

YOHANAN BEN ZAKKAI, *AMICUS CAESARIS*:*
A JEWISH HERO IN RABBINIC EYES

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In a famous rabbinic legend, Rabban Yohanan ben Zakkai flees besieged Jerusalem, surrenders to the Romans and heartens the Roman leadership by predicting their military success and Vespasian's promotion to emperor. This very same legend, in three of its four versions, also describes how Vespasian enabled Rabban Yohanan ben Zakkai to establish a rabbinic academy in Yavneh, the academy that would come to be viewed retrospectively as the central core of the burgeoning rabbinic movement. Thus the foundation myth of Yavneh, the story designed to describe the providential establishment of the rabbinic academy in the wake of the destruction of Jerusalem, risks depicting its central hero as a deserter, perhaps even as a defector and a traitor. Why would the rabbis have portrayed one of the most important sages of the formative period in rabbinic Judaism in this apparently unfavorable manner?

Perhaps this unflattering interpretation of Rabban Yohanan ben Zakkai's role in the Yavneh legend is anachronistic in that it projects modern ideologies and ethical sensibilities into the past.¹ Thus, for example, when Y. Baer rejected the historical veracity of this escape story on the grounds that a man of Rabban Yohanan ben Zakkai's stature would never have fled to the Romans, he may very well have been influenced by modern ideological considerations, whether

* “מאזהבו של קיסר הוא” and “אזהבו של מלך” appear respectively in Avot de-Rabbi Nathan A chapter 4 (*Abot de-Rabbi Nathan*, ed. S. Schechter, prolegomenon by M. Kister [New York and Jerusalem, 1997], pp. 21–22) and Avot de-Rabbi Nathan B chapter 6 (ed. Schechter, p. 19).

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¹ See Jacob Neusner, *A Life of Yohanan ben Zakkai, ca. 1–80 C.E.* (Leiden: Brill, 1970), p. 245.

Zionistic or otherwise.² In order to avoid reconstructing the past in our own image, it must be ascertained whether Jews in late antiquity would have shared Baer's revulsion and viewed Rabban Yohanan ben Zakkai's actions in the story as a cowardly defection. If Jews in late antiquity would also have disapproved of Rabban Yohanan ben Zakkai's alleged activities, then we are justified in asking why the rabbis would have portrayed a great rabbinic hero, the figure credited with the foundation of Yavneh, in such an uncomplimentary manner.

I believe there is sufficient evidence from antiquity to conclude that many Jews in the early Common Era would have viewed Rabban Yohanan ben Zakkai's alleged activities as cowardly and perhaps even traitorous. First, let us consider Jewish reactions to the similar actions of Josephus. After the fall of Jotapata, where Josephus had led the city in battle against the Romans, Josephus hid with forty notables in a cave. When he sought to surrender, these notables tried to stop him, even resorting to violent means. As Tessa Rajak notes, though his companions "were far from being zealots, suicide seemed the only honourable course."³ In a similar vein, Josephus himself reported that when news of his surrender reached Jerusalem, he was "abused by some as having been a coward, and by others as a deserter; and the city was full of indignation at him, and of reproaches cast upon him."⁴ One need not have been a radical zealot to disapprove of surrender and though Josephus, like Polybius in his own context, sought to limit the blame for the war to only a small group of bandits, Gregory Sterling convincingly argues that Josephus probably downplayed the

² Y. Baer, "Jerusalem in the Times of the Great Revolt," *Zion* 36 (1971), p. 178 [Hebrew]. See also David Flusser, "The Dead of Massada in the Eyes of Their Contemporaries," in *Jews and Judaism in the Second Temple, Mishna and Talmud Period: Studies in Honor of Shmuel Safari*, eds. I. Gafni, A. Oppenheimer and M. Stern (Jerusalem: Yad Ben-Zvi, 1993), pp. 116–146 [Hebrew]; Daniel Boyarin, "Masada or Yavneh? Gender and the Arts of Jewish Resistance," in *Jews and Other Differences: The New Jewish Cultural Studies*, eds. Jonathan Boyarin and Daniel Boyarin (Minneapolis and London: University of Minneapolis Press, 1997), pp. 306–329.

³ Tessa Rajak, *Josephus: The Historian and His Society* (London: Duckworth, 1983), p. 168.

⁴ Josephus, *Jewish War* 3.439 (trans. H. St. J. Thackeray, Cambridge MA and London: Loeb Classical Library, 1976). See also *Jewish War* 5.375, 5.541–543; *Life* 416.

widespread nationalistic dimension of the war.⁵ In short, Josephus' own account and his defensive posture throughout the Jewish War testify to the widespread condemnation of his surrender, condemnation which apparently stemmed from the nationalistic fervor of the period.⁶ In the case of Rabban Yohanan ben Zakkai, Jerusalem, unlike Jotapata, had not yet even fallen to the Romans and therefore it seems that his maneuvers to escape the city and surrender to the enemy would also have been considered cowardly and even traitorous by many.

In addition, the rabbinic portrayals of Rabban Yohanan ben Zakkai's flight suggest that the rabbis themselves worried that his escape might easily be misconstrued as the equivalent of a dishonorable captain selfishly abandoning his crew aboard their sinking ship.⁷ For this reason, all four versions of the story stress that Rabban Yohanan ben Zakkai was actually endangering his life for the benefit of others. Rabban Yohanan ben Zakkai risked his life when exiting the city and once again in his confrontation with Vespasian, adhering to this hazardous path only for the benefit of the Jewish people.

