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RABBAN YOHANAN BEN ZAKKAI AND *ZEKHER LE-MIKDASH*

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THE TAKANOT OF RABBAN YOHANAN BEN ZAKKAI

Rabban Yohanan ben Zakkai (RYBZ), leader of the Jewish people in the period immediately following the destruction of the Temple, established a number of edicts (*takanot*) during his tenure.¹ The Talmud places the total number at nine, six of which are stated explicitly in the Mishnah² and three more are attributed to him by the Talmud.³ While only one of his *takanot* explicitly mention the phrase “a commemoration for the Temple (*zekher le-mikdash*),”⁴ many are introduced by the phrase “when the Temple was destroyed he enacted (*mi-shebarav hamikdash hitkin*),” and almost all of them seem to be responding to the destruction of the Temple.

The Talmud, commenting on the Mishnah that employs the phrase *zekher le-mikdash*, underscores the imperative to make such commemorations:

What is the basis for commemorating the Temple (*zekher le-mikdash*)? Because Scripture says, “For I will restore health unto you and I will heal you of your wound, says the Lord, because an outcast they have called you, ‘she is Zion, there is none that inquires after her.’” (Jer. 30:17) From this we gather that she ought to be inquired after.⁵

¹ Tosafot in a number of places (*Yoma* 66a, s.v. *ain makedishin*, *Avodah Zarah* 13a, s.v. *ain makedishin*, and *Bekhorot* 53a s.v. *ela mishum*) assumes, based on the evidence of RYBZ’s *takanot*, that after the Temple’s destruction he was the *Nasi* (religio-political leader of Palestine), although there are no explicit Talmudic statements to this effect.

² *Rosh ha-Shanah* 4:1, 4:3, 4:4.

³ *Rosh ha-Shanah* 31b.

⁴ *Rosh ha-Shanah* 4:3.

⁵ *Rosh ha-Shanah* 30a. Translations of *Bavli* are from Soncino, with small changes. Translations of *Yerushalmi* are my own.

It is thus assumed that for RYBZ *zekher le-mikdash* was a high priority and, as a leader following the Temple's destruction, he enacted his many *takanot* to ensure that its memory not be forgotten.

A close inspection of the evidence, however, points to the opposite conclusion. Rabban Yohanan ben Zakkai, far from encouraging the Jewish people to look towards the past and the destroyed Temple, enacted his *takanot* to fix their focus on the present and to encourage them to embrace the vitality of Judaism without a Temple.

In the Talmud's narrative of the Roman siege of Jerusalem,⁶ Rabban Yohanan ben Zakkai is the only leader with the foresight to look beyond the Temple, and the one who was smuggled out of Jerusalem to broker peace with Vespasian. When Vespasian grants him a request, RYBZ responds, "Give me Yavneh and its sages." RYBZ understands that after the destruction of the Temple, Yavneh would take the Temple's place, and Torah, not Temple, would be the key to the survival of Judaism. It is in this light that his *takanot* must be understood.

Let us start by looking at the *takanah* that is explicitly termed *zekher le-mikdash*: taking the *lulav* all seven days of Sukkot. The Mishnah (*Rosh ha-Shanah* 4:3) states that according to Torah law the *lulav* was taken only on the first day of Sukkot except in the Temple, where it was taken all seven days. After the destruction, RYBZ established that it be taken everywhere all seven days in commemoration of the Temple.

While it is possible that the act of taking the *lulav* on *hol ha-mo'ed* Sukkot evokes the memory of the Temple, it seems more likely that it sends the opposite message—that the Temple is not necessary for this mitzvah, and even without the Temple the mitzvah of taking the *lulav* on *hol ha-mo'ed* continues. To commemorate the Temple, RYBZ drew upon its practices to expand the mitzvah of *lulav*. *Zekher le-mikdash* served as the *motivation* to make this *takanah*, but it was not the nature of the *takanah* or its effect. This point was made by Rav Soloveitchik,⁷ who contrasted taking the *lulav* on *hol ha-mo'ed* to other *zekher le-mikdash* practices, such as counting the Omer and eating *korekh*. Rav Soloveitchik noted that only the practice of taking the *lulav* on *hol ha-mo'ed* has all the classic components of a regular mitzvah: it receives a mitzvah blessing (*birkat ha-mitzvah*); it is performed identically to the Biblical mitzvah;⁸ and that under appropriate circumstances receives a *shehehyanu* blessing. In other words, this *takanah* made an extension of the Biblical mitzvah rather than establishing a practice that commemorates the Temple.

