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The Consolation of Rabban Yohanan ben Zakkai

DE TROOST VAN RABBAN YOHANAN BEN ZAKKAI

Volgens een bekend verhaal zou Rabban Yohanan ben Zakkai (ca. 30-90 n.C.), bij het zien van de verwoeste Tempel, hebben verklaard dat goede werken de door God gewilde vervanging zijn van verzoenende Tempeloffers. Deze nieuwe visie, gebaseerd op Hosea 6:6, liet echter geen sporen na in vroeg-Rabbijnse discussies over verzoening. Bovendien bleven oudere, apocalyptische noties van goede werken als voorsprekers aan een hemels gerechtshof een rol spelen. Waarschijnlijk leidde Ben Zakkai's theologie van verzoening door goede werken lange tijd een marginaal bestaan. Pas toen de Rabbijnen een dominante positie hadden verworven kon deze opvatting worden geïnterpreteerd als het Rabbijnse antwoord op de val van de Tempel.

*For Pieter W. van der Horst, on the occasion of his 65th Birthday*¹

*Or is the discord not in truth,
Since truth is self consistent ever?
But, close in fleshly wrappings held,
The blinded mind of man can never
Discern - so faint her taper shines -
The subtle chain that all combines?*

Boëthius, *Consolatio Philosophiae*, Song III (transl. H.R. James)

In the course of its history, Judaism has always reframed itself by interpreting Biblical texts. Thus continuity and change can be observed within the flow of an ongoing revelation, rooted in the text of the Hebrew Bible. During great historical turmoil, this hermeneutical process acquired a special urgency. A prime example of this is the destruction of the Second Temple in the year 70 CE, which engendered an acute religious crisis because of the loss of the

¹ This article is based on a lecture given at the Symposium on the Occasion of the 100th Birthday of W.C. van Unnik (Utrecht, December 2010). W.C. van Unnik was the teacher and mentor of P.W. van der Horst. I would like to express my gratitude to the anonymous referents of NTT for some helpful comments.

sacrificial cult.² To gain more insight into the complexities of the transformative process in this period, this study analyses a theological teaching attributed to Rabban Yohanan ben Zakkai, which is presented as part of a consolation story. As we will see below, the teaching rests on an interpretation of Hosea 6:6 and refers to the atoning power of good deeds as a substitute for sacrifices. Did this teaching constitute a dramatic change in Judaism after 70? To assess its innovative character, we analyse the literary context and trace the concept of good deeds as atonement in Second Temple sources and the first generations of Rabbinic Judaism.³ But first, we discuss the hero of the narrative.

Rabban Yohanan ben Zakkai

According to Rabbinic tradition, Rabban Yohanan ben Zakkai issued legal decrees on calendar and liturgical issues to reorganise Judaism after the demise of the Temple cult.⁴ His historical biography is slim, but Rabbinic tradition pictures him as one of the students of Hillel.⁵ He was the last of the Pharisees and his students are the first ordained Rabbis. Thus, he is portrayed as a key figure in the transformation of Judaism after 70; one who, in hindsight, propelled Rabbinic Judaism as a form of Judaism able to cope with the loss of sacrificial worship by investing practices such as daily prayer, study, or the observance of commandments with new meaning.⁶

2 A sense of acute crisis is still present in the first and early second-century apocalyptic writings 4 Ezra and 2 Baruch; M.E. Stone, 'Reactions to Destructions of the Second Temple', *Journal for the Study of Judaism* 12/2 (1982) 195-204.

3 We have limited our investigation to Tannaitic sources, documents edited in the third century and containing traditions from teachers operating before the editing of the Mishna (beginning of the 3rd century CE.).

4 Four are listed in m.Rosh Hashana 4:1-4; a *baraita* in b.Rosh Hashana 31b mentions nine. The view of Ben Zakkai as a reformer of Judaism has been established since H. Graetz, *Geschichte der Juden. Von den ältesten Zeiten bis auf die Gegenwart. Band 4: Vom Untergang des Jüdischen Staates bis zum Abschluss des Talmuds* (Darmstadt: Wissenschaftliche Buchgesellschaft 1998; repr. Leipzig 1908), 11-19. Graetz's picture draws heavily on the Rabbinic accounts of Ben Zakkai's decision to move to Yavneh and restructure Judaism on the basis of Torah study and the performance of the commandments. Gedalyahu Alon showed how Ben Zakkai's ensuing policies after 70 met with considerable resistance from the circles around the Patriarch (Rabban Gamliel) and some priestly circles: Alon, 'Rabban Yohanan ben Zakkai's Removal to Jabneh' and 'The Patriarchate of Rabban Yohanan ben Zakkai', in: *Jews, Judaism and the Classical World. Studies in Jewish History in the Times of the Second Temple and Talmud. Translated from the Hebrew by Israel Abrahams* (Jerusalem 1977) 269-343; 314-333. A. Tropper, 'Yohanan ben Zakkai, *Amicus Caesaris*: A Jewish Hero in Rabbinic Eyes', *Jewish Studies Internet Journal* 4 (2005) 134-142 notes the ambiguous Rabbinic validation of Ben Zakkai's political stance.

