

## Incorporating Josephus Flavius and the Story of Masada in Halakhic Discourse\*

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### Introduction

In 73CE, moments before the Romans broke into Masada,<sup>1</sup> Eleazar ben Yair, commander of the rebels, addressed his comrades in two speeches, calling upon them to murder their family members and to commit suicide.<sup>2</sup> The narrator of the story, Joseph ben Matthias, also known as Josephus Flavius, goes on to describe what happened next:

They embraced their wives with great love, and pressed their children to their hearts, kissing them for the last time with tears in their eyes, at the same time completing their design... and they all slaughtered their families... Thereupon they chose by lot ten of their number who would slaughter them all. And each one stretched out on the ground next to his killed wife and children, enfolding them in his arms and willingly stretching out his neck for the slaughter at the hands of the ten men who fulfilled this awful deed... So did they all die with faith.<sup>3</sup>

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<sup>1</sup> Much has been written about Masada. The following is but a sample of the principal works of research dealing with the topic: Joseph Klausner and Chaim Bar-Daroma, *Metzadah ve-gibboreha – toledot ha-mivtzar ha-acharon shel yehudah ha-chofshit [Massada and Its Heroes: History of the Last Stronghold in Free Judea]* (Jerusalem, 1937); Yigael Yadin, *Metzada – ba-yamim ha-hem ba-zeman ha-zeh* (Tel Aviv, 1966), published in English as: *Masada: Herod's Fortress and the Zealots' Last Stand*, trans. Moshe Pearlman (NYC: Random House, 1966); Amnon Ben Tor, *Be-chazarah le-metzadah [Back to Masada]* (Jerusalem, 2007); Meir Ben Dov, "Ha-matzor ha-romi al metzadah – 73 la-sefirah" ["The Roman Siege of Masada: 73CE"] in Aryeh Shmuelowitz, ed., *Zirat krav – keravot hakhra'ah be-eretz israel [Battle Arena: Decisive Battles in the Land of Israel]* (Tel Aviv, 2007), 111-123; Chanan Eshel, *Metzadah: Alilat gevurah [Masada: A Tale of Heroism]* (Jerusalem, 2009); see also: David Flusser, "Harugei metzadah be-eineihem u-ve-einei bnei doram" ["The Dead of Masada in Their Own Eyes and in the Eyes of Their Contemporaries"] in Aharon Oppenheimer, Yishayahu Gafni, and Menachem Shtern, ed., *Yehudim ve-yahadut bi-mei bayit sheni [Jews and Judaism in the Second Temple Period]* (Jerusalem, 5753), 116-146.

<sup>2</sup> Josephus Flavius, *History of the War of the Jews against the Romans*, Book 7, Chapter 8 [English text by the translator]; for the speech and its rhetorical elements, see: Menachem Luz, "Neum ha-mishneh shel eleazar be-metzadah u-klearchus ish soli" ["Eleazar's Second Speech in Masada and Clearchus of Soli"] in Uriel Rappoport, ed., *Yosef ben Matityahu: Historiyon shel eretz israel ba-tequfah ha-hellenistit ve-ha-romit [Joseph son of Matthias: Historian of the Land of Israel during the Hellenistic and Roman Periods]* (Jerusalem, 5743), 79-90; see also: Shmuel Chagi, "Neumo shel eleazar ben yair li-fnei nefilat metzadah" ["Eleazar ben Yair's Speech before the Fall of Masada"], *Machanaim* 87 (5724): 24-29.

<sup>3</sup> Josephus Flavius, *The Jewish War*, Book 7, Chapter 9 [English text by the translator]; Hoenig explains the suicide as motivated by the theological teaching of the Sicarii, the "Fourth Philosophy," preaching belief exclusively in divine providence. This made the defenders take an absolute stance, rejecting the possibility of enslavement by Rome. See Sidney Hoenig, "Historic Masada and the Halakha," *Tradition* 13, 2 (1972): 100-115; see also: Zvi Kolitz, "Masada – Suicide or Murder?" *Tradition* 12, 1 (1971): 5-26. .

This was not the only instance described by Flavius of Jews' committing suicide at the time of the Great Revolt. Six years prior to the events at Masada, a mass suicide took place in Gamla.<sup>4</sup> The community had numbered nine thousand Jews. Upon breaking into the town, the Romans killed four thousand of the inhabitants, while the remaining five thousand chose to leap to their death from the top of the precipice.<sup>5</sup>

Talmudic and Midrashic sources preserve no mention of these stories of Jewish suicide at the time of the uprisings against the Romans; nor is there any echo of them in later Jewish religious literature of the following nearly two thousand years. A total hush prevails up until the second half of the twentieth century. The present article seeks to elucidate this long-term silence maintained by the Jewish Sages, by contrast with the introduction of Flavius' writings and the story of the Masada suicides into religious-Halakhic discourse, first by R. Shlomo Goren in 1960 and subsequently in the Halakhic debate which his treatment of the issue provoked. What made the story of Masada penetrate religious-Halakhic discourse in the twentieth century after so many years' silence? Why did none other than R. Goren broach the issue of suicide?

### **The Silence of the Sages of the Talmud and the Religious Writings**

Midrashic and Talmudic literature grew and developed in the years following the failure of a series of Jewish revolts which had broken out against Rome in the Land of Israel and beyond its borders during the first and second centuries of the Common Era. The first uprising was the Great Revolt of 66-73CE.<sup>6</sup> This rebellion was viciously put down, leading to a great many deaths in battle and by starvation. The peak came with the destruction of the Second Temple c. 70CE. The second rebellion broke out some forty years after the destruction of the Temple. It is commonly referred to as the "Uprising of the Diaspora" in Hebrew, and also known as the Kitos War (115-117CE).<sup>7</sup>

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<sup>4</sup> On Gamla, see Flavius, *The Jewish War*, Book 4, Chapter 1; Shemaryahu Gutman, *Gamla: Ir be-mered [Gamla: A City in Revolt]* (Tel Aviv, 5754). A case of suicide also occurred in Yodfat, which Flavius himself witnessed; see: Flavius, *The Jewish War*, Book 3, Chapter 8, primarily pars. 6-7.

<sup>5</sup> For more instances of Jewish suicide, see: Menachem Shtern, "Hitabedutam shel eleazar ben yair ve-anashav be-metzadah ve-'ha-filosofiyah ha-reviti'" ["The Suicide of Eleazar ben Yair and His Associates at Masada and the 'Fourth Philosophy'"], *Tziyon* 47, 4 (5742): 367-398.

<sup>6</sup> Much has been written about the Great Revolt; the following are some of the sources: Josephus Flavius, *History of the Jewish War against the Romans*, Hebrew trans. Y. N. Simchoni (Tel Aviv, 1961); Joseph Klausner, *Historiyah shel ha-bayit ha-sheni [History of the Second Temple]*, vol. 5 (Jerusalem, 1952); Uriel Rappoport, "Hearot al sibbotav shel ha-mered ha-gadol be-romi'" ["Notes on the Reasons for the Great Revolt against Rome"], *Katedrah* 8 (1977): 41-46; Uriel Rappoport, ed., *Yehudah ve-roma – meridot ha-yehudim [Judea and Rome: The Jewish Rebellions]* (Jerusalem, 5742); Aryeh Kasher, *Ha-mered ha-gadol: Ha-sibot ve-ha-nesibot le-fritzato [The Great Revolt: The Reasons and the Circumstances of Its Outbreak]* (Jerusalem, 5743); Uriel Rappoport, *Yehudah ve-roma: Mityeridat bet chashmonai ad le-rabbi yehudah ha-nasi [Judea and Rome: From the Downfall of the Hasmonean Dynasty to Rabbi Judah the Prince]* (Tel Aviv, 5758).

<sup>7</sup> On the Kitos War, see: David Rokeach, ed., *Meridot ha-yehudim bi-mei trayanus [Jewish Uprisings in the Days of Trajan]* (Jerusalem, 5738).

