yohanan b. Zakkai here is crucial. Within the Martah episode, he plays the minor role of interpreting Martah’s tragic downfall as fulfillment of Deut 28:56. However, the narrator could have done this just as easily; he, not R. Yohanan b. Zakkai, applies the subsequent verse to her (Ezek 7:19). The significance of R. Yohanan b. Zakkai’s appearance here can only be appreciated if it is considered in light of the following developments. Seeing Martah in this scene and understanding the meaning of her condition motivates him to act in the next. R. Yohanan b. Zakkai, like Nero(1), turns to scripture to understand the present. He realizes that the Deuteronomic prophecy is materializing. And he knows that the starvation and degradation will be followed by defeat and exile (Deut 28:36–37, 43–48). While the prophecy can no longer be averted, R. Yohanan b. Zakkai realizes that something must be done and therefore sends for his nephew, the leader of the thugs. Finally, a rabbi recognizes the urgency of the situation.

Bar Qamza’s revenge is complete when R. Yohanan b. Zakkai cannot leave the city because the thugs have placed guards at the gates in order to prevent the people from deserting their cause. While Bar Qamza pleaded to stay in a place of plenty but was forced to leave, the rabbis desire to leave a place of starvation but are forced to stay. Because the rabbis refused to abandon the banquet along with Bar Qamza, they are now compelled to remain among thugs and starvation. Yet in contrast to the rabbis who passively watched as the host humiliated Bar Qamza, R. Yohanan b. Zakkai sends for Abba Siqra and charges him with destroying the people. The name Abba Siqra, “Father Assassin”(29) or “Chief Assassin,” like Qamza and Bar Qamza, again reflects the literary and didactic character of the story. Ironically, despite the implications of his name, Abba Siqra is no chief, for he has lost control of his own followers. R. Yohanan b. Zakkai, however, encourages Abba Siqra to find some way to enable the rabbi to escape and thereby “save a little,” and together they pull off the plan. For the first time, a rabbi is pro-active and realistic. Of course the plan is extremely flawed. It gives up on the city, the temple, and most of the community, delivering only R. Yohanan b. Zakka and a few disciples. This is precisely the type of imperfect solution R. Zechara b. Avqalos and the rabbis rejected. We hear him objecting, “Should they say that a rabbi abandoned his people?" “Should they say that a rabbi collaborated with the chief thug?” But the choices have progressively narrowed, leaving fewer options and less pleasant decisions. Only by breaking the cycle of inaction and avnetanu will they be able to avoid total destruction.

We should note that R. Yohanan b. Zakkai still remains somewhat passive. Abba Siqra takes the initiative, both devising the plan and deceiving the sentries at the gates. But R. Yohanan b. Zakkai provided the initial impetus, summoning Abba Siqra and prodding him to act, so both deserve credit. That a rabbi and a baryon work together supports the suggestion that the rabanan and baryone are not completely distinct. Just as Nero took the initiative and abandoned his campaign, so Abba Siqra deserts his thug followers, and so too R. Yohanan b. Zakkai deserts the indigent mass of the rabbis, leaving the majority within the doomed city. These are the models of the story—courageous men deciding what has to be done and taking the necessary risks.

Abba Siqra’s responses to the sentries recall R. Zecharia’s objections. Twice R. Zecharia protests to the rabbis, “Should they say...,” (I) and twice Abba Siqra protests to the sentries, “Should they say...,” (2) The parallel form invites the audience to compare the episodes and indicates again that the authors created an integrated composition out of their sources. Once again misplaced anxiety about what others will say or think amounts to buffoonery. Because the sentries concern themselves with the reactions

29 These points are lost if the Martah story is not read as an integral part of the story. See, e.g., J. Fraenkel, “Biblical Verses Quoted in Tales of the Sages,” p. 54, characterizes Abba Siqra in negative terms; “Abba Siqra, the liar, is also underhand in the cunning advice he gives so as to get past his comrades’ orders.” But Abba Siqra is forthright with R. Yohanan b. Zakka; he directs the lying and cunning toward his associates so as to help the rabbi. Fraenkel notes that in the other versions R. Yohanan b. Zakka proposes the plan (n. 9). This deviation emphasizes that our version casts Abba Siqra in favorable light. The rabbi needed help, and Abba Siqra assisted him, even risking his life to get past the sentries. J. Neusner, Judaism and Story, p. 151, realizes this point and calls Abba Siqra the “hero.”

