

claimants. Two late examples—Sabbatai Zvi in the seventeenth century and Jacob Frank in the eighteenth—will be discussed later in this chapter.

## CRYSTALLIZATION

### The Rabbinic Movement

The fall of Jerusalem to the Romans in 70 marked a turning-point in the history of Judaism comparable to the Exile of the sixth century BCE. Once again the Temple was destroyed, and this time it was not rebuilt. Institutions and practices associated with Temple worship—such as animal sacrifice—vanished from Jewish life (the only group to continue animal sacrifice were the Samaritans), and the Sadducees, having lost both their power base and their *raison d'être*, disappeared. So too did the Essenes, whose base at Qumran had been razed by the Romans on their way to besiege the desert fortress of Masada after the sack of Jerusalem. And Rome would tolerate the Zealots no longer.

In this way it fell to the Pharisees to preserve Judaism. Although they too disappeared in time,

their traditions became the base on which the institutions of rabbinic Judaism were built. Thereafter, the chief custodians of the Jewish heritage would not be the priests but the teachers and legal specialists known as **rabbis**.

The Bar Cochba revolt of 132–5, a century after Jesus' death, contained strong messianic overtones. When the revolt was quelled, the death of its messianic leader gave rise to a tradition (clearly reminiscent of the early Christians' response to Jesus' death) that the suffering and death of the messiah are necessary for the end to come.

Politically, the Pharisaic-rabbinic movement soon worked out a *modus vivendi* with the Romans. The rabbis conceded that the Jewish community in any location would be subject to the law of the host community. Palestinian Jewish community government was re-established, and although this body had no significant political power, limited local power was eventually granted to the Patriarch (the highest position in Palestine).

Gradually, during and after the second century, what had been one of two Jewish sects vying for power transformed itself into a legal and religious establishment that consciously sought to avoid sectarian divisions. The resulting stability

### From Sacrifice to Loving-kindness

*Yochanan ben Zakkai was a famous rabbi who helped Judaism make the transition from a religion based around the Temple to a religion based on prayer and acts of loving-kindness in the first century CE.*

Once as Rabbi Yochanan ben Zakkai was coming from Jerusalem, Rabbi Joshua followed after him and saw the Temple in ruins.

"Woe unto us," Rabbi Joshua cried, "for the place where the iniquities of Israel were atoned is destroyed!"

"My son," Rabbi Yochanan ben Zakkai said to him, "do not grieve. We have another atonement as effective as this. And what is it? It is acts of loving-kindness, as it is said: 'I desire mercy and not sacrifice'" [Hosea 6: 6] (*The Fathers According to Rabbi Nathan* 6).

was advantageous to Rome because it minimized the risk of dissent and facilitated the collection of taxes and duties.

As the tradition from which Christianity emerged, Judaism might be expected to have stayed closer to the original culture. But in fact rabbinic Judaism, like Christianity, can be seen as both a continuation and a transformation of the biblical tradition. The rabbinic movement was not a hereditary priesthood. All that was required for ordination was the appropriate education, which was available to any male at the local school (the institution of the *yeshiva*, meaning 'sitting' or 'session', evolved over the centuries); as soon as the student had completed his studies to the satisfaction of the teachers, he was ordained a rabbi, though many continued to study the Torah for years afterwards.

The rabbis directed a new attention to religious observance in everyday life, and in so doing they provided the structure that Jewish society needed. Now that the Jews were a subject people, the religious law became the principal means of fulfilling the covenant with God. Disputes over matters such as the right to decree a new month based on sightings of a new moon, which characterized the rabbinic movement, were far less serious than the sectarian issues that had divided Sadducees, Essenes, and Pharisees in the past.

The Temple rituals used in the past to achieve reconciliation between God and Israel were replaced by good deeds and 'acts of loving-kindness'. In the absence of the sacred space within the Temple, the table of every Jew was made sacred through the elaboration of purity rules. In addition, some aspects of the Temple service were transferred to the synagogue. Finally, the community's traditions had to be recorded in texts. The challenge paralleled the one that had faced the priestly writers in the time of the Exile. The Judaism that we know today may be based on the rabbinic Judaism of late antiquity but that Judaism, in turn, was the product of a natural development as

the culture of the ancient Hebrews evolved to accommodate the wider world.

### *The Synagogue*

The locus of public worship in rabbinic times was no longer the Temple but the synagogue (from the Greek for 'assembly' or 'gathering'; the word originally referred to the congregation, not the building). Jews continued to pray three times a day, as dictated by the Bible, and to attend special services in commemoration of the special services in the Temple. But Jewish prayer never again revolved around a central Temple. Nor did it take place solely in synagogues: the traditional order of prayer may also be followed at work or at home. It is not unusual to see observant Jews standing in a quiet place reciting their prayers during the day while travelling.

Synagogues may have come into being as far back as the destruction of the first Temple in 586 BCE, but they became especially important as places of assembly, study, and prayer in the Diaspora. After 70 CE, many of the activities that used to take place at the Temple—such as the blowing of the *shofar* (a trumpet made of a ram's horn)—were transferred to the synagogue, along with much of the Temple liturgy (augmented over the years by prayers, poems, and psalms written by rabbinic Jews).

In the first century, as ever afterwards, synagogues often met in the homes of wealthy patrons or patronesses, some of whom exercised considerable leadership, and some even bequeathed their houses to the congregation after their death. (Many of the earliest Christian congregations began in the same way.) There are ruins of synagogue buildings dating from the late first century, and we have literary evidence that synagogues existed even before that: Philo indicates that Alexandria had myriad synagogues, although no traces of them have been found.

