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1 See H. H. Schaeder, Ezra der Schreiber, p. 62.


3 Cf. J. Z. Lauterbach, Rabbinic Essays, p. 100; Schaeder, p. 71.

4 Taqkanah is an enactment or institution promulgated by the leaders or the leading body of pre-Rabbinic and Rabbinic Judaism. The purpose of the Taqkanah was to supplement or modify the law in accordance with changing conditions, to provide for new situations, to improve religious and civil life and to harmonize it with the prevailing ways of life, both cultural and material. There are several types of Taqkanoth, depending on origin, structure, purpose, and significance.

   Somewhat similar to but not identical with the Taqkanah is the Gezerah, an enactment of prohibitive nature. Its purpose is either to prohibit a practice or a custom in vogue, or to strengthen neglected laws.

   Z. Frankel (Darkhe, pp. 27 ff.) divides the sages included in the tannaitic writings into two categories: 1) Sages who promulgated Taqkanoth and Gezeroth; 2) Sages who concentrated on Halakhoth (for various meanings of the term Halakoth, its history and significance, see M. Guttmann, Zur Einleitung in die Halacha). The sages of the first category end with Hillel and Shammai, those of the second category are the Tannaites beginning with the disciples of Hillel and Shammai.

   While the originators and transmitters of the Halakhoth are often named, the promulgators of the Taqkanoth and Gezeroth of the early period are mostly unnamed. Later Taqkanoth are often associated with biblical passages while most earlier ones are not. The reasons hereof will be dealt with later. Some further literature: I. H. Weiss, Dor, II,53 ff.; Tchernowitz, Toledoth, I,174 ff.

5 B. B. Q. 82b wonders why this law is listed as a Taqkanah of Ezra although
it is given in the Torah (Lev. 15:16). Then an explanation is given stating that the Torah requires the immersion of the man suffering from a pollution only for eating from Terumah and from the sacrifices, whereas Ezra ordained the immersion even for the study of the Torah.

6 See Schaeder, pp. 55 ff. He points out that the talmudic tradition ascribing to Ezra the introduction of the Aramaic script was accepted even by the students of the early Church, such as Origen on Ps. 2:2; Hieronymus, Prol. Galeatus; see Wellhausen in Bleek, Einleitung in das AT (1886), pp. 508, 582.

7 See A. Cowley, Aramaic Papyri of the Fifth Century B.C., No. 30, pp. 108 ff. V. Tcherikover, Hellenistic Civilization and the Jews, pp. 58, 120-21 points out that the "theocracy" in Palestine developed gradually. The transfer of authority from the satrap or vice-satrap to the high priest was completed only in the period of Alexander. "In the Persian period, not the priests, but the 'nobles' [horim] and the 'rulers' [s'ganim], who are frequently referred to in Nehemiah, ruled the people." Cf. also E. Bickerman, Der Gott der Makkabier, p. 57. He maintains that the high priests became very powerful in Judea only in the third century B.C.E. Cf. also Rowley, JQR 36:183 ff., disputed ibid. by S. Zeitlin.

8 See A. Kuenen, Gesammelte Abhandlungen, pp. 125, 161.

9 See ARN, II, Ch. 1, p. 2.

10 See Leopold Löw, Gesammelte Schriften, 1,399 ff. (reprint from ḫuni). Ch. Tchernowitz, Toledoth, III, pp. 74 ff. discusses various attempts at a harmonization of the conflicting sources. J. L. Maimon in Isaac Herzog Memorial Volume (Jerusalem, 1963), pp. 565 ff., makes the conjecture that the first group of men about to return to Palestine began to organize a leading body, headed by Zerubbabel and Joshua, the high priest. First, this body was small (it may have had nine or twelve men), but was already then called Kenesseth Ha-Gedolah. At the time of Ezra and Nehemiah the membership was eighty-five and was later increased to one hundred and twenty.

12 Examples: Ber. Rabb 6:5 (p. 328); Shemot Rabb. Ki Tissa 41:1; Ruth Rabb 4:5.

13 The Men of the Great Assembly are often referred to in aggadic passages; see a list of such passages in L. Finkelstein, hepatashim komeh gedolah, pp. 45 ff.

14 Lauterbach’s explanation of "Soferm" in his Essays, p. 28 (The Sadducees and Pharisees), "because they occupied themselves with the Sefer Torah" has the real meaning of Soferim in sight, though the etymology suggested is not necessarily correct.

18 See, for example, Mishnah 'Orlah, III,9 with reference to a certain kind of kil'ayim; Mishnah Yet. II,4 regarding the secondary grades of forbidden...
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degrees; ibid. IX,3 for further details on the same subject; Sifra, Shemini VIII regarding liquids causing defilement; Sifre Numbers 73 concerning blowing of the Shofar.

19 Ant. XII.i.5.
22 See also R. T. Herford, The Pharisees, pp. 22–23.
23 See discussion of this point in Tchernowitz, op. cit., III,58 ff. See also H. Englander, pp. 147–48.
24 Cf. B. Men. 109b; Tosefta Soṭah XIII,7 (p. 319); B. Soṭah 33a.
25 B. Yoma 39b:

Our Rabbis taught: In the year in which Simon the Righteous died, he foretold them that he would die. They said: Whence do you know that? He replied: On every Day of Atonement an old man, dressed in white, would join me, entering [the Holy of Holies] and leaving it with me, but today I was joined by an old man, dressed in black wrapped in black, who entered, but did not leave, with me. After the festival [Sukkoth] he was sick for seven days and died.

26 The context does not allow us to read into the passage a controversy against the Sadducees; cf. Tchernowitz, op. cit., IV,139 f.
27 Cf. B. Ned. 9b,10; P. Nazir I,5; 51c.
28 Traditionen und Tradenten, p. 48.
29 See S. Zeitlin, JQR 32:179, n. 130.
30 L. Finkelstein, הגרושי וארמיש נגש המועד, p. 48, believes that the Gerousia was changed into a Sanhedrin and admitted non-aristocratic laymen whereas the Gerousia had only priests and aristocrats as members.
31 See Hoenig, op. cit., p. 151, and notes on pp. 1 ff. and 148 ff.
32 H. Zucker, Studien zur jüdischen Selbstverwaltung im Altertum, discusses the term Gerousia in the light of its usage in Greek literature.
34 Cf. Zeitlin, Megillat Ta’anit As a Source for Jewish Chronology, p. 6.
36 See Zeitlin, JQR 32, loc. cit.

II

PHARISAIC-EARLY TANNAITIC PERIOD

1 See D. Hoffmann, Der oberste Gerichtshof, p. 38; A. Geiger, Urschrift, pp. 121 ff.
2 See Pauly-Wissowa, s.v. Σωκέριον.
3 See references in Zucker, op. cit., p. 54, n. 1.
4 Cf. E. Schürer, Geschichte, II,238 ff.

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6 See H. Wolfson in *JQR* 36:303, where he points out that the “elders” in the Bible were also counselors: 1 Kings 12:6-8; Ezek. 7:26; Ezra 10:8. They served as judges, too: Deut. 22:15-19; 25:7-9; Job 32:9. This remained so after the biblical period. For this reason *synedrion* acquired the meaning “court of justice.” *Synedrion* is used in this new meaning already in pre-tannaitic Jewish literature written in Greek.

