

## The Torah, What Is To Become Of Her?!: The Hasmonean King Yannai

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### Talmud Bavli Kiddushin 66a

A dilemma was raised before the Sages: If a husband is told by one witness that his wife committed adultery, and the husband remains silent, what is the *halakha*?

**Abaye said:** The witness is deemed credible.

**Rava said:** He is not deemed credible. Why not? Because it is a matter involving forbidden relations, and there is no matter of testimony for forbidden sexual relations that can be attested to by fewer than two witnesses.

**Abaye said:** From where do I say this claim of mine? It happened that there was a certain blind man who would review *mishnayot* before Mar Shmuel. One day the blind man was late for him and was not arriving. Mar Shmuel sent a messenger after him to assist him. While the messenger was going to the blind man's house by one way, the blind man arrived at the house of study by a different route, and therefore the messenger missed him and reached his house. When the messenger came back, he said that he had been to the blind man's house and saw that his wife committed adultery. The blind man came before Mar Shmuel to inquire whether he must pay heed to this testimony. Mar Shmuel said to him: If this messenger is trusted by you, go and divorce her, but if not, do not divorce her. Abaye comments: What, is it not correct to say that this means that if he is trusted by you that he is not a thief but is a valid witness, you must rely on him? This would prove that a single witness can testify in a case of this kind.

And Rava explains that Mar Shmuel meant: If he is trusted by you like two witnesses, go and divorce her, but if not, do not divorce her. Consequently, Rava maintains that this episode affords no proof.

And Abaye said: From where do I say this claim of mine?

As it is taught in a *baraita*: An incident occurred with King Yannai, who went to the region of Kohalit in the desert and conquered sixty cities there. And upon his return he rejoiced with a great happiness over his victory. And he subsequently summoned all the Sages of the Jewish people and said to them: Our ancestors in their poverty would eat salty foods when they were busy with the building of the Temple; we

תלמוד בבלי מסכת קידושין דף סו עמוד א  
איבעיא להו אשתו זינתה בעד אחד ושותק מהו

אמר אביי נאמן

רבא אמר אינו נאמן הוי דבר שבערוה ואין דבר  
שבערוה פחות משנים

אמר אביי מנא אמינא לה דהווא סמיא דהוה מסדר  
מתנייתא קמיה דמר שמואל יומא חד נגה ליה ולא  
הוה קאתי שדר שליחא אבתריה אדאזיל שליח  
בחדא אורחא אתא איהו בחדא כי אתא שליח אמר  
אשתו זינתה אתא לקמיה דמר שמואל אמר ליה אי  
מהימן לך זיל אפקה ואי לא לא תפיק מאי לאו אי  
מהימן עלך דלאו גזלנא הוא

ורבא אי מהימן לך כבי תרי זיל אפקה ואי לא לא  
תפקה

ואמר אביי מנא אמינא לה

דתניא מעשה בינאי המלך שהלך לכוחלית שבמדבר  
וכיבש שם ששים כרכים ובחזרתו היה שמח שמחה  
גדולה וקרא לכל חכמי ישראל אמר להם אבותינו  
היו אוכלים מלוחים בזמן שהיו עסוקים בבנין בית  
המקדש אף אנו נאכל מלוחים זכר לאבותינו והעלו  
מלוחים על שולחנות של זהב ואכלו  
רש"י: כשהיו עסוקים בבנין - בית שני שבאו מן  
הגולה והיו עניים והיו מוציאים הוצאות במלאכה אף

too shall eat salty foods in memory of our ancestors. And they brought salty food on tables of gold, and ate.

And there was one person present, a scoffer, a man of an evil heart and a scoundrel called Elazar ben Po'ira. And Elazar ben Po'ira said to King Yannai: King Yannai, the hearts of the Pharisees, the Sages, are against you. In other words, they harbor secret resentment against you and do not like you. The king replied: And what shall I do to clarify this matter? Elazar responded: Have them stand by wearing the frontplate between your eyes. Since the frontplate bears the Divine Name, they should stand in its honor. Yannai, who was a member of the priestly Hasmonean family, also served as High Priest, who wears the frontplate. He had the Pharisees stand by wearing the frontplate between his eyes.