The early synagogue buildings were evidently of two kinds: the longhouse (a long rectangular

room) and the basilica (modelled on a popular style of Roman municipal architecture). There is also some evidence that buildings designed for other purposes could be pressed into service as synagogues.

At first no special provisions were made to accommodate women. The reason for this is not clear: perhaps women fulfilled their religious duties at home, or perhaps the custom of separation by gender during worship had not yet taken hold (although Josephus refers to segregation in Essene worship in the first century). Dedicatory inscriptions identifying individual women as benefactors of synagogue buildings, with titles such as 'leader' or 'matriarch', do not necessarily mean that those women attended the synagogue, since wealthy Greco-Roman women normally stayed out of public view.

The specific architectural details that characterize synagogues today began to appear by the third century. The congregation prayed facing Jerusalem, the site of the Temple. Cut or painted in the wall in front of them was a niche over which the Torah was placed during the service. Thus, most synagogues in Western countries face east. For prayer at home, many Jews mark the direction with a plaque reading 'Mizrah' ('east' in Hebrew).

At first the Torah scrolls were housed in other buildings for safekeeping and study, and were taken to the synagogue only for services. There is some evidence that in the Hellenistic period, the Torah scrolls were sometimes transported in a model of the ancient Ark of the Covenant, then imagined as a four-wheeled cart with a model Temple on top. This practice may have been influenced by a Greek custom in which the sacred objects of a cult were periodically paraded through the city in a model temple on wheels.

Eventually the Torah niche became an elaborate piece of furniture called the holy ark, permanently housing the Torah scrolls at the front of the synagogue. In later tradition there is a lamp above the ark, the *ner tamid* ('eternal lamp'), which is tended



A rabbi with the Torah scrolls in a modern ark (M. Cherim/istockphoto).

continuously in commemoration of the lamp of the Temple. Also part of synagogue architecture is the *bema* (Greek for 'rostrum'), from which the Torah is read. When placed in the centre of the congregation, this rostrum makes worship a kind of theatre in the round. When placed at the front with the ark containing the Torah, it forms a sort of altar. Both arrangements can still be seen in modern synagogues.

The use of the seven-branched menorah ('candlestick' or 'lamp stand') in both ancient and modern synagogues dates back to the days of the Temple. In fact, the Victory Arch of Titus in Rome depicts Roman soldiers carrying a large seven-branched menorah as booty from the destruction of the Jerusalem Temple. At that time the menorah became a symbol of Jewish culture.

and sovereignty; today it is the official symbol of the state of Israel.

The six-pointed star, called the *Magen David* ('shield of David'), was first used as a specifically Jewish symbol only in the Middle Ages. In the Hellenistic period it was simply a decorative motif used in synagogues. It probably became more popular in the Islamic period because Islamic culture, and Jews who were influenced by it, preferred geometric patterns to human or animal images that might be taken as idolatry.

Earlier mosaics and frescoes often included such images, however. Although three-dimensional sculpted forms were avoided, synagogue buildings in Galilee have mosaic floors depicting the zodiac and the seasons, with the sun in the centre represented as a young man standing in a Roman chariot drawn by four horses. In any other context, this figure would have been easily identified as Apollo or Helios, the god of the sun.

There is some evidence that when pious Jews used ordinary objects bearing depictions of human form, such as the moulded figures often found on spoons or jars, they made a small symbolic cut on the object so that the figure would not be complete. In antiquity, synagogue decorations also included depictions of the Temple façade and rams' horns, and especially flora associated with the Sukkoth harvest festival, such as palm, myrtle, willow, and pomegranate. Evidently, flat representations of Greek gods, especially when made to be walked upon, did not run the risk of idolatry posed by the pagans' three-dimensional statues.

The arts of the classical world were sometimes put to use for Jewish decorative purposes in Roman and Byzantine synagogues. The third-century synagogue at Dura-Europos in northeastern Syria had wall paintings (now preserved in the Damascus museum) depicting biblical stories. God is not portrayed directly, but his presence is symbolized by a hand appearing from the heavens, and characters from Abraham through Ezekiel are depicted in Hellenistic dress.

### *Scripture and Commentary*

The period after 70, when the rabbinic practices and institutions were taking shape, marks the beginning of 'classical Judaism'. The interpretations of the covenant obligations developed at that time have remained standard for Jews throughout the world to the present day.

As in the sixth century BCE, the loss of the Temple raised the scriptural texts to a new level of authority. The centrality of the *Law* (ascribed to Moses but not completed until about 400 BCE) and the *Prophets* (probably stabilized around 200 BCE) in the first century is clear in a famous passage from the Christian gospel of Matthew, in which Jesus identifies the love of God and the love of neighbour as the essential commandments: 'On these commandments hang all the law and the prophets' (*Matthew* 22: 40). Another statement of the latter commandment, often cited as 'do unto others as you would have them do unto you' (*Matthew* 7: 12), is also presented as the fundamental message of the Jewish law and prophets. And a variation on the same 'golden rule', ascribed to the scholar Hillel, who lived a few decades before Jesus, describes it in the same way. But these two collections were not the only religious literature considered important. Among the other works chosen for translation in the Septuagint were the book of *Psalms*, the Temple hymn collection, 'wisdom' writings such as *Job* and *Proverbs*, and a variety of apocalyptic and historical texts. With the diversity of sectarian emphases, the number of writings that might be candidates for scriptural status was growing.

