

Binyamin Lau

# THE SAGES

CHARACTER, CONTEXT & CREATIVITY

VOLUME II: FROM YAVNEH TO THE BAR KOKHBA REVOLT

TRANSLATED BY

Ilana Kurshan

Maggid Books

# Contents

*Author's Preface xi*

*Introduction xv*

*Foreword: A New Perspective on the Sages of Yavneh xix*

## **PART ONE:**

### **RABBI YOḤANAN BEN ZAKKAI AND HIS STUDENTS**

*Preface 3*

*Rabbi Yoḥanan ben Zakkai:*

*Jewish Life in the Wake of Destruction 9*

*The Students of Rabbi Yoḥanan ben Zakkai:*

*Torah in the Wake of Destruction 23*

*Parting from Rabbi Yoḥanan ben Zakkai and His Students 47*

*A Contemporary Perspective:*

*The Well and the Spring – Styles of Learning Then and Now 59*

## **PART TWO:**

### **YAVNEH – BETWEEN RABBAN GAMLIEL AND RABBI YEHOŠUA**

*Preface 73*

<i>The Halakha Is in Accordance with Beit Hillel</i>	77
<i>Rabbi Eliezer: The Heavens Will Prove that the Halakha Accords with Me</i>	87
<i>Rabbi Tarfon: From Beit Shammai to the Beit Midrash at Yavneh</i>	103
<i>The Authority of the Patriarch at Yavneh</i>	117
<i>Rabban Gamliel and Rabbi Yehoshua: So that Dispute Should Not Proliferate in Israel</i>	123
<i>Rabbi Elazar ben Azarya: Make Your Ear Like a Funnel</i>	141
<i>Parting from the Patriarch</i>	149
<i>Rabbi Dosa ben Harkinas: He Will Sit Alone and Be Silent</i>	153
<i>The Struggle against the Heretics</i>	167
<i>A Contemporary Perspective: Obedience to Authority and Creative License</i>	183

### **PART THREE:**

#### **THE GENERATION OF RABBI AKIVA**

<i>Preface</i>	189
<i>Rabbi Akiva's Early Years</i>	191
<i>Rabbi Yishmael: The Torah Speaks in Human Terms</i>	209
<i>Between Rabbi Akiva and Rabbi Yishmael</i>	217
<i>Rabbi Elazar HaModai: Faith and Trust</i>	229
<i>Rabbi Yose HaGlili: Collecting Traditions</i>	243
<i>Ben Azzai: Those Who Preach Well</i>	255
<i>A Contemporary Perspective: Torah and the Derekh Eretz that Comes First</i>	271

**PART FOUR:**  
**WINDS OF WAR AND VISIONS OF REDEMPTION**

*Preface* 279

*The Awakening of National Redemption in the  
Early Teachings of Rabbi Akiva* 281

*Rabbis and Bandits: The Social Revolt* 309

*The First Casualties: The Religious Rebellion* 323

*The Leadership of Bar Kokhba* 337

*The Days of Battle* 351

*The Fall of Beitar* 365

*A Contemporary Perspective: Religion and  
Nationalism – Strange Bedfellows?* 375

**PART FIVE:**  
**AFTER THE DESTRUCTION**

*Preface* 381

*Rabbi Ḥanina ben Teradion:  
The Parchment Is Burning but the Letters Soar Upward* 385

*Rabbi Yehuda ben Baba: A Hasid from Birth* 399

*The Death of the Students of Rabbi Akiva and  
the Mourning of the Omer* 409

*The Exile from Israel After the Bar Kokhba Revolt* 413

*A Contemporary Perspective: Does “Bar Kokhba’s Torah  
Still Ring True Although Beitar Did Fall?”* 427

*About the Author* 435

# Part One

## *Rabbi Yoḥanan ben Zakkai and His Students*

Rabbi Yoḥanan ben Zakkai	Rabban Gamliel and Rabbi Yehoshua	Rabbi Akiva and His Generation	In the Wake of Persecution
70–85	85–115	115–135	135–138
Rebirth after Destruction	In the Shadow of Rome	Oppression and the Bar Kokhba Revolt	The Hadrianic Decrees