5 Avot deRabbi Nathan a 14 (ed. Schechter, p. 29a). See, however, the discussion of this tradition in E. Ottenheijm, *Disputen omwille van de Hemel* (Amsterdam 2004) 59-63.

6 Graetz, *Geschichte der Juden*, 14: 'Diese freie Ansicht über den Wert des Opfers liess ihn klar erkennen, dass es vor allem nötig sei, einen neuen Mittelpunkt anstatt des Tempels hinzustellen.'

However, it is questionable whether the transition from a Temple-based religion to Rabbinic Judaism came about in a fortnight, as the result of the dramatic decisions of one teacher. Scholars have recently argued that Rabbinic Judaism became religiously dominant only in the third or fourth century CE.⁷ Secondly, apocalyptic reactions to the fall of the Temple, which looked for a divine response, still dominated Palestinian (and Diaspora) Judaism at the end of the first and towards the beginning of the second century CE.⁸ Thirdly, some scholars view Yavneh traditions as constructions of fourth-century generations of Rabbis. The Rabbis created a Rabbinic counter-narrative to Christian foundational narratives to establish continuity with Biblical times.⁹ Finally, Rabbinic narratives use Biblical models to construct Yohanan ben Zakkai as a new Jeremiah, guiding a remnant of Israel through the crisis of the destruction.¹⁰ These observations raise the question whether the consolation of Ben Zakkai reflects a religious reform in the aftermath of 70 or should rather be seen as a narrative that legitimises a religious identity post factum.¹¹

The Consolation of Rabban Yohanan ben Zakkai

The consolation of Ben Zakkai is found in the two versions of tractate *Avot deRabbi Nathan* (ARN), a commentary on the Mishnaic tractate *Avot*.¹² Although the time of editing of ARN a and b has not been established satisfactorily yet, scholars assume an earlier editing of version b (third century CE) and a post-Talmudic editing of version a (seventh century CE).¹³ The two

7 Rabbis were a tiny elite network of teachers, C. Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine*, Tübingen: Mohr Siebeck, 1997; they became dominant only from the third century CE, S.R. Schwartz, *Imperialism and Jewish Society: 200 B.C.E. to 640 C.E.*, Princeton 2001; D. Boyarin (*Border Lines: The Partition of Judaeo-Christianity*, Philadelphia 2004) even argues for the fourth century. P. Klaiber, 'Immer wieder Yavne: Die Legende von der Flucht Rabban Yohanan ben Zakkais', *Freiburger Judaistische Beiträge* 34 (2007/8) 29-52, argues for a historical reading of the Yohanan narratives from the point of view of these later Rabbinic editors.

8 J.J. Collins, *The Apocalyptic Imagination: An Introduction to Jewish Apocalyptic Literature. Second Edition*, Grand Rapids/Cambridge 1998, 194-232.

9 Boyarin, *Border Lines*, 46-49 and 151-201.

10 Tropper, 'Amicus Caesari', 146-147 pointing to Jer. 7:3-15, 21-23. This may be a valid observation to detect the Rabbinic biography of Ben Zakkai but leaves unexplained the midrash on Hos. 6:6.

11 The second option is argued for in A.J. Saldarini, *Scholastic Rabbinism: A Literary Study of the Fathers According to Rabbi Nathan*, Chico 1984.

12 *Avot*, usually translated as '(Sayings of the) Fathers', probably refers to 'categories' or 'essentials', as m.Shabbat 7:2; M.B. Lerner, 'The Tractate Avot', in S. Safrai (red.), *The Literature of the Sages. First Part: Oral Torah, Halakha, Mishna, Tosefta, Talmud, External Tractates*, Assen/Minneapolis 1987, 263-264.

13 M. Lerner, 'The External Tractates', in Safrai, *Literature of the Sages*, 376-378. Compare G. Stemberger, *Einleitung in Talmud und Midrasch*, München 1992, 224-226. We have used S. Schechter,

versions do not differ much in the core of the narrative. Version (a) provides us with the following story:

It once happened that Rabban Yohanan ben Zakkai went out from Jerusalem¹⁴ and R. Joshua was walking behind him. And he saw the Temple ruined, [R. Joshua said: Woe to us because this House is destroyed,] ¹⁵ the place where they effected atonement for the trespasses of Israel. He¹⁶ said: My son, do not fear for there is a means of atonement like it (כמותה), and what is it? Acts of loving-kindness (גמילות חסדים), as it is said: ‘For I desire mercy, and not burnt offering’ (Hos. 6:6a). (Avot deRabbi Nathan version a 4; ed. Schechter 11a; ed. Becker 68-69, own translation)

The form of this narrative follows a fixed literary pattern that we shall call Rabbinic consolation stories. R. Akiva consoles his colleagues who lament the ruins of the Temple in a similar way, by pointing out that this situation will be reversed in the future.¹⁷ Rabbinic consolation stories involve Biblical hermeneutics and follow a similar narrative pattern:

- A. - Rabbis see the remains of the Temple;
- B. – There follows a lament of its loss and the fate of the present generation;
- C. - A Rabbi presents a hermeneutical narrative.

