Rabbinic Judaism in the Making

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Published by Wayne State University Press

Guttmann, Alexander. 
Rabbinic Judaism in the Making: The Halakhah from Ezra to Judah I. 

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PHARISAIC—EARLY TANNAITIC PERIOD

SIMON BEN HILLEL

Except for his name—see B. Shab. 15a—nothing (or almost nothing) is known about Simon, son of Hillel. The reason for this is unknown. While we may safely assume that he accomplished nothing important enough to be transmitted to later generations, a more weighty reason for the silence about him was probably the brevity of his career as the head of the Sanhedrin. The baseless conjectures of some scholars that Simon I never existed and that Gamaliel I was the son and direct successor of Hillel are not acceptable.

GAMALIEL I

The date of Gamaliel’s presidency is controversial. Graetz’ dating is 30–50 while I. Halevy claims that Gamaliel I came to power shortly after 10 C.E. and officiated until close to the destruction of the Temple in 70 C.E. We have previously put forth the reason for our dating: about 25–55 C.E.

Gamaliel I is the first Nasi to be called Rabban, “Our Master.” Z. Frankel believes that he was given this title because he apparently presided over the Sanhedrin alone, without an Av Beth Din. While it is certain that Gamaliel I officiated without an Av Beth Din of the opposition leader type present in the Zugoth, the same holds true with regard to Simon I, yet we do not find that he was called Rabban. Rabban may have been a title recognizing Gamaliel I as the legitimate leader of the Jewish people. However, we must not rule out Roman influence, which is apparent throughout the talmudic (especially early talmudic) period. Roman officials of any standing were, as a matter of course, bearers of titles. The Aramaic form Rabban suggests that this was not a title coined in the Sanhedrin or academy. Had it originated in the academy a Hebrew
word would have been chosen, as was the case with all the other titles allotted to the distinguished members of the Sanhedrin or Beth Din, such as: נושא נси, אב בית דין, מבש, מפקד, נסיך, ראש בתי דין, הורן, hakham. The Rabban title was probably coined outside of the academy by the people who commonly spoke Aramaic and was subsequently accepted by the learned members of Sanhedrin.

Gamaliel I is never designated as a member of a Zug, neither is Simon I. This shows that the Zugoth came to an end with Hillel and Shammai. The later Nesi'im, Princes, were the leaders of the entire Jewish people, not just party or majority leaders as were the Zugoth. They enjoyed special privileges with regard to partaking in Greek and Roman cultural endeavors because of their contacts with Roman officials. That the Princes after Hillel did not have to step down when the Hillelites were outvoted by the Shammaites indicates that the Nasi after Hillel stood above the parties. Another indication to the same effect is an incident in which Gamaliel I, while standing at the Eastern Gate, answered a question put before him by the Shammaite Joezer Ish Habirah (M. 'Orlah II,12). Such cases indicate that at least some Shammaites considered the Nasi a non-partisan leader. The wealth accumulated by the originally poor patriarchal family drew them in some respects closer to the Shammaites, making them more acceptable to the latter.

The reference to the Eastern Gate in connection with Gamaliel I is significant. After the Sanhedrin was forced to abandon its seat in the Lishkath Ha-Gazith of the Temple, it went into “exile” and convened in the Hanuth. The emigration from the Lishkath Ha-Gazith to the Hanuth took place under Gamaliel I, according to A. Buchler, between 40 and 50 C.E. We find him both, in the Lishkath Ha-Gazith and in the Hanuth. In addition to the above passage from M. ‘Orlah II,12, the following passages should be considered:

M. Peah II.6 relates an incident in which R. Simon of Mizpah and Gamaliel went to the Lishkath Ha-Gazith and inquired there about a halakhic matter. The passage, however, does not reveal whether Gamaliel was Nasi at that time. Yet, he was certainly the Nasi when he sent out letters while sitting together with the sages on the “Steps of the Temple Mount,” asking the Jews in one case to surrender the tithes, and in another, declaring a leap year (Tos. Sanhedrin II,6
and parallels). The “Steps of the Temple Mount” which are also mentioned elsewhere (cf. Tosefta Shab. XIII [XIV], 2) as a place of Gamaliel’s activities cannot simply mean “steps,” but rather designates a meeting place.²⁷⁷ A. Büchler tries to show that this place is identical with the Hanuth, mentioned in B. R. H. 31a and is probably identical with the stores at the Eastern Gate of the outer wall of the Temple Mount.

