



# Confronting Institutional Power

— DR. MARJORIE LEHMAN

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This piece invites exploration of the very concept of institutional abuses of power and demonstrates that our classical texts recognize and address the problem of leaders putting the interests of institutions above the safety of individuals. Drawing on Tractate Yoma of the Babylonian Talmud, it highlights insights into imbalances of power, how leadership roles can be exploited, and how rabbis attempted to right moral and institutional wrongs. Through these ancient texts, we can draw lessons that apply to our institutions and leaders today.[1]

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The Talmudic story found on BT Yoma 23a and that I present here is graphic, violent, and troubling. While the rabbis depict ancient priests behaving badly in the Jerusalem Temple, this story provides a vivid illustration of the lengths to which people sometimes go to protect institutions that are beloved to them, even when those institutions facilitate egregious behavior. It might be unsettling to think about the Jerusalem Temple as a place of violent abuse, but the preservation of this story presents the ancient rabbis confronting the painful realities of human experience. No human institution—Jewish or non-Jewish, religious or secular—is immune from power dynamics and its abuses. This study raises the question of what behaviors should be exposed in order to protect those who may be vulnerable.

As you read this text, consider some or all of the following:

1. How do the rabbis present the power dynamics between priest and priest and between priest and rabbi? Through this presentation, what are the rabbis trying to convey to us about the rabbinic enterprise and about themselves?

2. How did the rabbis navigate relationships in their world?
3. How do the power dynamics in Masekhet (Tractate) Yoma prompt us to think about the power dynamics we confront in our own institutions and in our lives?
4. What are reasonable ways of responding to disrespect, injustice, inequity, and violence?
5. How should we treat one another and live with each other in the spaces that we consider holy, including our workplaces, synagogues, and schools?
6. What is the relationship between the health of institutions and the well-being of individuals within them? How should we weigh each of those priorities?

## SOURCE 1: THE RACE TO PERFORM

### Mishnah Yoma 2:1 [2]

**Background:** In biblical law, the first daily procedure connected to the offering of sacrifices on the altar, performed early each morning before the sun rose, was the removal of ash from sacrifices burned the day before, in accordance with the commandment in Lev. 6:3: "The priest shall dress in linen raiment, with linen breeches on his body; and he shall take up the ashes [*heirim et hadeshen*] to which the fire has reduced the burnt offering [*olah*] on the altar and place them beside the altar." A priest would ascend to the altar, gather a shovelful of ash, descend, and place the ash next to the altar. The image of this ancient, biblically mandated act of symbolic ritual housekeeping, for which the priests needed to dress appropriately, linked male priests to the daily upkeep of cultic life. The description of an instance of ash removal in Mishnah Yoma 2:1, however, introduces an interesting post-Temple narrative twist. The passage begins by depicting the way the priests "kept" their holy "house" by determining who would do the daily task of separating that first shovelful of ash from the altar.

בְּרֵאשׁוֹנָה כָּל מִי שְׂרוּצָה לְתָרֵם אֶת הַמְּזִבְחַת, תּוֹרֵם. וּבִזְמַן שֶׁהָיוּ  
מְרַבִּין, רָצִין וְעוֹלִין בְּכַבֵּשׁ, וְכָל הַקּוֹדֵם אֶת חֲבֵרוֹ בְּאַרְבַּע אַמּוֹת זָכָה.

At first, any [priest] who wanted to separate [the ash] from the altar separated it. And when the [priests who sought this privilege] became many, they would run up the ramp [of the altar, and] whoever preceded his fellow into the [top] four cubits [of the ramp] won [the privilege] ...

## Discussion Questions

1. Why was performing Temple ritual in this mishnah turned into a competition? How does this image of racing rabbis shape our understanding of the mishnah's view of rabbinic leadership?
2. What are the risks of such competition? What are the risks of eliminating it altogether?
3. What are the ways in which leaders today compete with each other for honors or opportunities?