7 A. Büchler, *Das Synedrion*.
9 See, for example, L. Zunz, *Gottesdienstliche Vortüge*, pp. 37 ff.


13 B. *Shab*. 15a; B. *Sanh*. 41a; B. A. Z. 8b; P. *Sanh*. I,1; 18a. Ibid., VII,2; 24b.

14 "...v anah b’di mevaser tefilot ve-tovim mehato uvin ve-yibokot aly..."


16 "mishnayoth autot mesore tefilot mehut bi-dor bi-dor le-dor le-dor..."

18 Patriarch Judah I was, according to talmudic and midrashic sources a scion of King David and was well aware of this (see pp. 266 n. 114, 296 n. 239).

20 M. *Pe’ah* II,6, “It once happened that R. Simon of Mizpah [thus] sowed and came before Rabban Gamaliel; and they went up to the Chamber of Hewn Stone [Sanhedrin] to inquire, etc.”

21 M. *‘Eduy* VII,4, “R. Zadok testified that if flowing water was led through [a channel made from] foliage of nuts, it remains proper [for certain ritual purposes]. Such a case happened to Ohaliyyah, and when the case came before the sages in the Chamber of Hewn Stone they pronounced it proper.”

22 See *Megillath Ta’anith*, ed. Hans Lichtenstein, pp. 342-43;

23 See *Megillath Ta’anith*, ed. Hans Lichtenstein, pp. 342-43;

24 "...v anah b’di mevaser tefilot ve-tovim mehato uvin ve-yibokot aly..."
On the 28th of Teveth the Assembly [Sanhedrin] sat in judgment. Because the Sadducees sat in the Sanhedrin [and so did] King Jannaeus, and Queen Shalminon sat with him; but not one Israelite [=Pharisee] sat with them except Simon ben Shetlah. Some people sought answers and halakhoth but they [the members of the Sanhedrin] were unable to bring proof from the Torah. Simon ben Shetlah said to them, “Everyone who is able to bring proof from the Torah is qualified to sit in the Sanhedrin.” Once a case came before them and they were unable to bring evidence from the Torah, except for one man who babbled and said to him, “Give me time and I shall reply tomorrow.” He gave him time. He [the Sadducee] went and sat down for himself, but was unable to bring proof from the Torah. The following day he felt ashamed to come and sit in the Sanhedrin. Then Simon ben Shetlah appointed one of the [Pharisaic] disciples and seated him in his place. He [Simon] said to them, “The Sanhedrin can have no fewer than 71 members.” Thus he did to them [day after day] until all [Sadducees] departed and an Israelite Sanhedrin was seated, etc.

Cf. Discussion of this passage, ibid., pp. 297–98.

24 See Tos. Sanh. VIII,1.

27 B. Sanh. 3b and parallels.
28 See Exod. 20:25; 1 Kings 5:31; 6:36, etc.
29 For example, Schürer, Geschichte, II,264.
30 See Dictionary of Antiquities, p. 1020.
31 See B. Shab. 15a; B. Sanh. 41a; B. A. Z. 8b.
32 See Derenbourg, Essai, pp. 465 ff. S. Krauss thinks that the Ḥanuth was the Chamber of the Sons of Ḥanan, see Jer. 35:4. See REJ 63:66 f.
33 See Josephus, War, 1,viii,5; Ant. XIV,v,3; Cf. B. Kanael, “The Partition of Judaea by Gabinius,” Isr. Exp. journal 7 (1957): 98–106. Josephus uses the term ṣav Telegram only in the Ant. version while in War he employs instead the term ṣav Ḥanuth. Thus he uses these words as synonyms.
34 See also D. Hoffmann, Der Oberste Gerichtshof, p. 38, n. 1.
35 See S. Krauss, Lehowsörter.
36 See I. H. Weiss, Dor, I, Ch. 12.
37 L. Zunz, Gottesdienstliche Vorträge, p. 37.
38 Bacher, Traditionen und Tradenten, p. 50.
39 Graetz, Geschichte, II,369.
41 See Magazin, pp. 125 ff., where D. Hoffmann proposes that the unmentioned transmitters of the Torah were Zadok and Boethos, disciples of Antigonus of Soko, who officiated, at the latest between 270–230 B.C.E. The way Zadok and Boethos transmitted the teachings of their master resulted in the emergence of the sects erroneously named after them Sadduceans and Boethians. For this reason, the names of Zadok and Boethos were omitted. This reminds us of the case of Elisha ben Abuya whose name remained unmen-
tioned after his aberration, and was designated merely as Aḥer “an other person.”  

42 The reason for his leaving the Sanhedrin and his later activities are obscure. See particularly J. Rosenthal. “The Identity of Menayem” (Hebrew), Sinai 56 and 57 (1965).  

43 See more detailed version in B. Beẓah 19, 20 and P. Ḥag. II,3; 78a.  


45 See Frankel, op. cit., pp. 43, 44; Ginzberg, מסוקה של הלל יהודה בתכמת מייריאל pp. 18 f. believes that the controversy of the Zugoth dealt with the question whether שלמים תבונא Shalme Hovah sacrifices needed semikhah at all. According to talmudic sources it is controversial whether this was the real issue. (See particularly B. Beẓah and P. Ḥag., loc. cit.)  

46 See Frankel, op. cit., p. 44, n. 6, citing from Philon Fragmenta, p. 646, ed. Mangey.  

Ginzberg, loc. cit. suggests complex and weighty implications of the semikhah issue. It is unlikely that the sages of the second century b.c.e. reasoned the same way and considered Ginzberg’s points.  


49 57 b.c.e. Ant. XIV,4.  

50 See G. Allon, מסמר קלאנה (Tel Aviv, 1937), p. 164.  

51 See Frankel, op. cit., p. 31.  

52 Weiss, op. cit., I,105.  

53 L. Ginzberg, Commentary, IV,44 makes the conjecture that Jose ben Joezer of Ḥaduyoth VIII,4 is not the Jose of the first Zug but a contemporary of Gamaliel II, as is also Aqaviah ben Mahallalel of Ḥaduyoth V,6, since all the men testifying in Ḥaduyoth are sages of Javneh. A further conjecture of his is that Jose ben Joezer of M. Ḥag. II,7 is likewise Jose II. However, the word “testify” does not necessarily refer to direct testimony. It is more probable that a sage of Javneh quoted Jose’s testimony than that there was another Jose ben Joezer of Zeredah (or another Aqaviah ben Mahallalel) whose existence is nowhere confirmed. Therefore, Ginzberg’s conjectures are not acceptable.  

54 Ibid.  

55 L. Ginzberg, Significance, p. 5 (Hebrew).  

56 Tchernowitz, op. cit., IV,155 ff.  


58 See Tchernowitz, op. cit., IV,170 f.  

59 Ibid., p. 171.  


61 Frankel, ibid., points to the corrupt version in ARN II, 10.  


63 See Ket., end of chapter 8 in both Talmudim; Tos. Ket. 12:1 (274).  

64 P. T. ibid. gives Simon ben Shetah’s Taqqanah ordering compulsory schooling of children.  

65 See Frankel, op. cit., p. 35.  

66 See M. Guttmann, מסות יתלבת, 1,86 ff.  

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67 Cf. Büchler, op. cit., pp. 188 f.