Gamaliel’s halakhic activity consisted mostly of the issuing of Taqqanoth, a prerogative of the Nasi. His Taqqanoth are characterized by a liberal and realistic tendency. Examples:

In M. R. H. II,5, Gamaliel issues a Taqqanah in behalf of the witnesses of the new moon who happened to come to the designated court yard in Jerusalem (called Beth Ya'azeq) on a Sabbath. This Taqqanah permits them to walk two thousand cubits in every direction; the old Halakah had allowed them merely four cubits. The same leniency was allotted to a midwife and to people who came from out of town to rescue (people) from fire, armed gangs, the river, or debris.

Gamaliel’s Taqqanoth regarding family life are chiefly concerned with the improvement of women’s rights.

In M. Git. IV,2, Gamaliel ordained that a bill of divorce could not be invalidated by proxy before a court in a place other than the divorcée’s own town, once it was already on the way to being handed to her. The reason for this Taqqanah is that the news of the annulment by proxy might reach her too late, i.e., after she remarried, resulting in marital calamity.

Another Taqqanah of Gamaliel with a similar purpose (i.e., preventing marital calamity) requires all the names of both man and wife to be entered in the bill of divorce (ibid.).

R. Gamaliel ordained that a widow may collect her kethuvah after the pronouncement of a vow instead of an oath (ibid. IV,3).

He ordained that the witnesses to a divorce must sign the bill of divorce (ibid.).

R. Gamaliel permits the remarriage of a woman on the testimony of only one person who claims to be a witness to the death of her husband, though normally two eyewitnesses would be required.
In all but the last of these cases regarding family life, the reason given is "the general good."

There are instances in which doubt exists whether the R. Gamaliel mentioned is Gamaliel I or II. For example, R. Gamaliel the Elder is mentioned in M. Yev. XVI,7. According to Z. Frankel the reference should be to R. Gamaliel II.

Few Halakhoth are related in the name of Gamaliel I. Except for cases involving ritual purity (B. Ber. 38a, Tos. Parah XI), his Halakhoth and decisions are mostly lenient (cf. M. 'Orlah II,12; B. Pes. 74a, 88b; B. Bekhor. 38a; Tos. A. Z. III). The reason for the paucity of his Halakhoth may be the fact that the Halakhoth of his time were generally communicated in the name of the schools of Hillel and Shammai, respectively.

Tolerant toward Christians, Gamaliel was only an ordinary member of the Sanhedrin that tried Peter and John, not its president. They were tried by a Sanhedrin headed by the high priest, not by the Pharisaic Sanhedrin. In Acts 5:34, Gamaliel, who pleads against the execution of Peter and John, is called "a Pharisee, a doctor of the Law." The fact that his name is not mentioned at the trial of Jesus allows no safe inference. He may have been present without playing a significant role and was therefore, not specifically mentioned. Also, he may have been unimportant in the eyes of the high priest at that time and therefore not invited to join his Sanhedrin. Even more obscure is the reason for his absence at Jacobus' trial, unless we assume that this trial was held before an exclusively Sadducean Sanhedrin. His absence at Paul's trial close to the year 60 might mean that he was already dead. It is more probable, however, that this trial was held by an exclusively Sadducean court, for otherwise Simon, son and successor of Gamaliel, would probably have been present.