30 The sense of Abba Siqra’s protest is not altogether clear. He seems to argue that the Romans will learn that the thugs have defiled the corpse of a respected rabbi and consider them barbarians or take heart at the discord within the Jewish camp. See Rash. ad loc., s.v. yomru. It is possible that Abba Siqra cautions his sentries that the Jews will take offense at such outrageous behavior and abandon their cause.
of others, they fail at their task and permit the very sort of subterfuge they endeavor to prevent. Inaction, again, produces failure. Reading back, we should assess R. Zecharia and his colleagues in this light. Because they worried about what others would say and think, they failed at their charge to be community leaders and protectors.

R. Yohanan b. Zakkai leaves the city and, being no ’avetan, he proceeds directly to the Roman general and salutes him as king (VII). Now recognizing Vespasian’s authority, R. Yohanan b. Zakkai attempts to atone for the previous rabbinic neglect of the Roman sacrifices. In two other ways he exemplifies the opposite of R. Zecharia b. Avqilos and “the rabbis.” First, R. Yohanan b. Zakkai does not worry about what the current emperor, Vespasian, the Romans, or anyone else might say or think about his declaration, although he surely knew that he risked death. He acts on what he knows to be right, trusting that he will be able to cope with any ensuing problems. Second, R. Yohanan b. Zakkai understands the situation through his ability to interpret scripture. As he explains to Vespasian, the prophecies tell that the temple—“Lebanon,” by ancient Jewish convention, refers to the temple34—will fall to a “mighty one” and “mighty one” means a king. And he already knows from the prophecy fulfilled by Martili’s downfall that the temple is about to be destroyed and the people exiled.35 Therefore, Vespasian, the destroyer, must be a king. Unlike Zecharia and his colleagues, who never turned to scripture, never appreciated the situation and did nothing, R. Yohanan b. Zakkai interprets scripture to determine the historical moment.36

Despite this favorable contrast vis-à-vis “the rabbis,” R. Yohanan b. Zakkai is portrayed with great ambivalence. He has no answer to

34 Tg. Onq. translates “Lebanon” of Deut 3:25 as “the temple.” (Printed versions of the Talmud actually add this verse as a postscript that “Lebanon” refers to the temple, but the manuscripts lack it.) On the history of this tradition, see G. Vermes, “Lebanon: The Historical Development of an Exegetical Tradition,” in Scripture and Tradition in Judaism (Leiden: Brill, 1961), pp. 26–39.

35 J. Frankel, “Bible Verses Quoted in Tales of the Sages,” pp. 84–85 misses this point, since he starts his analysis with section VI. He is hard pressed to explain how R. Yohanan b. Zakkai knows this fact. Cf. Tosafos, b. Git. 56b, s.v. “’lou.

36 It is significant that the verse following (Isa 10:34, which R. Yohanan b. Zakkai interprets as predicting the destruction of the temple, commences a prophecy about the bird of the Messiah, the salvation of Israel and the punishment of the wicked (Isa 11:1). While Vespasian does not realize that R. Yohanan b. Zakkai predicts his downfall along with his victory, the rabbinic audience, which knew the scriptures by heart, undoubtedly appreciated this point. (Cf. y. Ber. 2:3, 5a, where the two verses are cited in tandem.) This prophecy reinforces Nero’s understanding of Ezek 25:14: that the Romans subsequently will be punished and Israel will triumph in the end. Taken together, the verses offer a subtle message of comfort to the audience.

37 Jerusalem (the jar) was encircled by a snake (the thugs), so the rabbis should have broken the jar (turned over the city or destroyed its walls) to remove the danger of the snake. At least the honey (the people), or some honey, could be recovered. On the decoding of the parable, see Maharsha, ad loc.: A. A. Halevi, Shavaret ha’aggada, p. 227.