68 M. Sanh. VI,4: "... R. Eliezer said to them: Did not Simon ben Shetahl hang women in Ashkelon? They [the sages] answered: He hanged eighty women, whereas two ought not to be judged in the one day."

69 See, for example, Büchler, op. cit., p. 189, n. 170, where he proposes that the witches fled from Judea to Ashkelon and were put to death with the permission of the non-Jewish authorities there. The method of execution may have been determined by the courts in Ashkelon, and Simon ben Shetah was merely asked whether he approved of it.

70 Therefore Tchernowitz' interpretation, op. cit., I,175, is not acceptable.

71 See M. Ta'anith III,8; B. Talmud, ibid., 19a; P. Talmud, ibid., IV,1; 67a; P. M. Q., III,81d; Cf. also Tos. Ta'anith III,1 (218), where no names are given.


73 See Hans Lichtenstein, Die Fastenrolle, pp. 297, 298, 342, 343, giving the various views regarding the significance of the event of the 28th of Teveth referred to in Megillath Ta'anith.

74 Graetz, op. cit., III,2, n. 16 points out that none of the sources, except the aggadic ones, states unequivocally that Shemaiah and Avtalion were proselytes. He logically proposes that it would have been most improbable for both Nasi and Av Beth Din to be proselytes in the same administration. Yet, he admits the possibility that one of them could have been a proselyte; and later tradition extended this amazing fact to the other member of the Zug as well. L. H. Weiss, op. cit., I,148 f., n. 1 attempts to refute Graetz and to uphold the tradition about the proselyte status of both Shemaiah and Avtalion. His reasoning, however, is forced.

75 Cf. Graetz, loc. cit. This is followed, among others, by Tchernowitz, op. cit., IV,210 ff.; see ibid., p. 211, n. 7 for supporting literature.

76 See Weiss, loc. cit.

77 While Graetz believes he was Antigonos, see MGWJ, 1:119, Tchernowitz thinks it may have been either Hyrcanus or Aristobul, probably the latter; see Graetz, Geschichte, IV,210.

78 Cf. Büchler, op. cit., pp. 178 ff. See further details in P. Sotah II,5; 18b; B. Sotah 18b, a parallel passage, does not cite the incident of Shemaiah and Avtalion.

79 See Graetz, Geschichte, III,2, n. 16.

80 See parallel version in Tosefta, ibid., I,3 (454 f.).


82 Rab Ashi tries to interpret the word דֲּֽרַֽה as not having the meaning "accepted," i.e., the sages did not accept their view.

83 War, I.x.6.

84 Ant. XIV.ix.3-5.

85 See Graetz, Geschichte III,2, n. 16.

86 In B. Qid. 43a Shammai quotes this principle in the name of the Prophet Haggai.

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87 For literature on the question of who was Samaias see in Ralph Marcus' ed. of Josephus, *Jewish Antiquities*, Appendix K.

88 Some scholars believe that the court trying Herod was the Sanhedrin of the high priest. See, for example, J. S. Kennard Jr., “The Jewish Provincial Assembly,” *Zeitschrift für die neutestamentliche Wissenschaft* 53 (1962): 41. Kennard calls this court "Ethnic Assembly." This view finds support in the fact that Josephus, who relates Herod's trial twice, does not designate this body as the Pharisaic Sanhedrin. However, this opinion is contradicted by the fact that the Talmud, apparently relating the same trial, never takes cognizance of the Sanhedrin of the high priest. This difficulty can be resolved, for example, by assuming that at the time of this incident no separate high-priestly Sanhedrin existed as yet, or that the trial court was composed of members of both the Pharisaic and high-priestly Sanhedrins.

89 Talmudic sources dealing with this and the other matters of Johanan related in our Mishnah: Tos. *Sotah* XIII,9,10 (pp. 319–20). P. *Maaser Shenith* V,A; 56d. P. *Sotah* IX,11; 24a. B. *Sotah* 48a.

90 B. *Yev. 86ab.*

91 See Z. Frankel, op. cit., pp. 32 f.

92 I. H. Weiss, op. cit., II,28 f. suggests that high priest Johanan, in prohibiting the stunning of sacrificial animals, was combating Greek influence.

93 *Ant.:* XIII.x.7. Johanan also heard a *Bath Qol.* See Tos. *Sotah* XIII,5 (p. 319); B. *Sotah* 33a; P. *Sotah* IX,13; 24b.

94 See Z. Frankel, op. cit., p. 41.


96 Cf. I. H. Weiss, op. cit., I,110.


98 Mentioned in M. *Ta'anith* III,8; Josephus, *Ant.:* XIV.xxii.2.

99 See Frankel, op. cit. p. 42. See also A. Guttmann, *Huka* 23, Part I, 455 f.


101 See conjectures regarding origin, name, official standing, etc., of the Bene Bathyrat: Z. Frankel, in *MGW* 1:115 ff.

102 R. Marcus, in *JBL*, September 1954 lists five categories of Pharisees: A. Right wing — Shammaïtes. B. Middle — Hillelites. C. Left wing — Apocalyptic Pharisees. D. Unclassified — 'Am Ha-arez. This is not a complete list. For example, he does not take cognizance of post-classical Pharisees.

103 We shall not deal here with biographical details irrelevant to the history of Jewish tradition.

104 A. Schwartz, *Die Erleichterungen der Shammites und die Erschwerungen der Hilleliten*.


107 See, for example, B. *Pes.* 66a.

108 See A. Guttmann, loc. cit.

109 See A. Schwarz, op. cit., ad loc., opposing Z. Frankel.
Some Mishnah versions have Beth Shammai instead of Shamrai. Tosefta Ma’aser Sheni II,1 gives a controversy between R. Meir and R. Judah regarding the correct version of our controversy between Beth Shamrai and Beth Hillel. Shamrai is not mentioned here.

In offering this explanation, we accept the version since this is the best attested one.


In recent talmudic literature Hillel’s and Shamrai’s economic status, the tendency of their Halakhat regarding the various social and economic classes were re-examined resulting in a reversal of the hitherto accepted view in the matter. The older view claims that Hillel was poor, he and his school belonged to a lower social and economic class, and therefore favored this class in their halakhic views. The latest prominent scholar upholding this view was L. Ginzberg; see Mekomot shel halakhah ha-bi’umah shel Yisrael p. 21 — English translation, “Significance of the Halachah for Jewish History” in On Jewish Law and Lore, pp. 77 ff.

Opinions to the contrary find increasing credence making it necessary to re-examine the matter. Among the followers of the latter view are David S. Shapiro, Bitzaron 8 (46) (1943): 302 ff; Ch. Tchernowitz, Toledoth, IV, 289 ff.

In order to clarify the issue we shall examine first the pertinent sources.

B. Yoma 35b, a Baraita, describes Hillel as a family man who spent a part of his very meager earnings for study purposes (“tuition”). While the passage has some embellishments, its basic historicity should not be doubted. It would be absurd to assume that the Baraita, an early talmudic source, was ignorant of significant facts concerning an almost contemporaneous leading personality, or that it willfully reversed the truth.