Now there was a certain elder present called Yehuda ben Gedidya, and Yehuda ben Gedidya said to King Yannai: King Yannai, the crown of the monarchy suffices for you, i.e., you should be satisfied that you are king. Leave the crown of the priesthood for the descendants of Aaron.

The Gemara explains this last comment: As they would say that Yannai's mother was taken captive in Modi'in, and she was therefore disqualified from marrying into the priesthood, which meant that Yannai was a *halal*. And the matter was investigated and was not discovered, i.e., they sought witnesses for that event but none were found. And the Sages of Israel were expelled in the king's rage, due to this rumor.

And Elazar ben Po'ira said to King Yannai: King Yannai, such is the judgment of a common person in Israel. In other words, merely expelling a slanderer is appropriate if the subject of the slander is a commoner. But you are a king and a High Priest. Is this your judgment as well?

Yannai replied: And what should I do? Elazar responded: If you listen to my advice, crush them. Yannai countered: But what will become of the Torah? He retorted: Behold, it is wrapped and placed in the corner. Anyone who wishes to study can come and study. We have no need for the Sages.

The Gemara interjects: Rav Nahman bar Yitzhak says: Immediately, heresy was injected into Yannai, as he should have said to Elazar ben Po'ira: This works out well with regard to the Written Torah, as it can be

אנו נאכל מלוחין להיות זכר לעוני אבותינו ולהודות לפני הקדוש ב"ה שהצליחנו והעשירנו:

והיה שם אחד איש לץ לב רע ובליעל ואלעזר בן פועירה שמו ויאמר אלעזר בן פועירה לינאי המלך ינאי המלך לבם של פרושים עליך ומה אעשה הקם להם בציץ שבין עיניך הקים להם בציץ שבין עיניו רש"י - הקם להם בציץ שבין עיניך - תן ציץ הקדש על מצחך ויעמדו על רגליהם לפי שהשם כתוב בו והם יגלו את לבם ואע"ג דלאו שעת עבודה כדאמר בפ"ב (לעיל קידושין נד.) בגדי כהונה ניתנו ליהנות בהם:

קידושין נד. - כתנות כהונה... ניתנו ליהנות בהן לפי שלא ניתנה תורה למלאכי השרת

היה שם זקן אחד ויהודה בן גדידיה שמו ויאמר יהודה בן גדידיה לינאי המלך ינאי המלך רב לך כתר מלכות הנח כתר כהונה לזרעו של אהרן

שהיו אומרים אמו נשבת במודיעים ויבוקש הדבר ולא נמצא ויבדלו חכמי ישראל בזעם

ויאמר אלעזר בן פועירה לינאי המלך ינאי המלך הדיוט שבישראל כך הוא דינו ואתה מלך וכהן גדול כך הוא דינך

ומה אעשה אם אתה שומע לעצתי רומסם ותורה מה תהא עליה הרי כרוכה ומנחת בקרן זוית כל הרוצה ללמוד יבוא וילמוד

אמר רב נחמן בר יצחק מיד נזרקה בו מינות דהוה ליה למימר תינח תורה שבכתב תורה שבעל פה מאי

studied by all on their own, but **what** will become of **the Oral Torah**? The Oral Torah is transmitted only by the Sages.

The *baraita* continues: **Immediately, the evil arose and caught fire through Elazar ben Po'ira, and all the Sages of the Jewish people were killed. And the world was desolate of Torah until Shimon ben Shataḥ came and restored the Torah to its former glory.** This completes the *baraita*.

Abaye asks: **What are the circumstances** of this case? How did those who conducted the investigation refute the rumor that Yannai's mother had been taken captive? **If we say that two witnesses said that she was taken captive, and two others said that she was not taken captive, what did you see that you rely on these** who said that she was not taken captive? Instead, **rely on these** who said that she was taken captive. In such a scenario, one cannot say definitively that the matter was investigated and found to be false. **Rather**, it must be referring **to one witness** who testified she was taken captive, and two testified that she was not taken captive. **And the reason** that the lone witness is not deemed credible is only **that he is contradicted by the other two**, from which it may be inferred that **if not for that fact, he would be deemed credible**. This supports Abaye's claim that an uncontested lone witness is deemed credible in a case of this kind. **And Rava** could reply that this incident affords no proof, for the following reason: **Actually**, one can say that there were **two** witnesses who testified that she was captured **and two** who testified that she was not, **and** the case was decided **in accordance with that** which **Rav Aḥa bar Rav Minyumi says** in a different context, that it is referring **to conspiring witnesses**. The second pair of witnesses did not contradict the testimony of the first pair but established them as liars by stating that the first pair were not there to witness the event. This serves to disqualify the testimony of the first pair altogether. **Here too**, it is referring **to witnesses** who rendered the first set **conspiring witnesses**.