⁶ *Gittin* 56b.

⁷ *Harerei Kedem* (Jerusalem, 2000), vol. 1, section 138.

⁸ This is as far as the act is concerned. With regards to the requirements for the objects, there are lower standards for the validity of the *lulav* and *etrog* on *hol ha-mo'ed*, given that it is only a rabbinic mitzvah. See *Sukah* 29b and Maimonides, *Mishneh Torah*, *Hilkhot Lulav* 8:9.

There is another ritual on Sukkot that was established soon after the destruction of the Temple: the practice of taking and beating the willow-branches (*aravot*) on *Hoshanah Rabbah*. This practice was established by R. Eliezer bar Zaddok in the generation following RYBZ.⁹ The Talmud asks why RYBZ did not make a *takanah* regarding the *aravot*:

Abaye said to Rabbah: Why in the case of the *lulav* do we perform the ceremony for seven days in commemoration of the Temple, whereas in the case of the willow-branch we do not perform the ceremony for seven days in commemoration of the Temple? . . .

R. Zevid answered in the name of Rava: In the case of the *lulav* which is a Biblical *mitzvah* we perform the ceremony for seven days in commemoration of the Temple; in the case of the willow-branch which is only a rabbinic *mitzvah*, we do not perform the ceremony for seven days in commemoration of the Temple.

For RYBZ, a *zekher le-mikdash* must be an extension of an existing Biblical *mitzvah*, and the taking of *aravot* does not qualify. But why is this so? Most of the practices that are classically *zekher le-mikdash*, such as placing ashes on the head of the groom or leaving a part of the house unplastered,¹⁰ are clearly not extensions of existing *mitzvot*. And it stands to reason that this ought to be the case. Placing ashes on the head of the groom and the taking of *aravot* are effective in evoking the memory of the *mikdash* specifically *because* they lack a *mitzvah* basis and therefore call out for a different religious contextualization. Moreover, these new rituals can be (and are) structured in such a way to have this effect: the ashes on the groom's head evoke destruction and mourning. During *hoshanot*, the later extension of the *aravah* practice, a *bimah* is used to represent the altar in the Temple.¹¹ There can only be one reason why RYBZ would not be interested in such a powerful form of *zekher le-mikdash*: he did not want to establish practices that evoked the Temple and the past. He wanted to use the Temple to strengthen and deepen the *mitzvot* of the present. For the generation after the destruction, Yavneh and Torah-centered Judaism needed to be established as the Temple's rightful replacements.

Yavneh's replacement of the Temple is manifest in another of RYBZ's *takanot*, the blowing of the shofar on Shabbat:

If the festive day of New Year fell on a Sabbath, they used to blow the shofar in the Temple but not outside the Temple. After the destruction of the Temple, Rabban Yohanan ben Zakkai ordained that it should be blown [on Sabbath] in every place where there was a *bet din*. R. Eliezer said: Rabban Yohanan ben Zakkai laid down this rule

⁹ *Sukah* 44b and Rashi, *ibid.*, s.v. *de-lo avdinan lab shiv'ah*.

¹⁰ *Bava Batra* 60b.

¹¹ Maimonides, *ibid.*, 7:23.

for Yavneh only. They said to him: it applies equally to Yavneh and to any place where there is a *beit din*.¹²

According to Rava, the reason that the Shofar is not blown on Shabbat is to prevent inadvertent carrying.¹³ Since there are no rabbinic safeguards in the Temple (*ain shevut be-mikdash*),¹⁴ it was permitted to blow in the Temple and, by extension, in all of Jerusalem.¹⁵ RYBZ innovated that people could blow in the vicinity of a court as well, as the oversight of the court would ensure that no Shabbat violation would occur.¹⁶

The Talmud, however, relates a fascinating story about the events that preceded this *takanah*, one that indicates that bigger issues were at stake:

Our Rabbis taught: Once New Year fell on a Sabbath [and all the towns assembled], and Rabban Yohanan said to the *Benei Beteira*, “Let us blow the shofar.” They said to him: “Let us discuss the matter.” He said to them: “Let us blow and afterwards discuss.” After they had blown they said to him: “Let us now discuss the question.” He replied: “The horn [i.e. the shofar] has already been heard in Yavneh, and what has been done is no longer open to discussion.”¹⁷

RYBZ’s political maneuverings and the *Benei Beteira*’s opposition seem to indicate that much more was at stake than safeguarding Shabbat. Rather, allowing Shabbat shofar blowing in Yavneh was an unambiguous statement that Yavneh replaced the Temple. The Temple may be gone, but Yavneh stood in its stead. The *Benei Beteira*, leaders from an earlier period in Jewish history with possible ties to the Temple,¹⁸ were not ready to make this transition so quickly. RYBZ successfully outmaneuvered them and succeeded in sounding the shofar in Yavneh. The message of Yavneh was sent loud and clear.

This point emerges even more forcefully from the *Yerushalmi*, which adopts the position rejected in the *Bavli* that refraining from blowing the shofar on Shabbat has a Biblical source:

R. Zeira instructed his colleagues: Go listen to R. Levi expound Torah, for it is impossible that he would say something that we can-

¹² *Rosh ha-Shanah* 4:1.

¹³ *Rosh ha-Shanah* 29b.

¹⁴ See Rashi, *Rosh ha-Shanah* 29b, s.v. *gezeirah shema yitlenu*.

¹⁵ See *Rosh ha-Shanah* 4:2.

¹⁶ See Maimonides, *Mishneh Torah, Hilkhot Shofar* 2:9, and Commentary to the Mishnah, *Rosh ha-Shanah* 4:2.

¹⁷ *Rosh ha-Shanah* 29b.

¹⁸ See *Pesahim* 66a. For further discussion over the identity of *Benei Beteira*, see Richard Kalmin, “Hillel and the Soldiers of Herod: Sage and Sovereign in Ancient Jewish Society,” in *Jewish Religious Leadership: Image and Reality*, vol. 1 (JTSA: 2004), ed. Jack Wertheimer, pp. 91-126.

not learn from. They went and heard him say, “One verse says, ‘A day of shofar blasts you shall have’ (Num. 29:1), and the other verse says, ‘A remembrance of shofar blasts’ (Lev. 23:24). How is this possible? [You must say,] when Rosh ha-Shanah falls out on the weekday, it is a day of shofar blasts, when it falls out on Shabbat it is [only] a remembrance of shofar blasts, we mention them, but we do not blow.”

If this is so—then even in the Temple it [the shofar blowing] should not override [Shabbat]?! . . . Rabbi Shimon bar Yohai taught: “‘And you shall offer a sacrifice’ (Lev. 23:25), in the place where sacrifices are offered [there shall be shofar blasts].”¹⁹

In line with this position, the *Yerushalmi* states that RYBZ extended a privilege to Yavneh that the Torah itself had previously limited to the Temple and Jerusalem: “In Jerusalem blowing [on Shabbat] is of a Biblical nature . . . in Yavneh it is Rabbinic in nature.”²⁰ Presumably, RYBZ believed that there was no prohibition to blow shofar on Shabbat—how else could he override a Biblical injunction? Rather, the Torah had designated that on Shabbat, while technically permissible elsewhere, the only *appropriate* place for the shofar to be blown was in the Temple and its environs. RYBZ’s *takanah* established that after the destruction Yavneh took the place of the Temple. Perhaps he understood that shofar blowing was to occur in the central institution of the Jewish people so that the day could still be defined as a “day of shofar blasts.”²¹ Without a Temple that central institution was the rabbinic court at Yavneh.²²

¹⁹ *Yerushalmi. Rosh ha-Shanah* 4:1. The problem here is obvious, as this verse follows the verse of the “remembrance” of shofar blasts, not of the “day” of shofar blasts. See the commentators ad. loc.

²⁰ *Yerushalmi. Rosh ha-Shanah* 4:2.