Aboth deRabbi Nathan. Edited from Manuscripts with Notes, an Introduction and Appendices (Vienna 1906/New York/Jerusalem 1997: *References to parallels in the two versions and to the addenda in the Schechter edition and Prolegomenon by Menachem Kister*, as well as the new, critical edition of H.J. Becker, *Avot de-Rabbi Natan. Synoptische Edition beider Versionen*, Tübingen 2006.

14 ms.New York Rab. 25 reads ‘was walking in Jerusalem’.

15 The exclamation of R. Yohanan is present in ms.New York Rab. 25 and ms.Oxford Opp. 247, but missing in the five other manuscripts and the editio princeps Venedig. All three mss of version b also feature the dialogue and additionally call it ‘house of our life’ or ‘house of our teaching’.

16 ms.New York Rab. 25 adds ‘Rabban Yohanan ben Zakkai’.

17 ‘Therefore am I merry; for it is written: “And I will take to Me faithful witnesses to record, Uriah the priest and Zechariah the Son of Jeberechiah.” Now what connection has this Uriah the priest with Zechariah? Uriah lived during the times of the first Temple, while Zechariah lived during the second Temple; but Holy-Writ linked the prophecy of Zechariah with the prophecy of Uriah. In the prophecy of Uriah it is written: “Therefore shall Zion for your sake be ploughed as a field etc.” In Zechariah it is written: “Thus saith the Lord of Hosts, There shall yet old men and old women sit in the broad places of Jerusalem.” So long as Uriah’s prophecy had not had its fulfilment, I had misgivings lest Zechariah’s prophecy might not be fulfilled; now that Uriah’s prophecy has been fulfilled, it is quite certain that Zechariah’s prophecy also is to find its literal fulfilment.’ (b.Makkoth 24b, Soncino translation) Akiva’s consolation proceeds on the grounds of Is. 8:2, Micah 3:12 and Zechariah 8:4 to buttress divine providence and project future restoration.

These stories reflect an inner-circle dialogue, the result of an elite's struggle with a religious trauma. Biblical hermeneutics are the core business of Rabbinic culture. With the use of hermeneutical tools, the Rabbis compensate for the loss of the sacrificial cult either by pointing to alternative practices or by projecting a future restoration of the Temple. In both cases, they provide a neat theodicy for the questions raised by the loss of the Temple. Not without reason, these consolation stories are based on a reading of prophetic texts. In Ben Zakkai's hermeneutical move, the compensation is based on the first part of Hosea 6:6: 'For I desire חסד (mercy), and not burnt offering; and the knowledge of God more than sacrifices.'¹⁸

Acts of Loving-Kindness

According to Ben Zakkai, the word חסד can be understood as referring to גמילות חסדים, translated here as 'acts of loving-kindness'.¹⁹ These refer to benevolent actions in intra-human relations. Examples of such acts are raising orphans, conciliating litigating parties, burying the dead or escorting the bride. Acts of loving-kindness exceed formal distinctions and social or economic boundaries:

Charity (צדקה) is carried out to the living and acts of loving-kindness to the living and the dead; charity is carried out to the poor but acts of loving-kindness are carried out towards the poor and the rich; charity is concerned with money but acts of loving-kindness are concerned with money and with the body. (t.Peah 4:19)

The precise contents are, however, nowhere defined. In some traditions, even cultic practices such as prayer appear to be included. This is particularly the case in version (a), where the text continues as follows:

For thus we see with Daniel the man of gifts that he engaged in acts of loving-kindness. And what were the acts of loving-kindness that Daniel engaged in? If you say that he brought offerings and sacrifices in Babel, and has it not been said 'Take heed to yourself that you don't offer your burnt offerings in every place that you see; but in the place which the Lord shall choose in one of your tribes, there you shall offer your burnt offerings, and there you shall do all that I

¹⁸ Given the presence of this verse in the Gospel of Matthew (9:13; 12:7; compare also 23:23) and its allegedly critical stance towards sacrifices, it is feasible that this hermeneutics indeed existed in the first century CE. See further discussion below.