In Avot de-Rabbi Nathan A, Avot de-Rabbi Nathan B, and the Babylonian Talmud, Rabban Yohanan ben Zakkai leaves the city when the end is near in order to "save a little,"⁸ in the words of the

⁵ Gregory E. Sterling, "Explaining Defeat: Polybius and Josephus on the Wars with Rome," *Internationales Josephus-Kolloquium Aarhus* 6 (1999), pp. 141, 148–149.

⁶ Indeed, scholars have questioned why Josephus described his own surrender in such detail and thereby risked portraying himself as a traitor. See, for example, David Daube, *Typology in Josephus*, *JJS* 31 (1980), p. 19; Rajak, *Josephus*, pp. 171–172; Gregory E. Sterling, *Historiography and Self-Definition: Josephus, Luke—Acts and Apologetic Historiography* (Leiden, New York, Köln: Brill, 1992), pp. 236–237.

⁷ Cf. Jeffrey L. Rubenstein, *Talmudic Stories: Narrative Art, Compositions and Culture* (Baltimore and London: The Johns Hopkins University Press, 1999), pp. 156–160, 171.

⁸ The phrase "to save a little" is striking and somewhat unusual (it appears nowhere else in rabbinic literature) and I would like to suggest that it may have been inspired by a similar phrase in Daniel. After describing how the Romans halted Antiochus Epiphanes' invasion of Egypt in 168 BCE and the subsequent desecration of the Temple in Jerusalem, Daniel 11:33–34 states: "The knowledgeable among the people will make the many understand; and for a while they shall fall by sword and flame, suffer captivity and spoliation. In defeat, they will receive a little help, and many will join them insincerely"

Talmud, that is, in order to establish an academy at Yavneh and thereby rescue the Judaism, if not the Jews, of Jerusalem. In Lamentations Rabbah, Rabban Yohanan ben Zakkai's aspirations are even higher and he appeals to Vespasian to spare Jerusalem and its inhabitants.⁹ Thus, the rabbis assure us that Rabban Yohanan ben Zakkai's motivations were pure and that rather than fleeing to save his own life, he consistently endangered himself to fulfill a higher calling. This rabbinic portrayal of Rabban Yohanan ben Zakkai that exonerates him of any wrongdoing has impressed Jews for centuries,

(trans. *JPS Hebrew-English Tanakh* (Philadelphia: The Jewish Publication Society, 1999), ad loc.). In light of the similar conditions during Rabban Yohanan ben Zakkai's lifetime, perhaps the Babylonian Talmud's notion of "saving a little" is a literary allusion to Daniel's "little help." Many have thought that Daniel's "little help" refers to Judah and the Maccabean resistance (see John J. Collins, *Hermeneia: Daniel* (Minneapolis: Fortress Press, 1993), p. 386). If the rabbis were also familiar with this interpretation, it is perhaps ironic that the parallel notion in the Babylonian Talmud refers to the acquisition of Yavneh via Rabban Yohanan ben Zakkai's pacifistic stance. (Not surprisingly, Jerome, in his commentary to Daniel, reports that Jews interpreted Daniel 11:31–34 to refer to the destruction of the Temple and the Roman period, not to the second century BCE (see Jay Braverman, *Jerome's Commentary on Daniel: A Study of Comparative Jewish and Christian Interpretations of the Hebrew Bible* [Washington DC: Catholic Bible Association, 1978, pp. 115–123])). More generally, of course, Rabban Yohanan ben Zakkai's approach was not unlike the overarching pacifistic outlook in Daniel that included a willingness to cooperate with gentile kingdoms and perhaps was expressed in the "little" of "a little help." (See also Steve Mason, "Josephus, Daniel, and the Flavian House," in *Josephus and the History of the Greco-Roman Period: Essays in Memory of Morton Smith*, eds. Fausto Parente and Joseph Sievers (Leiden, New York and Köln: E. J. Brill, 1994), pp. 161–191.) In addition, perhaps the transformation of the "little help" of the Hasmoneans into Rabban Yohanan ben Zakkai's "saving a little" should be viewed in light of rabbinic attitudes towards the Hasmonean dynasty (see Daniel Schwartz, "On Pharisaic Opposition to the Hasmonean Monarchy," in *Studies in the Jewish Background of Christianity* (Tübingen: Mohr Siebeck, 1992), pp. 44–56; cf. Isaiah Gafni, "The Hasmoneans in Rabbinic Literature," in *Yemei Beit Hashmonai* (Jerusalem: Ben-Zvi, 1995), pp. 261–276 [Hebrew]).

⁹ See Avot de-Rabbi Nathan A chapter 4 (ed. Schechter, pp. 22–24); Avot de-Rabbi Nathan B chapter 6 (ed. Schechter, p. 19); Lamentations Rabbah 1:5 (ed. S. Buber, [Vilna, 1893], pp. 65–69); BT Gittin 56a–b; Midrash Proverbs 15 (ed. Burton L. Visotzky [New York: Jewish Theological Seminary, 1990], pp. 125–126). See also Shaye J. D. Cohen, "The Destruction: from Scripture to Midrash," *Prooftexts* 2 (1982), p. 37.

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and even modern scholars such as Abraham Schalit have concluded that while Josephus' surrender was prompted by selfish considerations, Rabban Yohanan ben Zakkai's surrender embodied the selfless grandeur of a true leader.¹⁰

In light of the negative reaction to Josephus' defection amongst his contemporaries and the concerted effort the rabbis made to portray Rabban Yohanan ben Zakkai as a selfless leader, it is clear that our question is not anachronistic. Why did the rabbis risk tarnishing Rabban Yohanan ben Zakkai's image with such a potentially damaging story? Even if the escape motif originates from Josephus' account, oral traditions devolving from Josephus or some other source,¹¹ why project the story onto Rabban Yohanan ben Zakkai? It seems that if the rabbis had wanted to explain why there are halakhic texts that locate Rabban Yohanan ben Zakkai in Jerusalem before the war and in Yavneh after the war, they certainly could have constructed or employed a less volatile and potentially damning narrative. Presumably, the story of Rabban Yohanan ben Zakkai's escape from Jerusalem resonated so strongly amongst the rabbis that they chose to use it despite its potential difficulties; and this rabbinic decision naturally prompts the question: what made this particular narrative so compelling to them?