## SOURCE 2: THE DANGERS OF COMPETITION

### Mishnah Yoma 2:2

**Background:** The dangers of the priests' aggressive behavior come to the fore in a violent interchange between two priests racing up the ramp in the next mishnah in Tractate Yoma.[3]

מַעֲשֵׂה שְׁהִי שְׁנֵיהֶם שְׂוִין וְרָצִין וְעוֹלִין בְּכַבָּשׁ, וְדַחַף אֶחָד מֵהֶן אֶת  
חֵבְרוֹ, וְנָפַל וְנִשְׁבְּרָה רַגְלוֹ. וְכִיּוֹן שָׂרְאוּ בֵּית דִּין שָׁפְאִין לְיַדֵּי סַפְנָה,  
הִתְקִינוּ שְׁלֵא יְהִי תוֹרְמִין אֶת הַמִּזְבֵּחַ אֶלָּא בְּפִיס ... וְזֶה הַפִּיס הָרֵאשׁוֹן:

A story is told of two priests who were running up the ramp simultaneously, and one of them pushed his colleague, who fell, and his leg was broken. When the *beit din* [the rabbinic court] realized that [the priests] were getting into danger, they decreed that they would [be selected to] separate [the ash from] the altar only by lot. ...This was the first lot.

### Discussion Questions

1. Why do you think this mishnah mentions bringing in a rabbinic court (*beit din*) to modify the ritual of the priests?
2. What is the relationship between the Beit Din and the Temple and, similarly, between the rabbis and the priests? What kinds of leadership does each group seem to exercise? What is the power dynamic between them?
3. Why offer the lottery as a solution? Is that more fair or more equal than racing up a ramp? What does this story suggest about the value of safety in sacred spaces?

## SOURCE 3: AN ENCOUNTER BECOMES MORE VIOLENT

### BT Yoma 23a

**Background:** In this version of the story found in the Babylonian Talmud, the violence escalates as the competition continues. An image of the priests as competitive and aggressive is intensified here when one priest tries to outperform another.

תָּנוּ רַבָּנָן: מַעֲשֵׂה בְּשָׁנֵי כַהֲנָיִם שְׁהִי שְׁנֵיהֶן שְׂוִין,  
וְרָצִין וְעוֹלִין בְּכַבָּשׁ, קָדַם אֶחָד מֵהֶן לְתוֹךְ  
אֲרָבַע אַמּוֹת שֶׁל חֵבְרִי, נָטַל סָכִין וְתַקַּע לוֹ בְּלִבּוֹ.

The rabbis taught in a baraita: A story is told of two priests who were running up the ramp simultaneously. [When] one of them came within four cubits [of the altar] before his fellow [priest], [the other] took a knife and drove it into his [fellow's] heart.

## Discussion Questions

1. When the rabbis retell this story, what image are the rabbis constructing of the priests and of the Temple?
2. What might the rabbis intend to show through this teaching about the priests?

### SOURCE 4: RABBI TZADOK SPEAKS OUT TO REPRIMAND

#### THE PRIESTS/PEOPLE

#### BT Yoma 23a, continued

**Background:** In the section below, Rabbi Tzadok reprimands the priests for engaging in violence. Rabbi Tzadok is a well-known character in rabbinic literature and is thought to be a priest-turned-rabbi. [4] In fact, Rabbi Tzadok does what rabbis do—he teaches the priests by relying on a biblical source (see below). He refers to the laws related to the *eglah arufah* rite (Deuteronomy 21:1–9) in which a group of elders atones for the sin of an unknown murderer by breaking the neck of a heifer in a brook. Here is the biblical description of the rite:

כִּי־יִמָּצֵא חָלָל בְּאֶדְמָה אֲשֶׁר יְהוָה אֱלֹהֵיךָ נָתַן לְךָ לְרִשְׁתָּהּ נָפִיל  
 בְּשָׂדֶה לֹא נֹדֵעַ מִי הִכָּהוּ:  
 וַיָּצֵאוּ זִקְנֵיךָ וְשֹׁפְטֵיךָ וּמַדְדוּ אֶל־הָעָרִים אֲשֶׁר סְבִיבֹת הַחָלָל:  
 וְהָיָה הָעִיר הַקְּרֹבָה אֶל־הַחָלָל וְלָקְחוּ זִקְנֵי הָעִיר הַהִוא עֵגְלֹת בָּקָר  
 אֲשֶׁר לֹא־עֲבָד בָּהּ אֲשֶׁר לֹא־מְשֻׁכָּה בְּעַל:  
 וְהוֹרְדוּ זִקְנֵי הָעִיר הַהִוא אֶת־הָעֵגְלָה אֶל־נַחַל אִיתָן אֲשֶׁר לֹא־יַעֲבֹד בּוֹ  
 וְלֹא יִזְרַע וְעָרְפוּ־שָׁם אֶת־הָעֵגְלָה בְּנַחַל:  
 וּנְגָשׁוּ הַכֹּהֲנִים בְּנֵי לְוִי כִּי בָם בָּחַר יְהוָה אֱלֹהֵיךָ לְשָׂרְתוֹ וּלְבָרְךָ בְּשֵׁם  
 יְהוָה וְעַל־פִּיהֶם יְהִיָּה כָּל־רִיב וְכָל־נִגְעַ:  
 וְכָל זִקְנֵי הָעִיר הַהִוא הַקְּרֹבִים אֶל־הַחָלָל יִרְחֲצוּ אֶת־יְדֵיהֶם  
 עַל־הָעֵגְלָה הָעָרוּפָה בְּנַחַל:  
 וַעֲנוּ וְאָמְרוּ יְדִינֵנו לֹא (שִׁפְכָה) [שִׁפְכוּ] אֶת־הַדָּם הַזֶּה וַעֲיִנֵּנו לֹא רָאוּ:  
 כִּפּוּר לְעַמְּךָ יִשְׂרָאֵל אֲשֶׁר־פָּדִיתָ יְהוָה וְאֶל־תִּתֵּן דָּם נָקִי בְּקֶרֶב עַמְּךָ  
 יִשְׂרָאֵל וְנִכְפַּר לָהֶם הַדָּם:  
 וְאִתָּה תִּבְעַר הַדָּם הַנָּקִי מִקֶּרְבְּךָ כִּי־תַעֲשֶׂה הַיִּשָּׂר בְּעֵינֵי יְהוָה: {ס}

If, in the land that the Lord your God is assigning you to possess, someone slain is found lying in the open, the identity of the slayer not being known, your elders and magistrates shall go out and measure the distances from the corpse to the nearby towns. The elders of the town nearest to the corpse shall then take a heifer which has never been worked, which has never pulled in a yoke, and the elders of that town shall bring the heifer down to an overflowing wadi, which is not tilled or sown. There, in the wadi, they shall break the heifer's neck. The priests, sons of Levi, shall come forward; for the Lord your God has chosen them to minister to Him and to pronounce blessing in the name of the Lord, and every lawsuit and case of assault is subject to their ruling. Then all of the elders of the town nearest to the corpse shall wash their hands over the heifer whose neck was broken in the wadi. And they shall make this declaration: "Our hands did not shed this blood, nor did our eyes see it done. Absolve, O Lord, Your people Israel whom you redeemed, and do not let guilt for the blood of the innocent remain among your people Israel." And they will be absolved of bloodguilt. Thus you will remove from your midst guilt for the blood of the innocent, for you will be doing what is right in the sight of the Lord.

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Here is the continuation of the talmudic story on BT Yoma 23a:

עמד רבי צדוק על מעלות האולם, ואמר: אחינו בית ישראל שמעו!  
 הרי הוא אומר "כי ימצא חלל באדמה ... ויצאו זקניה ושוֹפְטֵיהּ".  
 אנו, על מי להביא עגלה ערופה? על העיר, או על העזרות? געו כל  
 העם בבכיה.

Rabbi Tzadok stood on the steps of the hall and said: "Hear, our brothers of the House of Israel. Behold He [God] said [in Deuteronomy 21:1-2]: 'If ... someone slain is found lying in the open, the identity of the slayer not being known, your elders and your judges will go forth' [to perform the rite of the 'eglah 'arufah]. [As for] us, upon whom is it incumbent to bring the 'eglah 'arufah? Upon [the people of the] city or upon [the priests in] the Temple courtyards?"

All of the people burst out weeping.