¹⁹ גמילות is a noun formed with the feminine abstract suffix form, of the verb גמל, 'to repay, to recompense'; M. Pérez Fernández, *An Introductory Grammar of Rabbinic Hebrew*. Transl. By John Elwolde, Leiden 1999, 34, 59.

command you.’ (Deut. 12:13-14). But what were these acts of loving-kindness that Daniel engaged in? He prepared the bride and rejoiced her and escorted the dead and gave a coin to a poor and prayed three times every day and his prayers were received willingly. (Avot deRabbi Nathan version a 4; ed. Schechter 11a; ed. Becker 68-71)

The possibility that the acts of loving-kindness refer to sacrifices is raised and rejected here in the section beginning with the rhetorical ‘If you say’. The rejection is not based on terminological restraints but on the Biblical premonition not to offer sacrifices outside Jerusalem. Significantly, prayer is mentioned as well. Goldin therefore notices that גמילות חסדים is very close here to the Roman concept of *pietas*, which also includes the idea of both actions towards the gods and benevolent behaviour towards man.²⁰ In this respect the term clearly overlaps with the concept of מעשים טובים, ‘good works’.²¹ Its Greek equivalents in early Jewish sources denote both cultic and ethical practices.²² Thus, when Yohanan ben Zakkai compares sacrifice with acts of loving-kindness, he attributes atoning efficacy to Torah practices (such as prayer, and ethics) that are not sacrificial.²³

What sets these acts of loving-kindness apart is their supererogatory and non-formal character.²⁴ Compared to formal commandments, they are less regulated by halakha. Moreover, there is no fixed upper limit for these practices, as the Mishna (m.Peah 1:1) teaches. Moreover, this supererogatory quality

20 In Mishnaic Hebrew, דסק also connotes loyalty or devotion, thus J. Goldin, ‘The Three Pillars of Simeon the Righteous’, *Proceedings of the American Academy for Jewish Research* 27 (1958) 45. Goldin concludes: ‘We have here, therefore, a distinct recollection of a time when גמילות חסדים still included an act of worship, an act like prayer’ (46). This meaning may be present as well in t.Sanhedrin 13:11.

21 A conflation of both terms can be detected in Mekhilta deR. Ishmael, Amalek 5 (ed. Lauterbach, p. 182).

22 The concept of ‘good works’ originated in a Greek Jewish milieu in the third/second century BCE before it entered the Rabbinic world, see my ‘The Phrase ‘Good Works’ in Early Judaism: A Universal Code for the Jewish Law?’, in: A. de Jong, M. Misset, A. Houtman (red.), *Empsychoi Logoi: Religious Innovations in Antiquity. Studies in Honour of Pieter Willem van der Horst*, Leiden/Boston, 2008, 485-506. Already the Letter of Aristeas (second century BCE) labels ethical practice and cultic commandments with the term ‘good works’ or ‘doing good’. For the Rabbinic texts, see *Exkurs* 23 ‘Die altjüdische Liebeswerke’ of H. Strack, P. Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrasch*, München 1928, 559-610. Impressive as this *Exkurs* is, it shares in many of the methodological defaults and theological biases that govern Strack-Billerbeck’s commentary.

23 The excursus about Daniel, who supposedly lived in a Diaspora situation, may indicate a concern of the editor as well: how to fulfil Judaism outside the Land of Israel?

24 This was noticed sharply by W.C. van Unnik, ‘The Teaching of Good Works in 1 Peter’, in: *Sparsa Collecta: The Collected Essays of W.C. van Unnik*, Leiden 1983, 86-90. What is untenable, however, is his threefold typology of a Greco-Roman type of good works (actions that aim at the welfare of the state and of its citizens), a Jewish type (predominantly social and concerned with the vulnerable members of society) and a Christian type (sharing both features but operating from a theological motivation as anchored in the works of Christ).

implies going beyond the boundaries of self-interest. This meaning is present in a halakhic ruling (m.Baba Batra 9:4) that classifies donations without any financial self-interest as גמילות חסדים. The case is based on two brothers, whose father is still alive and who share property that will eventually be divided among them as inheritance. They may not use this common property for personal benefits such as loans. They may, however, use it merely for donations -for example when one of them sends his fellow jars of wine or jars of oil. These gifts do not count as loans or as payments but as גמילות חסדים, charitable deeds.²⁵ The special status of these acts also becomes apparent in the theology that qualifies them as substitutive of sacrifices, as we will discuss below.

A Conceptual Shift?

This substitutive character of acts of loving-kindness is not only manifest in the narrative itself, where it explicitly equates sacrifices with good acts (כמותה). The consolation narrative also functions as a commentary on the dictum of Simon the Just:

On three things the world rests: on Torah, on עבודה (Temple service) and on גמילות חסדים (acts of Loving Kindness). (Avot 1:2)

According to this interpretation, the second of the three pillars of Simon the Just עבודה, 'service', which refers to the sacrificial Temple service, was now taken over by Torah study and גמילות חסדים.²⁶ Jacob Neusner's biographical study of Yohanan ben Zakkai sees this conceptual shift taking place during Ben Zakkai's lifetime.²⁷ In his later study on Yohanan Ben Zakkai, Neusner leaves this biographical approach and suggests that the *midrash* on Hosea 6:6a could have originated in the circles of R. Joshua.²⁸ R. Joshua is the prime pupil of Ben Zakkai and well known for his response to those who mourned

²⁵ Thus the commentary of Ch. Albeck, *Shisha Sidrei Mishna*, Jerusalem 1959, 149, a.l. A similar halakhic meaning of the term as denoting selfless behaviour occurs in a halakha concerning the permitted use of a second tithe as גמילות חסדים, t.Pe'a 4:16 and t.Shevi'it 7:9.