**And if you wish**, say that this is **in accordance with** the version of the story stated **by Rabbi Yitzḥak, as Rabbi Yitzḥak says: They replaced** Yannai's mother **with a maidservant**. The first witnesses saw that Yannai's mother was about to be taken captive, but the second pair revealed that she had actually been replaced with a maidservant, thereby negating the testimony of the

(רב נחמן בר יצחק מתלמידיו של רבא)

מיד ותוצץ הרעה על ידי אלעזר בן פועירה ויהרגו כל חכמי ישראל והיה העולם משתומם עד שבא שמעון בן שטח והחזיר את התורה ליושנה

היכי דמי אילימא דבי תרי אמרי אישתבאי ובי תרי אמרי לא אישתבאי מאי חזית דסמכת אהני סמוך אהני אלא בעד אחד וטעמא דקא מכחשי ליה בי תרי הא לאו הכי מהימן

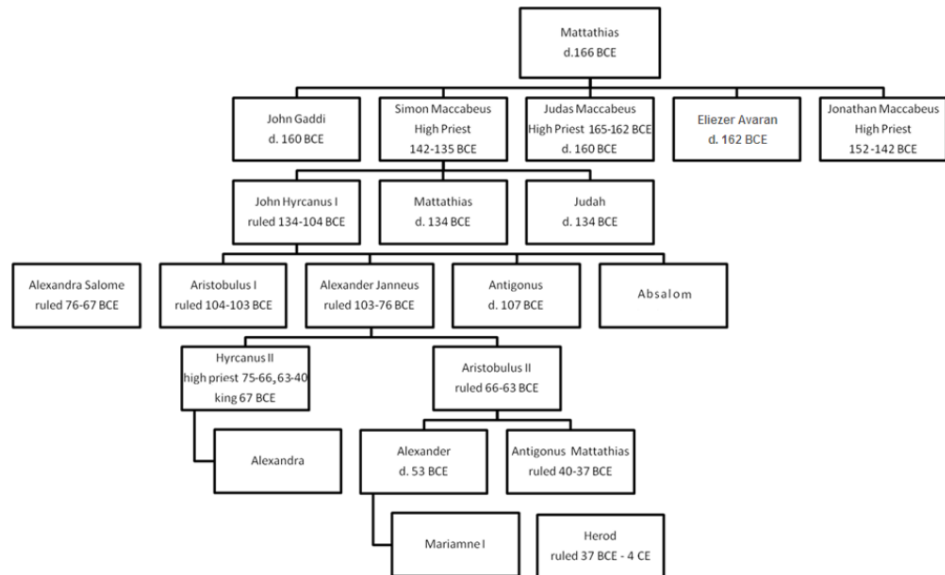
ורבא לעולם תרי ותרי וכדאמר רב אחא בר רב מניומי בעדי הזמה הכא נמי בעדי הזמה

ואיבעית אימא כדרבי יצחק דאמר רבי יצחק שפחה הכניסו תחתיה

first set.

[https://en.wikipedia.org/wiki/Hasmonean\\_dynasty](https://en.wikipedia.org/wiki/Hasmonean_dynasty)

Hasmonean leaders [ edit ]