## Chapter One

# Rabbi Yoḥanan ben Zakkai: Jewish Life in the Wake of Destruction

### RABBI YOḤANAN BEN ZAKKAI'S RULINGS IN YAVNEH

Rabbi Yoḥanan ben Zakkai received [Torah] from Hillel and Shammai. He used to say: If you have learned much Torah, take no special credit for it, because it was for this very purpose that you were created. (*Avot* 2:8)

At the end of the first volume of *The Sages*, we witnessed Rabbi Yoḥanan ben Zakkai in his *beit midrash* in Jerusalem as the city was destroyed from within. In this section we will accompany him as he establishes a *beit midrash* at Yavneh and sets the world of Judaism on a new foundation in the wake of the Temple's destruction. While the role of the Temple and the status of the priests who served in it had already been undermined by corruption at the end of the Second Temple period, the Temple nonetheless continued to be the focal point to which Jews directed their prayers. Without the Temple, Jewish life became destabilized and the

people lacked an axis of orientation. One of Rabbi Yoḥanan ben Zakkai's most important acts in saving the nation was the establishment of a series of new religious rulings aimed at addressing these concerns. A *baraita* describes nine such decrees attributed to him, and geonic literature speaks of ten.<sup>1</sup>

Rabbi Yoḥanan ben Zakkai is commonly depicted as trying simultaneously to forge two opposing paths. The first, which might be called “in memory of the Temple,” placed primary importance on the past by urging the people to recall the Temple at each significant moment in their personal and national lives. The second, which might be called “life without a Temple,” advocated moving forward with all aspects of religious life, despite the loss of Judaism's central place of worship.<sup>2</sup> According to this representation, Rabbi Yoḥanan ben Zakkai's efforts signify the creation of a new form of Jewish life in a world without a Temple.<sup>3</sup>

The following examples of Rabbi Yoḥanan ben Zakkai's rabbinic decrees offer a sense of what lay at the heart of his project.

#### SOUNDING THE SHOFAR ON SHABBAT

One of the best examples of a rabbinic ruling enacted by Rabbi Yoḥanan ben Zakkai in the wake of the Temple's destruction deals with the sounding of the shofar on Shabbat.

The sounding of the shofar is the only mitzva associated with the holiday of Rosh HaShana.<sup>4</sup> Originally, the shofar was linked to the Temple, where it was one of the musical instruments used in the worship service. On ordinary days the priests would blow trumpets, as the Mishna explains at the end of the tractate *Tamid*:

1. The *baraita* appears in *Rosh HaShana* 31b. The geonic tradition appears in a letter by Rav Sherira Gaon, ed. Levine (Jerusalem 5732), #83. Also see the Ritva's commentary on *Rosh HaShana* 29b, and the Ran's commentary on *Sukka* 41a. See also Y. Shetzpinski, “The Enactments of Rabbi Yoḥanan ben Zakkai” [Hebrew], *Or HaMizrach* 34 (5746): 23–35, 148–164.
2. This issue is discussed in greater depth by Rabbi Adin Steinsaltz, *Personalities in the Talmud* [Hebrew] (Tel Aviv: Broadcasted University, 2006): 21–26.
3. This is the main argument of S. Safrai, “New Inquiries into the Issue of the Status and Actions of Rabbi Yoḥanan ben Zakkai after the Destruction” [Hebrew], in *A Book in Memory of Gedalyahu Alon*, ed. S. Safrai (Tel Aviv 5730): 203–226.
4. See Maimonides, *Introduction to the Laws of Shofar, Sukka, and Lulav*.