²⁶ On the debate whether Simon is the high priest mentioned by Josephus (*Ant.* XII, 224) and living around 300 BCE or the high priest mentioned in Ben Sira chapter 50 and living around 200 BCE: J.C. VanderKam, 'Simon the Just: Simon I or Simon II', in: D.P. Wright e.a. (red.), *Pomegranates and Golden Bells: Studies in Biblical, Jewish, Near Eastern Ritual, Law and Literature in Honor of Jacob Milgrom*, Winona Lake 1995, 303-318; A. Ory, 'Shim'on ha-Saddiq in his Historical Contexts', *Journal for Jewish Studies* 58/2 (2007) 236-249.

²⁷ J. Neusner, *A Life of Rabban Yohanan ben Zakai. ca 1-80 C.E.*, Leiden 1962, 142-146.

²⁸ J. Neusner, *Development of a Legend: Studies on the Traditions concerning Yohanan ben Zakkai*, Leiden 1970, 113-114. But see the opposite position of E.E. Urbach, *The Sages: Their Concepts and Beliefs*, Jerusalem 1975, 667.

excessively for the loss of the sacrificial cult. Urbach suggests that the teaching of Ben Zakkai served to mitigate expectations of an imminent rebuilding of the Temple in the time of R. Joshua, the pupil of Ben Zakkai.²⁹ These scholars locate the shift in the early Tannaitic era, i.e. the two generations in Yavneh (70-135 CE).³⁰

In New Testament scholarship, this historical reading has gained a firm footing.³¹ W.D. Davies proposed to read the gospel of Matthew as a reaction to the Rabbinic reform movement of Yavneh. Even if this theory has not convinced scholars, the similarity between Yohanan Ben Zakkai's teaching on Hosea 6:6a and Matthew's twofold quotation of the same verse is striking and strongly suggests a parallel religious reform.³²

Any historical reading should, however, take notice of two problems. First, the editing of our main source took place two or more centuries later. This indicates some historical distance between the edition of the narrative and the alleged historical event. To assess the historical value of this tradition, one should read it from the point of view of the editorial concerns that govern our narrative.³³ Second, one should look at the reception of Ben Zakkai's teaching in the Tannaitic generations. Did the early Rabbis share his view on the atoning quality of good works?

Tradition and Redaction

Hosea 6:6 is quoted two times in versions a and b. This verse governs both the discussion on the first pillar of Simon the Just, the study of the Torah, and on the third pillar, acts of loving-kindness. Hosea 6:6 mentions *חסד* (love) and *דעת אלוהים* (knowledge of the Lord) and is thus applied to legitimise the two pillars of Rabbinic praxis. Moreover, Ben Zakkai does not have to explain *חסד* as referring to good works, as this meaning is presumed. Here, a traditional

29 Urbach, *The Sages*, 434, 667.

30 Saldarini, *Scholastic Rabbinism*, 46.

31 W.D. Davies, *The Setting of the Sermon on the Mount*, Cambridge 1964, 306: 'Moreover, the tragic circumstances of the period following upon the fall of Jerusalem demanded a new emphasis on piety, that is, on *gemillut chassadim*. Thus Yohanan b. Zakkai faced a situation which called for a re-interpretation of traditional positions, including that of Simeon the Just. (...) In this passage *chesed* has replaced *avoda* in the sense of Temple service.'

32 Note the reception of our narrative in U. Luz, *Das Evangelium nach Matthäus: Evangelisch-Katholischer Kommentar zum Neuen Testament I/1 Mt 1-7, 4^e durchgesehene Auflage*, Neukirchen 1997, 72: 'Wie Mt so hat auch Yohanan – hierin unpharisäisch (sic!) – entschlossen Barmherzigkeit und Wohltätigkeit vor Opfer und Reinheitsgebote (sic!) gesetzt. Wenn die Überlieferung wichtig ist war für beide Hos. 6:6 (...) eine Zentralstelle.'