38 My reading of this scene completely disagrees with that of Frankel, who comments, “With tragic irony the narrator shows us a third dimension for understanding the situation. Generations later, from the distance of the diaspora Rav Joseph knows that R. Yohanan is the wise one, but his sorrow over the destruction of Jerusalem and his yearning for its glory do not permit him to fathom the greatness of spirit which R. Yohanan’s silence expresses. The narrator gives us at length the simple answer suggested by Rav Joseph, thereby making it clear to us, who hear the story, that had R. Yohanan but wished, he could doubtless have given this reply” (“Biblical Verses Quoted in Tales of the Sages,” p. 85). I do not see at all how the silence expressed “greatness of spirit.” Frankel cites absolutely no evidence that silence is positively valorized. That the narrator implies that R. Yohanan could have given this “simple answer” (which is not so simple), is pure fantasy. His point is that R. Yohanan had no answer, and even failed to give the response Rav Yosef desired.
you are so wise, why did you not come to me before now?” You can interpret scripture to understand every situation, even my shoe problems, and yet you did nothing? Again R. Yohanan b. Zakkaï has no good answer and remains silent in the face of Vespasian’s criticism. This silence is all the more significant because it comes at a time when Vespasian is most vulnerable. This depiction pokes fun at Vespasian, the powerful emperor who cannot even dress himself without help, and brings him to the verge of humiliation. Yet Vespasian turns the tables and humiliates R. Yohanan b. Zakkaï with the reprise of his criticism.

This encounter also contains several motifs that appear in earlier scenes. The messenger, with his critical announcement, recalls the messengers/servants of the host at the banquet and of Martah. Vespasian putting on his shoes echoes Martah removing her shoes before leaving her home and meeting her death. R. Yohanan b. Zakkaï interpreted that event as the fulfillment of the Deuteronomic curse and resolved to act. Now he applies scripture to another matter of feet and thereby convinces Vespasian of his stature. He was persuaded of the necessity to “save a little” by understanding the implications of Martah’s barefoot death, and accomplished it by applying other scriptures to Vespasian’s difficulty with his feet. There is also a subtle reversal of the opening scene: Bar Qamza, through no fault of his own, came uninvited to the domain of his enemy and was humiliated. Here R. Yohanan b. Zakkaï, because of his and his colleagues’ faults, comes uninvited to the domain of his enemy and is humbled. The rabbis did nothing when Bar Qamza was humiliated, and now R. Yohanan b. Zakkaï receives similar treatment. These connections rehearse the didactic points of the story: failure to act causes hardships while interpreting scripture and acting brings benefit.

The final comment of Rav Yosef/R. Akiba brings the ambivalence toward R. Yohanan b. Zakkaï to a climax. R. Yohanan b. Zakkaï asked for the wrong thing! Here too the name “Yosef,” meaning “to increase” or “to add,” perhaps relates to the content: R. Yohanan b. Zakkaï should have asked for more. The narrator concludes by supplying an apology: R. Yohanan b. Zakkaï thought that if he asked for Jerusalem he would receive nothing, and not even “save a little.” Yet this conclusion leaves us wondering.

42 J. Fraenkel, Darkel ha’aggada, p. 243, appreciates the significance of this point. He insightfully compares R. Yohanan b. Zakkaï to King Hezekiah during the Assyrian siege of Jerusalem, 2 Kgs 19:1–36 = Isa 37:1–38. Hezekiah beseeches Isaiah to ask God for help, and Isaiah assures the king that God will act. Indeed, God kills 185,000 Assyrian soldiers in one night. R. Yohanan b. Zakkaï, on the other hand, “must decide by himself, based on his own insight, what will happen to the city and the temple, and how he should act vis-à-vis both the thugs and the Roman ruler.” This underscores, for Fraenkel, the disparity between the hero in biblical narratives and the hero in rabbinic stories.

43 In the version found in Lam./Rab. 1:5, R. Yohanan b. Zakkaï first requests that Vespasian spare Jerusalem and leave, but the general refuses. Clearly this version leaves no room for the second-guessing entertained in the Bavli. It probably developed in order to exonerate R. Yohanan b. Zakkaï from precisely this criticism.

