

A B O T H

CHAPTER I

MISHNAH 1. MOSES RECEIVED THE TORAH¹ AT² SINAI AND TRANSMITTED IT TO JOSHUA,³ JOSHUA TO THE ELDERS,⁴ AND THE ELDERS TO THE PROPHETS, AND THE PROPHETS TO THE MEN OF THE GREAT SYNAGOGUE.⁵

THE LATTER USED TO SAY THREE THINGS:⁶ BE PATIENT IN [THE ADMINISTRATION OF] JUSTICE, REAR MANY DISCIPLES AND MAKE A FENCE ROUND THE TORAH.⁷

(1) Scripture and its complementary Oral Instruction, with special reference to the latter. (2) Lit., 'from'. (3) IARN, Ch. I, 'Joshua received from Moses'. The transmission and reception were done orally. All evidence goes to show that there was a continuous succession of 'schools' headed by the Elders, prophets and scribes of their respective generations, which maintained and developed the theoretical study and practical application of the Torah. The strength of the schools and their influence varied from time to time, but there is no reason for supposing that there was at any time an actual break in the continuity. For a full examination of the terms מסר (transmitted) and קבל (received) v. Bacher, *Tradition und Tradenten*, p. 1. (4) *The Elders that outlived Joshua*, Judges II, 7. 'Elders' in this Mishnah includes the Judges. (5) *Kenesseth ha-Gedolah*: A body of 120 men founded by the leaders of the Jews who returned from the Babylonian captivity. (6) Whereby reverence for, the knowledge of, and the inviolability of the Torah might be secured (cf. Rashi). (7) The Torah is conceived as a garden and its precepts as precious plants. Such a garden is fenced round for the purpose of obviating wilful or even unintended damage. Likewise, the precepts of the Torah were to be 'fenced' round with additional inhibitions that should have the effect of preserving the original commandments from trespass. Weiss, *Dor I*, p. 88, suggests that this dictum may refer to the preserving of the correct text of the Scriptures, cf. מסורה סג לתורה *infra* III, 17. Frankel, *Darke ha-Mishnah*, pp. 3-4, explains these dicta in relation to the period in which the Great Synagogue functioned; viz., the Persian period. The Persians allowed the Jews their own religious and juridical institutions, but parties dissatisfied with the Jewish decision could appeal to the Persian governors. It was therefore most important that Jewish judges should be very patient in their methods, so as to ensure scrupulously fair

3. When the last of the prophets died—Haggai, Zechariah, and Malachi—the holy spirit ceased in Israel. Even so, they [i.e., the celestial powers] would inform them by a *bat kol*. Once, the *hakhamim* [sages] assembled upstairs in the house of Guria in Jericho. A *bat kol* called out to them: “There is one among you worthy of [being inspired by] the holy spirit, but his generation does not merit it.” They set their eyes upon Hillel the Elder. After he died they said [in eulogy]: “O humble one, O pious one, disciple of Ezra.”

4. Yet again, they were seated in Yavneh and heard a *bat kol* saying: “There is one among you worthy of [being inspired by] the holy spirit, but his generation does not merit it.” They set their eyes upon Shmu’el ha-Katan. At his death they said [in eulogy]: “O humble one, O pious one, disciple of Hillel the Elder.” Indeed, at his death he proclaimed: “Shimon and Ishmael unto execution; the rest of their colleagues unto the sword; the rest of the people unto plunder; and great catastrophes will then follow.”

A Hakham Is Superior to a Prophet

5. BT Bava Batra 12a–b

This is perhaps the most explicit Rabbinic juxtaposition of scholarship and prophecy, and includes the radical proclamation “a hakham is superior to a prophet.” The precise relationship between the two and the nature of this superiority are expounded by the medieval commentators ibn Migash and Nahmanides in the selections that follow.

Rabbi Avdimi of Haifa said: Since the day the Temple was destroyed, prophecy was lost to the prophets and given to the *hakhamim*.

But are the *hakhamim* not themselves prophets?² He means to say: Although prophecy was lost to the prophets, it was not lost to the *hakhamim*.

