Rabbinic Judaism in the Making
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INTRODUCTION

A nation, community, culture or religion, in an extended period of existence, experiences many significant changes. Nevertheless, even a long period may properly be considered a single epoch if it possesses throughout certain fundamental characteristics peculiar to the period in question. A case in point is the long period of Rabbinic Judaism. In the course of its history, Rabbinic Judaism underwent numerous changes. Taken as a whole, its early phases have a greater affinity in certain respects to Biblical Judaism than to the later phases of Rabbinic Judaism. For example, in the beginning of the rabbinic epoch, the laws of the sacrificial cult and of ritual purity, so important in the Torah, also played an important role in Rabbinic Judaism. The termination of the sacrificial cult, the centralized Sanctuary, the high-priesthood and many other laws and institutions due to the destruction of the Temple in Jerusalem, resulted in significant changes in the forms and ways of religious life of Palestinian and Diaspora Jewry. However, these changes did not cause an essential modification of the character of “mainstream” Judaism. The transition from Soferic to Pharisaic, then to Rabbinic Judaism is not to be regarded as indicative of fundamental differences between the three. Rather, it is merely one step in the evolution of Rabbinic Judaism, which cut across profound changes caused by wars, dispersion, and political, social, and economic revolutions.
Wherein does the great strength of Rabbinic Judaism lie? What caused it to become and remain the mainstream of Judaism from antiquity to date? What enabled it to prevail against the political, economic, cultural, social and religious forces that threatened time and again to destroy both Jew and Judaism?

Deep devotion to God and His law, while a conditio sine qua non, cannot be the only reason, since this was a quality of some other branches of Judaism as well. An analytical study of Judaism shows that rabbinism prevailed through the ages due to the clear vision and effective guidance of its leaders, the rabbis. These men possessed a deep understanding of the need for a warm and practical religious expression, genuinely Jewish, and at the same time harmonious with the spiritual and material life of the peoples surrounding them. Emerging from the ranks of the people, the rabbis spoke in terms intelligible to the populace and were therefore able to lead the people in accordance with their teachings, a feat the Prophets had been unable to accomplish. Uncompromising idealists, the Prophets demanded perfection and the establishment of God's kingdom on earth in their own time; therefore, they were doomed to failure. Prophetic Judaism never became a reality but remained only an ideal, a goal, like Plato’s Republic. The rabbis were idealists, too, but they were at the same time pedagogues. In guiding their people, they took the realities of life, among them the weakness of man, into consideration. They upheld the Torah as the divine code, but at the same time recognized the need for harmonizing the Torah with the ever-changing realities of life. The success of the sages of Rabbinic Judaism is to a large extent due to the ability of its leaders to maintain a harmonious state between Judaism and a continuously changing life.

The manner of implementing change varied from time to time. In the period of transition from Biblical to Rabbinic Judaism, certain necessary adjustments were made, as a rule, by direct legislation whenever religious leadership found support in the Jewish or non-Jewish government. The Great Sanhedrin, for example, of the Second Commonwealth, vested with Hasmonean authority, solved many problems through direct legislation. However, when the Pharisaic and rabbinic leaderships were not supported by the government,
they increasingly resorted to indirect forms of legislation. The principal method of indirect legislation employed throughout the centuries was interpretation. Since the authority of the Torah reigned supreme, laws based on the interpretation of its text were accepted by the people, provided the interpreting teacher was a recognized sage. Thus, authority supported by the government was replaced by spiritual authority.

Indirect forms of legislation have existed at all times and among all nations. The resulting laws are often as valid and enforceable as are statutory laws passed through channels of direct legislation. However, the effectiveness of the indirect legislation of the rabbis depended on the voluntary cooperation of the people, which in turn depended primarily on the prestige of the legislating sages.

Interpretation, though most important, was not the only form of rabbinic legislation. Some of the other methods employed were: issuing of ordinances (though not backed by the political government), legal fiction, declaring customs as legally binding, and introducing certain legal principles.

The rabbis, in pursuing their goal, adopted a number of customs, laws and ideas of other peoples, and so fully integrated them into Judaism that they became part and parcel of the Jewish religion. The foreign origins soon were forgotten. How many devout Jews know, even today, that a part of the Seder ritual is of Roman origin? What really concerns the religionist is the present meaning of the content of his religion. The origin of a doctrine, law, or ritual is the concern of the men of the *Jüdische Wissenschaft* who demonstrated time and again that Jewish history and religion must be studied in their relationship to world history and the religions of the world for a better scholarly understanding of the anatomy of Judaism. However, the findings of the modern scholars have no bearing on the significance of the belief or ritual under examination for the man of faith.

In their work of adjusting Judaism to the needs of the day, the rabbis proceeded steadily, but gradually. They kept away from extremes. They did not adhere slavishly to the letter of the law as did some peripheral groups. On the other hand, they did not force the Bible to conform to foreign ideas and philosophies to the extent
done by philosophical and sectarian schools. Generally, it may be
stated that the rabbis, in effect, judaized whatever foreign law and
custom they adopted, while some philosophical schools de-judaized
the Bible and consequently the Jewish religion.