²¹ He may have supported his position with an exegetical read the *Yerushalmi* rejects, that the juxtaposition of the phrase ‘On the first of the month’ with ‘a day of shofar blasts’ (Num. 29:1) teaches that in a place where they sanctify the new month, i.e., a central *beit din*, one blows the shofar even on Shabbat (*Yerushalmi Rosh ha-Shanah* 4:1). This idea is echoed in the *baraita* in the *Bavli* (*Rosh ha-Shanah* 30a) that they would only blow in a *beit din* that sanctified the new moon. This, too, points to the central role that Yavneh (or a similar *beit din*) played in the absence of the Temple – the institution that sanctifies the months and that sets the Jewish calendar is the critical institution for Jewish life after the Temple.

²² This approach accords better with the position of R. Eliezer in the Mishnah that RYBZ made his edict only for Yavneh, as opposed to the majority opinion that it applies to any court. According to many, even this majority opinion is only extending his edict to courts that can sanctify the moon (see, for example, Maimonides, *Mishneh Torah, Hilkhot Shofar* 2:9), and on this, see previous note. Even if his edict extended to all courts, it could be understood as a recognition that after the Temple Judaism would be largely decentralized, and even Yavneh would not have unique status. All courts would take the place once held by the Temple.

The remainder of RYBZ's Temple-related *takanot* bear out this theory. Not one of these *takanot* establishes a practice that replicates a Temple practice. Rather, every one of them changes the practice that was in effect until the destruction to reflect the current non-Temple realities. A cursory review of these *takanot* will demonstrate this point:

EATING OF THE NEW GRAIN²³

When there was a Temple, the new grain could be eaten by noon on the sixteenth of Nissan because the *Omer* sacrifice would always have been brought by that time. In the absence of the Temple, RYBZ ruled that the entire day must pass before the eating of the new grain.

There is a debate in the *Bavli* whether this ruling was a statement of the biblical law or a *takanah*.²⁴ If it is a statement of Biblical law, then it is simply a recognition that the law had changed in the absence of the Temple. If it is a *takanah*, the matter is less clear. In explaining the position that RYBZ made a *takanah*, the anonymous voice in the Talmud (*stama de-Shas*) states that the *takanah* was made to anticipate the rebuilding of the Temple and to guard against possible transgression.²⁵ This explanation might suggest that RYBZ was directing people's attention to the eventual rebuilding of the Temple,²⁶ but this is not the case. As was discussed above regarding taking the *lulav*, RYBZ may have been *motivated* by Temple concerns, but that is not to be confused with the experiential effect of his *takanah*. His *takanah* may prevent people from sinning when the Temple is rebuilt, but for now they are being told that they no longer live a Temple-based Judaism and the rules of Jewish conduct are different.

RECEIVING THE WITNESSES OF THE NEW MOON²⁷

For reasons related to Temple practice, witnesses to the new moon were not received after the time of the afternoon sacrifice. In the absence of the Temple,

²³ [He] also [ordained] that during the whole of the day of the waving [of the *Omer*] the new grain should be forbidden. (*Mishnah Rosh ha-Shanah* 4:3)

²⁴ *Rosh ha-Shanah* 30a-b, *Sukah* 41a-b, *Menahot* 69a-b.

²⁵ It should be noted that this explanation is not stated by any *amora* or by the *Yerushalmi*.

²⁶ See, for example, *Arukh La-Ner*, *Rosh ha-Shanah* 30a, s.v. *mikhlal de-ba'i derisha*.

²⁷ Originally, they used to accept testimony with regard to the new moon during the whole of the day. On one occasion, the witnesses were late in arriving, and the Levites went wrong in the daily hymn. It was therefore ordained that testimony should be accepted [on New Year] only until the afternoon sacrifice. . . . After the destruction of the Temple, Rabban Yohanan ben Zakkai ordained that testimony with regard to the new moon should be received during the whole of the day." (*Mishnah Rosh ha-Shanah* 4:4)

RYBZ established that the witnesses could be received all day. Rather than allowing the old practice to continue, RYBZ insisted that the practice reflect the current realities, and Temple-related practices should not be retained.