Two priests would stand on the table of fats with two silver trumpets in their hands. They would blow a Tekia [long trumpet blast], then a Terua [short trumpet blast], and then a Tekia. Two came and stood beside Ben Arza, one to his right and one to his left. He bent down to offer the libation, and the deputy waved the flags, and Ben Arza struck the cymbal, and the Levites recited the song. When they reached a section, they blew a Tekia and the people prostrated themselves. For every section a Tekia, and for every Tekia a prostration. (Mishna, *Tamid* 7:3)

The trumpets, which were stored in the Temple, were also blown on holidays and in times of celebration and mourning. On Rosh HaShana, the priests would sound the shofar in addition to the trumpets:

The shofar of Rosh HaShana is of a wild goat, straight, and its mouthpiece is coated with gold, and there are two trumpets at its sides. The shofar sounds a long note and the trumpets a short note, for the mitzva of the day is with the shofar. (Mishna, *Rosh HaShana* 3:3)

The shofar blast was magnificent. It was the high point of the day's festive music, which was played only in the Temple, in fulfillment of the verse: "With trumpets and the sound of the shofar, make a joyful noise before the Lord, the King" (Psalms 98:6). The words "before the Lord" were interpreted to mean that only one physically present in the Temple enjoyed the opportunity to glorify and exalt the day of God's coronation with the sublime blast of this special golden shofar.<sup>5</sup> Congregations outside the Temple used an ordinary shofar. When Rosh HaShana fell on Shabbat, the shofar would be sounded only in Jerusalem, as we learn from the Mishna:

5. The Talmud describes how the *amora'im* wanted to blow trumpets but were forbidden to do so (see *Rosh HaShana* 27a). See also Rabbi Abraham Isaac Kook's article about the relationship between the shofar blowing that took place in the Temple and the accepted way of blowing shofar today, "The Shofar and the Trumpets" [Hebrew], *The Articles of Rabbi Abraham Isaac HaKohen Kook* (Jerusalem 5744): 146–147.



*Part One: Rabbi Yoḥanan ben Zakkai and His Students*

When the holy day of Rosh HaShana fell out on Shabbat, they would blow in the Temple, but not in the rest of the nation. (*Rosh HaShana* 4:1)

Maimonides explains that the “Temple” in this Mishna refers to all of Jerusalem. (Several commentaries likewise treat the essential differences between Jerusalem and other locations, but we will not discuss them here.)

The Mishna goes on to speak of Rabbi Yoḥanan ben Zakkai’s ruling after the destruction of the Temple:

Rabbi Yoḥanan ben Zakkai decreed that they would blow in every place that had a court. Rabbi Eliezer said: Rabbi Yoḥanan ben Zakkai instituted this decree for Yavneh alone. They replied: It is the same whether it is Yavneh or any other place in which there was a court. (*Rosh HaShana* 4:1)

The *baraita* in the Babylonian Talmud describes the process that led to this rabbinic decision:

Our sages taught: Once Rosh HaShana fell out on Shabbat, and all the surrounding towns gathered [in Yavneh to hear the blowing of the shofar]. Rabbi Yoḥanan ben Zakkai said to the sons of Beteira: Let us blow the shofar. They said: Let us first discuss the matter. He said to them: Let us blow and then discuss. After they had blown they said to him: Now let us discuss. He said to them: The horn has already been heard in Yavneh, and what has been done can no longer be discussed. (*Rosh HaShana* 29b)

The *baraita* describes a year, presumably not long after the destruction of the Temple and the transfer to Yavneh, when Rosh HaShana fell out on Shabbat. Without a Temple there was widespread confusion: Would it be permissible to sound the shofar? The Temple was considered not only a site of seasonal pilgrimage, but the enduring place that linked Israel to God. Even if the majority of the Jews had never personally been to the Temple to hear the shofar on a year when Rosh HaShana fell on

Shabbat, they knew that there was only one place in the world where the shofar was sounded on that day. Now, in the Temple's absence, the people wondered if there would be any shofar blasts at all. As the Talmud relates, they felt cut off from God: "From the day that the Temple was destroyed, an iron wall has separated Israel from their Heavenly Father" (*Berakhot* 32b).

