

## Class 2: The Laws of Common Judaism

Law in Second Temple Judaism  
Drisha Institute  
Dr. Malka Z. Simkovich  
April–May 2024

BCE

**587:** Babylonian destruction of the First Temple and the exile of Judea into Babylonia

**539:** End of exilic period; Persia has conquered Babylonia and permits Judeans to return

**525–515:** Building of the Second Temple

**334:** Alexander the Great dies

**200:** Judea transitions from being under Ptolemaic control to being under Antiochid control

**175:** High Priest Simon II dies, and conflict breaks out between supporters of his son Onias III and Jason (Onias' son was probably the founder of the temple at Leontopolis)

**164:** Judea gains autonomy from the Greeks; Hasmonean dynasty begins

**63:** Pompey invades Jerusalem; Judea now controlled by Roman client kings

**62-61:** Preconsul of Asia Minor, L. Valerius Flaccus, seizes foreign funds designated by diasporan Jews to be sent to the Jerusalem Temple

**59:** Cicero delivers a speech defending Flaccus

**c. 20:** Philo of Alexandria is born

CE:

**6:** Judea becomes a province of Rome

**c.32:** Jesus is crucified by the Romans

**37:** Josephus is born

**38-41:** Riots against the Jews in Alexandria, supported by Flaccus the governor and largely ignored by Gaius Caligula the emperor

**40:** Philo writes *Embassy to Gaius*

**67-70:** Jerusalem riots; Temple destroyed by Romans

**135:** Bar Kokhba revolt: Jews expelled from Jerusalem (which Hadrian had renamed Aelia Capitolina); Rabbinic community moves to Yavneh and the Galilee

**200:** Mishnah edited and likely completed

### Common Judaism

#### I. Shabbat and Holidays

##### 1. 1 Maccabees 2:19–41

<sup>19</sup> But Mattathias answered and said in a loud voice: ‘Even if all the nations that live under the rule of the king obey him, and have chosen to obey his commandments, everyone of them abandoning the religion of their ancestors, <sup>20</sup>I and my sons and my brothers will continue to live by the covenant of our ancestors. <sup>21</sup>Far be it from us to desert the law and the ordinances. <sup>22</sup>We will not obey the king’s words by turning aside from our religion to the right hand or to the left.’

<sup>23</sup> When he had finished speaking these words, a Jew came forward in the sight of all to offer sacrifice on the altar in Modein, according to the king’s command. <sup>24</sup>When Mattathias saw it, he burned with zeal and his heart was stirred. He gave vent to righteous anger; he ran and killed him on the altar. <sup>25</sup>At the same time he killed the king’s officer who was forcing them to sacrifice, and he tore down the altar. <sup>26</sup>Thus he burned with zeal for the law, just as Phinehas did against Zimri son of Salu.

## Class 2: The Laws of Common Judaism

Law in Second Temple Judaism  
Drisha Institute  
Dr. Malka Z. Simkovich  
April–May 2024

<sup>27</sup> Then Mattathias cried out in the town with a loud voice, saying: ‘Let everyone who is zealous for the law and supports the covenant come out with me!’ <sup>28</sup> Then he and his sons fled to the hills and left all that they had in the town. <sup>29</sup> At that time many who were seeking righteousness and justice went down to the wilderness to live there, <sup>30</sup> they, their sons, their wives, and their livestock, because troubles pressed heavily upon them. <sup>31</sup> And it was reported to the king’s officers, and to the troops in Jerusalem the city of David, that those who had rejected the king’s command had gone down to the hiding-places in the wilderness. <sup>32</sup> Many pursued them, and overtook them; they encamped opposite them and prepared for battle against them on the sabbath day. <sup>33</sup> They said to them, ‘Enough of this! Come out and do what the king commands, and you will live.’ <sup>34</sup> But they said, ‘We will not come out, nor will we do what the king commands and so profane the sabbath day.’ <sup>35</sup> Then the enemy\* quickly attacked them. <sup>36</sup> But they did not answer them or hurl a stone at them or block up their hiding-places, <sup>37</sup> for they said, ‘Let us all die in our innocence; heaven and earth testify for us that you are killing us unjustly.’ <sup>38</sup> So they attacked them on the sabbath, and they died, with their wives and children and livestock, to the number of a thousand people.