VIOLATING THE SABBATH TO TESTIFY FOR THE NEW MOON²⁸

When there was a Temple, the requirement to bring the appropriate sacrifices allowed the witnesses of the new moon to violate Shabbat. RYBZ recognized that this justification was no longer present after the Temple had been destroyed. At the same time, the festivals remained important to the Jewish calendar and thus the practice continued for *Tishrei* and *Nissan*.²⁹

SETTING ASIDE MONEY FOR THE CONVERT'S SACRIFICE³⁰

A convert should ideally bring a sacrifice upon converting. There were those who stated that a convert should set aside money to be ready to use for this purpose when the Temple is rebuilt. This position seems close to a true *zekher le-mikdash*, a practice that elicits the memory of the Temple and anticipates its rebuilding. RYBZ eradicated this practice. His concern for possible wrongdoing (misuse of the money) was stronger than his need to anticipate the rebuilding of the Temple.

BRINGING FOURTH-YEAR FRUIT TO JERUSALEM³¹

When there was a Temple, the rabbis insisted that fourth-year fruit grown near Jerusalem be brought to Jerusalem and not redeemed or declared free to the poor, in order to beautify Jerusalem with the fruits. Had this been maintained

²⁸ *Mishnah*. For the sake of two months Sabbath may be profaned, namely, Nissan and Tishrei, since in them messengers go forth to Syria and in them the dates of the festivals are fixed. When the Temple was standing they used to profane Sabbath for all the months, in order that the sacrifice [of new moon] might be offered on the right day.

Gemara. Our Rabbis taught: Originally the Sabbath could be profaned for all of them. When the Temple was destroyed, Rabban Yohanan b. Zakkai said to them, Is there then a sacrifice [waiting to be brought]? They therefore ordained that Sabbath should not be profaned save for *Nissan* and *Tishrei* alone. (*Rosh ha-Shanah* 21b)

²⁹ Compare this to the shofar blowing privilege given to the courts that could sanctify the new moon, note 19 *supra*.

³⁰ One who becomes a proselyte at the present time must set aside a sum of money for a nest of pigeons. Said R. Simeon b. Eleazar: Rabban Yohanan took a vote on it and annulled this rule, because it may lead to wrongdoing. (*Rosh ha-Shanah* 31b)

³¹ [The fruit of] a vine in the fourth year was taken to Jerusalem from any point within a day's journey on all sides. The boundary of this area was as follows: Elath on the north, Akrabath on the south, Lydda on the west, and Jordan on the east.'

after the destruction, it surely would have evoked powerful feelings of loss in those who brought the fruit to Jerusalem. RYBZ asserted that without a Temple the obligation to bring the fruits themselves served no functional purpose and he nullified this ruling.

The effect of every one of these *takanot* was to change the practice after the destruction of the Temple: not to recapture the experience of the Temple, but to anchor the practice in the current reality of the Jewish people.³²

RABBAN YOHANAN BEN ZAKKAI AND RABBI AKIVA

Given our understanding of RYBZ's *takanot*, it is not surprising that while he enacted *takanot* for Rosh ha-Shanah, Sukkot, and the second day of Passover (the day of the *Omer*), he made no *takanah* for Passover itself. On first blush, if any holiday calls for a *zekher le-hurban*, it is Passover, which lost the central mitzvah of the seder night, the Pascal lamb. Certainly this was on Rabbi Akiva's mind when he formulated the blessing at the conclusion of the haggadah:

And he concludes with [a blessing of] redemption.

R. Tarfon used to say: "[Blessed are You . . .] Who redeemed us and redeemed our fathers from Egypt," but he did not conclude [with a blessing].

R. Akiva said: "So may the Lord our God and the God of our fathers suffer us to reach other seasons and festivals which come towards us for peace, rejoicing in the rebuilding of Thy city and glad in Thy service, and there we will partake of the sacrifices and the Passover-offerings etc." As far as "Blessed art Thou, O Lord, who has redeemed Israel."³³

Ulla (or as some say, Rabbah b. Ulla) said in the name of R. Yohanan ben Zakkai: What was the reason? To decorate the streets of Jerusalem with fruit.

It has been further taught: 'R. Eliezer had a vine in its fourth year east of Lydda at the side of Kefar Tabi, and R. Eliezer had a mind to declare it free to the poor, but his disciples said to him, Rabbi, your colleagues have already taken a vote on it and declared it permitted'. Who are his 'colleagues'? — Rabban Yohanan b. Zakkai. (ibid.)