Before offering an answer, I would like to discuss Rabban Yohanan ben Zakkai's motivation for leaving Jerusalem. Gedalyah Alon dealt with this question in a highly influential article and many

¹⁰ Abraham Schalit, "The Prophecies of Josephus and of R. Yohanan ben Zakkai on the Ascent of Vespasian to the Throne," in vol. 3 of *Salo Wittmeyer Baron Jubilee Volume*, ed. Saul Liberman (Jerusalem: American Academy for Jewish Research, 1975), pp. 413, 431–432.

¹¹ See, for example, Aaron Kaminka, *Studies in Bible, Talmud and Rabbinical Literature* (Tel-Aviv: Dvir, 1951), pp. 99–100 [Hebrew]; Baer, "Jerusalem," pp. 178–186; Anthony J. Saldarini, "Johanan ben Zakkai's Escape from Jerusalem: Origin and Development of a Rabbinic Story," *JSJ* 6:2 (1975), p. 198; Israel J. Yuval, "Jews and Christians in the Middle Ages: Shared Myths, Common Language," in *Demonizing the Other: Antisemitism, Racism, and Xenophobia*, ed. Robert S. Wistrich (Amsterdam: Harwood Academic Publishers, 1999), pp. 93–94; Rubenstein, *Talmudic Stories*, p. 139 n. 2. For an extensive list of studies which deal with the historicity of, or sources underlying, the escape legend, see Galit Hasan-Rokem, *Web of Life: Folklore and Midrash in Rabbinic Literature*, trans. Batya Stein (Stanford: Stanford University Press, 2000), p. 171 n. 74 (pp. 242–245).

scholars have accepted his interpretation of the legend.¹² Alon differentiated between the various versions of the legend and noted that in Avot de-Rabbi Nathan A and B, Rabban Yohanan ben Zakkai decided to leave the city after the zealots rejected his appeal to surrender. Alon thus concluded that in these two versions of the story, Rabban Yohanan ben Zakkai's absolute opposition to the war prompted his decision to escape. In contrast, Lamentations Rabbah locates Rabban Yohanan ben Zakkai's decision to leave after the burning of the city's food supplies. Alon deduced from this juxtaposition that Rabban Yohanan ben Zakkai was not opposed to the war in principle; instead, he disapproved of the zealots' tactics, and rather than forcing the people to fight by burning their food, he favored entrenchment in the city "in order to maintain a long defensive war." The Babylonian Talmud refers to both the rabbinic opposition to the war and the burning of the stores, thereby implying that both elements prompted Rabban Yohanan ben Zakkai's escape.¹³ In sum, Alon argues that while Rabban Yohanan ben Zakkai opposed the war according to Avot de-Rabbi Nathan A, Avot de-Rabbi Nathan B, and the Babylonian Talmud, he approved of the war according to Lamentations Rabbah, where he differed from the zealots only on tactical issues.

A careful reading of Lamentations Rabbah demonstrates, however, that the notion that Rabban Yohanan ben Zakkai supported the war is never explicitly stated. Alon concluded, based on the juxtaposition of the burning of the stores with his exiting the city, that Rabban Yohanan ben Zakkai approved of the war but disapproved of the zealots' tactics. This juxtaposition, however, may be interpreted otherwise. Anat Yisraeli-Taran has suggested that even according to Lamentations Rabbah, Rabban Yohanan ben Zakkai opposed the zealots from the start, and the only reason he did not vocally condemn their actions prior to the burning of the stores was because he justifiably feared for his life.¹⁴ If Yisraeli-Taran is correct, then perhaps Rabban Yohanan ben Zakkai decided to leave the city after the burning of the food supplies because only then did he realize that the end was imminent and that he would have to act immediately if he

¹² See Gedalyah Alon, *Jews, Judaism and the Classical World: Studies in Jewish History in the Times of the Second Temple and Talmud* (Jerusalem: Magnes Press, 1977), pp. 269–313.

¹³ *Ibid.*, pp. 308–311.

¹⁴ Anat Yisraeli-Taran, *The Legends of the Destruction* (Tel-Aviv: Hakibbutz Hameuchad, 1997), pp. 52–53 [Hebrew].

wished to avert utter disaster.¹⁵ Thus, contrary to Alon, I do not believe that Lamentations Rabbah necessarily portrays Rabban Yohanan ben Zakkai as a nationalist rebel who simply disagreed with the zealots with regard to tactics. Rather, I believe that even in Lamentations Rabbah, Rabban Yohanan ben Zakkai opposed the war. He apparently stayed in Jerusalem, assisting his fellow Jews as long as possible, but once he realized that the destruction of the city was looming, he decided to approach Vespasian.