39 Different terms are used, sham’ei, shelha, priskha, but the functions are similar. (The last word is actually of Persian derivation, although the messenger hails from Rome!)
40 It is unlikely Rav Yosef made two almost identical statements, twice citing the same verse. More likely the editor adapted one statement to two scenes.
41 See note 9.
pipeline. Moreover, even prophecies can be averted by repentance and meritorious action. While R. Yohanan b. Zakkai learned that Jerusalem would be destroyed, who is to say that there remained no way out? He judged that the best he could achieve was to “save a little,” but his judgment remains open to question. R. Yohanan b. Zakkai did his best, but not the best. These are the sad, perhaps tragic, facts of the human condition. But they are the facts, and to fail to realize them—to be an ‘anvetan, to fear excessively and harden the heart, not to act—leads to disaster.

Ultimately the narrative reflects on the problems of rabbinic leadership. Rabbis, as interpreters of scripture, are the most qualified to make important decisions. Rabbis, as human beings, are limited, finite, and sometimes make mistakes in applying their judgments to the enormous complexity of the real world. The best solution may involve compromising the ideal law of the Torah or accepting a measure of injustice. Rabbinic decisions, then, are often flawed. To opt out of positions of leadership, not to act, invites disaster. To function as leaders involves difficult decisions, risks errors in judgment, and often requires compromise. These are the inevitable tensions of rabbinic activity in the real world, and if they cannot be resolved, at least they must be recognized.

II.

At this point we may focus on the story’s context. The story appears in the portion of Talmud which comments on Mishna Gitin 5:6. This Mishna appears in a section of the tractate which deports from the main subject, the laws of divorce, and lists a variety of laws promulgated “for the sake of good order” (tiqqun) or “in the interests of peace” (darkei shalom). For example, m. Git. 5:3 rules that one who returns a lost object need not take an oath, “for the sake of the good order of the world” (tiqqun ‘olam), more literally, “amending the world.” Technically the finder should take an oath that he has not kept any part of the find and has not damaged it in any way. But if such an oath were required, people would be loath to return lost objects, since most people are reluctant to take oaths. The law therefore exempts them from oaths so as to preserve “the good order of the world” and encourage finders to return lost objects. Following the laws “for the sake of good order of the world,” m. Git. 5:5 lists laws directed toward the “good of penitents” and “the good order of the altar.”

Provisions for the sake of “the good order of the world,” “the good of penitents,” and “the good order of the altar” recognize the problems of applying general laws to specific circumstances. These provisions involve compromise and adjustment—tiqqun (amendment)—typically granting exemptions from general laws or adding conditions that limit their scope. The complexity of reality requires an adjustment to the law, even if strict justice is compromised.

The laws in the final two mishnayot of the chapter, m. Git. 5:8–9, list laws promulgated “in the interests of peace.” These provisions also involve the adjustment of general laws to specific circumstances. Like provisions “for the good order of the world,” the laws “in the interests of peace” amend general laws to prevent grave social problems.

Mishna 5:6, to which the narrative is linked, appears directly between these sections of Mishna:

[A] The [law of] siqarion was not applied in Judea to those slain in the war. After those slain in the war, [the law of] siqarion applied.

[B] How so? If one first bought [land] from the siqarion and then bought it from the owner, the sale is void.

[C] If one first bought it from the owner and then bought it from the siqarion, the sale is valid.

[D] That was the earlier Mishna. A later court said: If one bought from the siqarion, he gives one quarter to the owners.

[E] When does this apply? If the owners are not able to buy it themselves. But if they can afford it, they take precedence over others.

[F] Rabbi [Yehuda HaNasi] set up a court, and they decided that if the land had been in the possession of the siqarion for twelve months, whoever first buys it acquires title, but he gives the owner one quarter.