Another talmudic passage, B. Sotah 21a, also concurs with the above Baraita. According to this passage (which includes aggadic embellishment), Hillel refused to join with his brother Shebna in business and preferred to study in poverty (see Rashi).

More important than these passages concerning Hillel is a passage about Beth Hillel and Beth Shamrai. ARN I, 3, (ed. Schechter, pp. 14-15) states: "And raise many disciples" (M. Avoth, 1:1). Beth Shamrai say: One should teach only those who are bright, humble, of noble descent and wealthy. However Beth Hillel say one should teach everybody for there were many sinners in Israel who were brought to the study of the Torah, and from them came forth righteous, pious, and upright people.

This passage unequivocally shows that Beth Shamrai favored the people of noble descent and the wealthy in suggesting that only they ought to be given instruction. This favoritism naturally did not stop at the instruction. It would be absurd to assume that in the area of halakhic endeavor Beth
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Shammai reversed their attitude and showed favoritism toward the low classes and the poor. The writers who assume such reversal come to their conclusion by ignoring certain historical developments, and by citing exceptional incidents as the proof for their theory. The most important factors ignored by the above scholars are: The economic superiority of a class is not permanent, but is subject to change, particularly at times of exploitation by an occupational garrison as was that of Rome. Some scholars also erroneously call every or almost every rabbi after 70 c.e. a Hillelite, ignoring the fact that shortly after the destruction of the Temple Beth Hillel and Beth Shammai existed no longer. Thus citing later rabbis and equating them with the Hillelites and Shammaites of the past for “proof” is inappropriate.

The argument that Hillel must have leaned toward the socially prominent (mostly the wealthy) because he was a scion of King David is weak since the historicity of his Davidic descent is more than questionable. Hillel himself and his descendents prior to Judah I, The Prince, never claimed that they were descendants from David. Nonetheless, there were scholars, among them I. H. Weiss (Dor, I,155), who accepted the historicity of Hillel’s Davidic descent. They supposed that political wisdom was the cause for not publicizing his royal descent.

P. Ta’aniyyoth IV,2; 68a (and its parallel in Ber. Rabbah 98:8, ed. Theodor-Albeck, pp. 306, 1258 f.) is the only source that explicitly states that “Hillel descended from David”:


Rabbi Levi (Amora, third century c.e.) said, “A scroll of genealogies was found in Jerusalem and in it was written: Hillel descended from David.”

This passage, taken as a whole, is aggadic as evident from the popular etymologies given in it.

This account and others, ascribing Davidic ancestry to several personalities such as the Hasmoneans, Herodians, Hillel, Judah I, the Exilarchs, and others, are not to be taken as records of history but as expressions of great veneration. See especially Israel Lévi, “L’Origine Davidique de Hillel,” REJ 31:202 ff; 33:143 f. A detailed and recent treatment of the subject is found in Jacob Liver, The House of David, pp. 28–41 (Hebrew). Cf. also J. Neusner, A History of the Jews in Babylonia, I,175–76.

116 See A. Guttmann, ibid., pp. 456 ff.
117 B. Pes. 66a and parallels; cf. HUCA, ibid., pp. 453 ff.
118 See Tosefta Sanh. VII,11 (427); Sifra, Introduction (end); ARN II, Ch. 37 (p. 110).
120 See Ginzberg מָסֹכַמֶּה לְשֵׁל הָהֲלָכָה בַּהֲכָנָה יִשְׂרָאֵל Significance of the Halachah, pp. 102 ff.

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121 See op. cit., pp. 14 ff.
122 Cf. also A. Kaminka in *Bitzaron* (1940), No. 9.
123 Ginzberg, loc. cit.
125 See Tchernowitz, op. cit., p. 304.
126 Yeiv. I,10 (p. 241).
127 Additional details in the Tosefta, ibid. are insignificant.
128 *HUCA* 20:372 ff.
129 A. Schwarz, op. cit.
130 See B. Mak. 23b–24a.
131 See p. 69.
132 I. H. Weiss, op. cit., I,179.
133 Examples: *Tosefta* in *Mishnah*.
134 Shelah 115 (p. 124).
135 Ki Teze 234.
136 W. Bacher, *Agada der Tannaiten*, I, Ch. 1. For aggadic exegetical discussions between Beth Shammai and Beth Hillel, see ibid., Ch. 2.
137 P. *Pes.* VI,1; 33a. Tos. *Nega'im* I,16 (619).
138 B. *Pes.* 115a.
139 See B. *Shab.* 19a. P. *Shab.* I,8 and parallel P. *M. Q.* II,4;4b, where the exegesis is given anonymously.
140 B. *Qid.* 43a.
141 B. *Pes.* 66a and parallels.
142 Gen. 44:8; Exod. 6:12; Num. 12:14; Deut. 31:27.
143 See pp. 74–75.
146 See I. Halevy, op. cit., I,552 ff. and 602.
147 Mishnah *Hag.* 11,2.
151 Cf. *Hilel* and *Shammai*.
152 ר"י, ינתח ביטו ולא כל חוכמי שאית ב'ד יולי ליבשל את דבורה ב'ד וברב
יאלום אם גנוזו מבניהם במקומם. ולא ראו אתים רב קורא במלשון *
לא שמי האלをしている שערת. ואה בחרה שמעתה וобща אפילי דוד יאר
פכה מפי פאנדיה לאלים במותריים.
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153 Cf. however P. Talmud, ibid. claiming that the biblical prohibition of intermarriage refers merely to the seven Canaanite peoples.

154 For definition and history of the Bath Qol, see L. Blau, IE 2:588–92; for the significance of Bath Qol in the realm of the Halakah, see A. Guttmann, HUCA 20 (1947): 363 ff. We are referring here to the role of the Bath Qol historically as understood by the talmudic sages and will not discuss the phenomenon as such. This belongs primarily in the realm of theology.

155 Generally assumed from about 80 C.E. to his death shortly before 117 C.E., or perhaps until the Bar Kokhba war, as some scholars believe. See HUCA 25 (1954): 246 ff.

156 See A. Guttmann, Mischna, pp. 138 ff.

157 See details in HUCA 20:371 ff.

158 For definition and history of the Bath Qol, see Blau, IE 2:588–92; for the significance of Bath Qol in the realm of the Halakah, see A. Guttmann, HUCA 20 (1947): 363 ff. We are referring here to the role of the Bath Qol historically as understood by the talmudic sages and will not discuss the phenomenon as such. This belongs primarily in the realm of theology.

159 Generally assumed from about 80 C.E. to his death shortly before 117 C.E., or perhaps until the Bar Kokhba war, as some scholars believe. See HUCA 25 (1954): 246 ff.

156 M. Maaser Sheni V,7:

Baraita in B. Men. 63a:

ברוך אתה שמי אמרו את_velocity הנושה את velocity מבורא או אמרו velocity אומרים כל ויDispose מבורא או אמרו...

157 See A. Guttmann, Mischna, pp. 138 ff.

158 For definition and history of the Bath Qol, see Blau, IE 2:588–92; for the significance of Bath Qol in the realm of the Halakah, see A. Guttmann, HUCA 20 (1947): 363 ff. We are referring here to the role of the Bath Qol historically as understood by the talmudic sages and will not discuss the phenomenon as such. This belongs primarily in the realm of theology.