Both Alon's contention that Lamentations Rabbah has Rabban Yohanan ben Zakkai supporting the war and my contention that it does not, are attempts to read between the lines. The text of Lamentations Rabbah takes no explicit position, one way or another. Nonetheless, I believe that my interpretation is preferable because it accords with the portrait of Rabban Yohanan ben Zakkai that emerges from earlier rabbinic texts. A few tannaitic texts attribute a moderate political position to Rabban Yohanan ben Zakkai and thus, for example, we find the following passage in the Mekhilta:

For if thou lift up thy sword upon it, etc. In this connection, R. Simon b. Eleazar used to say: The altar is made to prolong the years of man and iron is made to shorten the years of man. It is not right for that which shortens life to be lifted up against that which prolongs life. R. Johanan b. Zakkai says: Behold it says: "Thou shalt build... of whole stones" (Deut. 27:6). They are to be stones that establish peace. Now, by using the method of [*kal vekhomer*,] you reason: The stones for the altar do not see nor hear nor speak. Yet because they serve to establish peace between Israel and their Father in Heaven, the Holy One blessed be He, said: "Thou shalt lift up no iron tool upon them" (ibid., v. 5). *How much the more then should he who establishes peace between man and his fellow-man, between husband and wife, between city and city, between nation and nation, between family and family, between government and government, be protected so that no harm should come to him.*¹⁶

¹⁵ Cf. Rubenstein, *Talmudic Stories*, p. 155.

¹⁶ *Mekhilta de-R. Ishmael*, Bahodesh 11 (eds. H. S. Horovitz and I. A. Rabin [Jerusalem, 1960], p. 244), trans. Jacob Z. Lauterbach (Philadelphia: Jewish Publication Society, 1933), p. 290. (Horovitz-Rabin note that a single, relatively late, printed edition attributes this a fortiori to "רבי יהוי," but this

Contrary to Jonah Fraenkel, who has argued that we should treat *aggadot* as self-referential stories independent of external texts, various scholars today recognize that *aggadot* are integral components of an overarching rabbinic culture and therefore need not be interpreted as hermetically closed narratives.¹⁷ According to this inter-textual approach, it stands to reason that since Lamentations Rabbah's portrait of Rabban Yohanan ben Zakkai is ambiguous, we are justified in aligning Rabban Yohanan ben Zakkai's political inclinations there with his political inclinations elsewhere. This is not to say that Rabban Yohanan ben Zakkai was really a moderate political leader and therefore Alon's reading of his nationalism in Lamentations Rabbah is incorrect. Rather, since various tannaitic sources portray Rabban Yohanan ben Zakkai as a political moderate, it seems most sensible to interpret Lamentations Rabbah in the same manner, being that the text itself does not explicitly indicate otherwise.

In light of this short digression, it seems likely that Rabban Yohanan ben Zakkai opposed the war in all four versions of the legend, and though the trigger prompting his escape varies, ultimately he left the city because he opposed the war and foresaw the city's destruction. I suspect that the nationalistic atmosphere that reigned in Judea during the late first and early second centuries of the Common Era, in conjunction with the bitter persecutions of the second century, would have discouraged the rabbis of this period from portraying the rabbinic hero as a leader who opposed the war with Rome and abandoned his flock at the last moment.¹⁸ In other words, many tannaim would probably have disapproved of the Yavneh foundation legend and therefore it is not surprising that we find no hint of it in tannaitic sources.¹⁹ However, once Jews in Palestine became re-

alternative attribution is most probably an error.) See also Yisraeli-Taran, *The Legends*, p. 74.

¹⁷ See Jonah Fraenkel, "Hermeneutic Problems in the Study of the Aggadic Narrative," *Tarbiz* 47 (1978), pp. 139–172 [Hebrew]; cf. Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture* (Berkeley, Los Angeles and London: University of California Press, 1993), pp. 15–16; Rokem, *Web of Life*, pp. 17–18. See also Elizabeth A. Clark, *History, Theory, Text: Historians and the Linguistic Turn* (Cambridge, MA and London: Harvard University Press, 2004), pp. 130–135.

¹⁸ Cf. Saldarini, "Johanan," p. 203.

¹⁹ The portrayal of the Jewish-Christian flight to Pella in the Christian tradition was also apparently constructed as a foundation myth some time after the date

accustomed to accommodation with Rome in subsequent centuries and more distanced from the horrors of the destruction, collaboration with Rome became more palatable.²⁰ This collaborating stance is illustrated, for example, by amoraic legends regarding the alleged friendship between Rabbi Judah ha-Nasi and the emperor²¹ and by the eventual recognition and role of the patriarch in Roman legislation and public affairs.²² Thus with the waning of overt hostility towards Rome, the legend of Rabban Yohanan ben Zakkai's escape from Jerusalem could emerge.²³

The later historical setting thus provides necessary conditions for the emergence of our legend, but I do not believe that it supplies sufficient conditions as well. A positive reason for telling the story is still lacking. Although temporal and emotional distance from the events and atmosphere of the first century may explain why later rabbis would not have been mortified or offended by the story, it

of the alleged flight itself. See Gerd Lüdemann, "The Successors of Pre-70 Jerusalem Christianity: A Critical Evaluation of the Pella-Tradition," in *Jewish and Christian Self-Definition, Volume One, The Shaping of Christianity in the Second and Third Centuries*, ed. E. P. Sanders (London: SCM Press, 1980), pp. 161–173; Oded Irshai, "The Church of Jerusalem – From 'The Church of the Circumcision' to 'The Church of the Gentiles,'" in *The History of Jerusalem: The Roman and Byzantine Periods (70–638 CE)*, eds. Yoram Tsafrir and Shmuel Safari (Jerusalem: Yad Ben-Zvi Press, 1999), pp. 74–77 [Hebrew]; Hasan-Rokem, *The Web of Life*, p. 201; Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (Philadelphia: University of Pennsylvania Press, 2004), p. 62.