Amemar added: Indeed, a *hakham* is superior to a prophet, as writ-

2. This (somewhat mysterious) question is explained by Rashi thus: Were none of the prophets sages? Why then does the text seem to imply that sages gained access to prophecy only after the destruction of the Temple?

he who is partaker of the priesthood must propagate of a wife of the same nation, without having any regard to money, or any other dignities; but he is to make a scrutiny, and take his wife's genealogy from the ancient tables, and procure many witnesses to it;^f (32) and this is our practice not only in Judea, but wheresoever any body of men of our nation do live; and even there, an exact catalogue of our priests' marriages is kept; (33) I mean at Egypt and at Babylon, or in any other place of the rest of the habitable earth, whithersoever our priests are scattered; for they sent to Jerusalem the ancient names of their parents in writing, as well as those of their remoter ancestors, and signify who are the witnesses also; (34) but if any war falls out, such as have fallen out, a great many of them already, when Antiochus Epiphanes made an invasion upon our country, as also when Pompey the Great and Quintilius Varus did so also, and principally in the wars that have happened in our own times, (35) those priests that survive them compose new tables of genealogy out of the old records, and examine the circumstances of the women that remain; for still they do not admit of those that have been captives, as suspecting that they had conversation with some foreigners; (36) but what is the strongest argument of our exact management in this matter is what I am now going to say, that we have the names of our high priests, from father to son, set down in our records, for the interval of two thousand years; and if any one of these have been transgressors of these rules, they are prohibited to present themselves at the altar, or to be partakers of any other of our purifications; (37) and this is justly, or rather necessarily done, because every one is not permitted of his own accord to be a writer, nor is there any disagreement in what is written; they being only prophets that have written the original and earliest accounts of things as they learned them of God himself by inspiration; and others have written what hath happened in their own times, and that in a very distinct manner also.

8. (38) For we have not an innumerable multitude of books among us, disagreeing from and contradicting one another [as the Greeks have], but only twenty-two books,^g which contain the re-

^f Of this accuracy of the Jews, before and in our Savior's time, in carefully preserving their genealogies all along, particularly those of the priests, see Josephus's *Life* 1. This accuracy seems to have ended at the destruction of Jerusalem by Titus, or, however, at that by Adrian.

^g Which were these twenty-two sacred books of the Old Testament, see the Supplement to the Essay on the Old Testament, 25-29—viz., those we call *canonical*, all excepting the Canticles; but still, with this farther exception, that the first book of *apocryphal* Esdras be taken into the number, instead of our *canonical* Ezra, which seems to be no more than a later epitome of the other; which two books of Canticles and Ezra, it no way appears that our Josephus ever saw.

cords of all the past times; which are justly believed to be divine; (39) and of them five belong to Moses, which contain his laws and the traditions of the origin of mankind till his death. This interval of time was little short of three thousand years; (40) but as to the time from the death of Moses till the reign of Artaxerxes, king of Persia, who reigned after Xerxes, the prophets, who were after Moses, wrote down what was done in their times in thirteen books. The remaining four books contain hymns to God, and precepts for the conduct of human life. (41) It is true, our history hath been written since Artaxerxes very particularly, but hath not been esteemed of the like authority with the former by our forefathers, because there hath not been an exact succession of prophets since that time; (42) and how firmly we have given credit to those books of our own nation, is evident by what we do; for during so many ages as have already passed, no one has been so bold as either to add anything to them, to take anything from them, or to make any change in them; but it becomes natural to all Jews, immediately and from their very birth, to esteem those books to contain divine doctrines, and to persist in them, and, if occasion be, willingly to die for them. (43) For it is no new thing for our captives, many of them in number, and frequently in time, to be seen to endure racks and deaths of all kinds upon the theatres, that they may not be obliged to say one word against our laws and the records that contain them; (44) whereas there are none at all among the Greeks who would undergo the least harm on that account, no, nor in case all the writings that are among them were to be destroyed; (45) for they take them to be such discourses as are famed agreeably to the inclinations of those that write them; and they have justly the same opinion of the ancient writers, since they see some of the present generation bold enough to write about such affairs, wherein they were not present, nor had concern enough to inform themselves about them from those that knew them: (46) examples of which may be had in this late war of ours, where some persons have written histories, and published them, without having been in the places concerned, or having been near them when the actions were done; but these men put a few things together by hearsay, and insolently abuse the world, and call these writings by the name of Histories.