Tradition reports that the contents of the third portion of the Hebrew canon, the sacred *Writings*, were finally determined by the rabbis at Yavneh—a centre for rabbinical study near the Mediterranean coast—in about the year 90. To be included in the collection, a text had to have been composed in Hebrew in the period before the Exile. Because the book of *Daniel* appeared to meet these criteria, it was included, even though it is now

believed to date only from the second century BCE, whereas the more straightforward account of the same period in *Maccabees* was ineligible because it was known only in Greek.

In this way the Bible came to consist of three sections: the *Law* (Torah), the *Prophets* (Hebrew *Nevi'im*), and the sacred Writings (Hebrew *Ketuvim*). Jews often refer to the complete corpus as the **Tanakh**—an acronym based on their titles (T–N–KH).

After the biblical corpus had been fixed, the rabbis proceeded to collect and add to the body of Bible interpretation, known as *midrash* ('interpretation' or 'commentary'). Most midrashic commentaries are line-by-line interpretations following the sequence of the biblical text, although they may also be ordered by the lectionary cycle (the schedule of biblical readings every week) traditionally used in the synagogue.

The early *midrashim* include three books of legal discussions from the first and second centuries, when the Pharisees made imaginative use of exegetic principles to derive rulings about contemporary customs from the written text of the Bible. But they also claimed that their interpretation was present from the very beginning.

These three books—the *Mekhilta* for *Exodus*, and *Sifra* for *Leviticus*, and *Sifre* for *Numbers* and *Deuteronomy*—contain a wealth of information about the context in which the legal discussions were held. But the process of commenting continued for centuries, so it is sometimes difficult to tell what era a particular tradition comes from. The rabbinic writers of *midrash* took it as their task to understand the full significance of the biblical text. Part of that task entailed resolving the frequent contradictions between one passage and another. We have already noted one classic example

## The Essence of Judaism

*The following excerpts come from a tractate (treatise) in the Mishnah entitled Pirke Aboth. The title is commonly translated as 'The Ethics of the Fathers' or 'The Sayings of the Fathers', but a more accurate translation would be 'The Chapters of the Ancestors'.*

1: 1. Moses received the Torah on Sinai and handed it down to Joshua, and Joshua to the elders, and the elders to the prophets, and the prophets handed it down to the men of the Great Assembly. They said three things: be deliberate in judgment, raise up many disciples, and make a fence around the Torah.

1: 2. Simeon the Just was one of the last members of the Great Assembly. He used to say: 'Upon three things the world stands—on the Torah, on the Temple service, and on acts of kindness.'

1: 12. Hillel and Shammai received Torah from them. Hillel says: 'Be one of Aaron's disciples, loving peace and pursuing it, loving mankind and bringing them near to the Torah.'

1: 14. He used to say: 'If I am not for myself, who then will be for me? And if I am for myself alone, what am I? And if not now, when?'

1: 18. Rabban Simeon ben Gamaliel says: 'On three things the world stands: on justice, on truth, and on peace, as it is written, 'Execute the judgment of truth and peace in your gates' [Zechariah 8: 16].'

2: 8. Rabban Yochanan ben Zakkai received Torah from Hillel and Shammai. He used to say: 'If you have learned much Torah, do not take credit for yourself, for this was the purpose of your creation.'

of inconsistency in the accounts of the creation, where the first humans appear to be created twice—once in *Genesis* 1: 26, where the man and woman are created together, and again in *Genesis* 2: 22, where God creates the woman Eve out of Adam's rib. One midrashic solution to this puzzle suggests that Chapter 2 describes the events of the sixth day of Chapter 1, and that Eve is actually Adam's second wife, created because the woman created in Chapter 1 proved unsatisfactory; this first 'wife', known as Lilith, eventually figures as a demon in Jewish folklore.

This is just one of many stories proposed by the rabbis to explain problematic passages. None of them is actually present in the Bible; but since the rabbis adopted them to reconcile seeming contradictions in the text, they can all be considered part of the Torah in an extended sense.

Another, later type of *midrash*, known as homiletical, is believed to present discussions generated by rabbinic sermons. Thus there is no single authoritative interpretation of any biblical passage. Jewish biblical commentary is a communal and composite literature, bringing together the commentaries of various important rabbis in a centuries-long effort to uncover the implications of every biblical verse and relate the Bible to the understanding and the concerns of the time.

### The Mishnah

A major achievement in the rabbis' restructuring of the tradition was their codification of the Jewish legal heritage. Forms that had been passed down orally in the Pharisaic tradition were now organized and written down. This basic legal literature consists of two parts: the *Mishnah* and the *Talmud*.

Unlike the midrashic commentaries, which follow the structure of the books that made up the Hebrew canon, the *Mishnah* was an entirely new kind of text, with its own topical arrangement in six 'orders' or divisions: Seeds (agriculture), Festivals, Women, Damages, Holy Things (ritual), and Purifications. Summarizing the Pharisaic-rabbinic movement interpretation of the traditional law, the

*Mishnah* is the oldest datable rabbinic document, produced shortly before 220 by Rabbi Judah, known as 'ha-Nasi' ('the prince').

The authority of the *Mishnah* was based on the notion that alongside the five books of Moses there was another body of precedent and interpretation that had been passed down orally from Moses. This doctrine of an 'oral law' allowed the rabbis to assert that their own interpretations were no less God-given than the doctrines written explicitly in the Torah constitution. Whether the oral law was so called because it was originally not allowed to be written down or merely because it had started its existence in oral form is unclear. In any event, all the 'oral law' may be found today in sacred books studied by the rabbinic community.