33 D. Boyarin, *Dying for God: Martyrdom and the Making of Christianity and Talmud*, Stanford 1999, 119. Compare Klaiber, 'Immer wieder Yavne', 50.

understanding of this word is operative and our text appears as the conclusion of a semantic shift reaching back to the third century BCE. The Septuagint already translates the חסד, which in some Biblical places connotes kindness, *bienveillance*, with ἔλεος, ‘pity’.³⁴ Thus, the target of our *midrash* is not to provide חסד with a new meaning as denoting acts of loving-kindness but to place these acts on a par with sacrifices. Acts of loving-kindness and study of Torah are two adequate forms of worship now that the Temple no longer stands. This substitutive agenda is even more explicit in version (b):

He said to him: do not fear for we have a means of atonement in its stead (תהתייה כפרה אחרת). He said to him: what is it? He said to him: ‘For I desire mercy rather than sacrifice’ (Hos. 6:6). (Avot deRabbi Nathan version b 8; ed. Schechter 11b; ed. Becker 332-333)

The strategy of substitution becomes apparent in the legal reasoning provided immediately before the consolation narrative:

What has been said: ‘For I desire mercy, and not burnt offering; and the knowledge of God more than sacrifices’ (Hos. 6:6); one compares (הקיש) what is light to what is light and what is weighty to what is weighty, and it turns out that the words of Torah are weightier than the weighty burnt offerings (עולות); and the acts of loving-kindness, that they are lighter than the light sacrifices of communion (זבחים). (Avot deRabbi Nathan version b 8; ed. Schechter 11b; ed. Becker 332-333)

The statement focuses on the differentiation between heavy and light commandments and applies this to major and minor sacrifices. The Rabbinic reading of Hosea 6:6 qualifies Torah study as a replacement for burnt offerings, a weighty category, and acts of loving-kindness as replacement for sacrifices like dough offerings, a light category. The logic that Torah is weightier than burnt offerings, and acts of loving-kindness lighter than communion offerings, operates with the notion that both weightier and lighter indicate a higher priority in the legal system. This twist is presumed in the logic of analogy (הקיש).³⁵ This logic of analogy presumes a mirror reading within the categories of weighty and of light: ‘comparing what is light to what is light and what is heavy to what is heavy’. Thus, within the category of weighty, the weightier is more important, but within the category of light, the

34 J. Joosten, ‘חסד “bienveillance” et ἔλεος “pitié”. Réflexions sur une équivalence lexicale dans la Septante’ in: E. Bons (red.), ‘Car c’est l’amour qui me plaît, non le sacrifice..’: *Recherches sur Osée 6:6 et son interprétation juive et chrétienne*, Leiden 2004, 37-38, 40. Compare Neusner, *A Life*, 142-143.

35 Stemberger, *Einleitung*, 28.

lighter is more important.³⁶ The conclusion of the legal comparison is that both Torah study and acts of loving-kindness supersede the quality of sacrifices. This legal reasoning presumes that Ben Zakkai reads the connective וְלֹא in Hosea 6:6 as 'rather than' instead of 'and not', stressing divine priorities. To conclude, the editorial introduction and the anonymous *midrash* of Hosea 6:6b, which underscores the value of Torah study paves the way along which the consolation narrative of Ben Zakkai proceeds.

Temple and Fertility

Remarkably, *Avot deRabbi Nathan* does not display a critical stance towards the Temple cult. Its attitude is rather the opposite, as becomes clear where the narrative deeply deplores the loss of the Temple by describing the consequent loss of fertility:

All the time that the Temple service existed, the world was blessed over its inhabitants and rains fell down in their proper time (...). And in the time the Temple service does not exist, the world is not blessed over its inhabitants and the rains do not fall in their proper times (...) (*Avot deRabbi Nathan* version a 4; ed. Schechter, 10a/b; ed. Becker 66-67)

When it comes to fertility, the absence of the Temple cannot be substituted for by any other means that would be as effective as the sacrificial system. Remedies to deal with agricultural issues, provided by Torah teachers, serve only as an intermediate solution. The Temple remains the prime cosmic generator of fertility and life, and its efficacy cannot be equalled by other religious merits. It is only in the dimension of atonement that alternatives are provided by the Torah.

Tannaitic Teachings on Good Works

This leads us to the second question, whether this proposed alternative for sacrificial atonement was perceived as a religious change among the teachers following Rabban Yohanan ben Zakkai in the generations of Yavne and Usha. It is striking to note that the issue of atonement without sacrifices presented itself as a vexing problem for teachers in these generations. However, their discussions do not refer to Ben Zakkai's teaching.³⁷ A tradition involving Tannaitic teachers from the Yavneh and Usha up to the Sephoris generations

³⁶ Lighter commandments sometimes acquire greater meaning. For example, the legal logic in Sifré Deut. 176-177 (ed. Finkelstein, p. 226) presents the love commandments of Lev. 19:18b as a 'light' commandment but prioritises it since its transgression may lead to actual murder, a 'heavy' commandment!

³⁷ The systems of atonement in m.Yoma 8:8-9 include sacrifices (!) but lack any reference to acts of mercy.

