

The Historicity of the Mishnah Tractates Tamid and Yoma

The Mishnah was compiled around 200–220 CE, at least 130 years after the destruction of the second temple. Nevertheless, there is almost universal rabbinical and scholarly agreement that, apart from some small additions, comments or clarifications, the information conveyed in both of these tractates derives from second temple times and is historically reliable. These tractates can therefore be considered as primary sources for the temple liturgy.

Perhaps the best demonstration of this, in the case of Yoma, is given by Daniel Stökl Ben Ezra, who establishes the historical veracity of significant parts of this tractate by comparing them with independent accounts of the same rituals, written by identifiable authors (e.g., Josephus, Philo, Letter of Barnabas, etc.) writing closer to the times of the temple than the date of the compilation of the Mishnah (around 200–220 CE).¹ He concludes that “While some mishnaic traditions faithfully describe the temple ritual, others can be explained as rabbinic inventions based on exegesis”.² This conclusion agrees well with traditional evaluations of the tractate, such as the one summarized in the *Encyclopedia Judaica*: “it is evident that the Mishnah has preserved *halakhot* which belong to an early period, and it follows that the tractate was composed early. Apparently they had already begun to teach and arrange the *halakhot* of the service of the Day of Atonement close to the destruction [of the second temple], but the editor of the Mishnah had before him a source (apparently from the generation before his) in which the early material was intermingled with his additions”.³ To the question about which parts of the tractate reflect actual second temple practice, and which are subsequent developments, Stökl Ben Ezra has proposed a historical reconstruction, culled from the various available sources, of basic aspects of the Yom Kippur liturgy in the second temple.⁴ In all but a few details, his reconstruction conforms to the description of the liturgy in the tractate Yoma.

Similar historical studies on the tractate Tamid have not been done, because of the lack of independent primary sources. Nevertheless, both rabbinical tradition and important literary studies in the last century⁵ almost unanimously agree about its first-century provenance and although first-century origin, near to the temple’s demise in 70 CE, does not necessarily imply historical accuracy, it does make it more likely. In spite of warning that “It is a matter of extreme difficulty to decide what historical value we should attach to any tradition in the Mishnah”, Herbert Danby also admits that “the bulk of the tractates Yoma, Tamid, Middoth, and Kinnim date back to nearly a century earlier”⁶ than the date of the compilation of the Mishnah around 200 CE, and therefore they “have been less overlaid with comment and argument by later generations of teachers, and less exposed to the possibility of revision under the influence of later fashions of interpretation”.⁷ For similar reasons, other authorities seldom question the historical veracity of the tractate Tamid, as, for

¹ See especially sections 1 and 2 of chapter 2 (“The Rituals of Yom Kippur”) in his work: *The Impact of Yom Kippur on Early Christianity: The Day of Atonement from Second Temple Judaism to the Fifth Century*, WUNT 163, Tübingen: Mohr Siebeck, 2003; 19-33. This work has recently been strongly endorsed by Günter Stemberger in “Yom Kippur in Mishna Yoma”, *The Day of Atonement: Its Interpretations in Early Jewish and Christian Traditions*, Eds Thomas Hieke and Tobias Nicklas, Leiden and Boston: Brill, 2012; 121-37.

² *The Impact of Yom Kippur*, 27.

³ From ‘Yoma’, *Encyclopedia Judaica*, Jerusalem: Keter Publishing House, 1971, vol. 16, cols 844-45.

⁴ *The Impact of Yom Kippur*, 28-33.

⁵ E.g., Louis Ginzberg “Tamid: the Oldest Tractate of the Mishnah” in *Journal of Jewish Lore and Philosophy*, 1919, vol. 1, 33-44; 197-209; 265-295.

⁶ The Mishnah, trans. Herbert Danby, Oxford: OUP, 1933, xiv-xv; see also xxi-xxii.

⁷ The Mishnah, trans. Herbert Danby, xv, note 4.

example, in the accounts of the daily service in Emil Schürer's *The History of the Jewish People in the Age of Jesus Christ*⁸ and in the *Encyclopedia Judaica*.⁹ The explanation given there is that "Little controversy is recorded here in the Mishnah, a sign of an early redaction, probably from just before or soon after the destruction of the Temple".¹⁰ Based on a discussion in the Talmud (*b. Yoma* 14b), the tractate Tamid is traditionally understood to have been derived from Simeon of Mizpah, a contemporary of Rabbi Gamaliel II, who was alive when the temple was still standing. Furthermore, "The tractate Tamid is written in a descriptive, lively, and flowing style, and it may be conjectured that Simeon presented an eyewitness account of the order of the Temple service".¹¹

One of the few voices against the first-century origin of these tractates is that of Jacob Neusner, who dates their composition to the rabbinical school of Ushan (140-170 CE) because, in the few places where comments are inserted into the text, the comments are always attributable to a member of that school. Assuming that no Ushan scholar would dare to dispute with an original account, dating back to the first century, Neusner asserts: "Because the tractate takes up a position on numerous points subject to dispute among Ushans, it appears that the work of providing an account of the morning rite of the Temple is the work of Ushan narrators".¹² For the same reasons, Neusner holds the same opinion about Yoma: "Yoma in the main consists of a narrative of the rite of the high priest on the Day of Atonement, following Leviticus Chapter Sixteen for the outline of the story. Like all the formal parallels, the narrative is certainly the work of Ushan storytellers".¹³ However, one wonders whether Neusner's assumption about the reluctance of "Ushan storytellers" to debate with an unattributed first century source is correct. There may be good reasons to explain the presence of second century Ushan comments in a text deriving from the first century: given that there must have been many eyewitnesses to the liturgical procedures in the temple, it would be odd if the precise details were not the subject of debate, given what we know about the inconsistency of eyewitness accounts, especially if these are orally transmitted over a span of more than a century. In the Ushan period this debate evidently continued between the surviving oral traditions and the text.

⁸ Revised in 3 vols, eds. G. Vermes, F. Millar, M. Black, Edinburgh: T. & T. Clark, 1973, vol. II, 299-308. "A very detailed account evidently based on reliable tradition is given in the Mishna tractate *Tamid*, the essence of which may supplement the foregoing remarks" (op.cit. p.304).

⁹ E.g., in the article 'Sacrifice', *Encyclopedia Judaica*, 1971, vol. 14, cols 608-10.

¹⁰ From the article 'Tamid', *Encyclopedia Judaica*, vol. 15, cols 785-86.

¹¹ From 'Simeon of Mizpah', *Encyclopedia Judaica*, vol. 14, cols 1567-68.

¹² *History of the Mishnaic Law of Holy Things*, Pt 6; Leiden: Brill, 1983; 263.

¹³ *History of the Mishnaic Law of Appointed Times*, Pt 5; Leiden: Brill, 1983; 235. Also "Ushans provide a systematic account of how the high priest on the Day of Atonement carries out the sacrificial rite, just as it is described at Leviticus Chapter Sixteen. Added to the account of Scripture are only a few details... But in the main all we have is a rerun of Scripture, pure and simple", *Appointed Times*; 231.