The Pharisees long ago claimed that this oral tradition had been passed only to them; that only they were entitled to determine its meaning; and that their interpretation represented the true continuation of the prophetic tradition. This was the Pharisees' pretext for taking over the governance of the community from the priests, whom they looked down on as mere functionaries. The development of Pharisaic traditions is reflected in two first-century schools of interpretation, one led by Hillel and the other by Shammai. The earliest stages likely involved the codification of laws on the issues of most interest to the Pharisees—Sabbath law, purity, and tithing. But the early rabbis also took a keen interest in marriage and divorce, for rules of personal status defined membership in the Jewish community.

Even though the Temple no longer existed, much of the oral legal tradition addressed matters directly associated with it, such as purity laws and the sacrificial system. This material was subjected to the same careful analysis as the other parts of the law, presumably to establish the Pharisees' right to control a new Temple, should one be built. Although the failure of the Bar Cochba revolt of 132–5 CE made it painfully clear that the Temple would not be rebuilt anytime soon, the rabbinic

language of the time related to Hebrew. (Jesus and most of his generation of Jews spoke Aramaic fluently and knew some Hebrew. Jews also often spoke Greek and even knew a little Latin. But Aramaic gradually took over as the spoken language of the Jews living in Palestine and became one of the languages spoken by the Jews in Babylonia.)

Typically, a selection from the *Talmud* starts with a short passage from the *Mishnah* followed by the text of the related *Gemarah*, which can be many times the length of the *Mishnah* text to which it is attached. In printed editions, such as the standard Vilna edition of 1880–6, the *Mishnah* and *Gemarah* are printed in a small column in the centre of the page, surrounded by later additions and commentaries, together with various other study aids such as cross-references.

The *Jerusalem Talmud* is an interesting source of history, lore, and tradition in Judaism, but it was produced under difficult circumstances. Not only was the economy in decline, but with the Christianization of the Roman Empire, Jews were increasingly subject to discriminatory laws, including a law enacted about 425 that abolished the office of the Patriarch (the head of the leading Palestinian academy).

In Babylonia, by contrast, the ruling Sasanian Persians were relatively tolerant of the Jewish community. Perhaps as a consequence, the legal discussions undertaken there were more acute and substantial than their Palestinian counterparts, and the *Babylonian Talmud* became the more authoritative version for the Jewish community as a whole. At first Palestine was in charge of the ritual calendar: thus the arrival of each new month was determined in Palestine (by direct observation of the moon) and the news was then communicated to other lands. When the calendar eventually came to be calculated mathematically, the Babylonian community embarked on an independent ritual life. This change formalized the primacy of the Babylonian Talmudic academies, which had been gaining in talent and prestige for generations.

The Babylonian *Gemarah* records the discussions of more than 2,000 sages arguing over specific ways to resolve issues by reference to the text of the *Mishnah*. In contrast to the ordered discussions of the *Mishnah*, the *Gemarah* discussions tend to be quite complex and far-ranging, even free-associational. Nevertheless, brief technical terms identify the formal characteristics of the specific arguments that are about to be mounted.

Since the text of the *Mishnah* is a law code, much of the *Gemarah*, which comments on it, is strictly legal in nature. Not every legal discussion produces a prescription for a specific legal procedure, but those that do form part of the body of religious law known as *halakha* ('the way' or 'procedure', or more specifically, the proper legal procedure for living life).

There is another style of expansion that is more anecdotal; it is referred to as *aggadah* ('narrative'). *Halakha* directives are explicit statements arrived at through legal analysis; *aggadah* teaches a moral lesson, often by telling a story or interpreting the meaning of a word.

Jews conventionally regard the topically arranged legal material of the *Talmud* as *halakha* and the expansion on the narratives of the Bible in the *midrash* as *aggadah*, because they emphasize law and story, respectively. Strictly speaking, however, examples of both genres can be found in each collection, though in vastly different proportions. As a result, the terms *halakha* and *aggadah* are often used very loosely. Sometimes the words refer to particular legal or folkloric techniques of analyzing ancient text, sometimes to specific books of the oral law in which these techniques are used.

### The Status of Torah

The same elasticity of definition characterizes rabbinic and Jewish understandings of the term 'torah'. In the period of the first Temple, 'torah' apparently referred only to the laws that governed priestly behaviour. Starting with the book of *Deuteronomy*, however, it was used to refer first to a written book

of law and then to the Pentateuch. In biblical times, books were written on scrolls. This form has been retained for the copy of the sacred text used in synagogue recitation. Called a **Sefer Torah** ('book of the Torah'), it is written by hand on parchment and mounted on wooden rollers. For other uses, however, the Pentateuch is bound as a book (the form that replaced scrolls in late antiquity) called a **Humash**, from the Hebrew word for 'five'.

In a broader sense, the 'Torah' is the entire Hebrew Bible, the Tanakh, and in some cases the term may even be extended to include the books of the oral law—the *Midrash*, *Mishnah*, and *Talmud*. That is because every discussion of holy law and procedure, whether it be moral, ritual, or ceremonial, is considered part of the same divine revelation, continuing unabated over the millennia. Thus 'Torah' can refer to any revelatory or canonical literature. In rabbinic parlance, the *Talmud* and the commentaries on it, produced in various lands by various experts over the centuries, are part of Torah, although they are also called *Torah she ba'al peh*, 'oral Torah'.