9. (47) As for myself, I have composed a true history of that whole war, and all the particulars that occurred therein, as having been concerned in all its transactions; (48) for I acted as general of those among us that are named Galileans, as long as it was possible for us to make any opposition. I was then seized on by the Romans, and became a captive. Vespasian also and Titus had me kept under a guard, and forced me to attend them con-

tin
se
Ti
of
no
wt
wr
se
ma
su
pr
so
an
th
th
pe
th
ma
of
ha
ou
ph
[ki
kir
gr
th
ga
th
ou
or

wl
to
th
sa
un
ou
pl
se
th
I
of
th
ily
ha
th
W
m
gr
wi
dc
se
di
alt
th
ac
m
pc
hi

superior to Ptolemy in other respects, but was overcome by him as to the just affection [he had for his relations]; for when Ptolemy was distressed, he brought forth his mother and his brethren, and set them upon the wall, and beat them with rods in everybody's sight and threatened, that, unless he would go away immediately, he would throw them down headlong; (58) at which sight Hyrcanus's commiseration and concern were too hard for his anger. But his mother was not dismayed, neither at the stripes she received, nor at the death with which she was threatened, but stretched out her hands, and prayed her son not to be moved with the injuries that she suffered, to spare the wretch; since it was to her better to die by the means of Ptolemy than to live ever so long, provided he might be punished for the injuries he had done to their family. (59) Now, John's case was this:—When he considered the courage of his mother, and heard her entreaty, he set about his attacks; but when he saw her beaten, and torn to pieces with the stripes, he grew feeble, and was entirely overcome by his affections. (60) And as the siege was delayed by this means, the year of rest came on, upon which the Jews rest every seventh year as they do on every seventh day. On this year, therefore, Ptolemy was freed from being besieged, and slew the brethren of John, with their mother, and fled to Zeno, who was also called Cotylas, who was the tyrant of Philadelphia.

5. (61) And now Antiochus was so angry at what he had suffered from Simeon, that he made an expedition into Judea, and sat down before Jerusalem, and besieged Hyrcanus; but Hyrcanus opened the sepulchre of David, who was the richest of all kings, and took thence about three thousand talents in money, and induced Antiochus, by the promise of three thousand talents, to raise the siege. Moreover, he was the first of the Jews that had money enough, and began to hire foreign auxiliaries also.

6. (62) However, at another time, when Antiochus was gone upon an expedition against the Medes, and so gave Hyrcanus an opportunity of being avenged upon him, he immediately made an attack upon the cities of Syria as thinking, what proved to be the case with them, that he should find them empty of good troops. (63) So he took Medaba and Samea, with the towns in their neighborhood, as also Shechem and Gerizzim; and besides these, [he subdued] the nation of the Cuthians, who dwelt round about that temple which was built in imitation of the temple at Jerusalem; he also took a great many other cities of Idumea, with Adoreon and Marissa.

7. (64) He also proceeded as far as Samaria, where is now the city of Sebaste which was built by Herod the king, and encompassed it all round with a wall, and set his sons, Aristobulus and Antigonus, over the siege; who pushed it on so hard

that a famine so far prevailed within the city, that they were forced to eat what never was esteemed food. (65) They also invited Antiochus, who was called Cyzicenus, to come to their assistance; whereupon he got ready, and complied with their invitation, but was beaten by Aristobulus and Antigonus; and indeed he was pursued as far as Scythopolis by these brethren, and fled away from them. So they returned back to Samaria, and shut the multitude again within the wall; and when they had taken the city, they demolished it, and made slaves of its inhabitants. (66) And, as they had still great success in their undertakings, they did not suffer their zeal to cool, but marched with an army as far as Scythopolis, and made an incursion upon it, and laid waste all the country that lay within Mount Carmel.