## The Story of King Jannaeus (b. Qiddušin 66a): A Pharisaic Reply to Sectarian Polemic Professor Vered Noam

<sup>11</sup> The verb **קִדְּשׁ** in this context has nothing to do with standing, as ancients and moderns erroneously understood, but rather means “to make someone swear,” as already suggested by Nachman Krochmal (*Commentaries and Notes on the Babylonian Talmud* [facsimile of the 1881 ed.; Jerusalem: Makor, 1978] 218 [Hebrew]) and elaborated by Saul Lieberman (*Tosefta ki-fshutah. Seder nashim* [Parts 6–7; 2nd ed.; New York: Jewish Theological Seminary of America, 1995] 397 n. 14) according to the meaning of the Aramaic root **קִדְּשׁ**. For further elaboration on this root see Shalom M. Paul, *Divrei Shalom: Collected Studies of Shalom M. Paul on the Bible and the Ancient Near East, 1967–2005* (Leiden: Brill, 2005) 142–43, 287. **קִדְּשׁ** in this meaning also appears, though rarely, in Hebrew sources, such as the DSS, the Mishnah (see Lawrence H. Schiffman, *Sectarian Law in the Dead Sea Scrolls* [Chico, Calif.: Scholars, 1983] 70–71 n. 80) and probably the Hebrew original of several Jewish works from the Second Temple era of which only the Greek translations have survived (see Gedalyahu Alon, *Studies in Jewish History in the Times of the Second Temple, the Mishna and the Talmud* [2 vols.; Tel Aviv: Haqibbutz Hameuhad, 1957] 1:189 [Hebrew]). According to Krochmal, Eleazar advised Jannaeus to make the Pharisees swear by the **לִפְנֵי הַיָּיָא**, the golden plate that the high priest used to wear on his forehead, that they accepted his dual authority as king and high priest (although Jannaeus was *not* wearing it at the feast, outside the Temple). Eleazar believed that they would refuse to swear, thus proving their disloyalty. Swearing by the Temple worship, by the high priest’s clothes, and especially by the Tetragrammaton engraved on the **אֱלֹהֵינוּ**, was a common Jewish practice; see Lieberman, *Seder nashim*, 397 n. 14 and Schiffman, *Sectarian Law*, 70–71 n. 80.

**ריטב"א** - רב לך כתר מלכות - לישנא דאמרו דיה כלומר מסתיי' שאין אנו מקפידין להעמיד דברינו בך לערער על כתר מלכות אבל הנח כתר כהונה דבדאורייתא קפדינן מיד נזרקה בו מינות פל' וזו הוא מינות שהיה לו בסוף דינאי זה הוא האמור בברכות שהוא יוחנן כהן גדול ששמש בכהונה גדולה ארבעים שנה **ולבסוף נעשה צדוקי** ומבני חשמונאי היה ואין ינאי זה ההוא שבפרק הבא אל יבמתו דאמרי' תקרב' דדנרי עיילה ליה מרתא בת ביתוס לינאי מלכא עד דאוקמה ליהושע בן גמלא בכהני רברבי שאלו היה זה שהוא כהן גדול היאך היה ממנה כהן גדול אחר:

**ברכות כט.** - והא תנן: אל תאמין בעצמך עד יום מותך, שהרי יוחנן כהן גדול שמש בכהונה גדולה שמנים שנה ולבסוף נעשה צדוקי. אמר אביי: הוא ינאי, הוא יוחנן. רבא אמר: ינאי לחוד ויוחנן לחוד, ינאי — רשע מעיקרו, ויוחנן — צדיק מעיקרו.

**Didn't we learn** in a mishna: **Do not be sure of yourself until the day you die, as Yoḥanan the High Priest served in the High Priesthood for eighty years and ultimately became a Sadducee.** Even one who is outstanding in his righteousness can become a heretic. **Abaye responded: He is Yannai he is Yoḥanan.** In other words, from its inception, the entire Hasmonean dynasty had the same positive attitude toward the Sadducees, and there was no distinction between Yoḥanan Hyrcanus and Alexander Yannai. Yoḥanan the High Priest had Sadducee leanings from the outset. **Rava said: Yannai is distinct and Yoḥanan is distinct.** They did not share the same position in this regard. **Yannai was wicked from the outset and Yoḥanan was righteous from the outset.**

### [Antiquities of the Jews, Book 13, Josephus](#)

However this prosperous state of affairs moved the Jews to envy Hyrcanus: but they that were the worst disposed to him were the Pharisees, who are one of the sects of the Jews, as we have informed you already. These have so great a power over the multitude, that when they say any thing against the King, or against the High Priest, they are presently believed. Now Hyrcanus was a disciple of theirs; and greatly beloved by them. And when he once invited them to a feast, and entertained them very kindly; when he saw them in a good humour, he began to say to them, that “They knew he was desirous to be a righteous man, and to do all things whereby he might please God: which was the profession of the Pharisees also. However, he desired that if they observed him offending in any point, and going out of the right way, they would recall him back, and correct him.” On which occasion they attested to his being intirely virtuous. With which commendation he was well pleased. But still there was one of his guests there, whose name was Eleazar, a man of an ill temper, and delighting in seditious practices. This man said; “Since thou desirest to know the truth, if thou wilt be righteous in earnest, lay down thy High Priesthood, and content thy self with the civil government of the people.” And when he desired to know for what cause he ought to lay down the High Priesthood? the other replied, “We have heard it from old men, that thy mother had been a captive

under the reign of Antiochus Epiphanes.” This story was false: and Hyrcanus was provoked against him; and all the Pharisees had a very great indignation against him.