Onkelos, author of the Targum on the Pentateuch, was a friend of Gamaliel (Tos. Shab. VII,18 and parallels; Tos. Miqva'oth VI,3). We have to keep this in mind when we try to solve the puzzle why Gamaliel ordered the Targum of Job to be buried (or concealed) under a wall (Tos. Shab. XIII [XIV],2 and parallels). It stands to reason that Gamaliel consulted with this Targum expert on the matter. It is doubtful that more was involved in the incident although more is often assumed.
In view of Gamaliel's friendly attitude toward dissidents (Judeo-Christians) and gentiles, I. H. Weiss, Graetz, and others ascribe the introduction of measures promoting good will between Jews and gentiles to him. Such measures are: "They do not try to prevent the poor among the gentiles from gathering Gleanings, the Forgotten Sheaf and Peah—in the interest of peace" (M. Git. V.8 and parallels); "Gentiles may be encouraged [when tending their fields] in the Seventh Year, but not Israelites. Greetings may be offered to gentiles in the interest of peace" (ibid. 9); and "In a town that is inhabited by Jews and gentiles, the trustees collect [for charity] from Jews and gentiles in the interest of peace. We must support the poor among the gentiles in the interest of peace. We must eulogize the deceased of the gentiles, comfort the mourners of the gentiles, and bury the dead of the gentiles in the interest of peace" (Tosefta Git. V(III),4,5 and parallels, see especially B. Git. 59b, 61 ff; P. Git. V end).

Graetz ascribes the above measures to R. Gamaliel I, claiming "hohe Wahrscheinlichkeit" for them. He includes in this category of measures "in the interests of peace" some that have no reference to the gentiles. As a further conjecture, he considers the possibility that the ruling about the seven Noachian Commandments likewise originate with Gamaliel I.

The weakness of Graetz' conjecture is that if Gamaliel I really had been the originator of these anonymous measures, why do all the sources conceal the fact? The answer might be that most of the laws and practices introduced at this period sailed under the flags of Beth Shammai and Beth Hillel, respectively. Joint measures of both schools need no reference to the schools, and the above measures may belong in the category of joint action.

High esteem for R. Gamaliel I is expressed in M. Sotah IX,15 (and parallels): "When Rabban Gamaliel the Elder died, the glory of the Torah ceased; and purity and abstinence (perishush) died." A more complete version of this passage is found in B. Meg. 21a (a Baraita): "From the days of Moses up to Rabban Gamaliel, the Torah was studied only standing. When Rabban Gamaliel died, illness descended upon the world, and they studied sitting. That is why we
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have learnt: 'When Rabban Gamaliel died, the glory of the Torah ceased.' "388

SIMON BEN GAMALIEL I

The halakhic activity of Simon II appears to have been limited in comparison with that of his father Gamaliel. He played an eminent role during the war against the Romans in the years prior to the destruction of the Temple as related by Josephus (Life 38):

Meanwhile . . . John, son of Levi . . . dispatched his brother . . . to Jerusalem, to Simon, son of Gamaliel, to entreat him to induce the national assembly of Jerusalem to deprive me of the command of Galilee. . . . This Simon was a native of Jerusalem, of a very illustrious family, and of the sect of the Pharisees, who have the reputation of being unrivalled experts in their country's laws. A man highly gifted with intelligence and judgment, he could by sheer genius retrieve an unfortunate situation in affairs of state.

We do not want to discuss the political aspects of his career, his alleged hesitation before joining the uprising, his real or perhaps nominal leadership of the people, or the conjectures of his dying as a martyr or murder victim. More important for us is the fact that Josephus calls Simon a Pharisee, and that the Pharisees excelled others in the accurate knowledge of the laws. Although he cooperated politically with Jishmael, the high priest, in matters of law, we find him in close cooperation with Johanan ben Zakkai.

Most important evidence of his religious leadership is his letter in matters of tithes, etc., sent out jointly with Johanan ben Zakkai. His father had issued similar dispatches during his presidency.

His liberal spirit emerges in an ordinance that copes with a situation realistically, though it contravenes the law of the Torah. In order to counteract the skyrocketing price of doves used for sacrifices,