Rabbi Yoḥanan ben Zakkai's goal was to alleviate this sense of loss, and thus that year, when Rosh HaShana fell on Shabbat, he instructed the people to sound the shofar in Yavneh. It was nothing short of a revolution, and the sons of Beteira challenged his authority: "They said to him: Let us discuss the matter!" The sons of Beteira were the ones who wielded the authority to dictate rabbinic decisions affecting the whole nation; it was they who had appointed Hillel as patriarch. A powerful family, they comprised the elite of the spiritual leadership.<sup>6</sup> Some claim that their high status in Jewish society was a result of their allegiance to Rome. They were already closely tied to the empire by the time Rome consolidated its power in Judea in the days of Hillel, so it makes sense that they came to Yavneh, a place protected by the authorities.<sup>7</sup> It seems that when the patriarchal line came to an end with the death of the first Rabban Shimon ben Gamliel, the sons of Beteira wished to involve themselves once again in seminal decisions. The fact that Rabbi Yoḥanan ben Zakkai had to resort to a ruse to establish the precedent of "what has been done can no longer be discussed" speaks to the tensions that surrounded his rabbinic enactments.

#### THE SACRIFICE OF CONVERTS

Even if the bird offering has ceased,  
Even if the Tabernacle in which He dwelt is empty,  
We need not be lost on that account,  
For we have the merits of an ancient patriarch.  
(from *Seliḥot* for the Days of Penitence)

6. See Alon, *The Jews in their Land in the Talmudic Age*, trans. Gershon Levi (Cambridge, Mass.: Harvard University Press, 1989), ch. 16.
7. E.E. Urbach, "The Jews in their Land in the Period of the Tannaim" [Hebrew], *Bekhinot* 4 (1953): 65.

## Part One: Rabbi Yoḥanan ben Zakkai and His Students

Another rabbinic ruling that sheds light on Rabbi Yoḥanan ben Zakkai's orientation pertains to converts. In spite of the destruction of the Temple (or perhaps because of it), there was a wave of conversions to Judaism at the end of the first century.<sup>8</sup> A *baraita* describes Rabbi Yoḥanan ben Zakkai's response to the situation:

A convert who converted nowadays must set aside a quarter shekel for his bird pair. Rabbi Shimon ben Elazar said: Rabbi Yoḥanan ben Zakkai already voted on this decree and annulled it, because of the obstacle it created. (*Rosh HaShana* 31b)

According to tannaitic literature, a convert has three responsibilities in order to become part of the Jewish people: circumcision, immersion in a *mikveh*, and the offering of a sacrifice (an animal for the affluent, and a brace of doves for those of modest means). Rabbi Yehuda HaNasi explains the reasoning behind this triple requirement:

Just as your forefathers were able to enter the covenant only through circumcision, ritual immersion, and the acceptance of blood on the altar, so too could they enter the covenant only through circumcision, ritual immersion, and the acceptance of blood on the altar. (*Keritot* 9a)

Rabbi Yehuda HaNasi's statement implies that having entered into the covenant in Egypt and at Sinai, all Jews are, in a sense, converts.<sup>9</sup> Thus, anyone who subsequently wishes to join the Jewish people must

8. L.H. Feldman, "Conversion and Syncretism" [Hebrew], in *The History of the Jewish People*, volume 10, ed. M. Stern (Tel Aviv 1983): 392–401; M. Samet, "Conversion in the First Centuries of the Common Era" [Hebrew], in *Jews and Judaism in the Second Temple Period: The Mishna and Talmud – Studies in Honor of S. Safrai*, ed. A. Oppenheimer (Jerusalem 1993): 316–343.
9. The covenant that God made with Israel at Sinai, described in Exodus 24, is known as the Covenant of the Basins (*Berit Ha-Aganot*). In the *Mekhilta deRabbi Yishmael*, the *tannaim* disagree about whether this covenant preceded the revelation at Sinai or immediately followed it. The Talmud (*Keritot* 9a) describes this covenant as a mass conversion of all of Israel.

