

# **JACOB THE HERETIC AND ZECHARIA MESHULAM & THE TRANSLATION AND PUNCTUATION OF NEHEMIAH 8:4**

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The Talmud is full of stories of heretics and their early polemics with the rabbis – often over verses in the Bible, and much has been written about these interactions and the verses under question. This essay focuses on one largely anonymous figure in those the debates, Jacob the Heretic, by closely considering the biblical verse chosen for his disputes with the sages. Jacob's true intentions and religious background are far from clear, and this essay will look at the content of his biblical polemics to uncover additional details about his persona.

In three different occasions, the Talmud discusses the dealings of the sages with Jacob the Heretic, but each of the three fail to provide explicit, accurate background and context for the figure, the religion he represented, or why he became a heretic. In one of the three sources, Jacob the Heretic engages in biblical polemic about the identity of the figure “Zecharia<sup>1</sup> Meshulam” in Nehemiah 8:4, and this essay addresses why this figure was of interest to the heretics and sages of the early Talmudic period. More is known about a different heretic, with a similar name but a different identity, Jacob of Kfar Sachnia. The latter was an early Christian of the Mishnaic period, living in Israel, who met Rabbi Akiva once in Tzipori (TB *Avodah Zara* 17a), and also Ben Dama the nephew of R. Yishmael (TB *Avodah Zara* 27b, *Tosefta Hullin* 2:6) according to uncensored versions of the Talmud.<sup>2</sup> However, Jacob the Heretic lived more than a century later, around the year 300, in Israel, Babylon or both (See *Tosafot Avodah Zara* 17a, s.v. Jacob; *Sefer Ha-Yashar* 464). Furthermore, whereas Jacob of Kfar Sachnia is explicitly identified as being a Christian, Jacob the Heretic is referred to as a heretic (“Ya’akov Minah”), without any additional information about his specific religion or type of heresy. We shall demonstrate that it is perhaps his debate about

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Nehemiah 8:4 which provides the greatest insight about his background and character.

Nehemiah 8:4 lists thirteen names for Ezra's students. *Ezra the scribe stood upon a wooden tower made for the purpose, and beside him stood Mattithiah, and Shema, and Anaiah, and Uriah, and Hilkiah, and Maaseiah at his right, and at his left Pedaiah, and Mishael, and Malchijah, and Hashum, and Hashbaddanah, and Zecharia, Meshullam.* Notably, the first twelve names on the list are preceded by a copulative vav, and the last one, Meshulam is not. The copulative vav can be used in many different ways when it appears in long lists, and this unique sentence structure with the final entry missing the vav does appear on Ibn Ezra's list of permutations of uses of the copulative vav (Ex. 1:4). Still, it is unusual and surprising, and this begs the question whether there are thirteen students listed, or twelve, with the last of twelve students having two names. Though uncommon, other biblical figures also had two names appearing side by side in one verse, such as Isaiah's children (Isa. 7:3 and 7:14, II Kgs. 21:1), and one of the figures who sent a question to Zecharia the prophet (Zech. 7:2).<sup>3</sup> Thus, the verse can be read in one of two ways, albeit each with significant difficulty: referencing either one individual with two names, or two individuals whose names are missing a conjunction in between them.

Jacob the Heretic appears in three different contexts in the Talmud. *Avodah Zara* 28a makes clear that he was a heretic, and outside the Jewish faith. There, the Talmud discusses receiving medical care from idolaters and heretics, such as from Jacob of Kfar Sachnia, and later concludes that a Jew could not have received medical attention from Jacob the Heretic because he was a heretic or idol-worshiper. Indeed, Jacob the Heretic once attempted to kill the sage R. Avahu by poisoning him while treating him medically – even at the risk of Jacob's own life,<sup>4</sup> and the risk of a loss of his medical license.