<sup>39</sup> When Mattathias and his friends learned of it, they mourned for them deeply. <sup>40</sup> And all said to their neighbours: ‘If we all do as our kindred have done and refuse to fight with the Gentiles for our lives and for our ordinances, they will quickly destroy us from the earth.’ <sup>41</sup> So they made this decision that day: ‘Let us fight against anyone who comes to attack us on the sabbath day; let us not all die as our kindred died in their hiding-places.’

### 2. 2 Maccabees 5:20–6:3

<sup>20</sup> Therefore the place itself shared in the misfortunes that befell the nation and afterwards participated in its benefits; and what was forsaken in the wrath of the Almighty was restored again in all its glory when the great Lord became reconciled. <sup>21</sup> So Antiochus carried off eighteen hundred talents from the temple, and hurried away to Antioch, thinking in his arrogance that he could sail on the land and walk on the sea, because his mind was elated. <sup>22</sup> He left governors to oppress the people: at Jerusalem, Philip, by birth a Phrygian and in character more barbarous than the man who appointed him; <sup>23</sup> and at Gerizim, Andronicus; and besides these Menelaus, who lorded it over his compatriots worse than the others did. In his malice towards the Jewish citizens,\* <sup>24</sup> Antiochus\* sent Apollonius, the captain of the Mysians, with an army of twenty-two thousand, and commanded him to kill all the grown men and to sell the women and boys as slaves. <sup>25</sup> When this man arrived in Jerusalem, he pretended to be peaceably disposed and waited until the holy sabbath day; then, finding the Jews not at work, he ordered his troops to parade under arms. <sup>26</sup> He put to the sword all those who came out to see them, then rushed into the city with his armed warriors and killed great numbers of people.

<sup>27</sup> But Judas Maccabeus, with about nine others, got away to the wilderness, and kept himself and his companions alive in the mountains as wild animals do; they continued to live on what grew wild, so that they might not share in the defilement. <sup>6</sup> Not long after this, the king sent an Athenian\* senator\* to compel the Jews to forsake the laws of their ancestors and no longer to live by the laws of God; <sup>2</sup> also to pollute the temple in Jerusalem and to call it the temple of Olympian Zeus, and to call the one in Gerizim the temple of Zeus-the-Friend-of-Strangers, as did the people who lived in that place. <sup>3</sup> Harsh and utterly grievous was the onslaught of evil.

Law in Second Temple Judaism  
Drisha Institute  
Dr. Malka Z. Simkovich  
April–May 2024

### 3. Judith 8:1–6

Now in those days Judith heard about these things: she was the daughter of Merari son of Ox son of Joseph son of Oziel son of Elkiah son of Ananias son of Gideon son of Raphain son of Ahitub son of Elijah son of Hilkiah son of Eliab son of Nathanael son of Salamiel son of Sarasadai son of Israel. <sup>2</sup>Her husband Manasseh, who belonged to her tribe and family, had died during the barley harvest. <sup>3</sup>For as he stood overseeing those who were binding sheaves in the field, he was overcome by the burning heat, and took to his bed and died in his town Bethulia. So they buried him with his ancestors in the field between Dothan and Balamon. <sup>4</sup>Judith remained as a widow for three years and four months<sup>5</sup>at home where she set up a tent for herself on the roof of her house. She put sackcloth around her waist and dressed in widow's clothing. <sup>6</sup>She fasted all the days of her widowhood, except the day before the sabbath and the sabbath itself, the day before the new moon and the day of the new moon, and the festivals and days of rejoicing of the house of Israel.

## II. Dietary Laws

### 1. Judith 12:1–15

Then he commanded them to bring her in where his silver dinnerware was kept, and ordered them to set a table for her with some of his own delicacies, and with some of his own wine to drink. <sup>2</sup>But Judith said, 'I cannot partake of them, or it will be an offence; but I will have enough with the things I brought with me.' <sup>3</sup>Holofernes said to her, 'If your supply runs out, where can we get you more of the same? For none of your people are here with us.' <sup>4</sup>Judith replied, 'As surely as you live, my lord, your servant will not use up the supplies I have with me before the Lord carries out by my hand what he has determined.'

<sup>5</sup> Then the servants of Holofernes brought her into the tent, and she slept until midnight. Towards the morning watch she got up <sup>6</sup>and sent this message to Holofernes: 'Let my lord now give orders to allow your servant to go out and pray.' <sup>7</sup>So Holofernes commanded his guards not to hinder her. She remained in the camp for three days. She went out each night to the valley of Bethulia, and bathed at the spring in the camp. <sup>8</sup>After bathing, she prayed the Lord God of Israel to direct her way for the triumph of his\* people. <sup>9</sup>Then she returned purified and stayed in the tent until she ate her food towards evening.