undergo a similar process of conversion, as outlined by Rabbi Yehuda HaNasi. While it is not clear if the entire process was already in effect in Temple times, the sacrificial obligation was certainly enforced, as the Tosefta explicitly states:

The requirement of a bird offering for a convert applies only in the time of the Temple. In our days one must set it aside. Rabbi Shimon says: In our days one must not set it aside, on account of the obstacle. (Tosefta, *Shekalim* 3:22)

This passage illustrates the tannaitic debate about the status of the sacrificial requirement in the Temple's absence, a debate that is preserved elsewhere as well:

“And to the resident who dwells.” From this, Rabbi Eliezer said that a convert must bring the quarter shekel for a bird offering. Rabbi Yehoshua says: He does not need to bring it, because this will be an obstacle for him. (*Sifrei Zuta*, Lieberman edition, p. 283)

The obstacle that the rabbis describe is a practical one: Sacrifices could only be performed in the Temple, but the Temple was no longer standing. On account of this procedural problem, three sages rescinded the sacrificial obligation for conversion: Rabbi Shimon in the Tosefta, Rabbi Yehoshua in *Sifrei Zuta*, and Rabbi Yoḥanan ben Zakkai in the *baraita* in the Talmud. Each sought a way to continue converting Jews at a time when bringing an offering was no longer possible. It is this historical moment that the poet refers to in the hymn from the *Seliḥot* service:

Even if the bird offering has ceased,  
Even if the Tabernacle in which He dwelt is empty.

The motivation for Rabbi Yoḥanan ben Zakkai's rabbinic decree was very pragmatic. At a time when God's presence was no longer manifest, when there was no way to maintain the conversion process as it was practiced during the Temple period, the rabbis searched for alternatives to the sacrificial requirement. The *baraita* above teaches that

converts who joined the nation of Israel after the Temple's destruction would set aside a fourth of a Dinar coin, which was designated for a sacrifice "when the Temple would be rebuilt." Rabbi Yoḥanan ben Zakkai ostensibly worried that this ceremonial gesture would result in the misappropriation of sacred funds, and so he did away with it.<sup>10</sup> But this explanation is not entirely satisfying, since there were other instances in which money was set aside for holy purposes, and yet those cases were not called into question. For example, money for the *ma'aser sheni* tithe was set aside throughout the tannaitic and amoraic periods, and rabbinic literature attests to the custom of redeeming the fruit of *ma'aser sheni* at full price and saving the funds until the Temple would be rebuilt.<sup>11</sup> There is further evidence that during this period there were special jugs in which *ma'aser sheni* money was stored.<sup>12</sup> Nowhere, however, do we hear of Rabbi Yoḥanan ben Zakkai or other sages objecting to this practice lest it present "an obstacle." Why, then, was the convert's long-term deposit of funds for a sacrifice considered more problematic than that of a Jew who tithed his fruit and redeemed the tithe with cash designated for "when the Temple would be rebuilt"?

It seems that Rabbi Yoḥanan ben Zakkai's real fears concerned a different obstacle: not the accidental misappropriation of funds, but rather the "iron wall" that separated God from His people. The destruction of the Temple and the end of sacrificial offerings threatened to make conversion henceforth impossible. Rabbi Yoḥanan ben Zakkai sought to overcome this obstacle by forfeiting the requirement to donate a fourth of a Dinar.<sup>13</sup> He thus paved a way for newcomers to join the Jewish world even without Temple offerings. This act is reminiscent of his

10. This seems to be the Jerusalem Talmud's understanding (see *Shekalim* 8:4 [51b]). The *rishonim* and *aḥaronim*, too, wrote that it would be impossible for a person to keep money in his home for years on end without eventually using it for non-sacred purposes.

11. Several sources attest to this custom: Mishna *Ma'aser Sheni* 2:7, 4:4; Tosefta *Ma'aser Sheni* 3 and the corresponding passage in the Jerusalem Talmud.