Now there was one Jonathan, a very great friend of Hyrcanus’s, but of the sect of the Sadducees; whose notions are quite contrary to those of the Pharisees. He told Hyrcanus, that “Eleazar had cast such a reproach upon him according to the common sentiments of all the Pharisees: and that this would be made manifest if he would but ask them the question, what punishment they thought this man deserved? For that he might depend upon it, that the reproach was not laid on him with their approbation; if they were for punishing him as his crime deserved.” So the Pharisees made answer, that “He deserved stripes and bonds: but that it did not seem right to punish reproaches with death.” And indeed the Pharisees, even upon other occasions, are not apt to be severe in punishments. At this gentle sentence Hyrcanus was very angry: and thought that this man reproached him by their approbation. It was this Jonathan, who chiefly irritated him, and influenced him so far, that he made him leave the party of the Pharisees, and abolish the decrees they had imposed on the people; and to punish those that observed them. From this source arose that hatred, which he and his sons met with from the multitude. But of these matters we shall speak hereafter. What I would now explain is this, that **the Pharisees have delivered to the people a great many observances by succession from their fathers, which are not written in the laws of Moses: and for that reason it is, that the Sadducees reject them: and say, that we are to esteem those observances to be obligatory which are in the written word; but are not to observe what are derived from the tradition of our fore-fathers.** And concerning these things it is that great disputes and differences have arisen among them. While the Sadducees are able to persuade none but the rich; and have not the populace obsequious to them: but the Pharisees have the multitude on their side.

## ■ Conclusion

The Jannaeus legend in *b. Qiddušin* has in all probability preserved a rare piece of a Pharisaic polemical work, as evidenced both by its style and content. Its unique mixed Hebrew, a random, artificial mosaic of biblical vocabulary and syntax in a later linguistic substratum typical of the Jewish literature of the Second Commonwealth, is unattested in later rabbinic literature.

Its major themes—namely, the image and status of the Pharisees, their relationship with the Hasmonean rulers, and the sectarian dispute—are shared by Josephus's account and sectarian polemical works. In this instance they are clearly pro-Pharisaic, aimed at refuting anti-Pharisaic rumors and arguments.

The motif of the three types of authority at the heart of the story is characteristic of the political discourse in the context of John Hyrcanus's rule and was used both by his supporters and adversaries, as Josephus's independent account and possibly a Qumranic work (4QTestimonia) attest.<sup>125</sup> The use of biblical pericopes for political purposes is well known from the sectarian *pesharim*. Here we encounter, for the first time, a Pharisaic version of the same strategy. Above all, the terminology used by the author, as well as the skillful integration of biblical allusions into the narrative, is typical of the intersectarian disputes familiar to us from the Dead Sea Scrolls.

The story is embedded in two distinct literary corpora. One is an early historical narrative; the other, a late reservoir of miscellaneous Jewish sources. The advantages of the first, Josephan corpus inhere in its earlier date, greater historical proximity to the circumstances, and the realism, accuracy, and historical awareness of its account. On the other hand, the ancient source was here preserved in a foreign language, thereby erasing its unique linguistic features and biblical allusions. As for the second corpus, the Babylonian Talmud,<sup>126</sup> this source is there inserted arbitrarily, almost

accidentally, into a clearly ahistorical context. Nonetheless, its great advantage is that, as preserved there, this gem miraculously remained surprisingly close to its conjectured original form.

In other words, the two contexts in which this document is implanted are less essential for its comprehension than we might expect. They are the equivalents of the metaphorical silent cave in which an ancient Pharisaic text could have been discovered. Like the Dead Sea Scrolls, both versions of this text reflect the turbulent social climate of the closing centuries of the Second Temple period, but provide a genuine glimpse of the missing Pharisaic perspective.<sup>127</sup>