## Commentary

While Rabbi Tzadok's speech is effective enough to induce remorse on the part of the people, the biblical case that he cites does not precisely correspond to the story of the violent priest on the ramp. For one thing, the biblical *eglah arufah* rite is intended for cases in which the identity of the murderer is unknown. Here the murderer is known. Also, the rite is specifically for murders that occur out in the open, outside of towns and cities. Moreover, according to an early rabbinic source contemporaneous with the mishnah cited on the next page of *BT Yoma*, the inhabitants of Jerusalem could never perform the rite of the *eglah arufah*, as the city was owned by God, not by the people (*BT Yoma* 23b). Rabbi Tzadok asks rhetorically, "Upon whom is it incumbent to bring the *eglah arufah*?" Indeed, as their teacher-rabbi, he knows the answer: It cannot fall upon anyone. There is no sacrifice that can expiate the priest from harming another.

## Discussion Questions

1. To what extent is the community at fault when one individual can feel, even for a moment, that stabbing another while engaging in a holy act is justifiable?
2. Who is responsible for chastising those who act in ways that violate the values associated with their position?
3. Does this narrative suggest something about the ineffectiveness of Temple rites to generate order and respect, as the rabbis would have us believe? And, therefore, do we close the institution and begin all over again—or do we try to salvage what we have by guiding the people responsible for the upkeep of the institution to behave better? How do we guide people to change their behavior?
4. Are there situations that you can think of where change occurred? How did it happen? Who was responsible for change?

## SOURCE 5: PARENTAL WHITEWASHING

### BT Yoma 23a (continued)

**Background:** The story found in the baraita on *BT Yoma* 23a does not end with Rabbi Tzadok's call to conscience or with the people's collective remorse. Instead, the story grows even more graphic, and even more disturbing, as the victim's father challenges Rabbi Tzadok over the body of his dying son.

בָּא אָבִיו וְשָׁל תִּינוּק וּמָצָאוּ כְּשֶׁהוּא מְפָרֵר. אָמַר: הֲרִי הוּא כְּפָרְתְּכֶם,  
וְעַדִּי בְּנֵי מְפָרֵר, וְלֹא נִטְמָאָה סִכִּין. לְלַמֶּדְךָ שֶׁקְּשָׁה עֲלֵיהֶם טְהָרַת  
כְּלִים יוֹתֵר מִשְׁפִּיכוֹת דָּמִים. וְכֵן הוּא אוֹמֵר: "וְגַם דָּם נָקִי שָׁפַךְ מִנְּשָׁה  
[הַרְבֵּה מְאֹד] עַד אֲשֶׁר מָלְא [אֶת] יְרוּשָׁלַיִם פֶּה לְפֶה."

The father of the boy came and found that he was still writhing [in pain from the knife-wound/maybe in throes of death]. He [the father] said: "Behold, he is your atonement [and his death shall atone for your sin]." My son My son is still writhing, and [therefore] the knife has not become impure [from corpse-contact]." This teaches you that they [the priests] regarded the purity of vessels more seriously than bloodshed. And so Scripture states: "Manasseh also shed very much innocent blood, until it filled Jerusalem from end to end" (2 Kings 21:16).

## Commentary

In contrast to the moral outcry of Rabbi Tzadok and to the emotional reaction of his fellow priests (which is what the phrase "all the people" refers to), this father-priest does not shed a tear for his son. His primary concern is rather with the ritual status of the knife—the knife will be rendered impure if it has contact with a dead body. He therefore suggests that the knife be removed from his son's body before he dies. To most readers, his concern for the purity of the knife and its protection from corpse-contamination is a terrible distraction from the egregiousness of the act that a fellow priest has committed against his own son!—using a central ritual object from the Temple. The father's suggestion seems absurd.

The rabbis here negatively depict this father-priest as putting his priesthood before his fatherhood in the name of protecting the ongoing status of an operative Temple. Their message is clear: Maintaining the centrality of the Temple and the priesthood overrides the imperative to expose and punish immoral human behavior. That is, not only are some priests willing to murder solely for the right to perform a simple Temple rite, but others are willing to diminish and even hide that corruption so that Temple procedure can continue untroubled.