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44 See note 42.
45 The term “for the sake of good order” first appears in m. Git. 4:2, and then in m. Git. 4:3; 4:4; 4:5; 4:6; 4:7; 4:9; 5:3, and 5:5. m. Git. 5:8 and 5:9 list ten provisions “in the interests of peace.”
46 The explanation “for the sake of the good order of the world” does not appear explicitly in m. Git. 5:4. It appears in the related passages in t. Git. 3:7–3:8.
47 For example, the Tosefta passage which comments on this Mishna rules that a doctor authorized by the court to heal a sick person need not compensate the patient, even if he accidentally causes greater harm (t. Git. 3:8). The doctor is exempted from general laws of liability so as not to deter doctors from attempting to heal.
48 The Mishna introduces a parallel law here. If one bought land from the husband, and then from his wife, the sale is void. If one bought from the wife and then from the husband, it is valid. The explanation is similar to that of the siqarion. The wife may not really wish to sell, and agrees to the sale out of fear of her husband.
Commentators debate the exact meaning of *siqariqon* or “the law of *siqariqon*.” In this context *siqariqon* refers to Romans who “own” land in Judea, having received it from the Roman government after the revolt, or to Jewish collaborators who illegally wrested land away from others. From the standpoint of Jewish law, the *siqariqon* is a thief and his claim worthless. The true owner possessed the land before the Roman advent. Suppose the *siqariqon* now puts the land up for sale and a Jew wishes to buy it. While the Jew obviously must pay the *siqariqon*, he does not gain legal title by Jewish law until he compensates the original owner (who presumably cannot afford the land, or hopes to get it back without paying). The Mishna rules that if the buyer first pays the *siqariqon* and subsequently pays the true owner, the sale is not valid [B]. The concern is that the owner does not really wish to sell the land, or sell at that price, and only acquires because he fears that he will receive nothing at all. If, on the other hand, the buyer first compensates the true owner and subsequently pays off the *siqariqon*, then the owner sold without duress [C].

The rabbis subsequently changed this law [D–E]. They ruled that original owners have the first option to buy their land back. If they cannot, a Jew may buy the land directly from the *siqariqon* and pay one-fourth of its value to the true owner. Jewish law thereafter recognizes him as owner. Later R. Yehuda HaNasi and his court limited the original owner’s right to buy back his land to one year [F].

Why these changes? Apparently the initial ruling made it too expensive and cumbersome for Jews to buy land. They first had to compensate the original owner and then pay the *siqariqon*. Moreover, the owners could refuse, hoping eventually to regain their ancestral fields when they had the money or through legal channels. As a result, few sales took place and the land remained in Roman hands. Romans who had received the land as gifts or booty did not work the land, so few crops were raised and the food supply of the nation was reduced. The new law facilitated the purchase of land by no longer requiring the purchaser to pay full price to the original owner. The court convened by R. Yehuda HaNasi added a further incentive. The new provision assured that the original owner would not suddenly come up with the funds and exercise his option. In this way the land more speedily returned to Jewish ownership and to cultivation.

But was the new law just? It compels the original owners to sell against their wills and only grants them one-quarter of the value! Jewish law thus recognizes Roman appropriation of the land and “collaborates” in the injustice by legitimating the sale. And R. Yehuda HaNasi, leader and patriarch of the Jews, further slighted the rights of the true owners. How could the rabbis countenance—even encourage—such a perversion of justice?

Although neither the term “the good order of the world” nor “in the interests of peace” appears in this Mishna, these concepts provide the justification for the new law and undoubtedly explain why it appears in this chapter and tractate. Strict application of property law, as in the “earlier Mishna,” led to an untenable situation due to the prevailing circumstances. The standard laws of ownership had to be adjusted due to the particular circumstance of the time and a degree of injustice tolerated if the world was to remain in “good order.” Twice the rabbis amended the law (hitqinat) so as to preserve “the good order of the world” despite the compromise entailed.

Let us now consider the placement of the narrative in the section of Talmud connected to this Mishna and the effect of this juxtaposition. Several points of contact link the narrative to m. Git. 5:6 and the proximate *mishnayot*. First, the name of the chief thug, Abba Sigra, echoes the term *siqariqon*. Second, the rabbis consider offering the blemished animal “for the sake of maintaining peace with the ruling authority (II).” This idea resembles the principles that appear in this section of Mishna, especially “for

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50 See M. Hengel, Zealots, pp. 50–53 and the references there. Attempts to relate it to Greek and Latin legal terms have been unsuccessful.


52 The first clause of the Mishna implies that the law was not applied during the years of slaughter, b. Git. 55b and the commentators explain that Jews who sold during that time did so voluntarily, believing that they would never get their land back, and so the sales were considered valid. Only after the war was the *siqariqon* law applied. See however, y. Git. 5:6, 47b and S. Lieberman, TK, 8:842.