³² The other *takanot* of RYBZ are either pre-destruction or unrelated to the Temple altogether. The location of the scarlet thread on the *Azazel* goat is clearly pre-destruction. The *takanah* that priests should not ascend to the *duban* wearing sandals is either pre-destruction or irrelevant for our purposes (regarding these two *takanot*, see *Rosh ha-Shanah* 31b). The *takanah* that the witnesses of the new month should go to the place of the court, regardless of the location of the head of the court (*Mishnah Rosh ha-Shanah* 4:4) so as not to dissuade the witnesses from coming a second time, also seems irrelevant to our purposes. It does, however, serve to underscore the decentralization of authority post-destruction, a point which may also emerge from the status given non-Yavneh courts. See note 22, *supra*.

³³ *Pesahim* 10:6.

According to R. Akiva one cannot experience the night of the seder without feeling deeply the loss of the Paschal lamb and hoping and praying for its restoration. It is exactly for this reason that RYBZ could not establish any *takanah* for Seder night. Any *takanah* connected to the Paschal lamb would direct our gaze backwards and deepen our sense of loss. While R. Akiva could make such a blessing, RYBZ could not.³⁴

The different approach of R. Akiva is also reflected in the Talmud's narrative of RYBZ's encounter with Vespasian:

[Vespasian] said [to RYBZ]: I am now going, and will send someone to take my place. You can, however, make a request of me and I will grant it.

He said to him: Give me Yavneh and its Sages . . .

R. Yosef, or some say R. Akiva, applied to him the verse, '[God] turneth wise men backward and maketh their knowledge foolish' (Isa. 44:25). He ought to have said to him: Let them [the Jews] off this time.

He, however, thought that so much he would not grant, and so even a little would not be saved.³⁵

Either Rav Yosef or R. Akiva said that RYBZ should not have let go of the Temple so easily. It is easy to imagine that it was R. Akiva who offered this critique. R. Akiva backed Bar Kokhba, the leader of the Jewish revolt at the time of Hadrian. R. Akiva militated to see the Temple rebuilt as quickly as possible. Had he been alive when the Temple was on the verge of being destroyed, he would have fought to maintain it at all costs.

Just as RYBZ and R. Akiva differed regarding how one should deal with the Temple's imminent destruction, they differed in how to deal with its actual destruction. Three distinct reactions were possible: despair, a sadness coupled with a hope for the future, and a pragmatic appreciation for what they had in the present. The reaction of despair is described in the following story:

Our Rabbis taught: When the Temple was destroyed for the second time, large numbers in Israel became ascetics, binding themselves neither to eat meat nor to drink wine.

R. Yehoshua got into conversation with them and said to them: My sons, why do you not eat meat nor drink wine?

³⁴ I hope to develop in a future article how the Seder night developed after the destruction of the Temple, moving from a Rabbi Akiva-Temple model to a Rabbi Yohanan ben Zakkai-Yavneh model.

³⁵ *Gittin* 56b.

They replied: Shall we eat flesh which used to be brought as an offering on the altar, now that this altar is in abeyance? Shall we drink wine which used to be poured as a libation on the altar, but now no longer?

He said to them: If that is so, we should not eat bread either, because the meal offerings have ceased.

They said: [That is so, and] we can manage with fruit.

We should not eat fruit either, [he said,] because there is no longer an offering of first-fruits.

Then we can manage with other fruits [they said].

But, [he said,] we should not drink water, because there is no longer any ceremony of the pouring of water.

To this they could find no answer, so he said to them: My sons come and listen to me. Not to mourn at all is impossible, because the blow has fallen. To mourn overmuch is also impossible, because we do not impose on the community a hardship which the majority cannot endure. . . . The Sages therefore have ordained thus. A man may stucco his house, but he should leave a little bare. . . . A man can prepare a full-course banquet, but he should leave out an item or two. . . . A woman can put on all her ornaments, but leave off one or two. . . . For so it says, 'If I forget thee, O Jerusalem, let my right hand forget, let my tongue cleave to the roof of my mouth if I remember thee not, if I prefer not Jerusalem above my chief joy.'³⁶

R. Yehoshua rejects the reaction of extreme despair. Despair is a natural reaction, but they must move beyond it. Life must go on, and they should still take pleasure in it. Nevertheless, a sense of sadness would continue to tinge their lives, even at the happiest of times. This sadness is appropriate, and R. Yehoshua endorsed practices of *zekher le-mikdash* that were enacted to ensure that this sadness not be forgotten.