The study of Torah continued unabated while the *Talmud* was being completed. Together, the two principal rabbinic academies in Babylonia, located in the towns of Sura and Pumbeditha, were the intellectual centre of the Jewish world from the fourth to the ninth century and even after. There, the leader of the *yeshiva* or Talmudic academy, known by the honorific term **gaon** ('excellency'), often enjoyed greater power and respect than the ostensible head of the Jewish community, the exilarch. This was because the *gaon* supervised the rabbinic enterprise of legal interpretation.

The one major threat to the primacy of the *gaon* was the rebellion of the **Karaites** ('scripturalists'), a group of Jews who rejected the authority of the *Talmud* and its interpreters and considered only the

Bible. In its emphasis on simplicity (bordering on asceticism), Karaism had more in common with Islam than with the elaborate intellectual pursuits of the rabbis. In fact, it flourished in Muslim lands because of the culture's affinity for simple piety.

### **Further Development of Jewish Law**

According to tradition, the compilation of the *Talmud* was completed by the end of the sixth century, though scholars think that the composition continued for some time after that. In any event, once the *Talmud* had reached its canonical form, the ongoing development of Jewish law took three principal forms. One was the passage-by-passage commentary on the Talmudic text, which included the *Gemarah* as well as the *Mishnah*. Jewish intellectuals all over the world and across the centuries have written legal commentaries on some aspect of the legal tradition, and they continue to do so today. Although the *Talmud* itself was closed to further growth, every printed edition of the text now includes a selection of the most important commentaries in the margins and footnotes. These *Tosafot* (Hebrew for 'additions' or 'footnotes') are not to be confused with the *Tosefta* of the Tannaim, which are printed in a separate volume.

Perhaps the most famous of all the commentators on the *Talmud* was Rabbi Shlomo ben Yitzhak (1040–1105), who lived in Troyes, north of Paris. As is common with rabbinic writers, he is known by the acronym of his title and name: Rashi (R-Sh-Y). His commentaries are invaluable for understanding the simple sense of difficult Talmudic passages. Rashi also wrote commentaries on biblical books, which are considered landmarks in Jewish scriptural interpretation, and is an important source of evidence on medieval French.

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The one major threat to the primacy of the *gaon* was the rebellion of the **Karaites** ('scripturalists'), a group of Jews who rejected the authority of the *Talmud* and its interpreters and considered only the Bible to be canonical. The eighth-century founder of Karaism, Anan ben David, also rejected the popular holiday of Hanukkah, along with every other festival that was not specifically mentioned in the

Bible. In its emphasis on simplicity (bordering on asceticism), Karaism had more in common with Islam than with the elaborate intellectual pursuits of the rabbis. In fact, it flourished in Muslim lands because of the culture's affinity for simple piety.

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The second development of the legal tradition was a collection of rulings made by expert rabbis in response to questions posed by individual communities. This *Teshuvah* ('an answer') or (in Latin) *responsum* ('a response') literature always took the form of public letters. It is possible that the letters

of Paul in the New Testament are early examples of this genre, since they contain Paul's answers to questions asked by the early church communities. Although Paul is now part of Christian rather than Jewish tradition, the questions he addresses are of the same type as the ones that Jews have asked over the centuries. The tradition continues today, but only in the Orthodox community, where the most highly revered rabbis extend Talmudic reasoning to issues raised by modern advances in medical technology, such as the use of birth control and the artificial prolongation of life. However, their rulings do not affect Conservative and Reform Jews, who feel that the individual's own judgment supersedes that even of great legal authorities. The third post-Talmudic development was the periodic codification of the growing legal heritage. Essentially, a legal code serves two purposes: to classify legal material topically and logically, and to establish what should be done in various situations. To create a code requires the ability both to simplify complex material, so as to make it understandable to lay persons, and to interpret theoretical discussion so as to decide how the law will be put into practice.

Although Rabbi Judah's *Mishnah* resembled a code, it did not always address the practical question of how the law should be carried out in specific cases. In the medieval world further codes were formulated. Two influential medieval codes were the *Mishneh Torah* ('A Copy of the Torah'; c. 1180) of Moses Maimonides and the *Arba'a Turim* ('Four Rows') of Jacob ben Asher (c. 1270–1340). Following the outline of that work, Joseph Karo, a sixteenth-century Spanish Jew who migrated to Palestine, brought diverse legal opinions together in a massive compilation entitled *Bet Yosef* ('House of Joseph') and later produced a condensation of this work under the title *Shulhan Arukh* ('Spread Table', an allusion to *Psalms* 23). The latter work is still consulted today by Jews seeking a practical guide to Torah observance, without the intricate legal discussions and hypothetical solutions to

possible contradictions in the law that one finds in the *Talmud* and commentaries.

### Applying Legal Principles

Originally the civil law of the Israelites, the Torah thus became the religious law of rabbinic Judaism and the guide to moral conduct for Jews far removed in time and space from the ancient state. For such an ancient law to adapt and stay relevant to later ages, a healthy tradition of study and commentary was essential.

Rabbinic Judaism gave enormous emphasis to proper ethical conduct. The tradition called for numerous specific actions of both a ritual and a moral nature, but it recognized that no two circumstances are ever fully identical. Therefore every situation must be analyzed individually. The study of the *Talmud* essentially provided training in the principles of ethical analysis from every conceivable perspective.