12. These jugs were known as *Ir Pirkin*. See S. Lieberman, "Ir Pirkin" [Hebrew], *Studies in the Torah of the Land of Israel* (Jerusalem 5751): 417–418.

13. S. Safrai (note 3 above), p. 209–211.

words to his student Rabbi Yehoshua when they left Jerusalem, quoted at the beginning of this section:

My son, do not worry – we have another form of atonement. What is it? Acts of loving kindness. As it is written: “For I desire acts of loving kindness and not sacrifice.” (*Avot deRabbi Natan*, recension A, chapter 4)

### THE PRIESTLY BLESSING, BAREFOOT

Our rabbis taught: The priests are not permitted to ascend the platform in sandals to bless the people, and this is one of nine enactments instituted by Rabbi Yoḥanan ben Zakkai. (*Rosh HaShana* 31b)

Prayer existed outside of the Temple even when the Temple was still standing, as much scholarly literature attests.<sup>14</sup> However, there was a clear distinction between prayer in the Temple and prayer in the rest of the land. In the Temple prayer was combined with sacrificial worship. As we learn from sources on the priestly benediction, the priests would raise their hands when blessing the nation, a practice that originated in the sacrifice that Aaron brought during the dedication of the Tabernacle: “Aaron lifted his hands toward the people, and blessed them, and came down from offering the sin offering, and the burnt offering, and the peace offerings” (Leviticus 9:22). The priestly benediction took place both in the Temple and outside of it, but there were several differences, as the Mishna describes:

The priestly benediction – how was it done? In the provinces [anywhere outside the Temple], they would say three blessings, and in the Temple they would say one; in the Temple they would say God’s name as it is written, and in the provinces they would

14. S. Safrai, *The End of the Second Temple Period and the Time of the Mishna* [Hebrew] (Jerusalem 5741). See, especially, chapter 5: “The Synagogue,” and the bibliography therein.

say God's name as it was spoken;<sup>15</sup> in the provinces the priests would raise their hands to the height of their shoulders, and in the Temple they would lift them above their heads – except for the high priest, who would not raise his hands above the *tzitz* [the golden headplate]. Rabbi Yehuda says: Even the high priest would lift his hands above the *tzitz*, as it is written: “Aaron lifted up his hands toward the people, and blessed them” [Leviticus 9:22]. (Mishna, *Sota* 7:6)

The Mishna makes no mention of one other difference between the priestly benediction in the Temple and in the provinces that Rabbi Yoḥanan ben Zakkai rescinded: In the Temple, the priests would bless the people while barefoot; in the provinces, they wore their sandals while blessing the people.

The priests were barefoot when they performed all parts of the regular Temple service; they never entered the sanctuary in sandals. Rabbi Yoḥanan ben Zakkai instituted a decree stating that following the Temple's destruction, the priestly benediction would be performed barefoot, even in the provinces. This decree was enacted not to remind the people of the Temple<sup>16</sup> – for the priestly benediction was said even in the provinces before the destruction – but rather to elevate the status of the synagogue, so that it would more closely resemble the Temple. If this is indeed the case, then this ruling may be counted among those that allowed for the preservation of a full religious life even without the Temple.

#### **THE ENTIRE DAY OF WAVING IS PROHIBITED**

After the Omer is offered, the new crop becomes permitted immediately. Those who are distant [from Jerusalem], are allowed [to

15. In the Temple, too, it was customary that only the high priest would say God's name as it was written, while the other priests would say it as it is pronounced, as we learn from Rabbi Tarfon's testimony. Rabbi Tarfon remembered hearing the high priest bless the people using God's name. (*Kohelet Raba* 3:11)

16. This runs counter to the position of G. Alon (note 6 above), ch. 5.

eat the new crop] from midday onwards. After the destruction of the Temple, Rabbi Yoḥanan ben Zakkai instituted that [the new crop] be prohibited for the entire day of waving. (Mishna, *Menaḥot* 10:5)

Rabbi Yoḥanan ben Zakkai's enactment concerning the new crop is also related to the loss of the Temple. The Torah forbids the eating of fresh grain until the Omer sacrifice is brought (on the sixteenth of the month of Nisan):

And you shall eat neither bread, nor parched corn, nor green ears, until that very day, until you have brought an offering to your God: it shall be a statute forever throughout your generations in all your dwellings. (Leviticus 23:14)

The Mishna states that in the time of the Temple, the Omer offering would render the new grain permissible. Anyone who was far from the Temple would wait until the middle of the day to eat the new grain, because it could be assumed that by then the priests would have already offered the Omer sacrifice.