R. Akiva, on the other hand, believed in the possibility of an imminent rebuilding of the Temple and was more positive than R. Yehoshua. The following classic story reveals their different approaches:

Once again they (Rabban Gamliel, Rabbi Eliezer ben Azaryah, Rabbi Yehoshua, and Rabbi Akiva) were coming up to Jerusalem together, and just as they came to Mount Scopus they saw a fox emerging from the Holy of Holies. They fell a-weeping and R. Akiva seemed merry.

³⁶ *Bava Batra* 60b.

“Wherefore, said they to him, are you merry?”

Said he: “Wherefore are you weeping?”

Said they to him: “A place of which it was once said, And the common man that draweth nigh shall be put to death, is now become the haunt of foxes, and should we not weep?”

Said he to them: “Therefore am I merry . . . In the [earlier] prophecy [in the days] of Uriah it is written, ‘Therefore shall Zion for your sake be ploughed as a field, etc.’ In Zekhariah it is written, ‘Thus saith the Lord of Hosts, ‘There shall yet old men and old women sit in the broad places of Jerusalem.’ So long as Uriah’s [threatening] prophecy had not had its fulfillment, I had misgivings lest Zekhariah’s prophecy might not be fulfilled; now that Uriah’s prophecy has been [literally] fulfilled, it is quite certain that Zekhariah’s prophecy also is to find its literal fulfillment.”

Said they to him: “Akiva, you have comforted us! Akiva, you have comforted us!”³⁷

R. Yehoshua and his colleagues may have rejected despondency and asceticism as an appropriate *modus vivendi*, but the sight of the destroyed Temple still filled them with despair. R. Akiva, in contrast, retained his optimism. All is not lost, for the Temple will surely be rebuilt. The common denominator of both reactions, however, is a sense that our current reality without the Temple is crippled or, at the very least, impaired.

Rabban Yohanan ben Zakkai saw things otherwise. *Avot de-Rabbi Natan* tells a story of RYBZ and the Temple Mount similar to that of Rabbi Akiva, but with significant differences. Commenting on the Mishnah in Pirkei Avot (1:2) that “The world stands on three things, on Torah, on Temple service, and on acts of loving-kindness,” it states:

On acts of loving-kindness—How is this so? Behold the verse says, “For I desire loving kindness, not sacrifice” (Hosea 6:6). The world originally was built only for the sake of loving-kindness, as it states: “For I have said, “The world is built by loving-kindness; Your faithfulness shall You establish in the very heavens” (Ps. 89:3).

One time, Rabban Yohanan ben Zakkai was leaving Jerusalem and he saw R. Yehoshua going after him, and he saw the Temple destroyed.

R. Yehoshua said: “Woe to us that this is destroyed! The place where the sins of Israel were atoned for!”

³⁷ *Makkot* 24b.

He said to him: “My son, do not be distraught. We have an atonement that is similar to this. And what is it? It is acts of loving-kindness, as it says, “For I desire loving-kindness, not sacrifice” (Hosea 6:6). And so we find regarding Daniel, that he was involved in loving-kindness. And what loving-kindness was he involved in? If you say he was offering burnt-offerings and sacrifices in Babylon, [that cannot be, since] the verse states “Guard yourself lest you offer your burnt-offerings in any place that you see, save the place that the Lord will choose from one of your tribes, there you shall offer your burnt-offerings” (Deut. 12:13-14).

But rather what loving-kindness did he perform? He would prepare the bride and cause her to rejoice, and accompany the dead, and give a coin to the poor, and pray three times a day, and his prayer was received with desire, as it states: “Now when Daniel learned that the writing was signed, he went into his house; his windows were open in his chamber toward Jerusalem, and he kneeled upon his knees three times a day, and prayed, and gave thanks before his God, as he had done previously.” (Daniel 6:11)³⁸

R. Yehoshua once again voices a sense of despair over the destroyed Temple, but RYBZ’s response is completely different from that of R. Akiva’s. RYBZ does not talk about hope in the rebuilding of the Temple; he focuses on the present and what it has to offer. Loving-kindness is itself atonement equal to that of the sacrifices. It does not atone “in place” of the sacrifices, it is not a virtual atonement; it is an atonement in its own right.

