

YITZHAK BAER — SCHOLAR OF THE SECOND TEMPLE PERIOD

by DAVID TAMAR *

At the time of writing Yitzhak Baer, doyen of the Hebrew historians of our generation, is celebrating his ninetieth birthday. The eminent professor and his friend and associate, the late Ben-Zion Dinur, founded a school of historical research known as the Jerusalem school which succeeded, without apologetic or bias, in establishing the religious and national forces which formed the character of our people in the Middle Ages and still form it today. Baer researched in depth into the religious-mystical phenomenon and social trends in the history of Israel while Dinur established Eretz Israel as the focus of our history for all generations. Almost all of Israel's historians have either studied under these two great scholars or been formed by those who themselves were taught by them, and generations of researchers and students, teachers and academics, studied Torah under them or through the medium of their writings.

Yitzhak Baer is renowned as the outstanding researcher of medieval Jewish history in general and of the Jewry of Catholic Spain in particular, having devoted the greater part of his life's work and researches to this area of study. His books and articles on the subject, classics in their field, are of a penetration and breadth of vision unrivalled in modern Hebrew-language

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historical writings. In view of this background it came as a surprise to many when, some twenty five or more years ago, Baer transferred his attentions to the study of the Second Temple period which, as he maintained, "is the period considered by the post-Biblical era to be the second instance of divine inspiration with which the Jewish people was blessed." Those well-versed in Baer's theories know that he had already incorporated portions of them concerning this point in his book *Galuth* [Exile] (published by Schocken in English and German), in his exhaustive articles on the religious and social trends in a hassidic village, the historical background of Ra'iya Mehemanne, the Jewish village of Yosifon, the Edicts of 1096, etc, and in his concise forward to his magnum opus on the Jews of Catholic Spain. However, ideas alluded to briefly or merely referred to in passing were developed into a fully-fledged theory during comprehensive and extensive research over the last ten years and have been published in *Luah HaAretz, Zion, Molad*, and principally in his book *Israel Among the Nations* (Heb.). In the fashion of poets whose verses remained hidden in their souls, taking shape and developing until the day they would burst out into the realm of poetry, so too for long years did Baer keep locked inside himself his fresh ideas about the subject of his research and, as happened to certain great poets, Baer has enjoyed a second blossoming and new creativity in his old age. One may say that Baer's own hassidic spirit which had for so long hungered for the first great hassidim of the Second Temple period, found its sublimation in these studies.

THE CONCEPT OF MARTYRDOM

In a lecture given at the Hebrew University nearly forty years ago Baer asserted, *inter alia* (we will present his essential ideas and findings about the Second Temple period in what follows), that the People of Israel took their place in history as a religious people. "The historical trend of our people, from the biblical period down to the Age of the Enlightenment, expressed itself overwhelmingly clearly in distinct religious terms. Certainly one can discern other trends which clashed with this (religious) expression but until the modern ages the latter was victorious." [*Gilyonot*, Vol. 12:9, (1941)].

The People of Israel came to teach socio-religious ideals and throughout its history has tried to realise and implement them. It must be made clear that these ideals were not foreign importations, acquired elsewhere but were deeply entrenched in the people itself and were upheld by the sages and hassidim of the Second Temple and Mishnaic periods who sought to implant the image of the heavenly kingdom in the worldly one. Divine law and an age-old natural condition of equality of obligations and rights together with manual work were the norms in that commonweal. The

Mishnaic experts were sometimes artists, or craftsmen who worked for a living but all were equal in the study-houses, the rich and poor, upper and lower classes, and in this circle of rustic hassidism were engendered and developed halakhic rulings concerning Shabbat and ritual purification, the *peah* (portion of the harvest left for the poor — tr.'s note), the seventh or sabbatical year, contribution and tithes, marriage and family. Nor let it be said that halakhic pronouncements and verdicts are separate from faith and learning for the one is bound up with the other. One will find that many halakhic judgements have their parallel in the Greece of the classical period. Even beliefs and viewpoints from the pre-Hasmonean period which had their origin in Greece were acquired, changed fundamentally, and invested with new authority. The Hasmonean revolt, preceded by a socio-religious movement seeking to implement ideals deriving partly from the prophetic heritage and partly from the sophia of the Greeks, was a struggle for liberty and a notable event not only in the history of Israel but also in the history of mankind. At the same time was born the noble but awe some notion of martyrdom. It was the first time in history that an entire people was ready and summoned to lay down its life for religion and beliefs. The development of the People of Israel continued stage by stage and the final one was that of martyrdom. From the aura of the Christian martyrs and monks radiates outwards the image of the Jewish hassidim and holy man, from the days of Antiochus Epiphanes down to the Roman Caesars.