The revolt broke out among the Jews scattered beyond the boundaries of Judea, engulfing different areas, including Alexandria, Cyrene (Cyrenaica, or Libya today), and Cyprus; it was directed against Trajan, then Caesar of Rome. Primary sources describe the revolt as being extremely aggressive on the part of the Jews; yet it, too, was eventually put down with extreme severity. The Jewish community of Alexandria, the richest and the most flourishing of those in the diaspora, was laid waste; other communities who had joined the rebellion in areas stretching from Mesopotamia to Libya were destroyed, as well. Not much time elapsed before the third uprising against Rome was in full swing; this was the Revolt of Bar Kokhba, which took place in 132-135, during Hadrian's imperial reign.<sup>8</sup> The rebellion was initially successful on the battlefield, with the Province of Judea even achieving a degree of independence. Yet in the end, the rebellion was put down with an iron fist, and Jewish resistance ultimately annihilated. Many were butchered by the Roman forces, which had apparently had their fill of Jewish uprisings in the preceding seventy years. The Jewish presence in Palestine was reduced to the point of near total elimination.

It becomes evident that in the wake of these bloody developments, which were a direct outcome of the offensive-Jewish ethos,<sup>9</sup> the Sages of the Talmud, who next seized the scepter of Jewish leadership, made a strategic choice in favor of changing the Jewish ethos from an offensive to a defensive one.<sup>10</sup> They began to preach passivity and submission, by pouring an interpretive meaning into various basic concepts, such as freedom, heroic achievement, and war.<sup>11</sup> We will briefly explain

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<sup>8</sup> Much has been written on the Bar Kokhba rebellion; the following are a few of the available sources: Shmuel Yevin, *Milchemet bar kokhba [The War of Bar Kokhba]* (Jerusalem, 5706); Moshe David Har, "Sibotav shel mered bar kokhba" ["The Reasons for the Bar Kokhba Rebellion"], *Tziyon* 43 (5738): 1-11; Aharon Oppenheimer, ed., *Mered bar kokhba [The Bar Kokhba Rebellion]* (Jerusalem, 1980); Aharon Oppenheimer and Uriel Rappoport, eds., *Mered bar kokhba: Mechkarim chadashim [The Bar Kokhba Rebellion: New Studies]* (Jerusalem: 5744); Menachem Mor, *Mered bar kokhba, otzmatu ve-hekefo [The Bar Kokhba Rebellion, Its Intensity and Extent]* (Jerusalem, 1991); Chanan Eshel and Boaz Zisu, ed., *Chidushim be-checher mered bar kokhba [New Findings in the Study of the Bar Kokhba Rebellion]* (Ramat Gan, 2001).

<sup>9</sup> On these uprisings and the mood and the ethos inspiring them, see: Amir Mashiach, "Ha-etos ha-yehudi ve-teoriyat ha-hizdamnut bi-tekuvat ha-meridot ha-gedolot be-shalhei bayit sheni" ["The Jewish Ethos and the Theory of Opportunity in the Years of the Great Uprisings during the Late Second Temple Period"], *Mar'eh* 7 (2012): 23-49.

<sup>10</sup> For sources addressing the change in the attitude of the Sages as opposed to the Biblical approach, see: Moshe Grinberg, "Ha-yachas kelapei ha-koach ha-medini ba-torah u-va-neviim" ["The Attitude to Political Force in the Torah and Prophets"], in *Ha-segulah ve-ha-koach [The Unique Quality and Force]* (Haifa, 5746), 29-47; Aviezer Ravitzky, "Degamim al shalom ba-hagut ha-yehudit" ["Models for Peace in Jewish Thought"], in *Al daat ha-makom [Granted by the Omnipresent]* (Jerusalem, 5751), 13-33, esp. 18-22; idem, *Herut al ha-luchot [Freedom upon the Tablets]* (Tel Aviv, 1999), esp. 140-141; Ehud Luz, *Maavak be-nachal yabok [Struggle in the Yabok Valley]*, esp. 207-217; Trude Wiess-Rosmarin, "Masada and Yavne," *Jewish Spectator* 31 (Nov. 1966): 4-7; Y. Zerubavel, *Recovered Roots* (Chicago, 1995), 192-193.

<sup>11</sup> We should note at this point that some challenge the story of Masada, maintaining that nothing of the sort ever took place. This, for instance, is the claim of Nachman Ben-Yehuda, anthropologist and sociologist (see his *The Masada Myth: Collective Memory and Mythmaking in Israel* (Madison, 1995) and *Sacrificing Truth: Archaeology and the Myth of Masada* (Amherst, 2002)). As per his argument, the descriptions in Flavius are inexact. For instance, in his view the siege lasted only a few months, rather than three years as in Flavius' account. But even more troubling is the question: Where are the bodies of the rebels? This is a significant piece of the puzzle, and defenders of the myth have also been

this state of affairs. The notion of freedom as this was accepted in the period prior to the Sages of the Talmud was understood along the lines of legal freedom. That is, a free person was one who had no master, ruler, or king. Legal freedom was the principal factor in stirring Jewish sentiment and in leading to Jewish uprisings in the various empires.

The Sages of the Talmud injected a different meaning into the familiar concept. The sense of freedom was henceforth internal to consciousness, a religious feeling rather than an objective given: “For there can be no free person except for him who engages in the study of Torah.”<sup>12</sup> No more need to revolt or to cast off the yoke of the enslaving oppressor: from now on, regardless of where he may be spatially located at any given moment, the Jew who studies Torah is thereby – and thereby alone – transformed into a free man. The notion of might was also given a new interpretation by the Sages of the Talmud. The notion of might generally refers to physical prowess which comes to the fore on the battlefield. But in the texts of the Talmud and Midrash, physical-militaristic prowess turned into ability of a psychological-cognitive type: “Who is mighty? He who overcomes his inclination.”<sup>13</sup> No longer might in the heat of battle, might of a bodily kind in facing the enemy, but rather the might of a person coping with himself in the face of the prodding by his own inclination, which

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challenged by it. The principal argument, relied on by Yadin himself in his day, is that a Roman military garrison remained in Masada for forty years following the suppression of the rebellion; it is only natural that the Romans burned the bodies and spread their ashes to the four winds, or else cast them to the winds over the walls. Two thousand years of heat, cold, and beasts of whatever kind did their part, and the bodies disappeared.

Amnon Ben Tor, an archaeologist, in his book *Be-chazarah le-metzada [Back to Masada]* (Jerusalem, 2009) argues against Ben-Yehuda, defending Yadin’s theories. As per Ben Tor’s claim, a suicide did take place, defined as an act of heroism and martyrs’ death for the Sanctification of the Name of Heaven. The archaeologist Zeev Meshel, when asked in an interview about the reason why the bodies of the besieged were missing, said,

The fighting for Jerusalem in the course of the Great Revolt saw the death of tens of thousands of people. This took place three years prior to Masada, and there, too, the graves are missing. During the Bar Kokhba Rebellion, there were tens of thousands dead, but in connection with that, too, not a single skeleton was found. The Romans buried the dead, or else burned them.

See <http://www.nrg.co.il/online/1/ART2/525/674.html>

The present article treats the events at Masada as having taken place in fact. As I will show in what follows, Jews took their own lives in Gamla, Yodfat, and other places brought up in Talmudic and Midrashic sources. If the events at Masada had not actually taken place, this would make it clear why the Talmudic Sages never addressed them. Yet it should be borne in mind that the main thrust of the present article is to study the way the account was received in twentieth-century religious-Halakhic discourse, not to verify the tradition of the Sages.

In addition, there are those who claim that the Sages in general avoided detailed discussion of the rebellions, and so did not dwell on the uprisings as described in Flavius. My argument is that this minimization is part of a clear aim on the Sages’ part to limit the descriptions imparting legitimacy or a halo of heroism to the ethos they seek to alter. True enough, some of the Sages supported the rebellions, such as R. Akiva or the Sages belonging to the School of Shammai (see: Israel Ben Shalom, *Bet Shammai u-maavak ha-kanaim neged romi [The School of Shammai and the Zealots’ Struggle against Rome]* (Jerusalem, 1993)), but I am referring to the general mood prevalent in the texts of the Talmud and Midrash.

<sup>12</sup> Mishnah, Ethics of the Fathers, 4:2.