<sup>10</sup> On the fourth day Holofernes held a banquet for his personal attendants only, and did not invite any of his officers. <sup>11</sup>He said to Bagoas, the eunuch who had charge of his personal affairs, 'Go and persuade the Hebrew woman who is in your care to join us and to eat and drink with us. <sup>12</sup>For it would be a disgrace if we let such a woman go without having intercourse with her. If we do not seduce her, she will laugh at us.' <sup>13</sup> So Bagoas left the presence of Holofernes, and approached her and said, 'Let this pretty girl not hesitate to come to my lord to be honoured in his presence, and to enjoy drinking wine with us, and to become today like one of the Assyrian women who serve in the palace of Nebuchadnezzar.' <sup>14</sup>Judith replied, 'Who am I to refuse my lord? Whatever pleases him I will do at once, and it will be a joy to me until the day of my death.' <sup>15</sup>So she proceeded to dress herself in all her woman's finery. Her maid went ahead and spread for her on the ground before Holofernes the lambskins she had received from Bagoas for her daily use in reclining.

Law in Second Temple Judaism  
Drisha Institute  
Dr. Malka Z. Simkovich  
April–May 2024

## 2. Tobit 1:1–18

This book tells the story of Tobit son of Tobiel son of Hananiel son of Aduel son of Gabael son of Raphael of the descendants\* of Asiel, of the tribe of Naphtali, <sup>2</sup>who in the days of King Shalmaneser\* of the Assyrians was taken into captivity from Thisbe, which is to the south of Kedesh Naphtali in Upper Galilee, above Asher towards the west, and north of Phogor.

<sup>3</sup> I, Tobit, walked in the ways of truth and righteousness all the days of my life. I performed many acts of charity for my kindred and my people who had gone with me in exile to Nineveh in the land of the Assyrians.<sup>4</sup>When I was in my own country, in the land of Israel, while I was still a young man, the whole tribe of my ancestor Naphtali deserted the house of David and Jerusalem. This city had been chosen from among all the tribes of Israel, where all the tribes of Israel should offer sacrifice and where the temple, the dwelling of God, had been consecrated and established for all generations for ever.

<sup>5</sup> All my kindred and our ancestral house of Naphtali sacrificed to the calf\* that King Jeroboam of Israel had erected in Dan and on all the mountains of Galilee. <sup>6</sup>But I alone went often to Jerusalem for the festivals, as it is prescribed for all Israel by an everlasting decree. I would hurry off to Jerusalem with the first fruits of the crops and the firstlings of the flock, the tithes of the cattle, and the first shearings of the sheep. <sup>7</sup>I would give these to the priests, the sons of Aaron, at the altar; likewise the tenth of the grain, wine, olive oil, pomegranates, figs, and the rest of the fruits to the sons of Levi who ministered at Jerusalem. Also, for six years I would save up a second tenth in money and go and distribute it in Jerusalem. <sup>8</sup>A third tenth\* I would give to the orphans and widows and to the converts who had attached themselves to Israel. I would bring it and give it to them in the third year, and we would eat it according to the ordinance decreed concerning it in the law of Moses and according to the instructions of Deborah, the mother of my father Tobiel,\* for my father had died and left me an orphan. <sup>9</sup>When I became a man I married a woman,\* a member of our own family, and by her I became the father of a son whom I named Tobias.

<sup>10</sup> After I was carried away captive to Assyria and came as a captive to Nineveh, everyone of my kindred and my people ate the food of the Gentiles, <sup>11</sup>but I kept myself from eating the food of the Gentiles.<sup>12</sup>Because I was mindful of God with all my heart, <sup>13</sup>the Most High gave me favour and good standing with Shalmaneser,\* and I used to buy everything he needed. <sup>14</sup>Until his death I used to go into Media, and buy for him there. While in the country of Media I left bags of silver worth ten talents in trust with Gabael, the brother of Gabri. <sup>15</sup>But when Shalmaneser\* died, and his son Sennacherib reigned in his place, the highways into Media became unsafe and I could no longer go there.