²⁰ See Moshe David Herr, "Persecutions and Martyrdom in Hadrian's Days," *Scripta Hierosolymitana* 23 (1972): pp. 123–125. (If the story was initially developed in Babylonia, then it probably emerged amongst Babylonian Jews, who were used to cooperating with the Sassanian government.)

²¹ See S. Krauss, *Antoninus und Rabbi* (Wien: Israel-theol. Lehranstalt, 1910); T. Wallach, "The Colloquy of Marcus Aurelius with the Patriarch Judah I," *JQR* 31 (1941), pp. 259–285; Ofra Meir, *Rabbi Judah the Patriarch: Palestinian and Babylonian Portrait of a Leader* (Tel-Aviv: Hakibbutz Hameuchad, 1999), pp. 263–299 [Hebrew].

²² See Amnon Linder, *The Jews in Roman Imperial Legislation* (Detroit and Jerusalem: Wayne State University Press and The Israel Academy of Sciences and Humanities, 1987), pp. 69–70; numbers 8, 20, 24, 27, 28, 30, 32, 34.

²³ Daniel Boyarin has recently stressed the importance of viewing the story of Rabban Yohanan ben Zakkai's escape to Yavneh and many other aspects of Yavneh reported in rabbinic literature as part of the later rabbinic construction of the Yavneh myth. See his *Border Lines*, pp. 46–49, 151–201.

nevertheless seems surprising that later rabbis told a story that risked portraying Rabban Yohanan ben Zakkai as cowardly and perhaps even traitorous.²⁴

²⁴ Daniel Boyarin has argued that the portrayal of Rabban Yohanan ben Zakkai in the escape story is the product of the rabbinic ethics of colonial survival (see Boyarin, “Masada or Yavneh,” pp. 306–329). He has also contextualized rabbinic texts that discuss whether martyrdom or escape from martyrdom should be the ultimate Jewish ideal. Boyarin compares them to similar Christian texts from the late second century CE and subsequent centuries (see Daniel Boyarin, *Dying for God: Martyrdom and the Making of Christianity and Judaism* (Stanford: Stanford University Press, 1999), pp. 42–66; idem, “Tricksters, Martyrs, and Collaborators: Diaspora and the Gendered Politics of Resistance,” in Daniel Boyarin and Jonathan Boyarin, *Powers of Diaspora: Two Essays on the Relevance of Jewish Culture* (Minneapolis and London: University of Minneapolis Press, 2002), pp. 37–102). In a related vein, Daniel Schwartz would probably consider our escape story typical of the “diasporan” mentality of the rabbis: a mentality which, amongst other things, extols cooperation with the gentile authorities and blames revolts on radical Jewish extremists (see Daniel R. Schwartz, “From the Maccabees to Masada: On Diasporan Historiography of the Second Temple Period,” in *Jüdische Geschichte in Hellenistisch-römischer Zeit* (Munich: R. Oldenbourg, 1999), pp. 29–40; see also Norman B. Mirsky, “Yavneh vs. Masada: Conscious and Unconscious Uses of Historical Legend in the Formation of American Jewish Identity,” in: *A Bicentennial Festschrift for Jacob Rader Marcus*, ed. Bertram Wallace Korn (New York and Waltham, MA: Ktav Publishing House and American Jewish Historical Society, 1976), pp. 377–400). These interpretations contextualize our story within an overarching rabbinic (colonized or diasporan) view, but I believe that this context still does not adequately explain why the rabbis would risk portraying a central rabbinic figure in such a potentially damaging fashion. Although their interpretations overlap, there are important differences between the stances articulated by Boyarin and Schwartz. Thus, for example, whereas Boyarin views Josephus’ account of the collective suicide at Masada as the internalization of Roman manly values and not a typically diasporan position, Schwartz argues that the Masada story was actually written in the nineties and is characteristic of the diasporan attitude to religious self-sacrifice typical of Josephus’ later writings. Personally, I find it unlikely that the manner in which the Sicarii died at Masada reflects a particularly Jewish diasporan mentality, as Schwartz contends, since it focuses on collective suicide in battle rather than martyrdom. In addition, collective suicide of this sort was a stock motif in ancient historiography that was viewed favorably by ancient authors (see Shaye J. D. Cohen, “Masada: Literary Tradition, Archaeological Remains, and the Credibility of Josephus,” *JJS* 33 (1982), pp. 385–392).

The missing element, the sufficient condition, which I believe explains why the rabbis were comfortable with depicting Rabban Yohanan ben Zakkai as opposing the war and fleeing Jerusalem, is Jeremiah. The rabbis internalized the story of Jeremiah and superimposed Jeremiah's role during the destruction of the First Temple onto Rabban Yohanan ben Zakkai.²⁵ Although Jeremiah's image was developed in new and unanticipated ways during the Second Temple and post-Temple periods, he enjoyed a good reputation throughout.²⁶ This positive view of Jeremiah enhances the likelihood that he could have served as the paradigm for the depiction of a Jewish leader during the time of the destruction of the Second Temple.²⁷

Jacob Neusner has compared the legend of Rabban Yohanan ben Zakkai as it appears in Avot de-Rabbi Nathan A to Jeremiah,²⁸ and I would like to expand on his comparison. Neusner limited his analysis to Avot de-Rabbi Nathan A because he accepted Alon's argument that according to Lamentations Rabbah, Rabban Yohanan ben Zakkai approved of the war, and therefore the comparison to Jeremiah, who opposed the Jewish revolt against Babylon, would not work very well for Lamentations Rabbah's version of our legend. Neusner focused on Avot de Rabbi Nathan A because Rabban Yohanan ben Zakkai's

²⁵ Cf. Menahem Kister, "Legends of the Destruction of the Second Temple in Avot de-Rabbi Nathan," *Tarbiz* 67 (1998), p. 513.