'An eye for an eye, a tooth for a tooth,' says the book of *Exodus*. As harsh as this principle may sound today, it may well have been unusually humane in the second millennium BCE, when some societies would put a serf to death for injuring his master. The Bible limited the penalty to the extent of the injury. By the rabbinic period, however, even this relatively lenient principle was considered too severe—what the Romans called a *lex talionis* ('law of retaliation'). After very little debate, the rabbis concluded that compensation for loss of a body part, for example, should take the form of a financial payment.

To a modern interpreter, this shift from physical to fiscal punishment was clearly the product of moral development over time leading the Israelite people to see the original injunction as unjust. Most Orthodox Jews, however, holding the scripture to be incapable of error, maintain that the *Exodus* verse called for financial compensation all along: in their view, the development required was in the human interpretation of the text, in which the rabbis were guided by the Holy Spirit.

For centuries Jewish exegetes have applied the principles of Torah to the problems of everyday life. In the Hellenistic period, for instance, many people were reluctant to lend money when a sabbatical year (the year when fields lie fallow) was approaching, for fear that they would not be repaid. Even though the Torah does not speak specifically about this problem, the rabbis were confident that the solution to it could be found in scripture. In this case the solution—known as a *takkanah* ('remediation') and attributed to Hillel—was for the court itself to take over debts for the sabbatical year. Thus lenders could feel confident that they would recover their principal, and debtors could arrange the loans they needed to continue in operation.

Law is continually amplified in response to new situations. For guidance in dealing with these new situations, people looked to the rabbis as an elite group of professional specialists in precedent and tradition. But rabbinic law was hardly unanimous or monolithic. Currently, for example, Jewish law does not have a single answer on whether a woman may seek an abortion. The biblical precedent is found in the same passage from *Exodus* that gave us 'an eye for an eye':

When men fight, and one of them pushes a pregnant woman and a miscarriage results, but no other damage ensues, the one responsible shall be fined according as the woman's husband may exact from him, the payment to be based on reckoning. But if other damage ensues, the penalty shall be life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burn for burn, wound for wound, bruise for bruise (*Exodus* 21: 22–5).

Rabbinic interpretation takes this to mean that the death of a fetus is a tort but not in itself a capital crime. If the life of a mother is endangered, it is certainly permissible to abort the pregnancy.

According to rabbinic law, a fetus is not a person, with all the rights that personhood entails, until it has been born and shown its viability by surviving a certain amount of time (normally a month) after birth.

Even so, whether abortion is acceptable in any particular case depends on subtle distinctions in rabbinic discourse. To avoid overstepping the bounds, some Jews would never perform an abortion, and others would do so only if the life of the mother is truly endangered. Others, interpreting more broadly, might perform an abortion if the mother reports that she is psychologically unfit for motherhood. Reform Jews would say that it is important to consult the rabbinic rulings of the past, but that past rulings are not automatically binding on contemporary life. They might extend one principle or another discussed by the rabbis and follow it to a conclusion never reached in the past, then justify their decision on the basis of what a rabbi operating under similar principles might do today.

### Purity and Community

Some of the most arcane laws of the Torah involve ritual purity. When the rabbis turned their attention to these laws they were codifying a complex symbolic system. Today, purity laws are generally understood as serving a hygienic function for primitive societies because they tended to prohibit contact with harmful substances, such as corpses or human excreta, and control behaviour around them. In various cultures, however, some completely harmless substances may be taboo, while some harmful ones may be central to ritual events. The same is true of the Hebrew rules, some of which have no obvious medical value.

Hebrew society, like many non-Western societies, had a series of food taboos. Probably the best known is the commandment not to touch—let alone eat—the meat from pigs (pork, ham, bacon, etc.). Other forbidden foods include blood and any carnivorous bird or mammal. Shellfish (clams, shrimp, lobster, etc.) are also prohibited.

Another rule forbids eating meat and milk together, but this one is rabbinic, not biblical. Although the Bible forbids Jews to eat a young goat boiled in its mother's milk (Exodus 23: 19), it says nothing about keeping meat and milk strictly separate. The latter rule was introduced by the rabbis as a safeguard against violating the biblical rules. This practice of setting up rules to prevent inadvertent violations of the law is known as 'making a fence around the Torah'.

Some of the dietary rules followed in Jewish homes today originated in Temple rituals. Among them is the rule that, to be ritually acceptable as food, an animal must have been slaughtered in a particular way that was traditionally believed to minimize its suffering; this rule originally applied to the animals used in sacrifice rituals. The prohibition against eating blood—which God gave to all humanity, not just the Jews, as a sign that only God had control over life—was now understood as a sign of the sanctity of every Jewish home. The rules required that only properly tithed produce (that is, one-tenth having been reserved for the priests) be eaten, especially in countries other than Judea, where tithing obligations did not apply. There are also special rules for the Passover holiday, such as a prohibition on bread containing leavening (yeast, etc.). (Kosher regulations will be discussed in more detail later.)

Another series of rules, rooted in the Bible, forbade willful contact with 'polluting' substances such as menstrual blood and semen. Touching these unclean or 'polluting' substances was not a sin in itself—such contact was inevitable—but the resulting pollution had to be removed by visiting a *mikveh* (ritual bathhouse) for a purifying immersion ceremony. Other purity laws required that both spouses undergo ritual immersion after sexual intercourse, and prohibited intercourse entirely for the first two weeks of every menstrual cycle. Since converts to Judaism are required to begin the regimen of ritual immersion, Christian baptism is widely thought to have grown out of the Jewish practice.