<sup>16</sup> In the days of Shalmaneser\* I performed many acts of charity to my kindred, those of my tribe. <sup>17</sup>I would give my food to the hungry and my clothing to the naked; and if I saw the dead body of any of my people thrown out behind the wall of Nineveh, I would bury it. <sup>18</sup>I also buried any whom King Sennacherib put to death when he came fleeing from Judea in those days of judgement that the king of heaven executed upon him because of his blasphemies. For in his anger he put to death many

## Class 2: The Laws of Common Judaism

Law in Second Temple Judaism  
Drisha Institute  
Dr. Malka Z. Simkovich  
April–May 2024

Israelites; but I would secretly remove the bodies and bury them. So when Sennacherib looked for them he could not find them.

### 3. Aristean 139–159

Now our Lawgiver being a wise man and specially endowed by God to understand all things, took a comprehensive view of each particular detail, and fenced us round with impregnable ramparts and walls of iron, that we might not mingle at all with any of the other nations, but remain pure in body and soul, free from all vain imaginations, worshiping the one Almighty God above the whole creation. Hence the leading Egyptian priests having looked carefully into many matters, and being cognizant with (our) affairs, call us "men of God". This is a title which does not belong to the rest of mankind but only to those who worship the true God. The rest are men not of God but of meats and drinks and clothing. For their whole disposition leads them to find solace in these things. Among our people such things are reckoned of no account. but throughout their whole life their main consideration is the sovereignty of God. Therefore lest we should be corrupted by any abomination, or our lives be perverted by evil communications, he hedged us round on all sides by rules of purity, affecting alike what we eat, or drink, or touch, or hear, or see. For though, speaking generally, all things are alike in their natural constitution, since they are all governed by one and the same power, yet there is a deep reason in each individual case why we abstain from the use of certain things and enjoy the common use of others. For the sake of illustration I will run over one or two points and explain them to you. For you must not fall into the degrading idea that it was out of regard to mice and weasels and other such things that Moses drew up his laws with such exceeding care. All these ordinances were made for the sake of righteousness to aid the quest for virtue and the perfecting of character. For all the birds that we use are tame and distinguished by their cleanliness, feeding on various kinds of grain and pulse, such as for instance pigeons, turtle-doves, locusts, partridges, geese also, and all other birds of this class. But the birds which are forbidden you will find to be wild and carnivorous, tyrannizing over the others by the strength which they possess, and cruelly obtaining food by preying on the tame birds enumerated above and not only so, but they seize lambs and kids, and injure human beings too, whether dead or alive, and so by naming them unclean, he gave a sign by means of them that those, for whom the legislation was ordained, must practice righteousness in their hearts and not tyrannize over any one in reliance upon their own strength nor rob them of anything, but steer their course of life in accordance with justice...Our legislator taught us therefore that it is by such methods as these that indications are given to the wise, that they must be just and effect nothing by violence, and refrain from tyrannizing over others in reliance upon their own strength.. Wherefore all the rules which he has laid down with regard to what is permitted in the case of these birds and other animals, he has enacted with the object of teaching us a moral lesson. For the division of the hoof and the separation of the claws are intended to teach us that we must discriminate between our individual actions with a view to the practice of virtue. For the strength of our whole body and its activity depend upon our shoulders and limbs. Therefore he compels us to recognize that we must perform all our actions with discrimination according to the standard of righteousness -more especially because we have been distinctly separated from the rest of mankind. For most other men defile themselves by promiscuous intercourse, thereby working great iniquity, and whole countries and cities pride themselves upon such vices. For they not only have intercourse with men but they defile their own mothers and even their daughters. But we have been kept separate from such sins. And the people who have been separated in the aforementioned way are also

Law in Second Temple Judaism  
Drisha Institute  
Dr. Malka Z. Simkovich  
April–May 2024

characterized by the Lawgiver as possessing the gift of memory. For all animals " which are cloven-footed and chew the cud " represent to the initiated the symbol of memory. For the act of chewing the cud is nothing else than the reminiscence of life and existence. For life is wont to be sustained by means of food wherefore he exhorts us in the Scripture also in these words: ' Thou shalt surely remember the Lord that wrought in thee those great and wonderful things". For when they are properly conceived, they are manifestly great and glorious; first the construction of the body and the disposition of the food and the separation of each individual limb and, far more, the organization of the senses, the operation and invisible movement of the mind, the rapidity of its particular actions and its discovery of the arts, display an infinite resourcefulness. Wherefore he exhorts us to remember that the aforesaid parts are kept together by the divine power with consummate skill. For he has marked out every time and place that we may continually remember the God who rules and preserves (us). For in the matter of meats and drinks he bids us first of all offer part as a sacrifice and then forthwith enjoy our meal. Moreover, upon our garments he has given us a symbol of remembrance, and in like manner he has ordered us to put the divine oracles upon our gates and doors as a remembrance of God.