<sup>13</sup> Ibid., 4:1.

is his real enemy. As an immediate consequence of the new conceptual content associated with the notion of might, we see the transformation taking place in the notion of war. If in the Bible, the notion of war is taken in its simple sense of one people fighting another on the field of battle, henceforth, in Talmudic literature, the concept of war takes on the meaning of “the war [for the sake] of Torah.”<sup>14</sup> No more combat in the plain sense of the word, but fighting it out in the house of Torah study concerning the import of Halakhic rulings, reasonable assumptions, or turning to the Heavens in prayer.<sup>15</sup>

Besides injecting alternative conceptual content into Biblical notions of the cognitive and religious kind, the Sages of the Talmud preached submission and maintaining a low posture: no longer a Jew upholding his dignity, but one who keeps his head down. “The Sages said: if evildoers come upon one, he should nod to them with his head.”<sup>16</sup> Yet another piece of advice: “One should always be pliable as a reed, not hard as a cedar.”<sup>17</sup> The message is the same: a Jew should know how to bow his head, swallowing his self-respect and becoming similar to a reed: “just as a reed that all the winds come and blow at, and it sways to and fro with them. Should the winds fall silent, the reed resumes its erect posture, standing in place... But a cedar does not remain in place: once a southern wind has blown, it uproots and overturns it.”<sup>18</sup> A reed may be delicate and weak, but it is the one that will weather any conditions whatsoever; this is the crux of the matter. The Sages of the Talmud endorsed their preached message of passivity and submission with a pungent oath in which God makes His People pledge “not to rise up in rebellion against the nations of the world,” an oath accompanied by a severe threat: “Said the Holy One, Blessed be He, If you abide by the oath – well and good, and if not – I will make your flesh permissible for all like the flesh of the deer and the hinds of the field.”<sup>19</sup> In this way, God in His Glory Himself is “drafted” by the Sages of the Talmud in order to relieve of content any emotion bound up with the offensive ethos, replacing it with a defensive ethos instead.<sup>20</sup>

As already noted, the suicide episodes in Gamla and Masada are not mentioned in the Talmud or the Midrash. Why did the Sages not deem it fit to recount these moments

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<sup>14</sup> See, for instance: Bavli Megillah 15b; Chagigah 14a; Sanhedrin 42a; Sanhedrin 93b.

<sup>15</sup> An example can be seen in the Sages’ interpretation of Jacob’s words in Genesis: “which I have taken from the Amorites with my sword and bow.” (Gen 48:22) The simple meaning is that Jacob fought in an armed struggle, yet the Sages translate the Hebrew words “with my sword and bow” into Aramaic as “by my prayer and supplication” (Onkelos ad loc; Bavli Bava Batra 123a).

<sup>16</sup> Bavli Yevamot 121a.

<sup>17</sup> Bavli Taanit 20a.

<sup>18</sup> Minor Tractates: Ethics of the Fathers according to Rabbi Natan, Version A, Chapter 41.

<sup>19</sup> Bavli Ketubbot 111a.

<sup>20</sup> For the struggle between Jewish identity of the offensive-Biblical kind and the defensive-type Jewish identity in the Sages, see: Amir Mashiach, “*Me-ha-yamim ha-hem la-zeman ha-zeh – nituach ofi ha-migzarim ba-chevrah ha-israelit ba-hoveh le-or ha-zehuyot ha-yehudiyot me-ha-et ha-atikah*” [“From Those Days to This Time: A Study of the Segments of Israeli Society in the Present in the Light of the Jewish Identities of Ancient Times”], *Sugyot chevrativot be-israel [Social Issues in Israel]* 17 (2014): 38-68.

of Jewish heroism in war? Why did they not so much as mention the fact, at least make a suggestive hint?

Let us make no mistake: the silence of the Sages per se does not imply a criticism of the act of suicide itself. We often hear the argument made often that Masada is not mentioned in Talmudic or Midrashic sources because the Sages were vehement in their opposition to suicide as a practice, to the point of expunging the heroes of Masada from the precincts of their texts.<sup>21</sup> This is not true. The Sages had no categorical problem with suicide. On the contrary, their various statements suggest that suicide as a value occupies a place of honor in the life of the Jewish believer.

It also bears stressing that the Sages have no problem with suicide as long as it is committed on religious grounds, rather than as a result of distress deriving from an ethos of the offensive kind – that is, from political ambitions.<sup>22</sup> Consider a number of instances of suicide which are brought up and given full approval in the texts of the Talmud and the Midrash:

Four hundred boys and girls were taken captive for a disgraceful purpose. They sensed what was in store for them, and said: If we were to drown in the sea, would we reach life in the world to come? The oldest among them expounded to them... when the young girls heard this, they all leapt and fell into the sea. The boys explicated the argument a fortiori concerning themselves, saying: If these [young women], whose way is such [as to succumb and act in accord with human bodily inclination], whose way is not to act thus – all the more so! They, too, leapt into the sea. And of them does Scripture say, “For on Your account have we been driven toward death all day long, being considered as sheep for the slaughter.” (Psalms 44:23)<sup>23</sup>

The conclusion of the episode indicates that the act of suicide was acceptable from the point of view of the Sages, who applied a verse from Psalms to describing the death of the protagonists rather than deny or criticize it. Another case of suicide involves the story of the “woman and her seven sons,” better known as “Hannah and her seven sons.”<sup>24</sup> The king of an idolatrous nation attempts to entice the sons to perform an act of idolatrous worship. The sons refuse, and are executed one after another until the very last one. Following this, we are told that the mother, “too, ascended the rooftop, fell, and died. A heavenly voice issued forth, saying, ‘The mother of sons rejoices.’ [Psalms 113:9]”<sup>25</sup>

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<sup>21</sup> See, for example: Bernard Heller, “Masada and the Talmud,” *Tradition* 10, 2 (1968): 31-34. For the issue of suicide in the Halakhah, the Bible, and the Sages, see: Avraham Shteinberg, “*Ha-hitabdut le-or ha-halakhah*” [“Suicide in the Light of the Halakhah”], *Halakhah u-refuah [Halakhah and Medicine]* 5 (5748): 281-295; Fred Rosner, “Suicide in Biblical, Talmudic, and Rabbinic Writings,” *Tradition* 11, 2 (1970): 25-40; Kalman J. Kaplan, “Freedom, Creativity, and Suicide in Greek and Biblical Thought: The Anomaly of Masada,” *Journal of Psychology and Judaism* 18, 3 (1994): 205-218; Fred Rosner, “Suicide in Jewish law,” *Journal of Psychology and Judaism* 18, 4 (1994): 283-297; Yehezkel Lichtenshtein, *Ha-meabed atzmo la-daat [Committing Suicide]* (Tel Aviv, 5768).

<sup>22</sup> For the Sages’ attitude to suicide and to suicide based on religious motives, see: Lichtenshtein, “Committing Suicide,” 57-62, 78-86, 118-127.

<sup>23</sup> Bavli Gittin 57b.

<sup>24</sup> The text also appears in 2 Book of the Maccabees, Chapter 7, and in Echa Rabbah 1, 50, where the woman’s name is Miriam daughter of Menachem.

<sup>25</sup> Bavli Gittin 57b.

Hannah's sons fulfill with literal exactitude the precept of "letting oneself be killed but not violating" which applies to the prohibition of idolatry. But why does she, too, commit suicide? How is it that she performs such a heinous deed? The truth is that the Sages assigned suicide a conceptual niche of its own, as long as committing the act is connected with death for the sake of the Torah of the People of Israel rather than with ideology of any kind. This goes as far as evoking divine approval from on High for Hannah's suicide: "a Heavenly voice issued forth, saying, 'The mother of sons rejoices.'"

Another instance described in Talmudic and Midrashic sources, which shows that death and suicide for the sake of observing Jewish traditional law are acceptable and even deserving of divine approval and miraculous intervention, is the case of the woman who sued Rav Kahana for a transgression. He

made himself fall from the rooftop to the ground. Elijah the Prophet came along and caught him. Elijah said to him, "Did you disturb me to come a distance of four hundred parasangs?" He answered him, "What caused me to do this, if not my poverty?" Elijah gave him a pitcher filled with dinars.<sup>26</sup>

Here, too, the attempt to commit suicide is legitimated, because the act is undertaken for a religious reason. It does not meet with disapproval, punishment, or criticism of any kind. On the contrary, the rabbi who attempts to put an end to his life does not know that he is about to experience a miracle performed for him. As far as he can see, he is leaping to his death, but proves deserving of a miraculous rescue by Elijah the Prophet, ultimately getting a vessel full of dinars as a gift.