8. (67) But then, these successes of John and of his sons made them be envied, and occasioned a sedition in the country; and many there were who got together, and would not be at rest till they brake out into open war, in which war they were beaten. (68) So John lived the rest of his life very happily, and administered the government after a most extraordinary manner, and this for thirty-three entire years together. He died, leaving five sons behind him. He was certainly a very happy man, and afforded no occasion to have any complaint made of fortune on his account. He it was who alone had three of the most desirable things in the world—the government of his nation, and the high priesthood, and the gift of prophecy; (69) for the Deity conversed with him—and he was not ignorant of anything that was to come afterwards; insomuch that he foresaw and foretold that his two eldest sons would not continue masters of the government; and it will highly deserve our narration to describe their catastrophe, and how far inferior these men were to their father in felicity.

CHAPTER 3

HOW ARISTOBULUS WAS THE FIRST THAT PUT A DIadem ABOUT HIS HEAD; AND, AFTER HE HAD PUT HIS MOTHER AND BROTHER TO DEATH, DIED HIMSELF, WHEN HE HAD REIGNED NO MORE THAN A YEAR

1. (70) For after the death of their father, the elder of them, Aristobulus, changed the government into a kingdom, and was the first that put a diadem upon his head, four hundred and seventy-one years and three months after our people came down into this country, when they were set free from the Babylonian slavery. (71) Now, of his brethren, he appeared to have an affection for Antigonus, who was next to him, and made him his equal; but, for the rest, he bound them, and put them in prison. He also put his mother in bonds, for her contesting the government with him; for John had left her to be the governess of public af-

them, that they should wait for deliverance from God: and this was in order to keep them from deserting, and that they might be buoyed up above fear and care by such hopes. (287) Now, a man that is in adversity does easily comply with such promises; for when a such a seducer makes him believe that he shall be delivered from those miseries which oppress him, then it is that the patient is full of hopes of such deliverance.

3. (288) Thus were the miserable people persuaded by these deceivers, and such as belied God himself; while they did not attend, nor give credit, to the signs that were so evident and did so plainly foretell their future desolation; but, like men infatuated, without either eyes to see, or minds to consider, did not regard the denunciations that God made to them. (289) Thus there was a star resembling a sword, which stood over the city, and a comet, that continued a whole year. ^d (290) Thus also, before the Jews' rebellion, and before those commotions which preceded the war, when the people were come in great crowds to the feast of unleavened bread, on the eighth day of the month Xanthicus ^e [Nisan], and at the ninth hour of the night, so great a light shone round the altar and the holy house, that it appeared to be bright day time; which light lasted for half an hour. (291) This light seemed to be a good sign to the unskillful, but was so interpreted by the sacred scribes, as to portend those events that followed immediately upon it. (292) At the same festival also, a heifer, as she was led by the high priest to be sacrificed, brought forth a lamb in the midst of the temple. (293) Moreover, the eastern gate of the inner [court of the] temple, which was of brass, and vastly heavy, and had been with difficulty shut by twenty men, and rested upon a basis armed with iron, and had bolts fastened very deep into the firm floor, which was there made of one entire stone, was seen to be opened of its own accord about the sixth hour of the night. (294) Now, those that kept watch in the temple came hereupon running to the captain of the temple, and told him of it: who then came up thither, and not without great difficulty, was able to shut the gate again. (295) This also appeared to the vulgar to be a very happy prodigy, as if God did thereby open them the gate of happiness. But the men of learning understood it, that the security of

^d Whether Josephus means that this star was different from the comet which lasted a whole year, I cannot certainly determine. His words most favor their being different one from another.

^e Since Josephus still uses the Syro-Macedonian month Xanthicus for the Jewish month Nisan, this eighth, or, as Nicephorus reads it, this ninth of Xanthicus, or Nisan, was almost a week before the Passover, on the fourteenth: about which time we learn from St. John that many used to go "out of the country to Jerusalem, to purify themselves," John 11:55, with 12:1; in agreement with Josephus also, 5.3.1. And it might well be, that in the sight of these this extraordinary light might appear.

