

“Bar Kamtza and halachic leniency”

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In the run-up to Tisha B'Av we are called upon to develop our sensitivity to the implications of the loss of our Bet ha-Mikdash by observing these days as a period of semi-mourning. We do not only lament *people* who have vanished from our lives but also *values* that have perished and which can impoverish us nationally and spiritually in the same way that the loss of a near and dear one can. In recording the cause of the Temple's loss, the Talmud emphasizes the moral decay that had infiltrated the nation rather than its military weakness. This is exemplified in one of its most well-known stories: that of Kamtza and Bar Kamtza.¹

It is the story of a most wealthy and influential Judean who was making a great banquet, to which he sent invitations to all the leading rabbis of Jerusalem. He had a friend called Kamtza, and a bitter enemy called Bar Kamtza, but his servant mistakenly delivered the invitation to the banquet to Bar Kamtza instead of Kamtza.

When the latter arrived at the banquet, the host became incensed that his foe should have gate-crashed his party and gave orders that he be thrown out. He refused to countenance the thought that there had been any mix-up on his part and started to scream at Bar Kamtza to leave. By this time the raised voices were attracting the attention of all the guests, and, greatly embarrassed, Bar Kamtza begged the host not to humiliate him by throwing him out in front of such an illustrious gathering. He also offered to pay for

whatever he ate. This was rudely rejected, whereupon Bar Kamtza offered to pay for half the banquet. When this was also rebuffed, he indicated a willingness to defray the cost of the entire banquet. But the host's hatred of him ran so deep that this was also met with disdain, and Bar Kamtza was unceremoniously thrown out.

The Talmud relates the latter's bitter reaction, namely, that since the most illustrious rabbis had been present and did not intervene they must have condoned the wealthy host's callous indifference to his feelings. He was so incensed that he sought a meeting with the Roman authorities, falsely alleging that the Jews were bent on rebellion. The matter was ultimately passed to Caesar himself. When asked for his evidence, Bar Kamtza told him that it lay in the fact that the Jews had decided to cease offering the sacrifices regularly sent by Caesar as a means of intercession with God for his good health and success.

To test the truth of the allegation, Caesar sent to Bar Kamtza a choice three-year-old calf to take to the Temple. On arrival there, and when no one was looking, he stabbed it with an implement in a part of the body that constituted a blemish which rendered it unacceptable to be offered according to Jewish law.

The continuation of the Talmudic passage is sad but enlightening: The sages, faced with the dreadful dilemma of not daring to offend Caesar, on the one hand, and not wishing to transgress the law, on the other, were minded nevertheless to accept the blemished animal – *mishum sh'lom malchut* – 'in order to maintain peaceful relations with the occupying

power.’ A leading sage, R. Zechariah ben Avkulus, objected, however, because, *Yomru, ba’alei mumin kreivin l’gabei mizbe’ach*, “People would say that blemished animals can be offered on the altar.”

The Talmud records an alternative suggestion put forward by some other rabbis: to do away with Bar Kamtza for his betrayal and to prevent him from reporting back to Caesar that his sacrifice had indeed been rejected. But this suggestion was also ruled out by that same R Zechariah, since, *Yomru matil mum b’kodshim yeihareg* - “People will erroneously say that blemishing a sacrifice is a capital crime.”

The illustrious Rabbi Yochanan b. Zakkai ruefully observed, *Inv’tanuto shel R Zechariah hecheriva et Beiteinu* – “The faint-heartedness of R. Zechariah caused our Temple to be destroyed, our sanctuary to be burnt down, and our people to be exiled.”

What a devastating denunciation of a colleague, though clearly one that was required in that critical situation. One aspect, however, is particularly pertinent to the process of rabbinic decision-making in our day and especially in the State of Israel. This emerges from the two identical words R. Zechariah employs when objecting to both alternative suggestions put to him, namely *Yomru* - “People will say.” R. Yochanan, ever zealous to ensure Jewish survival in the face of the Roman threat, clearly regarded his colleague’s attitude as nothing short of dangerous. The fear of what people might think of his leniency should surely have been his very last consideration at such a time. It is also a frequent occurrence that rabbis are misunderstood – or even err in their judgments. If

they desist from giving rulings on that score, however, halachic Judaism would never have survived.

Rabbis who accepted the mantle of leadership but hid their faces in it when a crisis arose, should never have applied for ordination and halachic responsibility in the first place.