TB *Hullin* 84a, further demonstrates the discomfort the sages had with Jacob the Heretic. Here, the conflict is an exegetical concern posed upon Leviticus 17:13 which does not challenge a core principle of Judaism. Jacob asks why the blood of a domesticated animal is not included in the law of covering the blood in Leviticus 17:13, *And if any Israelite or any stranger who resides among them hunts down an animal [chaya] or a bird that may be eaten, he shall pour out its blood and cover it with earth*, as the rabbis had

argued. Rava replies “Concerning *you* the verse says *upon the ground you should spill it like water* (Deut. 12:16).” Rava’s response is clearly a pun: on its surface level, he replied to the legal question by saying the blood of a domesticated mammal does not need to be covered because it is compared to water in the verse. Yet, below the surface, Rava hints at Jacob himself, “concerning *you*” – a heretic,<sup>5</sup> the verse says that *your* blood ought to be spilled on the ground like water, a statement consistent with the way rabbis spoke about heretics at the time of the Talmud.<sup>6</sup> The exegetical problem posed by Leviticus 17:13 is rather minor; indeed, the simple reading of the verse supports the rabbis exclusion of domesticated animals as the verse explicitly mentions only birds and undomesticated animals and consequently likely excludes domesticated mammals. Though the argument is largely inconsequential, the format of the argument demonstrates the tension between Jacob and the rabbis.

These first two appearances of Jacob the Heretic, clearly polemical in nature, shed important light on the third and final occasion where he appears, the context discussing Nehemiah 8:4. Since this text is not overtly polemical, commentators both in the modern period<sup>7</sup> and in the middle ages<sup>8</sup> mistakenly argue that the third context actually refers to a different Jacob. Yet, the use of the same unusual name in the three polemical contexts strongly suggests it was the one same heretic in all cases.

The Talmudic discussion in TB *Megilah* 23a is perplexing, and we reproduce the discussion below, before a few observations about the discussion. Jacob the Heretic asked Rav Yehudah: Why are there 6 *aliyot* on Yom Kippur? [Rav Yehudah] answered, corresponding to the 6 men who stood at Ezra’s right, and the 6 men who stood at Ezra’s left, as it says (Neh. 8:4) “*And Ezra stood on a platform of wood, which was made for this purpose, and they stood beside him on his right <sup>1</sup>Matityah, and <sup>2</sup>Shema’, and <sup>3</sup>Anayah and <sup>4</sup>Uriyah and <sup>5</sup>Hilkiyah and <sup>6</sup>Ma’aseyah, and from his left <sup>1</sup>Pedayah, and <sup>2</sup>Miyshael, and <sup>3</sup>Malkiyah, and <sup>4</sup>Hashum, and <sup>5</sup>Hashbadanah and <sup>6</sup>Zechariah Meshulam.*” But these are seven [people]? Zecharia is Meshulam; but why did they call him Meshulam? Because he was complete (Shaleim) in his work.

Quite a few questions present themselves:

1. Of all matters to interest a heretic, why are the number of Aliyot on Yom Kippur of interest?
2. How does the story of Nehemiah chapter 8 – which took place on Rosh Hashanah<sup>9</sup> – serve to answer the question? And even if 6 people stood beside Ezra, why would this become the precedent for the number of Aliyot on Yom Kippur?<sup>10</sup>
3. Why did R. Yehudah answer that were 6 on the right and 6 on the left, if simple reading of the text indicates there were 7 from the left?
4. Even if there were 6 to the right and 7 to the left, why can't the 6 on the right serve as the precedent for the Aliyot of Yom Kippur and seven to the left as the precedent for the aliyot on Shabbat? Why is the Talmud so insistent that it was 6 and 6?
5. Wouldn't a simpler answer to the question of *aliyot* be to use logic and not a Biblical verse? Since Yom Kippur is one step lower than Shabbat (since it does not carry the death penalty Ex. 31:15), but one step above a regular holiday (since it does carry the penalty of *kareit* Lev. 23:20) is it not logical that it has 6 Aliyot, not 7 like Shabbat and 5 like holidays?<sup>11</sup>
6. By what argument could R. Yehudah have legitimately claimed Zecharia Meshulam to be one person?

In an effort to answer these questions, I posit that the polemical argument should be read in reverse; namely that the debate begins with the identity of Zecharia Meshulam and concludes with the Torah reading on Yom Kippur. This is reasonable as an early Christian would easily argue about the meaning of a difficult passage in the Bible but would likely not argue about the number of *aliyot* in rabbinic practice.