²⁶ See John Barton, "Jeremiah in the Apocrypha and Pseudepigrapha" in *Troubling Jeremiah*, eds. A. R. Pete Diamond, Kathleen M. O'Connor, and Louis Stulman (Sheffield, UK: Sheffield Academic Press, 1990), pp. 306–317. See also the references cited by W. L. Holladay in *Hermeneia: Jeremiah 2* (Philadelphia: Fortress Press, 1990), pp. 458–459.

²⁷ It is also worth noting that in the second epistle placed at the beginning of 2 Maccabees, Jeremiah is said to have taken measures to preserve the Jewish way of life after the destruction of the Temple and to have laid the groundwork for the resumption of Temple worship after the period of exile (2:1–8). Jeremiah is thereby viewed as a link between the First and Second Temples and he is introduced in order to legitimate the overarching message of the epistle as well as that of 2 Maccabees more generally. See Jonathan A. Goldstein, *II Maccabees* (Garden City, NY: Doubleday, 1983), pp. 181–184; Daniel R. Schwartz, *The Second Book of Maccabees: Introduction, Hebrew Translation and Commentary* (Jerusalem: Yad Ben-Zvi Press, 2004), pp. 88–90 [Hebrew].

²⁸ Jacob Neusner, "Beyond Historicism, After Structuralism: Story as History in Ancient Judaism," The 1980 Harry Sindel Memorial Lecture (Bowdoin College, Brunswick Maine, 1980), pp. 5–30. See also Jonah Fraenkel, *Darkhei ha-Aggada veba-Midrash* (Givatayim: Yad la-Talmud, 1991), p. 243 [Hebrew].

opposition to the war is most evident in this version. However, as argued above, I believe that Rabban Yohanan ben Zakkai's opposition to the war is central to all four versions of the legend, including that of Lamentations Rabbah, and therefore I shall broaden the scope of the comparison to include all four versions.

In broad strokes, the comparison between Jeremiah's activities at the time of the destruction of the First Temple as reported in the Book of Jeremiah, and Rabban Yohanan ben Zakkai's actions as described in the literary kernel of our legend, can be articulated as follows. A Jewish leader living in besieged Jerusalem opposes the war, foresees the city's destruction and therefore calls upon the Jews to surrender. His appeals, however, remain unheeded and the city's situation deteriorates. When he realizes that the destruction of the city is looming, he seeks to flee the city but runs into difficulties with the Jewish guards at the city gates who oppose his exiting the city. In the long run, his anti-war stance serves him well and when he comes to the attention of the enemy leader, he is rewarded for his support. This sketch of a leader's actions at the end of the Temple period is quite remarkable because it applies in equal measure to both Jeremiah and Rabban Yohanan ben Zakkai.

The finer details of the two stories also bear comparison, though not every detail appears in all four versions of our legend. Jeremiah and Rabban Yohanan ben Zakkai were both priests (at least according to Daniel Schwartz's persuasive arguments)²⁹ and Rabban Yohanan ben Zakkai may perhaps even be viewed as a prophet who, like Jeremiah, foresees the future and calls upon the people to change their ways so as to avert calamity. Both Jeremiah and Rabban Yohanan ben Zakkai publicly oppose the war, and their opponents, who view them as demoralizing and dangerous elements, seek to stymie them. Both Jeremiah and Rabban Yohanan ben Zakkai secretly meet with the leader of the rebels, and in both cases, the leader himself fears the war party and endangers his own life by conversing with a prominent figure opposed to the war. A famine plagues the city during both sieges, and when Jeremiah and Rabban Yohanan ben Zakkai are stopped at the gates, they are both assaulted. Jeremiah is beaten and the guards attempt to stab Rabban Yohanan ben Zakkai, who is in a coffin. Perhaps Rabban Yohanan ben Zakkai's placement in a coffin is comparable to Jeremiah's subsequent imprisonment in a pit, and the ruse through which Jeremiah is secured from the pit akin to the ruse

²⁹ See Jeremiah 1:1; Daniel Schwartz, "Was Rabban Yohanan ben Zakkai a Priest?" *Sinai* 88 (1981–2), pp. 32–39 [Hebrew].

that enabled Rabban Yohanan ben Zakkai to leave the city posing as a corpse.³⁰ In any event, those who help Jeremiah and Rabban Yohanan ben Zakkai risk their lives to do so, and both Jeremiah and Rabban Yohanan ben Zakkai are imprisoned, albeit Jeremiah by the Jews and Rabban Yohanan ben Zakkai by the Romans. Eventually, Vespasian's willingness to grant Rabban Yohanan ben Zakkai's request, "Ask me a favor and I shall grant it," "שאל לך שאלה ואנא עביד" is rather similar to Nebuchadnezzar's command to Nebuzaradan regarding Jeremiah, "grant whatever he asks of you," "כאשר ידבר אליך כן עשה עמו".³¹ After the war, Ebed-melech the Cushite and Rabbi Zadok are both saved because of their faith in God. Last and perhaps most significant, Jerusalem and the Temple are destroyed in both stories and Jeremiah and Rabban Yohanan ben Zakkai relocate to another city in the Land of Israel.