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Baraita in B. Men. 63a:

ברוך אתה שמי אמרו את_velocity הנושה את velocity מבורא או אמרו velocity אומרים כל ויDispose מבורא או אמרו...

157 See A. Guttmann, Mischna, pp. 138 ff.

158 For definition and history of the Bath Qol, see Blau, IE 2:588–92; for the significance of Bath Qol in the realm of the Halakah, see A. Guttmann, HUCA 20 (1947): 363 ff. We are referring here to the role of the Bath Qol historically as understood by the talmudic sages and will not discuss the phenomenon as such. This belongs primarily in the realm of theology.

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156 M. Maaser Sheni V,7:

Baraita in B. Men. 63a:

ברוך אתה שמי אמרו את_velocity הנושה את velocity מבורא או אמרו velocity אומרים כל ויDispose מבורא או אמרו...

157 See A. Guttmann, Mischna, pp. 138 ff.
NOTES TO PAGES 114–118

See P. M. Q. II,1; 81cd. B. B. M. 59ab.

See HUCA 20:383 ff.

See pp. 102–3.

Tos. Hag. II,11 (236) and parallels.

Cf. P. Shab. 3c ff.; B. Shab. 13b ff.; Tosefta Shab. I,16 (111).

See Tos. Yev. I,13 (242) and parallels

Dezisionsmotive im Talmud, pp. 6 ff.

179 See P. M. Q. II,1; 81cd. B. B. M. 59ab.

173 See HUCA 20:383 ff.

172 See pp. 102–3.

174 Tos. Hag. II,11 (236) and parallels.

176 See HUCA 20:383 ff.

177 See HUCA 20:383 ff.

178 See HUCA 20:383 ff.

179 See HUCA 20:383 ff.

180 See HUCA 20:383 ff.

181 See HUCA 20:383 ff.

182 Tos. Shab. XVI(XVII), 6 (135)

183 Ibid.


185 The second generation Tannaites considerd Beth Hillel as a school of past history, as shown by a number of passages cited. Cf. also HUCA 20:370 ff.

186 Examples in: Mishnah Bezhah II,6 = ‘Eduy. III,10, three instances. See also B. Ber. 43b and 53a. B. Yev. 15a.


188 M. Ber. I,3.

189 Tosefta Kelim, B. B. I,12 (591).

190 Tosefta Niddah IX,9 (651).

191 Tosefta Miqva’oth V,3 (657).

192 See also B. R. H. 14ab.
NOTES TO PAGES 118-130


196. Ant. XIII.v.9.

197. War II,viii,14.

198. Ant. XVIII.i.3.


200. War, loc. cit.

201. Ant. XVIII.x.6.


203. Ant. XVII.i.4. W.

204. Geschichte, II,450, n. 1.

205. Life 1.2.

206. War I.v.2. For Josephus' complex personality see particularly H. S. T. Thackeray, *Josephus the Man and the Historian*.

207. Cf. War ibid., p. 377, n. 6, conjecture by Reinach.

208. Ibid., 6.


210. Philo, *Quod omnis probus liber*, XII,75; Ant. XVIII.i.5.


213. ARN I, Ch. 5; ARN II, Ch. 10, ed. Schechter, p. 26.

214. See E. Baneth defends the historicity of the *ARN* account in his dissertation, *Ursprung der Saddokäer* (also in Magazin 9:3 ff.). Eduard Meyer, *Ursprung und Anfänge des Christentums*, II,290 ff., while disputing some details of *ARN*, agrees with it on an essential point. He maintains that Zadok, for whom the Sadducees are named, is the name of the founder or an outstanding teacher of the Sadducean party.

220 Cf. Lauterbach, Essays, p. 93, nn. 8,9.
221 Ibid., pp. 109-10; see ibid., other etymologies.
222 Ant. XIII.x.5.
223 Qid. 66a.
224 J. Wellhausen, Die Pharisäer und Sadducäer, p. 90 points out that in our incident (as elsewhere) Josephus gives an anachronistic explanation in maintaining that it was caused by the antagonism between Sadducees and Pharisees. Wellhausen, in rejecting this antagonism as the cause of the incident, (inadvertently) agrees with the Talmud.
226 Ant. XIII.xvi.2; War I.v.2.
227 Traditionen und Tradenten, p. 50, n. 4.
230 A. Geiger, Urschrift, pp. 104 ff.
231 Schürer, Geschichte, II,487 ff. gives a weak explanation.
232 Ant. XV.ix.3.
233 See Geiger, U rschrift, p. 102, followed by most scholars, e.g., Strack and Billerbeck, op. cit., p. 341; Lauterbach, op. cit., p. 142, n. 49; L. Ginzberg, "Boethunians," J.E., and Eine unbekannte jüdische Sekte, p. 196.
234 Azariah de Rossi, Me'or 'Enayim, Imre Binah, III, pp. 78-79.
235 Geiger, U rschrift, p. 103 suggests that the Essenes were the successors to the Hasidim mentioned in the Books of the Maccabees (1,7,13; II,14,6).
236 See Schürer, Geschichte, II,651 off.
238 Jewish Studies in Memory of Israel Abrahams, pp. 135-48.
240 Cf. II Macc. (Pharisaic author) 13,14.
242 Ant. XIII.xiii.5.
243 Allon, loc. cit., p. 311.
244 Ant. XV.x.4; Ant. XVII.i.4.
245 Ant. XVIII.i.6.
246 Zion, loc. cit., pp. 311-312.
247 Ant. XIII.xiii.5.
NOTES TO PAGES 137-143

249 Cf. Dan. 12:2; Isa. 26:19.
251 B. Sanh. 52b.
252 Büchler, ibid., p. 664.
253 *Bith Talmud* IV,7 ff.
254 *Ant.* XIII.x.6.
255 M. Sanh. VII,2; Tos., ibid. IX,11; P. Talmud, ibid., VII,24b; B. Talmud, ibid. 52b.
256 B. Sanh. 52b.
257 See M. Sanh. VII and parallels, particularly Tos. ibid. IX–XI and talmudic Baraitoth.
258 M. Mak. 1.b; B. Talmud, ibid. 5b and parallels.
259 B. Mak. 5.b.
261 *Susanna*, 41 ff.
262 See p. 45.
263 B. Mak. 5.b:

עאמר, ויהיווה בן טבאי אראב הכמה אס לא בהנהי דע חם עכסיל
ולצוהר ילבן של יהושע שוהי ערמי ידע הש@m ונוגים לא אם השמך בים
אראב הכמה אס לא אם השמך דע נק השורי אפרה תורה דוקפ שומרי
א כעל פי שלישא שמש אק חמידה שמש אק חמידה שמש

כברעלעל היהדה בן טבאי שלא יהא מורה הלחכה אלא על פי השמך בים.

Said R. Judah, the son of Tabba'ei: “May I not see consolation if I did not put to death a false witness in order to root out the view of the Boethiosans, who said that the false witness could not be put to death until after the [innocently] sentenced man had been put to death.” Simon, the son of Shetah, said to him: “May I not see consolation, if you have not shed innocent blood! For the Torah said: At the testimony of two witnesses or three witnesses shall he that is to die be put to death (Deut. 17:6). Just as there are two witnesses, so there must be two false witnesses.” At that time Judah, the son of Tabba'ei, took upon himself that he would never make a legal decision except in agreement with Simon, the son of Shetah.