Purity laws served as symbolic social boundary markers, separating the pious from the less pious. At the same time they served to separate Jews from the host society, imposing a high degree of group coherence. The rules proliferated as Pharisaism became rabbinism. Thus even though Jews were not forbidden to have contact with gentiles, the proliferation of dietary and purity laws made everyday social relations increasingly difficult. And since gentiles did not observe the purity rules, sexual relationships with them were naturally ruled out unless they converted to Judaism. The rules had the double effect of idealizing the vanished Temple, which had demanded the highest purity, and of recognizing that, in its absence, the final stage in the purification process—the sacrifice ritual—was no longer possible. The rabbis built on some of the older Pharisaic rules to establish a new understanding of ritual purity within the home that continues to this day in Orthodox Judaism. In biblical society, the priests had been a separate hereditary class that maintained a high degree of ritual purity. In one sense, with the Temple gone, priesthood lapsed. In another sense, however, maintaining ritual purity became the obligation of every Jew, whether descended from a priestly family or not. And rabbinic Judaism thought of the community as having a priestly role among the nations of the world.

### Repentance

The rabbis also put great emphasis on the concept of repentance. Although they had no doubt that righteousness was God's will, they did not design a 'scoreboard' religion in which good deeds could be totalled against bad. Rather, they taught that human life is constantly balanced between good and evil deeds, and that for this reason the need for repentance (Hebrew *teshuvah*, literally 'turning' or 'returning') is constant. Without sincere individual repentance, even the solemn rituals of Yom Kippur (the day of atonement) are merely external forms. God effects atonement only when the individual sincerely repents. There are several stages

to repentance. First, one must admit to having done wrong. The rabbis acknowledge that sin is committed not by deliberately evil people, but by people who know right from wrong and seek to do the right, but who have an ability to rationalize their behaviour that prevents them from seeing where they go wrong. Thus the very first stage of repentance is to acknowledge openly the wrong one has done. This confession is critical for everything that comes afterwards.

The next stage in repentance should be true sorrow for one's misdeeds, but this does not follow automatically from the first stage. People may admit their sins without actually feeling sorry for having committed them. Or they may rationalize their sins as necessary under the pressure of circumstances. True repentance means acknowledging that all these thought patterns are traps.

One must promise never to repeat the sin and take steps to fulfill that undertaking. But repentance means more than feeling sad and promising to change one's behaviour. It also means ensuring that anyone harmed by one's actions receives the appropriate compensation.

Some crimes, such as murder, may require the death of the perpetrator as compensation, even though it cannot bring back the life of the victim. A person who truly repents and is willing to accept death may enter God's presence as a forgiven sinner. But in fact the rabbis rarely had the authority to pronounce a death sentence because of the legal strictures they put in place for capital trials: few situations were clear-cut enough for the capital penalty to be imposed.

If God can forgive the sincere penitent, human beings must do the same. A person who has been wronged may seek restitution, but is obliged to respond with forgiveness once the wrong-doer has completed all the stages of repentance. By the same token, wrongdoers must have completed all those stages in order for God to accept their repentance on Yom Kippur. Rabbinic Judaism has been characterized as a religion of works, but it still leaves enormous scope for divine grace. It emphasizes

God's availability for forgiveness as well as the human need to achieve it. Once the Temple and its sacrificial rituals were no longer part of Jewish life, therefore, the rabbis ruled that marriage and death were also occasions for individuals to repent. But repentance can take place at any time.

The rabbis developed a very sophisticated notion of intention. Just as English common law recognizes several degrees of intention in murder cases, so the rabbis recognized the role that subtle differences in intention play in determining the significance of any action. To find someone guilty of murder, they usually required a degree of intentionality that would be very difficult to ascertain in court. This was possible because they believed God to be a witness to every human action.

Thus even in cases where lack of evidence makes it impossible for a human court to determine the truth, it is assumed that God is a righteous judge and will always ensure an appropriate outcome: if a wrong has been done, God will see that the wrongdoer is punished. This brings us to a subtle but important distinction. Although rabbinic law resembles a national law code, it is distinctive in that it assumes God to be a constant participant in the legal process. Sometimes people find rabbinic writing legalistic. But this is a category mistake. The fact is that a great deal of rabbinic writing is law, albeit highly theological law.

### Commandments for Jews and Gentiles

Rabbinic thought had a clear notion of the Torah, both written and oral, as God's gift to the Jews. The next logical question for the rabbis to answer was what God intended for the gentile nations (in Hebrew, *goyim*). Did they too have a part in the divine plan, with their own privileges and responsibilities? By what standards should their conduct be judged?

In attempting to answer these questions, the rabbis began to articulate a theory of universalism. Of course, even the biblical writers had understood that God was Lord of the whole world, not just of the people Israel. This understanding

is dramatically expressed in the *Genesis* creation story. In their day, various pre-exilic prophets had drawn the gentiles into their scenarios as instruments of punishment that God would use to settle scores with a sinful Israel. Other prophets had pronounced against certain nations in God's name for overstepping the limits of the punitive roles assigned to them. Post-exilic writers, especially in the apocalyptic genre, had envisioned the glorification of Israel and the subjugation of the gentile nations as a long-delayed demonstration of God's loyalty to his people. The longer that intervention was delayed, the more dramatic it was expected to be when it finally came.

In the biblical account, the covenants that Yahweh makes with Abraham and Moses establish specific privileges and responsibilities for the people of Israel. The Ten Commandments given to Moses are at the heart of the law, but in the classic rabbinic interpretation of Torah, more than 600 other commandments, *mitzvot* (the plural of *mitzvah*), were delivered orally at Sinai. The conventional total is 613; the rabbis of the Middle Ages delighted in enumerating all of them.