The major exegetical question in Nehemiah 8:4 is the total number of disciples present, whether there were 12 students or 13. A story of a charismatic Jewish leader during the Second Temple period who stands with his 12 disciples would have been of interest to Jews and Christians engaged in early polemics and debates, and so one sees in R. Yehudah's reading a desire to reassert Jewish control over the story of the 'leader and 12 disciples.' R. Yehudah would be telling Jacob the Heretic that the *original* or *true* story of the leader and his 12 students comes from the time of Ezra, and not from the time of early Christianity and the destruction of the temple.<sup>12</sup>

To this reading, the Talmud insists on 6 students to the right and 6 to the left to clarify a polemical argument, and only later moves on to the legal argument which appears first in the Talmudic discussion. Once the specific number six – and exactly six ( $6 \times 2=12$ ) - is established in the context of Torah reading, the Talmud then circles back and adds that the 6 *aliyot* of Yom Kippur are designed to recall this moment. Thus, the holiday Torah reading reaffirms the polemical reading of the verse; it is not the origin point of the discussion.

Beyond the polemical considerations of this particular verse, the connection between the two names “Zecharia” and “Meshulam” is intriguing. More than a dozen different people in the Bible are named Meshulam, with the name appearing a total of 25 times, almost exclusively in the books written in the early second temple period. The most prominent is Meshulam son of Berchya who appears three times in Nehemiah (3:4, 3:30, 6:18), but the name also belongs to multiple Kohanim (10:4, 11:11, 12:13-16), a Benjaminite (11:7), a Levite (12:25), a son of the leader of the return Zerubavel (I Chron. 3:19; see Radak), a Gadite (1:5:13) and others. Surprisingly, the name Meshulam is paired with the name Zecharia in three occasions (12% of the time), our verse, Ezra 8:16 and II Chronicles 34:12. The recurrence of these two names near each other is statistically noteworthy, but it is hard to imagine why the two names would often go together. It is possible that the two were brothers and this was the reason they would often appear together side by side and even on one occasion without a copular vav.<sup>13</sup> It would be mere conjecture, but it is otherwise difficult to make sense of this statistical irregularity.

Whether or not one grants that the verse has polemical overtones, the core exegetical problem with Nehemiah 8:4 must be addressed by any commentator: the Bible presents a list of 13 names, with the final two names appearing without a vav in between. The Talmud adopts one view (that there were indeed only 12 people present), for potentially polemical reasons. The rules of grammar do allow one to argue that vav is merely missing, although the reasons for this departure from expectation in this one context have still not been fully established or explained. Were there 12 or 13 students? We may never know for certain. But any serious student of the Bible would grant that this is a difficult verse, worthy of consideration and thought.

Often, Jewish biblical exegesis has been shaped and informed by the polemics and debates between Judaism and other faith systems, and the interpretation of several key passages in the Bible clearly reflect this charged atmosphere.<sup>14</sup> Serious students of the Bible must always be aware and mindful of situations when the interpretation is prompted by external considerations as much as internal ones. Nehemiah 8:4 is a good example in which to consider both the internal/grammatical and external/polemical considerations and what indeed was the primary precipitant for a particular piece of exegesis.

#### NOTES

<sup>1</sup>. As a Second Temple period figure, the First-Temple period name Zechariyahu loses the final vav to become Zecharia by the second temple period. See R. Margoliot, “The Name of the Personalities of the First Temple Periods and Later Periods” (70-74) *Ha-Mikra Ve-Hamesorah* 3rd Printing (Jerusalem: Mossad Ha-Rav Kook, 1989).

<sup>2</sup>. *Hesronot Ha-Shas* reprint, (Tel Aviv: Sinai Publishing 1989), 63, 68.

<sup>3</sup>. In these cases and in our verse, the two names appear side by side without a copulative vav or an explicit explanation that one person had two different names, used in different occasions. This contrasts with Hadasah/Esther (Est. 2:7), Gideon/Yeruba’al (Judg. 7:1), Esav/Edom (Gen 25:30); in those cases, the second name is an additional name, either in a different language (Esther), or in response to a later event (Edom), or reflecting a different religious basis (Yeruba’al). These three figures do not have two names that appear as one.

Critically, the other examples of individuals with two-word names are actually individuals who have a single hyphenated name which is two words long. In our verse, we would be looking at an individual with two actual given Hebrew names side by side serving as a first and middle name, something unheard of in the Bible.