(R. Ishmael, R. Jehuda and Rabbi), discusses four means of atonement as a recompense for the absence of the sacrificial system. These include repentance, tribulations, death and the Day of Atonement. This system must have developed after 70, since no reference to the Temple is made.³⁸ Not one of the activities associated with גמילות חסדים is put forward.³⁹ This is all the more perplexing since this atoning quality of good acts was well known as such, among Tannaitic teachers, albeit as a mitigating power and without any reference to Hosea 6:6. A teacher depicts acts of loving-kindness and charity as intercessory forces in the heavenly court:

R. Eleazar beR. Yose⁴⁰ said: From where do we know that charity and of acts loving-kindness (effectuate) great peace (שלום גדול) and (are) a great intercessor (ופרקליט גדול) between Israel and their Father in Heaven? As it is said: “For so says the Lord: do not enter a house of mourning” (Jer. 16:5). ‘Love’: these are acts loving-kindness. ‘Mercy’: this is charity. This teaches that charity and acts of loving-kindness effectuate great peace between Israel and their Father in Heaven. (t.Pe'a 4:21 according to ms.Vienna; ed. Lieberman p. 61; b.Baba Batra 10a)⁴¹

The atoning quality of acts of loving-kindness is legitimated here with an appeal to Jeremiah 16:5, but the *midrash* is difficult to understand. The words ‘do not enter a house of mourning or go to lament or bemoan them, for I have taken away my peace from this people, says the Lord, my love and mercy’ seem to be understood by means of an artificial reversal of their literal meaning. While the verse seems to indicate that God has forsaken His people, the *midrash* reads the removal of peace, love and mercy as the consequence of human neglect to visit mourners or give charity. In that case, God will take away His peace from them. Hence, if people practice these things, God grants peace. However, there is no mention of an atoning power comparable to sacrifices.

Angelic Advocacy

The teaching of R. Eleazar combines two notions present already in Second Temple Judaism: the atoning powers of good works as such and the personalised depiction of these acts as active agents in a heavenly court. The

38 Mekhilta dR. Ishmael Bahodesh 7 (ed. Horowitz/Rabin, p. 228)/t.Joma 4:6; Urbach, *The Sages*, 431-433.

39 Urbach, *The Sages*, 432.

40 A Tannaitic teacher from the early-mid second century CE, Stemberger, *Einleitung* 87.

41 According to one Yalqut manuscript, it was R. Meir; see S. Lieberman, *Tosephta Kiphshuta*, New York 2001, 191. The rest of the verse of Jeremiah reads: ‘or go to lament or bemoan them. For I have taken away my peace from this people, says the Lord, my love and mercy’. The *midrash* deviates from the suggestion in this verse that people should not feign pious behaviour any more.

court setting is evident in the peculiar Hebrew word used in Eleazar's exposition: פִּרְקָלִיט. This is a loanword from the Greek παράκλητος, legal assistant, advocate, 'called to one's aid in a court of law'.⁴² Its meaning here appears to be in line with its usage in Second Temple sources.⁴³ Greek Jewish sources refer to this term to qualify human actions, faculties or cultic symbols as active agents in a court. Philo of Alexandria explains the twelve stones of the High Priest as symbolising the cosmos, since it is the cosmos that must be invoked to receive remission of sins of the Israelites.⁴⁴ In his explanation of the Mosaic laws on theft, Philo notes how a man's conscience acts as his παράκλητος in receiving forgiveness of his sins, even before he brings the appropriate sacrifices.⁴⁵

Some sources perceive the impact of good works in terms of angelic agency. In the second-century BCE book of Tobith, the performance of good works is linked with the archangel Raphael mediating these actions before a heavenly court:

And so, when you and your daughter-in-law Sarah prayed, I brought a reminder of your prayer before the Holy One; and when you buried the dead, I was likewise present with you. When you did not hesitate to rise and leave your dinner in order to go and lay out the dead, your good deed was not hidden from me, but I was with you. (Tobith 12:11-13, SRV)⁴⁶

In the Testament of the Twelve Patriarchs angels react to human behaviour as well:⁴⁷

If ye work that which is good, my children, both man *and angels* shall bless you, and God shall be glorified among the gentiles through you. (T.Naftali 8:4)

Accordingly, demonic forces react to bad actions as well (T.Naftali 8:6) and this reflects a world view where human acts resound in the heavenly sphere. Qumran Scrolls know of a cosmic relation between human acts and angelic behaviour, even if the exact nature of its causality remains unclear. According

42 H.G. Liddell, R. Scott, *A Greek English Lexicon 9th Edition*, Oxford 1961, 1313. In Christian sources it refers to the Holy Spirit, John 14: 15, 26.

43 According to the Tannaitic teacher R. Eliezer ben Ya'akov, whoever fulfils a commandment acquires himself a פִּרְקָלִיט, a lawyer (m.Avot 4:11/Semachot 1:5). The medieval commentator Rabbenoe Gershom notes that a פִּרְקָלִיט speaks in court on behalf of the defence (b.Baba Batra 10a).

44 *De Vita Mosis* II, 134.

45 *Specialibus Legibus* I, 237; compare *De Praemiis et Poenis* 166; *De Iosefo* 239.