264 Tos. *Yadayim* II,20 (p. 684); B. B. 115b; P. Talmud, ibid. VIII,1; 16a. See also Megillath Ta'anith, Ch. 5, ed. Lichtenstein in *HUC A* 8–9:334.
266 Finkelstein, op. cit., pp. 138 ff. and notes give a brief review of several conjectures.
267 See Tchernowitz, op. cit., II, 327 f.
268 According to Geiger, *Urschrift*, pp. 142 ff., the Sadducean position is rooted in a case that occurred in Herod's family. This conjecture is not plausible.
269 M. *Yadayim* IV,7.
NOTES TO PAGES 143–150

271 B. Men. 65a.
272 See Tractate Sheqalim.
274 M. Men. X,3; Tos., ibid. X,23 (p. 528).
275 See Lev. 23:10.
276 Cf. Zeitlin, ibid., pp. 68 f.
277 Tos. R. H. I,15 (p. 210); P. R. H. II,1; Cf. also M. Hag. II,4.
278 The question of the original meaning of the passage is discussed extensively by D. Hoffman, Das Buch Leviticus: Die Zeit der Omer-Schwingung des Wochenfestes, pp. 159 ff.

279 ab altero die sabbati.

285 Tos. R. H. I,15 (p. 210); P. ibid., II,1; 57d.
286 B. Men. 65ab:

שחית בימיוסח אמרים צאorted אתר השבת ניספס ילמה רבי חיון ו
ואם אם לחרショップון מצה לכולו...ואם לא שמעה ולא חוה ונוייתו שלמה
שעמל בישחה במלחים רמי.

For the Boethosians held that the Feast of Weeks must always be on the day after Sabbath. But R. Johanan ben Zakka approached them saying, “Fools that you are! whence do you derive it...” He [Johanan ben Zakka] retorted: “You fool, should not our perfect Torah be as [important] as your senseless talk?” etc.

287 Finkelstein, ibid.
288 Cf. Mekhila, Beshallah, Vayassa, Ch. 1; ibid., Jethro, Bahodesh, Ch. 3; B. Shab. 8ab; Targum Ps. Jonathan, Exod. 19:16.
290 Tos. Sukkah III,1 (p. 195).
292 Cf. talmudic versions: B. Sukkah 43b; P. Sukkah IV,1; 54b.
293 M. R. H. I,2; Tosefta, ibid., I,12 (p. 210).
294 M. Yoma I,5.
295 See Tos. Yom Ha-Kippurim I,8 (p. 181); See also Yoma 19a; P. Yoma 1,5; 39ab; Sifra, Ahare Motz, III (Weiss, 81b).
296 HUCA 4:185 ff; Essays, pp. 51 ff.
297 B. Yoma 19b. The Tosefta version, loc. cit., of the incident reads “Boethosians” for “Saducees” and “Hakhamim” for “Pharisees.”
NOTES TO PAGES 150-163

300 M. Parah III, 7; Tos. ibid., III, 8 (p. 632).
301 Ibid., III, 5.
302 Ibid.
303 M. Yadayim IV, 6; Tosefta ibid., II, 19 (p. 684).
304 Cf. B. Hul. 77b.
305 Num. 19:16.
306 Tosefta, loc. cit.
307 M. Hul. 19:2; Tosefta ibid. VIII, 15 (p. 510).
308 B. Hul. 122a.
310 Tchernowitz, op. cit., II, 284-86.
311 M. Hag. II, 5.
312 The emendation (or text ?) of Elijah of Wilna, ad loc., “lest he use them as a cover for the Terumah” violates the logic of the context and is to be rejected.
313 M. Yadayim IV, 7.
314 Cf. L. Ginzberg, Eine unbekannte jüdische Sekte, p. 77.
315 Finkelstein, op. cit., p. 637 presents a summary of a number of conjectures. See also Tchernowitz, op. cit., II, 287 ff. Zeitlin, op. cit., pp. 73 ff.
317 P. Hag. III, 8; 79d.
318 See M. Hag. II, 7, 8.
320 P. Ket. VII, 11; 32c.
324 Lauterbach, op. cit., p. 103.
325 Cf. Z. L. Lauterbach, Essays, pp. 244-46, who refutes A. Büchler’s contention (JQR [1913], p. 446) that in the beginning of the second century c.e. the Sadducees existed no more, by showing that they existed even later in the tannaitic period.
326 B. Horayoth 4a.
327 See n. 237.
328 See, for example, R. T. Herford, The Pharisees, pp. 118 ff.; Montefiore-Lowe, A Rabbinc Anthology, pp. 487 ff. Some scholars believe that in these passages perushim does not mean “Pharisees” but “separatists.” See, e.g., S. Zeitlin JQR 43 (1953): 299.
330 See B. Pes. 49ab for the most antagonistic remarks against the am ha-arez.
331 M. Yadayim, IV, 6.
332 Josephus, Ant. XV, 1 “Pollio (Avtalion) the Pharisee and Sameas his
disciple." Life 38 “Simon [son of Gamaliel I] was . . . of the sect of the Pharisees.” Acts 5:34 Gamaliel I is called “a Pharisee, a doctor of the Law.”

333 B. Sotah 22b; see also ibid. 22a, a Baraita with reference to Pharisaic women.

334 P. Sotah III,4; 19a.

335 P. Sotah, loc. cit.; also quoted in P. Peah VIII,8; 21a:

And the wound [or "plague"] of the Pharisees. This refers to a person who advises the orphans to deprive the widow of the support due to her.

Subsequently two incidents are related to illustrate the “wound of the Pharisees.” Both are acts of hypocrisy.

1) The widow of Rabbi Shobtai spent money for her sustenance quite lavishly, thus reducing the estate that ultimately would go to the orphans. The orphans complained about this to Rabbi Eleazar. He replied to them that the only thing that could be done would be to pay her the kethuvah (this would terminate her right to support from the estate of her deceased husband). A person who heard about this conversation advised the orphans to pretend that they were selling the estate (in order to induce her to ask for her kethuvah. As soon as a widow asks for her kethuvah, she loses the right of support from the estate). When she realized the deceit, she went and complained to Rabbi Eleazar. R. Eleazar replied that the advice given her was a "Pharisaic plague," and denied emphatically that he, in discussing the matter with the orphans, intended to advise them to deceive her.

2) A student of Rabbi Judah the Prince had 199 denars. Rabbi Judah used to give him the tithe of the poor once every three years. (A person having less than 200 denars is entitled to this tithe.) It happened once that the other students added (in secret) a denar to the poor student's 199 denars in order to make him ineligible for the acceptance of charity funds. When Judah was about to give him the usual charity grant, the would be recipient informed him (with regrets) that he was not eligible for the grant because now he had 200 denars. Judah, realizing what had happened, declared the act of the students to be a “wound of the Pharisees,” and hinted to them that they correct the matter. This they did, and the victimized student received a share from the tithe of the poor.