Overall, the Sages preach a different ethos. Their reticence in connection with the events of Gamla and Masada sounds a thundering silence which spells out an attitude amounting to: "These are not part of what we educate toward; these are not what we try to construct." This is an ethos destined to preserve the Jewish People in the diaspora, preventing the fostering of destructive notions of rebellion. The Sages' ethos acknowledges suicide only on the basis of theological grounds, not ideological ones. The former are blessed, while the latter, deriving from an ethos of the offensive kind, are not even seen as worthy of being mentioned by the Sages.<sup>27</sup>

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<sup>26</sup> Bavli Kiddushin 40a, freely translated.

<sup>27</sup> I should point out – within the limits of a footnote – that in 1096 Jews took their own lives only so as to avoid forced baptism. Before killing themselves, they put their children to death with their own hands. Avraham Grossman supposes that the suicides had to do with the fact that these Jews attributed almost Scripture-like status to the Book of Josippon, which R. Gershom "Light of the Exile" copied over by hand. This gave the stories of suicide and killing one's family by the men at Masada and Gamla the stamp of Halakhic approval, making them worthy of imitation (Avraham Grossman, "*Shorshav shel kiddush ha-shem be-ashkenaz ha-kedumah*" ["The Roots of Sanctifying the Name of Heaven in Early Ashkenaz"], in Yishayahu Gafni and Aviezer Ravitzky, ed., *Kedushat ha-chaim ve-cheruf ha-nefesh [Sanctity of Life and the Risk of Death]* (Jerusalem, 5753), 99-130).

But this hypothesis calls for a note: it is a well-known fact that the Book of Josippon was not authored by Josephus Flavius (see David Flusser, "*Mechaber sefer yosippon demuto u-tekufato*" ["The Author of the Book of Josippon: His Image and His Times"], *Tziyon* 18 (5713): 109-126; idem, *Yosippon* (Jerusalem, 2009), vol. 1; the book's contents are different from those in Flavius. For instance, the account of the events at Masada says that the besieged killed their families and then went into battle, in which they all died. As per this, there was no suicide of the men (see Flusser, *Yosippon*, vol. 2, 430-431); the case of suicide in Gamla is missing in the *Yosippon* altogether (ibid., 320-321). It bears

## The Twentieth Century

The story of Masada began to reverberate among Zionists in the twentieth century. The event as a whole became a focus of public attention in all its poignancy. After some two millennia of silence, Masada came to life anew. The Zionist ethos went through a decades-long process, transforming the defensive Jewish ethos-in-exile into an ethos of the offensive kind. The story of Masada and the heroism of the besieged bent on preserving their dignity as free people became one of the stages in the transformation of the evolving new Jewish ethos.<sup>28</sup>

Anita Shapira describes the development of the offensive ethos during the decades between the First Aliyah, which was typified by an ethos of the defensive kind, and the switch of the Zionist ethos to the offensive.<sup>29</sup> This was a process of evolution due, inter alia, to the spirit shared in by the youth in Palestine. It was the young people who brought about the development of a new Jewish-Israeli ethos, illumined by the myth of Masada. This process began back during WWI, stretching on during the “Great Arab Revolt” of 1936-39, the struggle against the “White Paper,” the various underground movements, the encounter with the horror of the Holocaust, and the birth of the State of Israel.<sup>30</sup> The books authored by Flavius, *Jewish Antiquities* and *The History of the Jewish War against the Romans*, were translated into Hebrew in the 1920s and ‘30s by Simchoni, Shor, and Shalit; it was these works that spurred the growing desire for independence and freedom.

The Zionist movement adopted the story of Masada and Eleazar ben Yair’s appeal as a symbol for the striving for freedom and national renewal by means of uncompromising combat bent on achieving the goal or death. Mikha Berdichevsky put Masada side by side with the Maccabees and Bar Kokhba as a model for Jewish freedom fighters to emulate<sup>31</sup>; Yitzhak Lamdan composed his poem “Masada” during the 1920s.<sup>32</sup> The poem later became part of the regular school curriculum in Israel, thus penetrating the consciousness of the young Sabra generation ever more deeply. During the ‘20s, field trips to the Dead Sea area began on a regular basis, one of the

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stressing that the suicides at the time of the Crusades did not take place on ideological-national grounds, but on religious-theological ones similar to what we see in the case of the four hundred children, Hannah, and R. Kahana; this makes the medieval suicides legitimate and worthy in the eyes of tradition. Besides, in the rabbinic writings from medieval Central Europe there is no mention whatsoever of Masada or Gamla.

Yael Zerubavel has argued that the suicides of 1096 provided legitimation for the suicides of Masada as death for the Sanctification of the Name of Heaven. I am of the opinion that a distinction needs to be drawn between suicide for ideological and theological reasons. See: Yael Zerubavel, *Recovered Roots* (Chicago, 1995), 203-207.

<sup>28</sup> See: Dan Bitan, “*Metzadah – ha-semel ve-ha-mitos*” [“Masada: The Symbol and the Myth”], in Mordechai Naor, ed., *Yam ha-melach u-midbar yehudah [The Dead Sea and the Judean Desert]* (Jerusalem, 1990), 221-235; Zerubavel, *Recovered Roots*, 60-70.

<sup>29</sup> Anita Shapira, *Cherev ha-yonah [The Oppressor’s Sword]* (Tel Aviv, 1992).

<sup>30</sup> *Ibid.*, 299-475.

<sup>31</sup> Mikha Yosef Berdichevsky, “*Shinuy ha-arakhin*” [“Change in Values”], in *Ketavim [Works]* (Tel Aviv, 5720), vol. 2, 32-38.

<sup>32</sup> See: Zerubavel, *Recovered Roots*, 114-119.

great moments of each trip being the climb up the Masada cliff. Excursions of this kind were later institutionalized, their organization taken up by various youth movements and the Palmach. Even schools took part in this. By the early '40s, the story of Masada had become a crucial myth of heroism and sacrificing one's life. The adopted motto became, "Masada will not fall again."

German forces began their advance toward Palestine during WWII. Panic spread among the Jewish Yishuv; talk of "dying heroically" became widespread. The distress led to the emergence of a plan to concentrate the Jewish Yishuv in the Haifa and Galilee region, where a heroic battle would be carried on to the very last drop of blood. The Haganah headquarters referred to this as the "Haifa Plan"; the plan was also nicknamed "Masada on the Carmel."

During the same period of time, Masada came up in connection with the Warsaw Ghetto Uprising. The Uprising was quashed; the May 16, 1943, headlines in *Yediot Aharonot* [Latest News] in Palestine screamed, "The Masada of Warsaw Has Fallen! Nazis Set Fire to Remnants of the Warsaw Ghetto."<sup>33</sup> Brug cites Yitzhak Grünbaum, Chairman of the Jewish Agency Rescue Committee, who said of the Jews of Warsaw: "With their blood did they sanctify the Name of their People, tormented and trampled, renewing the tradition of the Zealots of Jerusalem and Masada,"<sup>34</sup> while Yitzhak ben Zvi, Chairman of the National Committee, wrote, "The stance of desperate heroism taken by the Ghetto's defenders has not escaped our attention. It remains without parallel throughout history since the days of Masada."<sup>35</sup> Brug goes on to describe the leaders of the Warsaw Ghetto who committed suicide in a bunker at 18 Mila St. Given the associative link with Masada, this act of suicide comes as no surprise.<sup>36</sup>

In the years following the birth of the State of Israel, during the period when Moshe Dayan served as Israel's Chief of Staff, Masada became the site where new military recruits would be sworn into the different corps of the IDF. The breathtaking ceremonies further contributed to the growth of national self-awareness and the offensive-Zionist ethos. The 1960s saw the beginning of Yigael Yadin's excavation work on the site. Yadin was aided by the IDF and the thousands of volunteers who came to unearth the locus turned myth and founding stone of an ethos. Yadin published his book on Masada,<sup>37</sup> which became a bestseller, in both Hebrew and English. The published Hebrew title, *Masada Then and Now*, is a clear expression of

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<sup>33</sup> Muli Brug, "Me-rosh metzadah ad lev ha-geto: Ha-mitos ke-historiyah" ["From the Pinnacle of Masada to the Heart of the Ghetto: The Myth as History"], in David Ochana and Robert S. Weistreich, ed., *Mitos ve-zikaron – gilguleha shel ha-todaah ha-israelit* [Myth and Memory: The Turns of Israeli Consciousness] (Jerusalem, 1996), 203-230.