The father-priest seems to willingly offer his son as a human sacrifice to atone for the sins of his community of priests. The body of the victim, a human and not a sacrificial animal, with a knife in his heart will remove the perpetrator's guilt as well as the priests' shame, in consonance with the religious life of the Temple, where offerings clear individuals and the community of sinfulness. But the story clearly means to indicate that the father's thinking is twisted and misguided. (Unlike the story of Abraham and Isaac, this story does not depict God interceding to protect a son from being sacrificed. God is absent from the Temple here.)

Read within its historical context, this rabbinic story offers a sharp critique of priestly institutions. The priesthood is portrayed as violent, corrupt, and unfeeling. In contrast, the rabbis—represented here by Rabbi Tzadok—are depicted as moral and compassionate leaders.

On another level, this story offers a timeless message about the danger of putting institutional interests above the lives and safety of individuals. The callousness of the father-priest who chooses to defend the institution of the priesthood over and above the life of his own child elicits horror and revulsion. In this way, the story clarifies for us today what is most valuable and most sacred. A Temple that tolerates violence and abuse is not a sacred space.

**A note about the end of the story:** The *baraita* on BT Yoma 23a closes with a remark about another aggressive leader who is neither a priest nor a rabbi: Manasseh, king of Judah in the period of the First Temple, who, according to 2 Kings 21, desecrated the Temple with idols and killed many innocent people. [5] For the rabbis, kings are more violent than priests. Kings debase the Temple, worship idols, cause bloodshed within and outside its walls, and kill prophets, provoking God to act on his oath to destroy Jerusalem, and with it, the Temple. The rabbis use the violent image of King Manasseh to signify that behavior resulting in bloodshed, whether it occurs within the Temple or outside it, will not be forgiven.

## Discussion Questions

The father in this story has sided with protecting the institution of the Temple at all costs. What is at stake here and for whom?

Have you ever been in a situation where you felt you had to choose between an institution and the human beings that are part of the institution? What structures need to be in place for the people who make up an institution to be supported and protected over and above institutions? To what extent is it possible to create conditions under which there is no conflict between institutional and individual well-being? What are some of those conditions?

## Conclusion

This Talmudic story resonates with the challenges we face when confronting abuses in our own institutions today. Do we remain silent to support our institutions or do we speak out despite the risks involved? In these stories, the rabbis speak out within the stories and also by telling them. They critique structures of authority and dispositions that protect institutions instead of protecting people.



## Endnotes

[1] This piece is drawn from an article that Dr. Lehman wrote for *Nashim*. See Marjorie Lehman, "Imagining the Priesthood in Tractate Yoma: Mishnah Yoma 2:1-2 and BT Yoma 23a," *Nashim: A Journal of Jewish Women's Studies and Gender Issue*, 28 (2015): 88-105." Ideas from this work also appear in her book, *Bringing Down the Temple House: Engendering Tractate Yoma* (Waltham: Brandeis University Press, 2022), 36-54.

[2] Note that the context of Mishnah Yoma 2:1-2, and the baraita (a source from around the same time as the Mishnah) found on BT Yoma 23a that offers us another version of the story is found within a larger discussion in *Masekhet Yoma* about the performance of the *Avodah* (the ritual that enables the high priest to atone for one's sins) on *Yom Kippur*. However, the events of the Mishnah and the baraita could have occurred on any day and may not be connected to the ritual of *Yom Kippur*.

[3] For further investigation: there are several parallel tannaitic versions of the incident, found in *Tosefta Yoma 1:12*; *Tosefta Shevu'ot 1:4*; *Sifrei Numbers, Mas'ei 161*, *JT Yoma 2:1*; 39d, and *BT Yoma 23a*. Below I will quote from the Bavli's version, *Yoma 23a*, which I believe to be the latest version. The fact that the source appears in so many places is indicative of how often it was retold as well of its significance for the rabbis.

[4] In fact, in one famous story he fasts to prevent the destruction of the Temple (*Git. 56b*; *Lam. R. 1:5*).

[5] Other rabbinic sources, including *JT Sanhedrin 10:2*; 28c, *BT Sanhedrin 103b* and *BT Yevamot 49b*, inform us that *Manasseh* was also responsible for the death of the prophet *Isaiah*.

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