53 Thus t. Git. 3:10 justifies the law “for the sake of settlement of the land (yishuv hamedina).” The Palestinian Talmud states: “They decreed a persecution on the Jews... and took their fields and sold them to others, and the original owners would come and sue (to get their land back), so they stopped purchasing, and
the sake of the ways of peace." And the provision “for the good of the altar,” mentioned in m. Git. 5:3, is an example of compromising sacrificial law. Third, the Mishna deals with the repercussions of Roman confiscation of the land following the war, and the narrative recounts the reasons for the war.

Yet the relationship between the Mishna and the aggadic narrative is deeper and more complex. The larger section of Mishna contains numerous examples of rabbis adjusting and amending the law to further the good of society. By introducing these amendments or “corrections” (tiquqelim), the rabbis assert authority and exert power. They display the self-confidence to modify the law, to recognize that certain situations demand legal intervention and remedy. The Mishna testifies to rabbinic initiative, confidence, and action—the qualities diametrically opposed to those which the narrative blames for the disaster. Whereas the Mishna documents that the rabbis introduced provisions “for the sake of peace,” the narrative laments the rabbinic reluctance to bend the law “for the sake of peace with the ruling authorities.” The narrative is the Mishna’s mirror-image. It depicts the state of the world without this sort of rabbinic activity. And it is not a happy picture.

The mirror-imaging emerges most clearly by comparing the narrative to m. Git. 5:6. The Roman confiscation of the land places the rabbis in a difficult situation. Strict application of Jewish law results in disaster: the land remains in Roman hands and uncultivated. Adjusting the law violates individual property rights and recognizes the Roman land theft. Faced with this choice, the rabbis in the Mishna amend the law—not once, but twice. Likewise, the narrative portrays the rabbis in a predicament. There they do not adjust the law (although they think about it). The policy in the Mishna, the product of rabbinic leadership, (hopefully) results in Jews repurchasing and resettling the land. The policy in the narrative (or lack thereof) results in the destruction of the city and exile from the land.

The second half of the narrative, however, contains parallels to m. Git. 5:6. R. Yohanan b. Zakkai, the hero of the narrative, recognizes the sovereignty of the Roman emperor, just as the rabbis recognize Roman title to the land. R. Yohanan b. Zakkai charges Abba Sigaq that his followers kill the people with starvation, while the rabbis in the Mishna confront the devastation of the entire land due to the s q a r i q o n. R. Yohanan b. Zakkai manages to “save a little,” to preserve Yavneh and its institutions. Undoubtedly the rabbis in the Mishna believed they were “saving a little,” reclaiming whatever land they could. They learned the lesson of the narrative and followed in the footsteps of R. Yohanan b. Zakkai.

A final halakhic tradition may lend additional support to this reading. Zecharia b. Avqulos is mentioned in only one other source in rabbinic literature (aside from the parallels), Tosefta Shabbat 16:7:

[A] The House of Hillel rules that they lift up bones and shells from the table, and the House of Shammi rules that they pick up the whole table and shake it off.

[B] R. Zecharia b. Avqulos would not act in accordance with the House of Hillel nor in accordance with the House of Shammi, but would take [them] and throw [them] under the couch.


Bones and shells are considered muqṣa, items that may not be carried on the Sabbath. The House of Hillel nevertheless rules that they may be moved from the table after one has finished eating. The House of Shammi rules that they may not be touched, so one must pick up the table and shake them off.54 R. Zecharia could not decide which opinion was correct, so he threw the shells and bones under the couch before he finished eating. He refused to take a stand on the disputed law and tried to circumvent the issue by never setting the bones or shells on the table.

The narrative may have developed to illustrate R. Yose’s emphatic denunciation of R. Zecharia’s halakhic approach.55 This hostility is difficult to understand. How could a seemingly innocuous practice of throwing shells and bones under the couch lead to the destruction of the temple? The narrative fills the interpretive gap and explains how the behavior derives from an attitude that leads to disaster.56 R. Zecharia’s meekness and refusal

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54 See Lieberman, 7K, 3:268. There are other interpretations of the dispute.