<sup>34</sup> Yitzhak Grünbaum's speech to the members' meeting on May 5, 1944, *Bi-mei churban ve-shoah* [In Days of Destruction and Calamity] (Jerusalem, 5706), 83.

<sup>35</sup> National Committee for the Jews of Palestine, *Sefer ha-teudot* [Book of Records] (Jerusalem, 1963), 347.

<sup>36</sup> See: Zerubavel, *Recovered Roots*, 192-193; idem, "Mot ha-zikaron ve-zikhron ha-mavet: Metzadah ve-ha-shoah ke-metaforot historiyot" ["The Death of Memory and the Memory of Death: Masada and the Holocaust as Historical Metaphors"], *Alpayim* 10 (5755): 42-67.

<sup>37</sup> Yigael Yadin, *Metzadah – ba-yamim ha-hem ba-zeman ha-zeh* [Masada Then and Now] (Tel Aviv, 1966).

the tie between past and present, linking the heroes of Masada in ancient times with Zionists in the Land of Israel today.<sup>38</sup>

### Halachic-Religious Discourse

As has already been noted, Flavius' description of the events in Masada is never mentioned in Talmudic or Midrashic sources, or in any others of the Jewish religious texts spanning a period of nearly two thousand years. The pattern of silence was first broken in a milestone 1960 article titled "The Heroism of Masada in Light of the Primary Sources,"<sup>39</sup> in which then Chief Rabbi of the IDF – and eventually, the Chief Rabbi of Israel – Rav Shlomo Goren discussed the Halakhic aspect of the suicide committed by the Masada rebels. The article provoked a lively Halakhic debate, in which both rabbis and academics took part.<sup>40</sup> Following two thousand years of silence, Flavius and the story of Masada had finally penetrated into religious-Halakhic discourse. Rav Goren opens his article with the words:

The heroic and daring conduct of the fighters at Masada, who, upon seeing the imminent outcome of the war and the visionary forecast of destruction coming upon them, resolved to fall each by the hand of his fellow as free men rather than submit to enslavement by the enemy, leads to a grave Halakhic problem: was their conduct in accord with the Halakhah or not?

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<sup>38</sup> For criticism of Yadin, who fitted Masada to the Zionist ethos, see: Zerubavel, *Recovered Roots*, 192-213; Pierre Vidal-Necah, "Yosefus Flavius u-metzadah" ["Josephus Flavius and Masada"], *Zemanim* 13 (1983): 66-75. But then Yadin's interpretation should not be overly criticized, either, since, according to reception theory, part of the notion of reader response criticism has to do with the way people understand and accept history as conditioned by their upbringing or the agenda that dictates their lives. This helps make it clear why Yadin and other shapers of Zionist public opinion or the Zionist ethos of the twentieth century read Flavius in the way that they did. See Wolfgang Iser, *The Act of Reading: A Theory of Aesthetic Response* (Baltimore, 1978); Robert C. Holub, *Reception Theory: A Critical Introduction* (London, 1984); Terry Eagleton, "Phenomenology, Hermeneutics, and Reception Theory," in *Literary Theory* (Minnesota, 1996), 47-78.

<sup>39</sup> Shlomo Goren, "Gevurat metzadah le-or ha-mekorot" ["The Heroism of Masada in Light of the Primary Sources"], *Machanayim* 87 (1964). First published in 1960 in the *Or ha-mizrach [Light of the East]* quarterly, the article can also be read online at:

<http://www.daat.ac.il/daat/kitveyet/mahanaim/gvurat-2.htm>

<sup>40</sup> R. Goren and R. Neriah headed the debate, with many others joining in besides. In addition to the articles mentioned above, see also: Moshe Tzvi Neriah, "Hitabdut anshei metzadah ba-halakhah" ["The Suicide of the Defenders of Masada in Halakhah"], *Alei mishmeret [On Guard Duty]* 14 (5721): 93-97, accessible online at:

<file:///C:/Users/%D7%90%D7%9E%D7%99%D7%A8/Downloads/%D7%A0%D7%A8%D7%99%D7%94%20%D7%94%D7%AA%D7%90%D7%91%D7%93%D7%95%D7%AA.pdf>

Louis (Levi) Yitzhak Rabinovich, "Ha-hitabdut shel ha-kanaim bi-metzadah" ["The Zealots' Suicide at Masada"], *Sinai* 55 (5724), accessible online at:

<http://www.daat.ac.il/daat/ketveyet/sinay/hahitabdut.htm>

The periodical *Machanayim*, no. 87, devoted to issues of Jewish heroism, features more articles on the same topic. See also Dov Frimer, "Masada in the Light of Halakha," *Tradition* 12, 1 (1971), 27-43; V. L. Trimble, "Masada, Suicide and Halakha," *Conservative Judaism* XXXI, 2 (1977): 45-55.

The very title, “The Heroism of Masada,” and the description of the event using the words “heroic and daring conduct,” provoke in the reader a sense of sympathy toward the act of suicide committed by the besieged. This is, indeed, the position assumed by R. Goren, who infers on the basis of the events at Masada a Halakhic imperative for the present, especially in what concerns the conduct of IDF soldiers in situations of crisis.

R. Goren begins with the description of the suicide committed by King Saul,<sup>41</sup> and reaches the conclusion that the act was in accord with the Halakhah, and that all Halakhic sources beginning from Talmudic times justify it. He cites the approach espoused by the Tosafists,<sup>42</sup> namely, that the likelihood of harsh suffering makes suicide permissible. Hence, in Masada a very real concern had to be faced that the women would be forcibly led into prostitution, while the men would be put to an agonizing death. “Therefore, according to the Halakhah, they were commanded to die by their own hand.” The author also rules that those who died at Masada have the standing of “martyrs for the sanctification of the Name of Heaven.”

R. Goren derives practical imperatives for IDF soldiers based on the instance of suicide in Masada:

And indeed, when there is an apparent likelihood that the enemy may try by means of torture and abuse to force us to divulge important security information which is bound to impinge on our security, for this, too, we have been commanded to sacrifice our lives... Refraining from this is a commandment: one must let oneself be killed rather than violate the prohibition...

If being taken captive is bound to bring about a desecration of the Name of Heaven, providing the enemy with an opportunity to gloat boastfully and to take haughty pride, killing him in the end, it is even then permissible to die by one’s own hand rather than fall into the enemy’s hands, similar to what happened to King Saul and the people of Masada...

In all of the above cases, it is apparent that it is best to die by one’s own hand rather than command another Jew to kill one, but from the actions of the people of Masada and the case of King Saul and his armor bearer it becomes clear that there is no difference in this respect, and it is also permissible to ask others to kill one.

Not only does R. Goren justify the suicide at Masada, but he also derives practical Halakhic injunctions from it. He does not rest content with analyzing the event per se; to him it is evident that the defenders of Masada conducted themselves according to the law, so that practical Halakhah may be inferred from their actions. Ergo, if the men of Masada requested others to kill them, such is the Halakhah which remains valid and in effect for all times.

As noted, these statements by R. Goren led to extensive discussions among rabbis and academics. Outstanding among them has been R. Moshe Tzvi Neriah, who argued vehemently against Halakhic rulings along the lines of R. Goren’s approach. R. Neriah also cites passages from the descriptions in Flavius of what happened at Masada. He examines in meticulous detail the wording of Eleazar ben Yair’s last speech, which suggests that in any situation when a Jew is likely to find himself subjected to foreign rule rather than to that of God Himself, a binding commandment

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<sup>41</sup> 1 Samuel 31.