Beyond the parallels of these two similar narratives, the escape legend was not the only rabbinic text involved in constructing Rabban Yohanan ben Zakkai's persona in the image of Jeremiah. A few rabbinic texts, such as the passage from the Mekhilta cited above, portray Rabban Yohanan ben Zakkai as a political moderate and a *baraita*, found in both Talmuds, claims that Rabban Yohanan ben Zakkai foresaw the city's destruction long in advance. This tradition appears as follows on page 39b in Tractate Yoma of the Babylonian Talmud:

Our Rabbis taught: During the last forty years before the destruction of the Temple the lot [‘For the Lord’] did not come up in the right hand; nor did the crimson-coloured strap become white; nor did the western-most light shine; and the doors of the *Hekhal* would open by themselves, until R. Yohanan ben Zakkai rebuked them, saying: *Hekhal, Hekhal*, why wilt thou be the alarmer thyself? I know about thee that thou wilt be destroyed, for Zechariah ben Ido has already

³⁰ The transfer of Rabban Yohanan ben Zakkai's "corpse" out of Jerusalem is reminiscent of the role of the transfer of bones in other foundation stories. On the transfer of Joseph's bones to Israel and the relocation of bones in foundation myths, see Moshe Weinfeld, *The Promise of the Land: The Inheritance of the Land of Canaan by the Israelites* (Berkeley: University of California Press, 1993), pp. 15, 34.

³¹ See Lamentations Rabbah ad loc.; Jeremiah 39:12. See also Shaye J. D. Cohen, "Alexander and Jaddus According to Josephus," *AJS Review* 78 (1982–1983), pp. 41–68.

prophesied concerning thee: *Open thy Doors, O Lebanon, that the fire may devour thy cedars.*³²

Like Jeremiah, Rabban Yohanan ben Zakkai foresees the destruction of the Temple, and perhaps his exclamation “*Hekhal, Hekhal,*” “O Temple, Temple,” echoes and responds to the exclamation cited in Jeremiah 7:4: “Don’t put your trust in illusions and say, ‘The Temple of the Lord, the Temple of the Lord, the Temple of the Lord are these [buildings],’” “אל תבטחו לכם אל דברי השקר לאמר 'היכל ה' היכל ה' היכל ה' המה'”³³ Whereas Jeremiah’s contemporaries called out “*Hekhal, Hekhal,*” fooling themselves that the Temple would not fall, Rabban Yohanan ben Zakkai called out “*Hekal, Hekhal,*” bemoaning the forthcoming disaster. Moreover, perhaps this early tradition was implicitly referenced by the foundation legend because not only does it explain that Rabban Yohanan ben Zakkai had been anticipating the destruction of the Temple for a long time, it employs the very codeword for the Temple, Lebanon,³⁴ which appears in Rabban Yohanan ben Zakkai’s prophecy to Vespasian. In the tannaitic tradition just cited, Rabban Yohanan ben Zakkai cites Zechariah 11:1, “Open thy Doors, O Lebanon,” while in all four versions of the escape story, he cites Isaiah 10:34: “And Lebanon shall fall by a mighty one.”

In addition, it is worth noting a few other ways in which Jeremiah’s writings may have echoed in the rabbinic depiction of Rabban Yohanan ben Zakkai. In one explicit link, the burning of the “house of every notable person” described in Jeremiah 52:13 (and 2 Kings 25:9) is reinterpreted to refer specifically to the destruction of Rabban Yohanan ben Zakkai’s house of study.³⁵ Rabban Yohanan ben Zakkai’s claim that deeds of kindness attain atonement in lieu of the Temple service is reminiscent of Jeremiah’s plea for sincerity rather

³² Trans. Leo Jung (London: Soncino Press, 1938). See also JT Yoma 6:3 43c; Josephus, *War*, 6.293; Tacitus, *Histories*, 5.13. See also Rubenstein, *Talmudic Stories*, p. 154 n. 57.

³³ *JPS Hebrew-English Tanakh*, ad loc.

³⁴ See Geza Vermes, “The Symbolical Interpretation of *Lebanon* in the Targums: The Origin and Development of an Exegetical Tradition,” *Journal of Theological Studies*, N.S. 9 (1958), pp. 1–12.

³⁵ See Lamentations Rabbah Petihta 12 (ed. Buber, p. 12; BT Megillah 27a).

than sacrifices.³⁶ Similarly, Jeremiah's purchase of a field in the very midst of the war against Babylonia is perhaps akin to the pragmatic and non-eschatological stance attributed to Rabban Yohanan ben Zakkai: "If there were a sapling in your hand and they should say to you, 'behold, the messiah is here!' Come and plant the sapling [and afterwards go out to greet him]."³⁷ In short, a number of rabbinic texts seem to have been participating in a dialogue through which the rabbis typologically depicted Rabban Yohanan ben Zakkai as the Jeremiah of the Second Temple.

The notion that the rabbis would have portrayed Rabban Yohanan ben Zakkai as a second Jeremiah presupposes that they interpreted the destruction of the Second Temple in light of the destruction of the First and indeed, scholars have noted that the rabbis did interpret in this manner.³⁸ This interpretative approach is perhaps most apparent in the manner that Lamentations Rabbah interprets Lamentations, a book composed in reference to the destruction of the First Temple, to refer to the destruction of the Second Temple, as well. Moreover, the rabbis were not the only Jews to project a Jeremiah-like figure into the Second Temple context; Josephus also did so. By stressing his own prophetic capabilities, his exhortations to the Jews to surrender, and the subsequent assaults on his person, Josephus portrayed himself as Jeremiah reborn.³⁹

³⁶ Jeremiah 7:3–15; 7:21–23; Avot de-Rabbi Nathan A chapter 4 (ed. Schechter, p. 21); Avot de-Rabbi Nathan B chapter 8 (ed. Schechter, p. 22). See Neusner, *A Life*, pp. xii, 194–195.