The Talmud tries to understand the nature of Rabbi Yoḥanan ben Zakkai's decree:

What is the reason? May the Temple be speedily rebuilt, and the people will then say: Last year, did we not eat when sun rose in the east? Now, too, let us eat [at sunrise]. And they will not realize that last year, since there was no Omer offering, it was sunrise that rendered the grain permissible; but now when there is an Omer offering [because the Temple has been rebuilt], it is the offering [and not sunrise] that permits the new grain. (*Menaḥot* 68b)

That is to say, if the eating of new grain were not prohibited throughout the entire day of the sixteenth of Nisan, then the people would forget the original rule and fail to observe it when the Temple was rebuilt. And so Rabbi Yoḥanan ben Zakkai's decree serves to preserve the memory of the Temple. Unlike the edicts we have seen thus far, this decree



exemplifies the second of Rabbi Yoḥanan ben Zakkai's two approaches. While the other decrees were intended to lay the basis for Jewish life without a Temple, this decree reinforces the memory of the Temple in the people's consciousness.

The Talmud elaborates on this decree and its intent:

When do we suppose [according to Rabbi Yoḥanan's decree] that the Temple will be rebuilt? If you should say his concern is for when it would be rebuilt on the sixteenth of the month, then sunrise in the east would have already rendered the eating of the grain permissible [because when the sun rose, there was still no Temple]. And if his concern is for when it will be rebuilt on the fifteenth of Nisan, then let the new grain be permitted from midday onwards, because even in the time of the Temple, it was permissible from this point onwards. As the rabbis taught: Those who are distant [from Jerusalem] are permitted to eat the new grain from midday on, because the court does not delay this offering. Rather, his concern must be for when it will be rebuilt just before sundown on the fifteenth of the month, or else on the night of the sixteenth. (*Rosh HaShana* 30a)

The Talmud's reasoning seems forced.<sup>17</sup> In the Jerusalem Talmud and in other sources from the land of Israel, we do not find any such explanation for Rabbi Yoḥanan ben Zakkai's decree. It would be much simpler to claim that he wanted to transform a prohibition that was bound up with the Omer sacrifice in the Temple into a commandment that was dependent only on the calendar. If this is the case, then this decree is consistent with his broader aim of strengthening Jewish life and affixing the religious calendar in the absence of the Temple.<sup>18</sup>

17. See also Rashi and Tosafot, who must rely on the notion that the Third Temple will not be built by human hands, but will descend intact from heaven.

18. This notion is further developed in the literature of the *tannaim*, who expanded the commandment about the eating of new grain so that it applied both in the land of Israel and beyond its borders. This development could take place only when this commandment was disconnected from the Omer. See my own work on this subject:

**SUMMARY: THE PURPOSE OF RABBI  
YOḤANAN BEN ZAKKAI'S DECREES**

The picture that emerges from Rabbi Yoḥanan's decrees is that of a leader who refashioned the character of Judaism in the wake of the destruction. It would be impossible to imagine Jewish life today without his bold legislative enactments, which preserved the memory of the Temple while allowing Judaism to persevere in its absence. Controversy about his political views continues to reverberate in our own day, but it in no way detracts from the greatness of this leader, who navigated Jewish life at a crucial moment in our people's history.

B. Lau, "New Grain Outside of Israel: Ways in Which the Commentators Dealt with Gaps between Law and Reality" [Hebrew], Master's thesis, Bar-Ilan University, 5756.