337 See, e.g., Perles, in OLZ 16 (1913): 68 ff., col. 173–74. See also Levy, Wb., IV,142 stating that better readings for פירושים here are:
"sinners" (P. Ta'anith II; 65b) and "wicked ones" (P. Ber. II; 5a).
338 See Justin Martyr, Dialogue with Trypho p. 276.
339 See ARN I, ed. Schechter, Ch. 37, p. 55. See particularly note 4; see also version II in Ch. 45, p. 124, which is closer to the version of the P. Talmud.
340 "Jannai" stands here for Alexander Jannaeus. See Josephus, Ant. XIII. v.9.
341 Ant. XIII.xiv.5.
342 Ibid. XIII.xvi.1.
343 See M. R. H. II, 8, 9; B. Ber. 27b–28a; P. Ber. IV, 1; 7cd; P. Ta'aniiyyoth IV, 1; 67d; B. Bekhor. 36a.
345 See HUCA 20 loc. cit.
346 Qoheleth Rabba 1, 8:4.
347 HUCA 20 ibid.
348 R. Hananel, ad loc., obviously takes perushim as meaning Pharisees. Why did Judah ben Dortai and his son settle in the South? Did he join the Qumran sect located there? Does the fact that his wife obviously did not accompany him have any significance? The sources indicate no answer to these questions.
349 The Talmud does not relate the incident quite accurately and completely. For Hyrcanus, Jannaeus is substituted. It omits the reason for the king's wrath, i.e., that the Pharisees punished the slanderer of the king with flogging only, which is the proper punishment for the slanderer of a lay person, not for the slanderer of a king (see Josephus, loc. cit.). It does not mention that the man who provoked the king against the Pharisees was a Sadducee.
350 War II.xviii.14.
351 Ant. XVII.xi.4, referring to Herod's time.
352 See, however, G. Allon, in Zion (July 1938), pp. 301 ff., especially note 8a (cf. also literature cited ibid.), forcing the Josephus passage Ant. XVII.xi.4 to mean that the 6000 Pharisees refusing the oath were but exceptions. He does this in order to defend the thought that the Pharisees were the majority of the Jewish people, not just their teachers, as assumed by some scholars, particularly by those stressing the N.T. accounts, in which "Pharisees" apparently designates a select group of people, not the masses. While the N.T. terminology regarding the terms "Pharisees, Scribes, Elders, Rabbis" is in need of clarification, both Josephus and the Talmud employ, in agreement with the N.T. usage, the term "Pharisees" mostly with reference to a select group of the Jewish people. The disagreement among scholars is rooted, at least to a certain extent, in equating by some of them the Pharisees with Pharisaic Judaism (Jewry). However, Pharisaic Judaism does not mean that all the Jews subscribing to this Judaism are Pharisees, just as not all the followers of Rabbinic Judaism are rabbis.
353 For detailed discussion of the 'am ha-arez see particularly A. Bächler,
NOTES TO PAGES 173–178


354 See also Josephus, War II.viii.14, “The Pharisees . . . cultivate harmonious relations with the community.”

355 M. Demai, II,2,3; Tosefta, ibid., II,2,3 (p. 47). See also B. Bekhor. 30–31.

356 See particularly the Baraithoth in B. Bekhor. 30b and Tos. Demai, II, III.

357 See Tos. Demai, II,12. M. Demai, VI,6. P. Demai VI,5; 25c. Neither of these passages includes the term ‘am ha-arez.

358 See A. Guttmann, 20:270 ff.

359 See Kassowsky, Mishnah Concordance, I, 648.

360 B. Hag. 19b.

361 B. Hud. 35a.

362 An implication of our observation is that it would be a mistake to equate the charges of the N.T. against the Pharisees which are not limited to peripheral groups with the charges made in the Talmud against such groups as was done, among others, by Ralph Marcus in the Journal of Religion (July 1952), p. 163. Samuel Sandmel, in contradistinction to Marcus, correctly points to the fundamental difference between the limited criticism of the Pharisees in Jewish sources and the unlimited one in the N.T. See S. Sandmel, A Jewish Understanding of the New Testament, pp. 24–25.


364 See MGWJ 57 (1913): 153 ff.

365 B. Shab. 15a informs us that Hillel commenced his presidency one hundred years before the destruction of the Temple. Sifre Deut. 357 states that he officiated for forty years.


367 I. Elbogen accepts the date 20 b.c.e.–25–30 c.e. See EJ 8:42.

368 See L. Ginzberg’s conjecture ascribing a saying in Avoth 1,17 to Simon, son of Hillel: Commentary IV, p. 38.

369 Cf. Halevy, op. cit., I,c,707.

370 See references in Mielziner, Introduction, p. 286 in a note by J. Bloch, which includes the erroneous statement that the passage in B. Shab. 15a gives Simon’s name in a prayer. L. Ginzberg, op. cit., IV,38 and 44 rightfully objects to the conjecture that Simon I ever existed.

371 Graetz, Geschichte, pp. 445 ff.

372 Ibid.

373 Frankel, Darkhe, p. 58.

374 See Tosefta Sotah XV,8 (p. 322); Tos. A. Z. III,5 (463).

375 A. Büchler, Das Synedrion, p. 191.

376 מְשֶׁה שָׁוֵי, רַמְשֶׁת אָשֶׁר הַמִּסְמָה לְמֵר רַב מִלְּיָא וּלְעָלָה לְלַשְׂכַּת הַמַּעֲשָׁה

רָשָׁאָלָא אָמַר נוֹתָנָא חַלַּכְלָא... חַלַּכְלָא לְמַשְׁהַ מִסְמָא וַיָּכָּל

277
It once happened that R. Simon of Mizpah [thus] sowed [and then came] before Rabban Gamaliel; and they went up to the Chamber of Hewn Stone to inquire, etc.

377 See Büchler, ibid., pp. 124 ff.
379 See H. Zucker, Studien zur jüdischen Selbstverwaltung im Altertum.
381 See, e.g., I. H. Weiss, op. cit., I,189.
383 Ibid.
385 Anonymity of a ruling usually means that it was recognized as the law, the accepted practice. See A. Guttman, “The Problem of the Anonymous Mishna,” HUCA 16:137 ff.
386 The change from standing to sitting position while studying is discussed and accepted by M. Auerbach as a historical fact. See JQR 52, No. 2 (October 1961). The reasons for the change given by Auerbach are highly conjectural; his conclusions are, therefore, unacceptable.
387 M. Kerithoth I,7:

Once in Jerusalem a pair of doves cost a golden denar. Rabban Simon ben Gamaliel said: “By this Temple, I shall not sleep this night before they cost but [silver] denars.” He went into the court and taught: If a woman suffered five miscarriages that were not in doubt or five issues that were not in doubt, she need bring but one offering, and she may then eat of the minimal offerings; and she is not bound to offer the other offering. The same day the price of a pair of doves stood at a quarter [silver] denar each.