The Talmud and Midrash often argue that biblical figures have names and nicknames, but virtually all those occasions feature one figure with different names in two different verses, never two names in the same verse, echoing the Esther/Hadashah relationship, more than “Zecharia Meshulam” or even the “She’ar-Yashuv” formats. See Mishnah *Shekalim* 5:1 (Mordechai and Petahia), *Bamidbar Rabba* 10:5 (Shmuel and Pituel), *Tanhuma Va-era* 2 (Shelomoh and Agur), TB *Megilah* 15a (Daniel and Hatacch), *Brachot* 4a (David’s sons Daniel and Kilav), *Megilah* 12b (Memuchan and Haman), *Horiyor* 11b (Tzidkiyahu and Shalum), *Eiruvin* 53a (Nimrod and Amrafel), *Rosh Hashanah* 25a (both Gideon with Yeruba’al and Shimshon with Bedan) *Sanhedrin* 19b (Kaleiv and Mered), *Sanhedrin* 44b (Achan and Zimri), *Megilah* 14a (Sarah and Yiskha), 15a (Malachi and Ezra or Mordechai), etc.. The alleged ten names of Moshe and eight of Hizkiyahu are cases where all the names appear in one verse, TB *Megilah* 13a, *Sanhedrin* 94a.

<sup>4</sup>. Ostensible because R. Avahu typically overcame heretics in arguments. See TB *Shabbat* 116a, 152b, *Pesahim* 56a, *Succa* 48b, *Sanhedrin* 39a and 99a, *Avodah Zara* 4a, *Yerushalmi Taanit* 2:1.

5. This interpretation is offered by R. Margoliot, *Nitzutzei Or.* (Jerusalem: Mossad Ha-Rav Kook, 2002), 97, based on the parallels in TB *Bava Batra* 115b and *Menahot* 65a.
6. See the statement of R. Avahu, himself, TB *Avoda Zara* 26a-b. It is beyond the scope of this essay to discuss whether R. Avahu's statement was intended as being actionable: both in his own time or in the later periods.
7. Including Rabbi Yaakov Emden (TB *Megilah* 23a), and R. Kalmin, *Jewish Babylonia between Persia and Roman Palestine* (New York: Oxford University Press, 2006), 223. Kalmin's confident claim that "there is no hint from the content of either dialogue that Yaakov Mina'ah (Yaakov the heretic [?]) is anything other than a conventional sage" is drastically overstated. Kalmin does raises the important question how Babylonian rabbis engaged in polemics, given that this is something typically associated with Israeli rabbis.
8. Tosafot to TB *Megilah* 23a. This comment astonishingly seems unaware of the other two instances where Jacob the Heretic appears. See the glosses of Isaiah Pik-Berlin to *Megilah*, Akiva Eiger to *Avoda Zara*, and Shmuel Shtrashon to *Hullin*. Tosafot to TB *Avoda Zara* 17a seems to also agree with the conclusion of Tosafot in *Megilah*.
9. This question is asked by Yechiel Michel Ha-Levi Epstein in *Arukh Ha-Shulhan* 621:1. His reply is that though the story took place on the first of the month, the narrative of Nehemia chapter 8 is one of great repentance and is thus analogous with Yom Kippur.
10. It is possible that the Talmud merely wants to connect the number of *aliyot* with a Biblical precedent for Torah reading; and so the connection is with the chapter of Nehemia 8 more broadly; although the question still remains stronger than the answer, see Ritva there. For the implication of Nehemia 8 for the modern ritual of public Torah reading and the connection to *Megilah* 23a, see M. Genack, *Lectures of Rabbi Joseph B. Soloveitchik on Prayer* [Hebrew] (New York, Orthodox Union, 2010), 239-241.
11. This conceptual answer is the one provided one page earlier in the Talmud, on 22b, and in *Mishnah Berurah* 621:1. Other later authorities are equally uncomfortable with the Nehemia answer and give others, including A. Sperling, *Ta'amiei Ha-minhagim* (1891) Moshe Sperling Ed. (Tel Aviv, 1957), 336, *Aruch Ha-Shulchan Ibid.*, or *Elef Ha-Meagen to Matteh Ephraim* 619:50.
12. Visually, one imagines Da Vinci's last supper, with its leader and students on each side as a common motif in both stories.
13. For an example, the well-known prophet Zecharia, and a different Meshulam who lived during Nehemia's days, have the same father's name, Berchya.
14. See for example David Berger, "Introduction to *The Jewish Christian Debate*" (1979) reprinted in David Berger, *Persecution, Polemic, and Dialogue* (Boston: Academic Studies Press, 2010), 75-108.

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