³⁷ Avot de-Rabbi Nathan B chapter 31 (ed. Schechter, p. 66–67) [my translation]. See Jeremiah 32:1–15.

³⁸ See, for example, Cohen, "The Destruction," pp. 19–23; Jacob Neusner, *The Idea of History in Rabbinic Judaism* (Leiden and Boston: Brill, 2004).

³⁹ See Josephus, *Jewish War* 5.391–393. See also Daube, *Typology*, pp. 18–36; Shaye Cohen, "Josephus, Jeremiah and Polybius," *History and Theory* 21:3 (1982), pp. 366–381; Sterling, *Historiography*, p. 237 (and references in n. 58). Just as Vespasian treats Rabban Yohanan ben Zakkai very well, Titus is very generous towards Josephus after the destruction of Jerusalem. Josephus' requests to obtain sacred texts from the city of Jerusalem and to free captured relatives and friends are granted; he is also provided with land in the coastal plain (*Life* 417–422). Thus, Josephus's activities offer a fascinating comparison with those of Rabban Yohanan ben Zakkai. Both leaders hope to save some individual Jews after the destruction and both transport the Judaism of Jerusalem—texts for Josephus and oral traditions for Rabban Yohanan ben Zakkai—to a new location, Yavneh and Rome.

Returning to our question, how the rabbis could risk portraying Rabban Yohanan ben Zakkai as a deserter and perhaps even as a traitor, as “a friend of Caesar,”⁴⁰ it appears that the answer lies with Jeremiah. Although it is likely that the story of Rabban Yohanan ben Zakkai’s escape was influenced, at least in part, by some version of Josephus’ escape, the rabbis’ willingness to incorporate such a problematic account into their own foundation legend should not be explained as a careless incorporation of foreign materials. Rather, the emotional distance and accommodating stance to Rome of amoraic times made it possible to tell Rabban Yohanan ben Zakkai’s escape story, while the paradigmatic understanding of the destruction of the Temple in conjunction with Jeremiah’s account of the first destruction, made it desirable. Despite the many differences between the careers and historical contexts of Jeremiah the prophet and Rabban Yohanan ben Zakkai the sage, Jeremiah’s narrative heavily influenced the portrayal of Rabban Yohanan ben Zakkai’s journey from Jerusalem to Yavneh. Perhaps this escape story, when all is said and done, risks appearing unflattering, but, for the rabbis, it was the type of story one told about the destruction of the Temple.

I have argued that the rabbis constructed the legendary figure of Rabban Yohanan ben Zakkai in the image of Jeremiah, but I have not sought to explain how they would have understood this evocation of Jeremiah. I would therefore like to conclude with some tentative suggestions regarding possible understandings of the parallel between Jeremiah and Rabban Yohanan ben Zakkai. Like Jeremiah’s move to Mizpah with “the remnant of Judah,”⁴¹ Rabban Yohanan ben Zakkai’s move to Yavneh symbolized the continuation of Judaism and the flourishing of the Jewish people in their land despite the destruction. Jeremiah’s belief in continuity and in the future of the Jews in their land, evidenced by his purchasing a field during the war, is paralleled by Rabban Yohanan ben Zakkai’s attempt to “save a little” of Judaism for the future.⁴² A retrospective view of Jeremiah’s prophecy of the fall of Babylonia⁴³ and the rabbinic belief that the prophecies of

⁴⁰ See n. 1 above.

⁴¹ Jeremiah 40:11.

⁴² The escape story appears in the Babylonian Talmud after a *mishnah* (Gittin 5:6) relating the law of *siqariqon* (see Rubenstein, *Talmudic Stories*, p. 161) and perhaps Jeremiah’s purchase of a field during the siege on Jerusalem may be loosely associated with this interest in the fate of the land after the conquest.

⁴³ Jeremiah 25:11–14; 29:10–15; (Daniel 9:2).

Haggai, Zechariah and Malachi were deposited with Jeremiah,⁴⁴ both serve to depict Jeremiah as a bridge between two periods; a witness to the destruction, yet a harbinger of a better future.⁴⁵ Thus, whereas Jeremiah bridged the First Temple period with the second, Rabban Yohanan ben Zakkai bridged the Second Temple period with the post-Temple period. Rabban Yohanan ben Zakkai's series of enactments in the wake of the destruction perhaps inspired later rabbis to view him as the critical bridging figure, the person who, like Jeremiah, never lost faith in the future.

⁴⁴ See Pesikta de-Rav Kahana 13:14 (ed. B. Mandelbaum (New York: Jewish Theological Seminary, 1987), p. 238). See also E. E. Urbach, "When Did Prophecy Cease?," *Tarbiz* 17 (1945), p. 3 [Hebrew]; cf. Chaim Milikowsky, "The End of Prophecy and the Closure of the Bible in Judaism of Late Antiquity," *Sidra* 10 (1994), pp. 90–91 n. 35 [Hebrew].

⁴⁵ Perhaps Jeremiah's decision to remain in the Land of Israel rather than relocate to Babylon would have been re-interpreted during the rabbinic era as a veiled polemic against Babylonian Jewry; however, this interpretation would have conflicted with Jeremiah's own message that Jews should settle down in Babylon (see Jeremiah 29:1–9). Perhaps Jeremiah's insistence not to move to Egypt would have been viewed as prophetic, in light of the terrible fate the Jews in Egypt experienced in the early second century CE. Along these lines of thinking, perhaps Rabban Yohanan ben Zakkai would have been viewed as the Yohanan who acted well in the wake of destruction, in contrast to Yohanan ben Kareah (the only Yohanan mentioned in the Torah and the Prophets), who led the remnants of Judah to Egypt in Jeremiah's lifetime.