<sup>42</sup> Tos. Pesachim 53b, s.v. “*mah rau*”; Tos. Avodah Zarah 3a, s.v. “*she-lo hishtachavu le-tzelem*”; Tos. Ketubbot 33b, s.v. “*ilmalei negduha*.”

is in force to take one's own life. Now if that is the case, then according to Eleazar ben Yair, the entire People of Israel should have committed suicide, and not only the rebels at Masada, considering that the people as a whole was subjected to Roman rule. R. Neriah argues decisively against drawing the Halakhic conclusion that suicide is permissible, for a well enough known general principle in traditional Halakhah states, "...That he should live by them' [Leviticus 18:5]: and not that he should die by them."<sup>43</sup> That is, it is obligatory to fulfill the commandments, but if fulfilling them puts life itself in danger, then the value of life prevails; this is why threat to life overrides observance of the Sabbath and of the Torah in general. Hence, according to this approach, the act of the rebels at Masada was not sanctioned by the Halakhah. R. Neriah sums up by saying, "This is a mistaken and dangerous Halakhic ruling which should be warded off, for the Giver of the Torah has given us life."

R. Louis Rabinowitz has also taken on the issue. R. Goren had claimed that it is permissible to commit suicide on account of the torment that the future is likely to hold. Yet R. Rabinowitz argues that Flavius' account suggests that the Zealots were willing to suffer all kinds of torture, "it being a simple matter in their eyes to undergo all kinds of death... and no fear of this kind could influence them so as to make them call any man their lord."<sup>44</sup> In his view, the Zealots of Masada and the Pharisees belong to the same school of thought from the Halakhic standpoint; however, they differed on a number of issues, for instance, the question of freedom. As per his approach, the Pharisee Talmudic Sages and their leader, Rabban Yochanan ben Zakkai, were moderates who even sought peace and submission to the Romans. This is what the Zealots in Masada argued against, both in theory and in practice. They claimed that it is better to be killed than to violate the precept that "the Sons of Israel are *My* slaves,' [Leviticus 25:55] and not slaves of slaves." In the Zealots' view, such are "the laws of our Torah," while the Pharisee Sages argued that freedom does not override the value of life and is not included among the severe injunctions grouped together as precepts to "be killed for but not to let oneself violate."

## **Discussion**

Flavius' account of what happened at Masada, never mentioned in Talmudic or Midrashic sources, did not penetrate Jewish national consciousness for nearly two thousand years. In the twentieth century, delving into the details of the Masada story became one of the layers cementing the groundwork for the Zionist ethos of the Jews then experiencing a renewal in Palestine. Hand in hand with this, the Halakhic-religious study of the tragedy was first initiated when R. Goren began to address the issue of suicide and its repercussions. Let us now ask, why? What happened in R. Goren's time that made him pore over the story of Masada, going so far as to draw practical Halakhic conclusions on its basis? Should we ask ourselves the pointed question about the man who first brought the issue of Masada into contemporary Halakhic discussion – R. Goren – why was it he in particular? Was this an element of the pre-planned agenda he meant to see through as a part of the Halakhic discourse he was conducting?

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<sup>43</sup> Bavli Yoma 85b.

<sup>44</sup> Flavius, *Jewish Antiquities*, 18, 1, 6.

As noted, Jewish suicide on religious grounds was a familiar occurrence. This was what the four hundred children did, as well as Hannah, mother of the seven sons. This is what R. Kahana attempted to do, and this is what happened to the Central European Jewish communities of the late 11<sup>th</sup>-13<sup>th</sup> centuries for whom self-inflicted death was the only available alternative to forced baptism. The act of suicide committed by the inhabitants of Gamla and the rebels at Masada was politically motivated, based on the striving to achieve freedom from the yoke of Roman rule. As we have noted, these events did not find any expression in the Talmudic or Midrashic sources or in the religious literature of the years following. And yet, lo and behold, in the twentieth century a number of instances have taken place in which Jews committed suicide on political or national grounds, motivated by the yearning for freedom. For the first time in two thousand years, the offensive ethos has made a comeback; and in the process of its coming back, it has led different people to take their own lives. To cite some examples: Sarah Aharonson of the *Nili* underground in 1917; a few dozen rebels and leaders of the uprising in the Warsaw Ghetto, holed up in the bunker at 18 Mila St. in 1943; Moshe Barzani of the Lechi underground and Meir Feinstein of Etzel in 1947; Sergeant Uri Ilan of the Golani patrol unit, who committed suicide while in Syrian captivity in 1955.

We can see that the changing reality and the events unfolding in connection with the birth of the State of Israel made R. Goren address the issue of suicides motivated by national ideals. R. Goren did not find a more fitting case in all of history than the instance described by Flavius at Masada. He saw the suicide committed by the rebels as a heroic act, “heroic and daring conduct,” and he saw the actions of the fighters who committed suicide in the twentieth century in the same way.<sup>45</sup>

Arye Edrei has written about the Halakhic ruling issued by R. Goren and the use R. Goren makes of Flavius’ writings.<sup>46</sup> Edrei’s argument is that the Halakhah, gradually developed in exile, was meant to make religious life feasible for the Jews, a minority group in the countries where they lived and where they were not involved in central government. This explains why normative regulations or dealing with issues such as the military or the state are missing in the Halakhic sources. But the twentieth century has seen the bold rise and establishment of the Jewish State, so that the need became apparent to fill this normative gap of two thousand years’ duration.<sup>47</sup> A normative lacuna can be completed by either “filling in the blanks” or “developing the law”; R. Goren took it upon himself to introduce laws pertaining to warfare and the military for the Jewish army serving an independent state, doing this both by filling in the blanks – when he made Biblical sources, the Apocrypha, the Books of the Maccabees, and the writings of Flavius part of his Halakhic discourse – and by developing the law as

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<sup>45</sup> R. Goren was photographed as he saluted Uri Ilan with great reverence. See:

[http://he.wikipedia.org/wiki/%D7%90%D7%95%D7%A8%D7%99\\_%D7%90%D7%99%D7%9C%D7%9F](http://he.wikipedia.org/wiki/%D7%90%D7%95%D7%A8%D7%99_%D7%90%D7%99%D7%9C%D7%9F)

<sup>46</sup> See Arye Edrei, “Divine Spirit and Physical Power: Rabbi Shlomo Goren and the Military Ethic of the Israel Defense Forces,” *Theoretical Inquiries in Law* 7:1 (January 2006): 255-297; idem, “*Milchamah, halakhah, u-geulah – tzava u-milchamah be-machshevet ha-halakhah shel ha-rav shlomo goren*” [“War, Halakhah, and Redemption: Army and Warfare in the Halakhic Thought of R. Shlomo Goren”], *Katedrah* 125 (5768): 119-148.

<sup>47</sup> For the normative lacuna, see: Yedidyah Shtern, “*Negishutah shel ha-halakhah le-veayot mediniyot*” [“The Availability of Halakhah for Political Problems”], *Mishpat u-mimshal [Law and Rule]* 4 (5757): 215-242.

per his own particular Halakhic approach.<sup>48</sup> True enough, he had his predecessors in Halakhic writing who addressed issues of concern to the Jewish soldier, such as the “Chofetz Chaim” [R. Israel Meir HaCohen Kagan] in his *Machaneh Israel* [*Camp of Israel*]. But a substantial difference emerges between R. Goren and the earlier authors: while the Chofetz Chaim addresses the Jewish soldier serving in alien armies, R. Goren appeals to the military itself, not necessarily to the individual fighter.

R. Goren himself declares in this connection that

since the Bar Kokhba Revolt... there have been no Halakhic rules of warfare, the military, or national security which could be relevant to the life of the people. For nearly two thousand years these problems have been categorized as “Halakhah for the Messiah.”<sup>49</sup> Maimonides’ “Laws of Kings” also cannot prescribe or determine the way of life for Israel’s military in our time.<sup>50</sup>

R. Goren published numerous books and articles on Halakhah pertaining to the military and warfare; he has largely shaped the religious life and the Jewish image of the IDF, decisively impacting the observance of Kashruth, the Sabbath, holidays, and more. From this intensive involvement with the Halakhah, R. Goren went on to address issues of morality in war and military ethics. Later, after the birth of the State of Israel and following some of the abovementioned events in which Jews committed suicide for nationalistic reasons, R. Goren aimed to clarify the issue of suicide in the military and in times of war. It was here that he found it fitting to invoke ancient Jewish traditions such as Flavius and Masada.