their holy house was dissolved of its own accord, and that the gate was opened for the advantage of their enemies. (296) So these publicly declared, that this signal foreshowed the desolation that was coming upon them. Besides these, a few days after that feast, on the twenty-first day of the month Artemisius [Jyar], (297) a certain prodigious and incredible phenomenon appeared; I suppose the account of it would seem to be a fable, were it not related by those that saw it, (298) and were not the events that followed it of so considerable a nature as to deserve such signals; for, before sunsetting, chariots and troops of soldiers in their armor were seen (299) running about among the clouds, and surrounding of cities. Moreover at that feast which we call Pentecost, as the priests were going by night into the inner ^f [court of the] temple, as their custom was, to perform their sacred ministrations, they said that, in the first place, they felt a quaking, and heard a great noise, (300) and after that they heard a sound as of a great multitude, saying, "Let us remove hence." But, what is still more terrible there was one Jesus, the son of Ananus, a plebeian and a husbandman, who, four years before the war began, and at a time when the city was in very great peace and prosperity, came to that feast whereon it is our custom for everyone to make tabernacles to God in the temple, ^g (301) began on a sudden cry aloud, "A voice from the east, a voice from the west, a voice from the four winds, a voice against Jerusalem and the holy house, a voice against the bridegrooms and the brides, and a voice against this whole people!" This was his cry, as he went about by day and by night, in all the lanes of the city. (302) However, certain of the most eminent among the populace had great indignation at this dire cry of his, and took up the man, and gave him a great number of severe stripes; yet did not he either say anything for himself, or anything peculiar to those that chastised him, but still he went on with the same words which he cried before. (303) Hereupon our rulers supposing, as the case proved to be, that this was a sort of divine fury in the man, brought him to the Roman procurator; (304) where he was whipped till his bones were laid bare; yet did he not make any supplication for himself, nor shed any tears, but turning his voice to the most

^f This here seems to be the court of the priests.

^g Both Reland and Havercamp in this place alter the natural punctuation and sense of Josephus, and this contrary to the opinion of Valesius and Dr. Hudson, lest Josephus should say that the Jews built booths or tents within the temple at the feast of tabernacles: which the latter rabbis will not allow to have been the ancient practice: but then, since it is expressly told us in Nehemiah 8:16: that in still elder times "the Jews made booths in the courts of the house of God" at that festival, Josephus may well be permitted to say the same. And indeed, the modern rabbis are of very small authority in all such matters of remote antiquity.

bidden to enter the Promised Land, so after his death God ordered Joshua to lead the people there. Yet such an answer does not satisfy the exegetical flair with which gaps in the biblical narrative can be filled. According to the Midrash, this is what occurred, in those very words:

Rav Judah reported in the name of Rav: when Moses departed this world for the Garden of Eden he said to Joshua: "Ask me concerning all the doubts you have." He replied to him: "My master, have I ever left you for one hour and gone elsewhere? [that is, I have no doubts]. Did you not write concerning me in the Torah: 'But his servant Joshua departed not out of the Tabernacle'" (Exod. 33:11). Immediately the strength of Moses weakened [that is, he took offense at Joshua's remark, which implied Joshua no longer had need of him] and Joshua forgot 300 laws and there arose 700 doubts concerning laws. Then all the Israelites rose up to kill him. The Holy One blessed be He then said to him: "It is not possible to tell you [these laws]. Go and occupy their attention in war," as it says: "Now after the death of Moses the servant of the Lord, it came to pass that the Lord spoke." (Josh. 1:1)

This story appears with other stories relating to the death of Moses and to forgetting. On the same page of the Talmud there is another example of the same preoccupation:

Rav Judah reported in the name of Samuel: 300 traditional laws were forgotten during the period of mourning for Moses. They said to Joshua, "Ask"; he replied: "It is not in heaven" (Deut. 03:12). They [the Israelites] said to Samuel: "Ask"; he replied "These are the commandments" (Num. 36:13) [implying that since the promulgation of these commandments no prophet has the right to introduce anything new].

God refrains from answering the halakhic questions posed to Him. He thus refuses to help Joshua, the conceited pupil who has forgotten the teaching, and will not give him a response that will ease all the doubts that have beset him. Instead of a halakhic answer, Joshua receives a bit of Machiavellian advice from God: if you wish to escape the fury of the people alive, go and distract them with political problems.

This is an interesting view of the war that was fought to conquer the land, implying that it began because of Joshua's failure as a Torah scholar. Had Joshua correctly answered the questions posed in the *beit midrash*, he would not have become the military commander who