55 Although the Tosefta in its entirety was not known to the Babylonian rabbis, they seem to have known this passage. The dispute between the Houses (section A) is found in b. Sabbath 21:3, and R. Zechariah’s policy (section B) appears in the discussion of the Mishna in b. Sabbath 43a (with a few textual variants). Section C, R. Yose’s condemnation of Zechariah’s meekness, does not appear in b. Sabbath 43a. But this statement appears explicitly in our narrative, although attributed to R. Yohanan. It is possible that b. Git. 56b attributes this statement to R. Yohanan because he interprets the opening verse (Prov 28:14). The editors (or earlier transcribers) may have passed down the Tosefta traditions in Yohanan’s name to create the impression that the entire story derives from him.

56 See S. Lieberman, 7K, p. 3:269: “The sense is that R. Zecharia b. Avqulos resisted deciding between the House of Shammmi and the House of Hillel, and did not want either to pick up the bones or to shake off
to make a decision in the Tosefta parallel his meekness and refusal to act in the Bavli. There we learn in great detail how this attitude produces catastrophe.

The halakhic dimension of R. Zechariah’s meekness leads us back to the halakhic boldness of his successors, the rabbis who made the various “amendments” in m. Git. 4:3–5:9 and the court of R. Yehuda HaNasi in m. Git. 5:6.59 It supports our reading of the Bavli narrative and the mishnaic halakha in terms of the same fundamental problem. Action is as risky and problematic in everyday ritual matters as in the larger socio-political realm, both of which are the responsibility of the rabbis. In both realms the rabbis interpret scripture to the best of their ability to understand the will of God. In both the rabbis may well make the wrong decision. Yet in both inaction is no answer.

Reading the narrative in the context of these chapters of Mishna in general, and m. Git. 5:6 in particular, is critical. That the context addresses the same themes as the narrative—the complexity of applying law to the real world, the necessity of adjusting the law, compromises due to social and political factors, the importance of legislative initiative—supports the literary analysis. These themes have not been “read into” the narrative but comprise the issues and concerns of this section of rabbinic literature. The versions of the narrative found in different contexts in other rabbinic documents reflect different concerns and admit different readings.60

In context, then, the aggadic narrative is an apologetic for specific types of rabbinic action, namely instituting provisions and amendments (tiqqunim). The apologetic is necessary because such provisions may compromise the rights of others or countenance injustice. Moreover, the very act of “amending” exposes the imperfection of the Torah, the divine law.61 How can the rabbis arrogate such power? As opposed to a legal or exegeti-

cal justification, the Bavli offers a narrative, illustrating the disasters that result from rabbinic inaction.62

Yet the story provides but a partial apologetic. The necessity to compromise the law develops as a result of the rabbinic failure to act as moral and spiritual leaders at the initial banquet. R. Yohanan b. Zakkai is criticized for his inability to answer Vespasian and his failure to save Jerusalem. The narrative expresses ambivalence toward the activity it seeks to justify, not a celebration of it. The tension of the perfect divine law and the necessity of rabbinic amendment remains unresolved. And if the rabbis recognize that the failure to act as leaders and to make provisions results in disaster, they also know that their tiqqunim may not turn out the way they expect. Deep down lurks the question: why must we engage in this risky, uncertain activity? Is there a better way out which we, like R. Yohanan b. Zakkai, do not see? There is no answer. By raising these issues, the narrative encourages meditation and thought and portrays to the rabbis the tensions inherent in their office.63

59 R. Yohanan b. Zakkai displayed this halakhic confidence too. The Mishna reports that the same R. Yohanan b. Zakkai who “saved a little” made a series of tiqqunot (“edicts” or “amendments,” related to the term tiqqun) “after the destruction of the temple” (m. Red Haf. 4:1–4). These tiqqunot changed various laws to cope with the unprecedented situation of the absence of a temple. Like the tiqqunim of m. Git. 4–5, tiqqunot involve the risky decision to modify divine law.


61 Both the Talmud and the medieval commentators are troubled that several of the provisions "uproot a law of the Torah." See b. Git. 33a concerning the provision in m. Git. 4:2 and Rashi, s.v. be’ilai. See Rash. b. Git. 55a, s.v. nimsa concerning m. Git. 5:5. Cf. Rashba, ad loc., s.v. ama, Ribta, ad loc., s.v. kedeti.


63 I am grateful to Lawrence Schiffman, David Greenstein, Christine Hayes, Aryeh Cohen, and Michael Sadow for their valuable comments on earlier drafts of this paper.