INTERNAL CIPHERS

As we stated earlier, it is possible in Baer's view to find analogies to many halakhot in the classical Greek era and he accordingly draws the conclusion that such rulings — including those relating to the Sanhedrin — are older and earlier than the Hasmonean period. Nor are these halakhot the result of mere study and academic debate in the study-houses: they evolved in the reality of daily life. Halakha is a combination of existence and realism, and a halakha which is apparently withered and dead breathes life and relates the circumstances of its birth and reincarnation to the attentive historian just as the potsherd speaks to the archeologist. Baer is a sensitive historian so he attempts to unravel a period by using internal ciphers rather than external ones. Hence he affirms that the tradition of halakha is preferable to external traditions such as Josephus Flavius' testimony, the Evangelists, the apocryphal books, and the Dead Sea Scrolls. "We have tried to show that by means of historical research we can derive from the oral law . . . whatever is needed to understand the internal structure of the history of the Second Temple. We deliberately refused to give ear to the dubious suggestions to be found in descriptive sources or sectarian controversies, both ancient and modern (the reference intended is to the

Dead Sea Scrolls—D.T.), such as historians are prone to accept, and instead put our trust in the objective testimony enshrined in institutions, the halakhic rulings, doctrines and prayer formulae, which do not bear false testimony because they came to flower together with the organic life of the historical body itself and attached themselves to it in accordance with the laws of development—which are both indispensable and binding” [The Oral Law (Mishna) and History—*Molad*, Vol. 21, 179-180, (1963, pp. 308-333)]. He reaffirmed the same point at the end of his article published in *Zion* [Vol. 59, (1964)] dealing with the Dead Sea Sect: “We must revert to our principal task which is to understand the historical foundations of our religious traditions via historical interpretation of the inner sources themselves.” Baer refuses to accord a like role to the Qumram Scrolls which, in his opinion, were composed by a Christian or Judeo-Christian sect, existing in the first half of the first century of the Christian era, near the time of Bar Kochbar’s rebellion. He is certain that the sect’s members were influenced by the evangelical writings, rather than then reverse. Needless to point out, many scholars engaged in research into the Scrolls, contest Baer’s opinion on the subject.

ORAL LAW AND THE HOMILY

In the later period of the Second Temple we found parallels between Jewish and Roman law. We should not however ignore the fundamental element of Jewish law which is absent in its Roman counterpart, i.e., that ritual and civil law both have the same intent and use the same law. The boundary of the one touches the other; the rational meets the irrational. The situation is identical with regard to learning itself—even when our sages, speaking formally, follow the method of logical reasoning borrowed from the West, they ultimately return to the realm of mythical thought from which they started—all halakha and religious and moral instruction, which are part of ordinary human experience by their very source and origin, ultimately appear time and again as a mythical experience born on Mount Sinai and in heaven, taught and explained through ways which may seem rational although they are in fact mythical, mystical, and spiritual.” (*Israel Among the Nations* [Hebrew], Jerusalem, Mosad Bialik, 1955, pp. 102-3). The sages were spiritual thinkers, men of mythological experience and inspiration from on high, endowed with supernatural powers but, just as they did not demand of the simple folk the kind of acts which befitted the primaeval period and esoteric speculation, so too they tended to keep silent about individual mystical experiences. We cannot, however, accept all of Baer’s observations on this problem and we venture to suggest that he is confusing the two domains—halakha is quite distinct from homily! In rabbinical homiletics we readily found a mythical cast of thought and experience—the halakhic tradition however is quite different. The role of halakha

is to show the Jew which path to take and not which ideas to hold and which beliefs to accept. The ways of the hassidim and heavenly justice are not justice as such; they are beyond strict justice and so do not occupy the central place in halakha. Even the mystically-minded sages kept their world of myths locked deep inside them or also inserted them into their homilies: myth never had a place in the realm of halakha. Baer himself notes in the introduction to his book on the history of the Jews in Catholic Spain: "The talmudic scholars were steeped in the world of miracles, and many were the wonders attributed to them. Torah, however, is dependent neither upon miracles nor upon visions but rather upon tradition and those values according to which the Torah is to be interpreted." Nevertheless Baer is faithful to his standpoint maintaining that the religion of Israel is both mystical and eschatological, and that her mission and witness among the nations is the preservation of the mythological insight in a world dominated by rational thinking. In order to carry out this mission there was a sustained development of the eschatological *weltanschauung*. Whenever the cerebral element grew strong in Israel rationalism and assimilation took hold, but when the opponents of rationalism gained the upper hand in Israel the Jewish life-style reigned supreme. The annals of Israel are composed of a number of distinct periods, each different from the others. For all that the critical observer will discover that Israel's history, from the days of the first hassidim down to nearly the middle of the eighteenth century is one integral period throughout which common elements regarding beliefs and opinions, laws and observances, custom and Jewish life, were very much to the fore.

TWO COMMEMORATIVE VOLUMES

The discerning reader will grasp that the viewpoints and findings of the distinguished professor, reviewed here very briefly, are not limited to research into Israel's past but investigate the very fabric of our experience and the riddle of our existence, and that whether we agree with his views or not we should be grateful that they are fertile and thought-provoking, opening up new avenues to understanding the history of Israel in general and that of the Second Temple period in particular. His outstanding works of research, especially *Israel Among the Nations*, are written with insight and vision, inspiration and broad perspective, the whole suffused with a sense of the poetic.

That Yitzhak Baer, the man and the historian, is highly esteemed and respected is evidenced by many articles written about him and the jubilee volume published on the occasion of his seventieth birthday. In the near future a second commemorative volume will be published — few indeed are the scholars who have been offered two commemorative volumes. It

would seem that the distinguished scholar's associates are unaware that he is the hero of the story "See a name over there" by Henoah Bartov (first printed in "Ma'ariv," 5.4.74, and subsequently included in the anthology "Selections from our literature of 1974," edited by Yehuda Friedlander and published jointly by the Ministry of Education and Culture and United Publishers).

Yitzhak Baer is in his ninetieth year, a scholar of rare integrity standing on his own ground, far far above the bickering of the timeservers which causes turmoil in the academic world, hands unsullied by the less noble side of research.