This point is made even more forcefully when the text turns to prayer. It is a well-established idea in the Talmud that prayer acts as a substitute for the sacrifices, in connection with the verse “[S]o will we render for bullocks the offerings of our lips.” (Hosea 14:3) In this vein, the Talmud states that if a person repents, “the Torah accounts it to him as if he had offered up bullocks, as it is said: So will we render for bullocks the offerings of our lips.” (*Yoma* 86b) True atonement and true worship, according to this account, is only through sacrifices, but prayer can be considered *as if* it were a sacrifice. The ideal is still absent.

In contrast to this, RYBZ states that prayer is an act of loving-kindness, which itself is an act of atonement. Although thrice-daily prayer, which is strongly suggestive of the sacrifice model, is mentioned, the text makes no hint to the idea that prayer serves as a pseudo-sacrifice. The prayer itself is accepted with desire. The verse quoted twice in this passage makes this point explicit: “For I desire loving-kindness, not sacrifice.”

³⁸ *Avot de-Rabbi Natan*, Version A, Chapter 4.

It is worth considering briefly to what degree the rabbinic idea of prayer, in the form of the *amidah*, reflects the approach of RYBZ, and to what degree it is understood only as a stand-in for sacrifices. This is at the core of the debate whether the prayers were established based on the Patriarchs or based on the sacrifices.³⁹ In the text of the *Amidah*, moreover, it is remarkable that sacrifices are never mentioned, even in the blessing of the Temple Service:

Receive favorably, O Lord, our God, Your people Israel and their prayer, and restore the service to the Holy of Holies of Your House, and the fire-offerings of Israel and their prayer accept with love and favor, and may You constantly find favor in the service of Your people Israel.

This blessing mentions “prayer” and “service,” twice, but never once “sacrifices.” The closest it gets is the abstract phrase “the fire-offerings of Israel” to which it immediately appends “and their prayer.” This is in stark contrast to the *Musaf* prayers, which are explicit stand-ins for the sacrifices,⁴⁰ and which in their main section repeatedly use the words *korbanot* (sacrifices), *nakriv* (we will sacrifice), *tamid* (daily communal sacrifice), and *musaf* (additional sacrifice), and do not once mention “prayer.” It seems that the rabbis went out of their way in our thrice-daily prayers—the post-Temple staple of our religious service—to downplay the sacrifices and to maintain our focus on prayer’s own efficacy.

Finally, the verse with which we open the *amidah*,⁴¹ “O Lord, open you my lips; and my mouth shall declare your praise” appears in Psalms in the following context:

- O Lord, open you my lips; and my mouth shall declare your praise.
- For You do not desire sacrifice that I should give it; You do not delight in burnt offering.
- The sacrifices of God are a broken spirit; a broken and contrite heart, O God, You will not despise.
- Do good in Your good will to Zion; build the walls of Jerusalem.
- Then shall You be pleased with the sacrifices of righteousness, with burnt offering and whole burnt offering; then shall they offer bulls upon Your altar.⁴²

When the walls of Jerusalem are built, we will offer sacrifices, and God will be pleased with them. But for now, echoing the above verse from Hosea, we are

³⁹ *Berakhot* 26b, and, significantly, *Yerushalmi Berakhot* 4:1.

⁴⁰ See *Berakhot* 26b.

⁴¹ Inserted by the *amora* R. Yohanan; see *Berakhot* 4b and *Yerushalmi Berakhot* 4:4.

⁴² Ps. 51:17-21.

told that God “do[es] not desire sacrifice,” but rather “a broken spirit and a contrite heart.”

Without a doubt RYBZ shared in the terrible sense of tragedy and loss over the destruction of the Temple and longed for it to be rebuilt. But he was a leader who had the vision to face up to the present and to plan for the future. To continue focusing on the Temple as the paradigm for true religious fulfillment and to see our current reality as a weak shadow of this ideal would vitiate Judaism. To focus on the present and to recognize the redemptive power of a life of Torah, *mitzvot*, and acts of loving-kindness was to revitalize Judaism and to give it the power to survive for millennia to come.