R. Goren elaborates on his use of the ancient sources, including the writings of Josephus Flavius:

...the complex of laws and Halakhic rulings to be found in the Talmud and the Midrashim and the Halakhic authorities. The juxtapositions of sections of the Biblical text and verses in the Torah, the Prophets, and the Writings, as well as chapters of chronicles written and conveyed by the Apocrypha dealing with wars of the Jews and the military of the Second Temple period, such as the Books of the Maccabees and the books of Joseph son of Matthias the Priest, known as Josephus Flavius – all these have the ability to instill in us the splendor of old through the ways of fighting and the strength, the organization, the undertakings, the problems, and the practices of Israel’s army in ancient times, and to give us a complete picture of the laws of warfare and the military according to the Torah of Israel, which were in effect in the daily life of the fighting ranks.<sup>51</sup>

According to R. Goren, the books antedating the Sages of the Talmud shed light on the life of the people and the state of their day. The writings of the Sages did not address issues connected with the military, the state, or warfare. This was natural, considering that such issues were not relevant to the way of life led by the Jews under conditions of exile. Yet today, when once again there is an independent Jewish state

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<sup>48</sup> It was Prof. Yishayahu Leibowitz who first called for a filling in of the Halakhic lacuna in state law, in his article “*Ha-shabat ba-medinah*” [“The Sabbath in the State”], *Be-terem [In Advance]* 11 (128, June 1951): 6-15.

<sup>49</sup> A term for Halakhah which has no practical application at present.

<sup>50</sup> Shlomo Goren, *Meshiv milchamah [Turning the War Back]* (Jerusalem, 5754), 10.

<sup>51</sup> Shlomo Goren, “*Tzava u-milchamah le-or ha-halakhah*” [“Army and Warfare in Light of the Halakhah”], *Machanayim* 87 (5725), available online at: <http://www.daat.ac.il/daat/tsava/maamar/goren2-2.htm>

with an army that conducts wars, all that we need to do, according to R. Goren, is instill the practices of those days in our own time. R. Goren sees these sources as legitimate texts shedding light on the authentic Jewish way of life preceding the destruction of the Temple and the exile, from the days prior to the formation of the Sages' texts, which took place in post-exilic conditions. This holds true even though these sources remained outside the framework of the Jewish tradition, by which they were largely repulsed. Not for naught is there no mention of these sources or their contents in the texts of the Talmud or the Midrash. The codex of the Talmudic Sages remained silent, expunging the Apocrypha along with the writings of Flavius; and as noted previously, this silence conveys an eloquent statement. The Sages were opposed to this literature for reasons both theological-religious and ideological. And behold, here is R. Goren leading these texts in openly through the front door, seeing them as fit tools for shaping the Halakhah with respect to laws of warfare and the military in the days of the newly founded State of Israel.

R. Goren also explicitly addresses questions of laws of warfare, explaining that

...they have no uninterrupted tradition of issuing rulings from generation to generation. They have no parallel section in the *Shulchan Arukh* [*Code of Traditional Jewish Law and Observance*], nor in the writings of the Halakhic authorities... so as to find the Halakhic or historical sources able to yield the solution to the thousands of Halakhic issues which arise for the IDF, it was essential to gather, collect, and bring together in a single sheaf the smithereens of Halakhot, the customs, and the practices which were once current in the armies of Israel in ancient times... to collect them from the Holy Writings, from the ocean of the two Talmuds, the Bavli and the Yerushalmi, from the Midrashim of the Tannaim and the Amoraim, and the rest of the Halakhic literature of old and from ancient times. We have also used the Books of the Maccabees and other Apocrypha, along with the historical books which we acknowledge, such as the books of Joseph son of Matthias the Priest and his fellows, and from everywhere within our reach. We have constructed the practices block by block, building out of them reliable foundations for an approved system of issuing Halakhic rulings based upon the Torah of Israel.<sup>52</sup>

These words speak for themselves. They are instructive for understanding how important it was for R. Goren to fill in the normative lacunae by fashioning a mode of Halakhic discourse of his own, even at the expense of tearing away from the inner circle of the traditional Halakhic discourse of the Sages.

Edrei argues that this was the effort made by R. Goren to demonstrate to Ben Gurion that Halakhic-traditional-religious Judaism had something to say to the new reality of state and the military, warfare and morality.<sup>53</sup> Yet according to R. Goren, the matter finds its expression not only in physical and military ability, which on its own would be bound to lead to a mistaken way of thinking, exalting the human being and forgetting God, but rather to a way to integrate the spirit with physical prowess; this, in his view, is the genuine traditional Jewish way. Put in his own words, "The two rungs of the ladder of heroism: the lower rung is the heroism of prowess, while the higher is the heroism of heroism, the heroism of the spirit."<sup>54</sup> Admiration for prowess of the mechanistic kind is the lot of the nations of the world for generations. This

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<sup>52</sup> Goren, *Meshiv milchamah*, vol. 1, 10.

<sup>53</sup> See, for instance: Shlomo Goren, "*Ha-ruach ve-ha-koach be-mishnat ha-yahadut*" ["The Spirit and Force in the Teachings of Judaism"], *Machanayim* 100, 1 (5726): 5-16; idem, "*Ha-gevurah be-mishnat ha-yahadut*" ["Heroism in the Teachings of Judaism"], *Machanayim* 120 (5729): 7-13.

<sup>54</sup> Goren, "*Ha-gevurah*," 9.

admiration is bound to lead to real tragedies, with WWII and Nazi ideology serving as the living proof. Jewish prowess, according to R. Goren's approach, is the integration of the mechanistic prowess with prowess of the moral-religious-cognitive kind. The Zionist ethos began to venerate prowess of the mechanistic kind, progressively becoming more and more offensive. It is against this uni-dimensional reduction that R. Goren takes a stance by entering the stream of Zionist discourse to demonstrate that the legitimation for using force is well rooted in ancient Jewish tradition hailing from the days when both state and army were available to the Jews. In this way, R. Goren seeks to construct a two-dimensional model of heroism and force, which, as per his argument, is the true Jewish construction granting legitimacy to the use of force alongside with Jewish spirituality.<sup>55</sup>

Hollander also worked on the manner in which external or extra-canonical sources are integrated in the teaching of R. Goren.<sup>56</sup> His argument is that R. Goren did, indeed, appeal to the Biblical text, the Apocrypha, and the writings of Flavius, openly proclaiming that he would make use of them, yet in practice he avoided basing his decisions on these writings when addressing questions of practical Halakhah. The bottom line is that R. Goren's Halakhic rulings were issued based on the standard Halakhic source texts.

If this is in fact the case, then we are now even more urgently faced with the question, why does R. Goren delve into these sources, if they have no ultimate impact on his way of achieving Halakhic resolution? As noted earlier, Edrei argues that this was a tactic needed as part of the discussion with Ben Gurion,<sup>57</sup> but it appears that something much more extensive is at stake. Elsewhere I have shown that the ethos operative in the various segments of the public in the State of Israel today corresponds to the ethos familiar from earlier times.<sup>58</sup> That is, the ultra-Orthodox sector maintains the defensive-Talmudic Sages' ethos, the secular Zionist sector holds onto the ethos of the offensive-Biblical type,<sup>59</sup> but without the element of traditional-religious faith,

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<sup>55</sup> For more on the integration of apocryphal texts in R. Goren's teaching, see: David Bruckner, "*Ha-rav shlomo goren: Demuto ve-darko ba-halakhah*" ["R. Shlomo Goren: The Man and His Way in Halakhah"], in Yoav Sorek, ed., *Agunot dakar: Heter agunot tzevet ha-tzolelet 'dakari' [The Unproven Widows of Dakar: Permitting the Wives of the Submarine Crew of Dakar to Remarry]* (Jerusalem, 5768), 11-26.

<sup>56</sup> Aviad Y. Hollander, *Deyukano shel ha-rav shlomo goren [A Portrait of R. Shlomo Goren]*, Ph.D. thesis, Bar-Ilan University (Ramat Gan, 5771), 34-64.