It was the covenant with Abraham that marked the formation of a distinct Israelite people. But there was an earlier covenant—the one that God made with Noah, the survivor of the primeval flood, and sealed with the rainbow. The rabbis linked the salvation of the gentiles explicitly to this covenant, for in it God promises mercy and deliverance to all humanity. They also believed that in it God gave to everyone a number of laws known as the Noachide (or Noahic) commandments.

The number of the Noachide commandments vary from six to ten (different rabbinic commentaries cite different numbers), but they are conventionally said to be seven. They consist of prohibitions against blasphemy, idolatry, bloodshed, incest, theft, and the eating of flesh from living animals. Often added to these is recognition of the true God.

The rabbis derived these ordinances from what they took to be scriptural revelation intended to let the whole human race know the meaning of

righteousness. Above all, though, the Noachide commandments are consonant with universal human reason. They are universally recognizable moral imperatives, like 'natural' laws. In medieval Judaism, rabbinic commentators seeking to understand God's plan for Christianity and Islam—religions founded on biblical and Jewish principles but far greater in numbers and power—looked to the Noachide commandments for guidance. Since Islam was strictly monotheistic and rejected the making of images, the rabbis came to see it as consistent with the Noachide commandments. Some of them saw Christianity in the same light. But others balked at Christianity's trinitarian doctrine and its rich Roman and Eastern traditions of devotion to *eikons* or 'images'.

Some rabbis, especially those living in Christian countries, pointed out that even though Christianity associates a mortal and his image with God—a heresy in both Judaism and Islam known as 'associationism'—righteous Christians could still count on eternal life because the Noachide commandments do not specifically prohibit it for gentiles. Other rabbis, many of them living in Muslim lands, believed, (as did the Muslims) that Christianity represented an outright violation of monotheism since Islam insists that nothing can share the divine status of God.

Rabbinic Judaism encouraged toleration and respect for Christianity and Islam based on the universalistic principle that all the Abrahamic faiths worshipped the same God. Christians and Muslims similarly developed legal arguments for the toleration of Jews, although these were based on the fact that Judaism was the foundation of their own faiths. Of course, the formal acceptance of Judaism did not prevent centuries of intolerance towards Jews (though persecution was much more prevalent in Christian than in Muslim lands). Nor did Jews always live up to the rabbis' universalistic notions regarding the other Abrahamic faiths.

Jews never explicitly rejected the idea of conversion to Judaism, and today they readily accept sincere converts. Some non-Jews may find it hard

## The Rabbis on Gentiles

*The Tannaim (the early rabbis) argued over the status of gentiles, but eventually they decided that the righteous of all nations have a place in the world to come.*

Rabbi Eliezer said: 'All the nations will have no share in the world to come, even as it is said, "The wicked shall go into Sheol, and all the nations that forget God" [Psalm 9: 17]. The wicked shall go into Sheol—these are the wicked among Israel.' Rabbi Joshua said to him: 'If the verse had said, "The wicked shall go into Sheol with all the nations," and had stopped there, I should have agreed with you, but as it goes on to say "who forget God," it means there are righteous men among the nations who have a share in the world to come' (Tosefta Sanhedrin 13: 2).

Rabbi Jeremiah said: 'Whence can you know that the gentile that practices the law is equal to the high priest? Because it is said, "which, if a man do, he shall live through them" [Leviticus 18: 5]. And it says, "This is the Torah of man" [2 Samuel 7: 19]. It does not say, "the law of the priests, Levites, Israelites," but "This is the law of man, O Lord God." And it does not say, "Open the gates and let the priests and Levites and Israel enter," but it says: "Open the gates that the righteous may enter" [Isaiah 26: 2]. And it says, "This is the gate of the Lord, the righteous shall enter it." It does not say, "The priests and the Levites and Israel shall enter it," but it says, "The righteous shall enter it" [Psalm 118: 20]. And it does not say, "Rejoice ye, priests, Levites, and Israelites," but it says, "Rejoice ye righteous" [Psalm 33: 1]. And it does not say, "Do good, O Lord, to the priests and the Levites and the Israelites," but it says, "Do good, O Lord, to the good" [Psalm 124: 4]. So even a gentile, if he practises the Torah, is equal to the high priest' (Sifra 86b; b. Baba Kamma 38a).

to understand why devout Jews do not bear witness to their faith by proselytizing, but Jews see no need to convert others in order to ensure their salvation: for them it is enough to preach the righteousness that makes all people, Jewish or gentile, equal in the eyes of God. The decision to convert is entirely personal, reserved for those who sincerely wish to join their fate with that of the people Israel.

## DIFFERENTIATION

### The Medieval Period

By convention, the Jews of the premodern world were divided geographically into two groups, **Sephardim** and **Ashkenazim**. The former lived in

the region of the Mediterranean, while the latter lived in central and eastern Europe, away from the Mediterranean. (A handful of much smaller communities belonging to neither group are discussed on p. 126.)

By the medieval period, Sepharad was identified primarily with Spain, which with Portugal came to dominate Sephardic intellectual history. European Jewish settlement in the New World began with Sephardim from Spain, Portugal, and Italy—the pioneering lands of exploration and colonial empire-building. There have been important Sephardic centres in Italy and the Turkish Empire, and Jews across North Africa and the Middle East can all be counted among the Sephardim.

Ashkenaz was identified primarily with Germany, but in time, as persecution forced its members to migrate, came to include Poland, Hungary,