46 Compare J.A. Fitzmeyer, *Tobit*, Berlin 2003, 294.

47 On the relation between the Jewish text and Christian interpolations, J.J. Collins, 'Testaments', in: Stone, *Jewish Writings*, 342-343. Compare the critical stance in H.W. Hollander, M. de Jonge, *The Testaments of the Twelve Patriarchs. A Commentary*, Leiden 1985.

to the Community Rule, man's actions are rooted in and express a cosmic reality of competing forces, i.e. the realm of angels and the realm of Belial:

The Angel of darkness leads all the children of righteousness astray, and until his end, all their sin, iniquities, wickedness, and all their unlawful deeds are caused by his dominion in accordance with the mysteries of God. (1QS 6:21-23).

Good acts show the reign of good angels, bad acts that of Belial, and good acts strengthen the good angels in their continuous struggle with the bad spirits. At the same time, the Community Rule stresses that man, through performing the commandments and the works of the community, pleases God and effects atonements (1QS 3:11, 8:4 ff.) even outside of the Temple.⁴⁸ The atoning quality of good acts is attested in the late first-century CE book of 2 Baruch (14:7) and vividly portrayed in the Greek Apocalypse of Baruch (3 Baruch).⁴⁹ Angels serve as agencies of good deeds and prayers performed by men. Michael gathers the 'good deeds' of the righteous together in an extremely large vessel and brings it before God (11:8-9). Other angels carry the merits for the 'good deeds' from the heavenly court towards man:

And in that very hour Michael descended, and the gate was opened; and he brought oil. And as for the angels which brought the full baskets, he filled them with oil, saying: Take it away, reward our friends a hundredfold, and those who laboriously wrought good works. For those who sowed virtuously, also reap virtuously. (3Baruch 15:1-3)

By labelling good acts as a פְּרָקְלִיט, R. Eleazar beR. Yose continued an old, apocalyptic notion of good acts as active agents in a heavenly court. These mystical notions originated in Second Temple sources but continued to be present in post-70 apocalyptic literature and in the Rabbinic world as well. Significantly, this notion of good works as mitigating heavenly judgment appears fully independent of the teaching of Ben Zakkai.⁵⁰

48 J.J. Collins, *Beyond the Qumran Community: The Sectarian Movement of the Qumran Scrolls*, Grand Rapids 2010, 69. Compare L.H. Schiffman, *Qumran and Jerusalem: Studies in the Dead Sea Scrolls and the History of Judaism*, Grand Rapids 2010, 87-88.

49 M. Stone, 'Apocalyptic Literature', in M.E. Stone (red.), *Jewish Writings of the Second Temple Period: Apocrypha, Pseudepigrapha, Qumran Sectarian Writings, Philo, Josephus. CRINT II/2*, Assen/Philadelphia 1984, 412; Collins, *Apocalyptic Imagination*, 212-213, 248. 2 Baruch has a Palestinian setting; 3 Baruch originated in the Egyptian Diaspora and has undergone Christian redaction but is in essence a Jewish book; Collins, *Apocalyptic Imagination*, 248.

50 For mystical dimensions of apocalyptic literature, Collins, *Apocalyptic Imagination*, 13. Note that the second century teacher R. Shimon labels the sin sacrifice as פְּרָקְלִיט (Sifra Metsora 3, on Lev. 14:19).

Conclusions

Even if a lack of systematic thinking qualifies Rabbinic theology, one wonders why a powerful statement by the founder of the Rabbinic movement had no impact on following generations. Tannaitic teachers were vexed by the problem of non-sacrificial atonement, but they did not reflect on Ben Zakkai's reading of Hosea 6:6. Apocalyptic traditions that depicted 'good works' as active agents before a heavenly court, which were thought to mitigate justice, remained in use. Therefore, it is questionable to attribute significant historical importance to this tale as reflecting a major shift in the first generation after 70.

Yohanan ben Zakkai's *midrash* on Hosea 6:6 presents itself as part of an editorial agenda that governs the discussion of ARN on Torah and acts of loving-kindness, the first and third pillars of Simon the Just. We are left here with two options. Either the interpretation originated in Rabbinic circles which attributed it in a consolation story to a teacher famous for issuing decrees after 70 CE, or Ben Zakkai's teaching was rather drastic and remained marginal in early Rabbinic generations. Neusner's proposal to attribute the story to R. Joshua or to his circle only partially shifts the problem, since even the generation of Usha does not seem to have known it. Thus, given the initial opposition to Ben Zakkai's politics in priestly circles and the house of Rabban Gamliel, the second explanation seems the most plausible. It seems fair to say that his *midrash* on Hosea 6:6 could exert its full rhetorical and theological power only when the Rabbinic movement was consolidated and its elite view on Judaism as based on Torah study, commandments and benevolent practices, had come to dominate Jewish life. When the Rabbis had become the undisputed leaders of Judaism, the old notion of atoning pious acts appeared as an effective replacement of sacrificial atonement.

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