<sup>57</sup> Hollander argues that R. Goren appeased his readers who expected to see these sources put to use. He made use of these sources during his years of study at the Hebrew University, while using historical sources and ignoring them when issuing Halakhic decisions expressed his commitment to the classical tradition of Halakhic arbitration.

<sup>58</sup> Amir Mashiach, "*Me-ha-yamim ha-hem la-zeman ha-zeh*," 38-68.

<sup>59</sup> For the secular Zionist ethos, see: Shapira, *Cherev ha-yonah*; Shmuel Almog, Yehuda Reinharz, and Anita Shapira, ed., *Tziyonut ve-dat [Zionism and Religious Observance]* (Jerusalem, 5754); Anita Shapira, *Yehudim chadashim yeshanim [Old New Jews]* (Tel Aviv, 1997). I would point out that the Biblical ethos is not locked in within the temporal boundaries of the Bible; it applies to the days of the great rebellions, as well. Thus, for example, Saul and Samson are both models in the Zionist ethos, along with the Maccabees and Bar Kokhba.

and the religious Zionist sector harbors the offensive-Biblical ethos inclusive of religious belief.<sup>60</sup>

The first half of the twentieth century seemed to religious Zionist thinkers a revival of the Biblical Jew, meaning the image of the Jew tilling his land, fighting to preserve his freedom, and knowing how to integrate the spirit with the matter, or Torah with labor. The key figures looked up to in religious Zionism were the heroes of Biblical narratives. Biblical figures were not relevant to the living conditions in exile. The Jew living in the diaspora, without land, without a military, and largely without dignity, was trampled underfoot. He chose – perhaps for sheer lack of alternatives – to follow the recommendation of the Talmudic Sages, becoming the “man pliable as a reed.” Today, in the Land of Israel, Biblical figures can come to life anew. Therefore, according to R. Kook, a leading religious Zionist thinker and the one who has had the greatest impact on this segment of the Israeli public, it is imperative to return to the Bible and to glean the moral from its protagonists, all as a renewal of the nation’s days of yore:

We look to the first generations, described in the Torah, the Prophets, and the Writings, those same generations which were busy with warfare. They are the very same great ones to whom we turn cherishingly and with the greatness of the sacred... when we think deeply upon them, we are... yearning to adopt them... and those strong souls return to live in us as in the days of old.<sup>61</sup>

These words make it clear that Biblical figures are the key Jewish heroes. These are the people treated “cherishingly and with the greatness of the sacred,” for they, too, were involved in wars; they had the endurance of “men like cedars” upholding the offensive ethos. Especially thought-provoking are the concluding words of the quoted passage: “and those strong souls return to live in us as in the days of old.” According to Rav Kook, then, the Jews of the Land of Israel today are the continuators of the Biblical heroes, from those days in this time. Discussion of the Israeli-offensive-Biblical-Jewish identity overrode identity of the diaspora-defensive-Sages’-Jewish kind.

R. Goren was strongly influenced by the teachings of Rav Kook as well as by his disciple, Rav David Cohen, the “Nazarite Rabbi,” whose daughter he also married. Even so, despite the closeness and the great appreciation he had for the teachings of

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<sup>60</sup> This may explain the great lengths gone to in dealing with laws of the army and warfare, something done exclusively by rabbis affiliated with the religious Zionist sector. See also: Eli Holtzer, *Cherev pipiyot be-yadam [Double-edged Swords in Their Hands]* (Jerusalem-Ramat Gan, 5769); Arye Edrei, “*Mi-kibiyeh ad beirut: Techiyatam shel dinei ha-milchamah ha-hilchatiyim be-medinat israel*” [“From Qibya to Beirut: The Revival of Halakhic Laws of War in the State of Israel”], in Yossi Goldstein, ed., *Yosef daat [Adding Knowledge]* (Beer Sheva, 5770), 95-127; Amir Mashiach, “*Militantiyut hilkhaitit be-kerev mityashvim bi-yehudah ve-shomron*” [“Halakhic Militancy among Settlers in Judea and Samaria”], *Mechkarei yehudah ve-shomron [Studies on Judea and Samaria]* 20 (2011): 255-268; idem, “*Hashpaat ha-etos ha-ofensivi al ha-halakhah ha-ortodoksit ba-meah ha-esrim: Hirhurim rishoniyim*” [“The Influence of the Offensive Ethos on Orthodox Halakhah in the Twentieth Century: Preliminary Considerations”], *Daat76* (2014): 231-258; for more on the modern period and laws of warfare, see: L. Schiffman and J. B. Wolowelsky, ed., *War and Peace in the Jewish Tradition* (New York, 2007).

<sup>61</sup> Avraham Yitzhak Kook, “*Orot ha-milchamah*” [“Lights of War”], par. 2, in *Orot [Lights]* (Jerusalem, 5723), 13-14.

both, he never cites them in his writings.<sup>62</sup> While both these two teachers engaged in theological theorizing in connection with the changing times in which the People of Israel were returning to their land and establishing a political state in it, R. Goren took it upon himself to translate the theory into practice both Halakhically and ethically.<sup>63</sup> With this purpose in mind, he wrote extensively on topics of religion and the state, primarily in the areas he was actively involved in, the military and the state from the point of view of the Halakhah. At the same time, while working on this writing, he fashioned the new religious-Zionist-Jewish ethos by combining in his numerous essays elements from the sources which describe the days when a Jewish state was in existence from Biblical times to the days of the great uprisings. Inter alia, he included the writings of Josephus Flavius in his Halakhic discourse – and the story of the suicide committed by the rebels at Masada, particularly important for the present study – from which he derived the practical Halakhic inferences he dictates for our times. In addition, he revived the offensive-type ethos, which had remained “latent” for the preceding near two thousand years.

To sum up: Josephus Flavius and the story of Masada were not included in the texts of the Talmud or the Midrash. These texts maintained a thundering silence, as if to say that conduct along the lines of what had taken place at Masada is not part of the ethos which these traditional writings mean to propound. The act of suicide at Masada was politically and nationalistically motivated, a product of the offensive type of ethos. Once the Talmudic Sages had taken hold of the scepter of leadership, they exchanged the offensive-type ethos for the defensive. In principle, the Talmudic Sages have no objection against suicide, provided the act is committed on theological rather than ideological grounds. In the wake of the silence on their part, the story of Masada has been missing from religious-Halakhic discourse for nearly two thousand years. In the twentieth century, the story of Masada began gradually to seep into the minds of the secular Zionist public, until it finally became an important bricklayer in the establishment of the offensive ethos typical of the new Jew. A number of instances of people committing suicide for national-ideological reasons were part of this process.

Against this backdrop, R. Goren took upon himself the project of translating the theological and ideological underpinnings of the religious Zionist public’s mindset into practice. Toward this end, he operated on two planes, the Halakhic and the ethical. He wrote extensively on laws of warfare and the military, including, inter alia, the story of Masada, as well as many other citations from Flavius in his Halakhic discourse. Halakhah and ethics together formed yet another tier in the religious Zionist ethos of the offensive-Biblical type in the State of Israel. R. Goren’s article on “The Heroism of Masada in Light of the Primary Sources” stirred up a lively debate on the subject of suicide at Masada and in general; it should be noted, however, that the deliberations involved rabbis and proponents of religious Zionism, all associated with that segment of the Israeli public who uphold the offensive-Biblical kind of ethos and for whom the case of Masada and its defenders’ suicide are part of their essential understanding of the right way to act. Rabbis associated with the ultra-Orthodox public, who maintain, as has been noted, the defensive ethos in the spirit of the

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<sup>62</sup> See: Arye Edrei, “*Milchamah, halakhah, u-geulah*” [“Warfare, the Halakhah, and Redemption”], *Katedrah* 125 (5768): 119-148, n. 15.

<sup>63</sup> See also: Shifrah Mishelov, “*Hashkafato ha-tziyonit shel ha-rav shlomo goren*” [“The Zionist Views of R. Shlomo Goren”], *Israel* 20 (2012): 81-106.

Talmudic Sages, were not privy to the discussion. Delving into the issue of suicide for ideological-national reasons was alien to them, just as Flavius or the rebels of Masada had been to the Talmudic Sages earlier.

This was the story of the entry of Flavius and his account of Masada into Halakhic-religious discourse, following two thousand years of exclusion.