When courage is called for, courage must be forthcoming. Future generations will not judge the courageous leader harshly. Neither will they be misled into regarding any timely emergency measure as a halachic imperative incumbent upon Jewry forever.

R. Zechariah should certainly have been aware of the halachic precedence for setting aside a Torah law when faced with an emergency. In the Talmud this is referred to as *hora'at sha'ah*, literally, 'a decision for the hour,' and is derived from the verse, *It is time for the Lord to act – they have violated Your Torah* (Ps. 119: 126). In an audacious twist of interpretation to bolster their lenient approach, the sages inverted the meaning of the two halves of the verse, to yield, 'When *they* act *against* the Lord [to destroy His people or their law], your Torah may be violated [by setting aside one of its rulings].'

Of the many precedents offered by the Talmud for the application of this leniency is that of Elijah the prophet who offered an *olah*, wholly burnt sacrifice, on Mount Carmel, in defiance of the law which restricted it to Jerusalem on pain of the punishment of *karet*, lit. 'severance [from the community].'² This is one of the most serious of punishments, imposed by heaven, not by a Bet Din, for 36 enumerated major sins.³ Rabbinic tradition

associates this with premature death or being denied the blessing of children, though the biblical term, '[being] cut off from one's people,' is left unclarified.

Elijah also resorted to leniency in utilising a vacated Canaanite 'high place' (*bamah*) of idolatrous Baal worship on Mount Carmel long after the concession to use such places had lapsed.⁴

At a later period, Shimon the Righteous, a High Priest during the period of the second commonwealth (circa 310-291 BCE), defied Torah law by donning his special robes outside the Temple. He did so to honour Alexander the Great, who, after invading Judea, sought to destroy the Temple. Shimon justified his act as a means to appease the conqueror, convince him of the Jews' peaceful and cooperative nature, and persuade him not to destroy their Temple. So, surely, in our Bar Kamtza episode, Rabbi Zechariah should have known of this emergency measure as well as did his severe critic, R. Yochanan b. Zacai!!

He undoubtedly did, but his tragic and unpardonable weakness was in not recognising that there was indeed a looming emergency. He lived in his rabbinic ivory tower, divorced from the political and social realities of the day. He failed to understand that relations with Rome were at breaking point and that it would not take much to ignite a conflagration and for the enemy to unleash its fury against the hated Jews. And, in a situation like that, all that the influential Rabbi Zechariah could think of was, 'What will others say?'

Furthermore, given that he was a Talmudist whose every waking hour was spent in the interpretation and clarification of the traditions of past ages – analysing, among other matters, the specific contexts in which statements were made or pieces of legislation enacted – for him to fear that future generations of scholars would not be able to place his decision in this matter in the context of an emergency measure, and not one intended as a halachic norm, was inexplicable. In the eyes of R. Yochanan, it was worse. It was unpardonable.

There is a profound message here for rabbinic leaders of our age and a call for them to rise to the needs of the hour, to be sensitive to situations that might threaten the unity and cohesion of the nation, and to act in the Hillelite way of welcoming into the faith all who wish to embrace it, even if their commitment to full observance has not yet been achieved.⁵

Rabbis who opt for the strictest interpretations (*chumrot*) as a matter of principle – in the interest of *yomru*, ‘what will colleagues think or say?’ or who hark back to shtetl life in the belief that one can win souls by rabbinic fiat - are essentially opting to write off the vast proportion of Jewish youth. Rabbis who are also blind to the weird and un-wonderful lifestyles of so many in our own communities – and who believe that we have no adaptations to make in our halachic and spiritual perspectives to rescue such people and pull them back from the edge of the spiritual and moral abyss⁶ – should take Rabbi Yochanan’s rejoinder to his head-in-the-sand colleague seriously to heart.

NOTES

1. See Tal. Gitt. 55a-b
2. See Tal. Yev. 90b.
3. See Lev. 18:29; Nu. 15:31, et al.; Mish. *Kritut* 1:1.
4. See II Kings 12:3-4; Tal. Zev. 112b.
5. See Tal. Yev. 45b – 46b; Tal. Yoma 69a.
6. Among the notable exceptions to this approach which should be acclaimed for their outreach work to our youth are organisations such as Aish, Lubavitch, Seed, and Jewish Learning Exchange.

Tzom kal – an easy and contemplative fast,

Rabbi Jeffrey