To keep Judaism meaningful and livable the rabbis did not merely
modify old laws and add new ones but also suspended many an
out-of-date law, and shifted a number of laws and practices from
the periphery to the center and vice versa.

The rabbis, believing in the eternal validity of the Torah as well
as in its divine character, could not abrogate its legal prescriptions.
Laws that could not be observed or had lost their significance were
either re-interpreted or suspended with the proviso that they would
regain their validity as a matter of course as soon as circumstances
would permit.

The shifting of laws and practices from the periphery to the cen­
ter was of paramount importance after the destruction of the Tem­
ple, particularly in replacing the sacrificial cult by prayer service.
The latter had existed for centuries but had played a secondary role
in comparison with the sacrificial cult. Moreover, the shifting phe­
nomenon was concerned not merely with laws and practices, but
also with methods employed in molding Judaism. Thus, for ex­
ample, textual interpretation as a method of modifying the law
played a secondary role in Pharisaic-Rabbinic Judaism, prior to the
destruction of the Temple, in comparison with some other methods.

Hillel was the first Jewish leader who attempted to place exegesis
in general and hermeneutic rules in particular into the foreground
as a principal method of modifying law and practice. Hillel realized
that the Sanhedrin of his time, lacking the support of the political
government, needed another source of authority to introduce changes
or to clarify and strengthen old laws and practices. This other source
was the Torah as interpreted in a suitable way. Therefore he advo­
cated the employment of certain hermeneutic rules that were in
vogue among Greek and Roman students of law and orators of his
day, automatically excluding methods which were not in harmony
with Judaism as he understood it. Hillel was unsuccessful in this
endeavor in his own day primarily because of hesitancy of the
sages to accept new ways and their inability to realize, as he did, that
rules are often means to justify needed legislation as well as the clarification of law. Furthermore, after Herod’s death the Sanhedrin regained some of its power, including jurisdiction in capital cases, so that legislation by interpretation was not of crucial importance. However, after the fall of the Temple, the situation changed fundamentally. The Sanhedrin of old was replaced by an academy called Beth Din Ha-Gadol or Sanhedrin, which regulated Jewish life and sought to continue the legislative tasks of the old Sanhedrin. The sages of the academy now realized that the best available source of authority was the Torah if interpreted in the manner Hillel advocated. The resistance to the employment of hermeneutic rules vanished. This is in character with human nature. The new often meets with resistance which dissipates as time passes and an objective evaluation is made. An example of recent date would be the introduction of the sermon in the vernacular in orthodox Ashkenazic synagogues, which at first was vehemently resisted. Another example is the recognition that Judaism and Zionism are compatible, while formerly this was often denied.

The rabbis of the era following the destruction of the Temple did not merely reconsider and utilize the exegetical methods of Hillel, but went much farther than did Hillel himself. They developed what is called the *eisegesis*, the association of new laws with biblical verses, although in reality these laws are not given or implied in the Bible. This was possible not only because of the urgent need for new authoritative legislation, but also because Jewish groups such as the Sadducees, orthodox Pharisees, and Shammaites, who would have opposed such far-reaching methods, became peripheral or sectarian groups after the destruction of the Temple and took no part in the development of Rabbinic Judaism.

Pharisaic-Rabbinic Judaism begins with Hillel two or three decades B.C.E. Rabbinic Judaism proper commences with the destruction of the Temple in 70 C.E. and its end is not yet in sight. However, there is a period of transition between the time of the prophets and Hillel. This period begins at least as early as the Babylonian Exile and is well under way at the time of Ezra, four hundred years before Hillel. Those sources that describe religious life in the Babylonian Exile do not permit one to make safe conclusions in regard to the significance
of this period for Rabbinic Judaism. (Divine worship without a sanctuary and without animal sacrifice may have originated in the Babylonian Exile.) Therefore we shall not discuss this period in detail. We shall concentrate on Pharisaic-Rabbinic and Rabbinic Judaism, but will first briefly survey its precursors beginning with Ezra, whose activities in connection with the development of normative Judaism are well documented.

Since the origins of Jewish laws and practices, as noted before, are from the viewpoint of Rabbinic Judaism of little importance, we shall focus our attention on the impact and dynamics of the laws throughout the history of the Jewish people, and how they kept Judaism alive and vibrant.

The best way to observe the making of Rabbinic Judaism is to follow closely the activities of its leadership who saw to it that changes be made, and particularly that new laws, ideas, and practices be introduced, irrespective of their origin or authorship. Therefore, we shall trace the evolution of Rabbinic Judaism through the activities of its leadership, be it represented by an institution, such as the Sanhedrin, or by individuals, such as the Nes'i'im (patriarchs or princes).

We have not attempted to give an exhaustive history but have tried instead to stress the fundamentals and to point to those important details which illustrate how normative Judaism came into being and why it has remained the mainstream of Judaism throughout the centuries. We hope to shed light on the evolution of Rabbinic Judaism in a manner intelligible not only to scholars but, for the most part, to interested laymen as well.