### III. Circumcision

#### 1. Judith 14:1–10

Then Judith said to them, 'Listen to me, my friends. Take this head and hang it upon the parapet of your wall. <sup>2</sup>As soon as day breaks and the sun rises on the earth, each of you take up your weapons, and let every able-bodied man go out of the town; set a captain over them, as if you were going down to the plain against the Assyrian outpost; only do not go down. <sup>3</sup>Then they will seize their arms and go into the camp and rouse the officers of the Assyrian army. They will rush into the tent of Holofernes and will not find him. Then panic will come over them, and they will flee before you. <sup>4</sup>Then you and all who live within the borders of Israel will pursue them and cut them down in their tracks. <sup>5</sup>But before you do all this, bring Achior the Ammonite to me so that he may see and recognize the man who despised the house of Israel and sent him to us as if to his death.'

<sup>6</sup> So they summoned Achior from the house of Uzziah. When he came and saw the head of Holofernes in the hand of one of the men in the assembly of the people, he fell down on his face in a faint. <sup>7</sup>When they raised him up he threw himself at Judith's feet, and did obeisance to her, and said, 'Blessed are you in every tent of Judah! In every nation those who hear your name will be alarmed. <sup>8</sup>Now tell me what you have done during these days.' So Judith told him in the presence of the people all that she had done, from the day she left until the moment she began speaking to them. <sup>9</sup>When she had finished, the people raised a great shout and made a joyful noise in their town. <sup>10</sup>When Achior saw all that the God of Israel had done, he believed firmly in God. So he was circumcised, and joined the house of Israel, remaining so to this day.

#### 2. 2 Maccabees 6:1–17

Not long after this, the king sent an Athenian senator to compel the Jews to forsake the laws of their ancestors and no longer to live by the laws of God; <sup>2</sup>also to pollute the temple in Jerusalem and to

## Class 2: The Laws of Common Judaism

Law in Second Temple Judaism  
Drisha Institute  
Dr. Malka Z. Simkovich  
April–May 2024

call it the temple of Olympian Zeus, and to call the one in Gerizim the temple of Zeus-the-Friend-of-Strangers, as did the people who lived in that place.

3 Harsh and utterly grievous was the onslaught of evil. <sup>4</sup>For the temple was filled with debauchery and revelling by the Gentiles, who dallied with prostitutes and had intercourse with women within the sacred precincts, and besides brought in things for sacrifice that were unfit. <sup>5</sup>The altar was covered with abominable offerings that were forbidden by the laws. <sup>6</sup>People could neither keep the sabbath, nor observe the festivals of their ancestors, nor so much as confess themselves to be Jews.

7 On the monthly celebration of the king's birthday, the Jews were taken, under bitter constraint, to partake of the sacrifices; and when a festival of Dionysus was celebrated, they were compelled to wear wreaths of ivy and to walk in the procession in honour of Dionysus. <sup>8</sup>At the suggestion of the people of Ptolemais a decree was issued to the neighbouring Greek cities that they should adopt the same policy towards the Jews and make them partake of the sacrifices, <sup>9</sup>and should kill those who did not choose to change over to Greek customs. One could see, therefore, the misery that had come upon them. <sup>10</sup>For example, two women were brought in for having circumcised their children. They publicly paraded them around the city, with their babies hanging at their breasts, and then hurled them down headlong from the wall. <sup>11</sup>Others who had assembled in the caves nearby, in order to observe the seventh day secretly, were betrayed to Philip and were all burned together, because their piety kept them from defending themselves, in view of their regard for that most holy day.

12 Now I urge those who read this book not to be depressed by such calamities, but to recognize that these punishments were designed not to destroy but to discipline our people. <sup>13</sup>In fact, it is a sign of great kindness not to let the impious alone for long, but to punish them immediately. <sup>14</sup>For in the case of the other nations the Lord waits patiently to punish them until they have reached the full measure of their sins; but he does not deal in this way with us, <sup>15</sup>in order that he should not take vengeance on us afterwards when our sins have reached their height. <sup>16</sup>Therefore he never withdraws his mercy from us. Although he disciplines us with calamities, he does not forsake his own people. <sup>17</sup>Let what we have said serve as a reminder; we must go on briefly with the story.