388 M. Kerithoth I,7.

אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר بֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶלְיוֹזֶר בֶּן יָאָכָּב אֶlude

388 Cf. I. H. Weiss, ibid.
390 אֱוֹדֶה הָעָדָא (Jerusalem, Berlin, 1922), I,10.
391 Cf. Tosafot, ibid., 61b s.v. הלכה stating that this Simon was not the later one, i.e., the son of Gamaliel II. Tosafot’s suggestion is supported by the fact that the Palestinian Mishnah, ed. Lowe, reads in the Mishnah cited “Eliezer ben Jakob” (a contemporary of Simon II) instead of “Eliezer” (i.e., son of Hyracanos), a later Tanna.
392 Cf. A. Hyman, המדות הימם ואומריאי III, 1163 for a listing of pros and cons without a definite opinion.
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III

TANNAITIC PERIOD

2 See e.g., G. Allon, Toledoth, 1,54. Cf. also Derenbourg, Essai, p. 276.
3 An alternate tradition is cited there as well.
4 See B. Sukkah 28a; B. B. 134a. P. Ned. V,6 offers a different version.
5 J. N. Epstein claims that the clause in M. Sotah IX,9 is a later stratum, added from a later Mishnah. It represents an untrue allegation because Tosefta Sotah XIV,1 does not have it. Accordingly, the practice of the Sotah procedure, though ceased in Johanan’s days, was not terminated by his action. This explanation of Epstein shows that he is unaware of the fundamental literary character of the Tosefta, namely, that the Tosefta supplements the Mishnah and repeats from it only as much as necessary to make the additions intelligible in the given context. (See A. Guttman, Mishna.) Epstein also misconstrues the context of the Tosefta. He claims that all the statements of the Tosefta, 1–9, beginning with membrum, are by Johanan ben Zakkai. If this were the case, then the parallels in the Talmud where these cases are separated, would have to give Johanan’s name in each instance. However, this is not the case. Therefore Johanan’s role as a mere transmitter of a change can be ascribed to him, with some justification (though not with certainty since he still could have been responsible for a change which he transmits as a fact) only in Tosefta Sotah XIV,1, the only case (‘eglah ‘arufah, which is not under discussion) transmitted by him explicitly.
6 The conjecture that Johanan ben Zakkai pushed Gamaliel aside in order to take over the leadership (Allon, op. cit., p. 64) has no basis in the sources. (Literature on both sides, Allon, ibid.)
7 For example: Z. Frankel, op. cit., p. 65; Halevy, op. cit., I,5,52. Although Johanan ben Zakkai is never called explicitly Nasi, his performing the duties of this office has led most scholars to believe that he was. Among the scholars who claim that Johanan ben Zakkai was not a Nasi is Z. Frankel, Darkhe, p. 65, who bases his opinion on the fact that the texts of the Mishnah and Baraita call him “rabbi,” not “Rabban.” This argument, however, is quite weak, since there are texts in which he is called “Rabban.” More decisive is the fact that he issued Taqquanoth, a prerogative of the Nasi. This fact Frankel tries to reject by advancing conjectures. These are: Before the Jewish-Roman war Simon, the Nasi, was too busy with political matters and entrusted, therefore, Johanan ben Zakkai with the performance of duties usually within the authority of the Nasi, among them the issuance of Taqquanoth. After the destruction of the Temple he became the leader of the Jewish people but not its Nasi. Because of the sorrow and confusion no Nasi was appointed imme-

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diately after the destruction of the Temple. Whether or not Johanan ben Zakkai bore the title Nasi is in the opinion of most scholars of secondary importance. Decisive is the fact that he performed the duties of the Nasi.

8 For example: Graetz, Geschichte, IV, 14; Weiss, op. cit., II, 34; Krochmal, ed. Rawidowicz, p. 105; Allon in ARN I, Ch. 2, p. 23; ARN II, Ch. 6, p. 19; Ekhah Rabbah 1, 35.

9 See M. Stein’s view in Zion (January 1938), pp. 118 ff., pointing out the special political status of Javneh since Herod’s time as the basis of Johanan’s choice.

10 See op. cit., pp. 59 ff.

11 See Allon, op. cit., pp. 67 ff.


13 See M. Guttmann, loc. cit.


15 In version II we read “Joshua” instead of “Johanan ben Zakkai.”

16 In another version reads “Rabban Gamaliel.” See variants in Zuckerman’s Tosafot, ad loc.

19 According to Qoheleth Rabbah VII, Eleazar ben Arak left his colleagues for his new destination after Johanan ben Zakkai’s death.

20 Cf. A. Geiger, Zeitschrift, VI.

21 However, the version in Pesiqta de Rav Kahana 12:2 omits him.

22 See, e.g., Frankel, op. cit., pp. 65–66. The length of Johanan’s presidency varies, depending on the scholar dealing with the problem. The range is between two and fifteen years, i.e., it terminated between 72 and 85 C.E. See list of opinions in J. Neusner, Rabban Yohanan, p. 172, n. 1.

23 See M. Kleinmann, p. 459.

24 See, e.g., Allon, Studies, 267 ff.


27 ARN I, p. 21:

28 Johanan ben Zakkai probably was not a priest. See particularly B. Men. 21b, Tosafoth (bottom). See literature pro and con on this topic in Mantel, Studies in the History of the Sanhedrin, p. 31, n. 179.

29 B. Sanh. 32b; Sifre Deut. 144 (ed. Horovitz-Finkelstein, p. 200).

30 Tosafot Ma’aseroth, II, 1 (p. 82); P. Ma’aseroth II, 3; 49d.

31 Qoheleth Rabbah VII, 7.

32 See Bacher, op. cit., I, 17 ff.
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33 See, for example, Tos. Pes. II (III), 11 (p. 159); ibid. X, 12 (p. 173).
34 B. B. M. 59a,b. Cf. HUCA 20:374 ff.
36 Closest to regular prayer services come the services of the מַעָּמָדוֹת. A brief survey of the history of this institution is the following:

At the time of the Temple in Jerusalem there were twenty-four sacrificial units. I Chron. 24:7–18 lists the names of twenty-four priestly families constituting or heading these units. Tos. Ta’anith IV (III), 2 states that originally there were eight priestly Mishmaroth and eight Mishmaroth of Levites. Later (since David and Samuel) these numbers were increased to twenty-four Mishmaroth of priests, twenty-four Mishmaroth of Levites, and twenty-four Ma’amadot of Israelites. In our Mishnah, however, these three groups (priests, Levites, and Israelites) appear as members of the same twenty-four Mishmaroth (M. Ta’anith IV, 2). These units functioned at the Temple sacrifices in weekly rotation.

Originally, only priests were members of the Mishmar. See Chron. loc. cit. and Mishnah Ta’anith II, 6 (see commentaries). Later the Levites were also included (see Tosefta, loc. cit.) and, to some extent, even the Israelites (see M. Ta’anith IV, 2 and Tosefta, ibid. 3).

The lay members of each unit constituted a Ma’amad. However, in M. Ta’anith IV, 2 “Ma’amad” is also used for a group composed of priests, Levites, and laymen, attached to the Mishmar. (This Ma’amad stood by while the Mishmar did the sacrificing.)

Probably the majority of these units lived in Palestinian localities outside of Jerusalem. When the time came for a given unit to function, its priests and Levites and some of the Israelites (this is clearly implied in Tosefta, ibid.) went to Jerusalem, while most of the Israelites remained in their home towns and held gatherings, i.e., daily services and read in these Gen. 1.

37 See B. Ber. 27b–28a; P. Ber. IV, 1; 7cd; P. Ta’aniyoth IV, 1; 67d., a Baraita: “It happened that a student came before R. Joshua and asked him, ‘Is the evening Tefillah optional or compulsory?’ He said to him, ‘It is optional.’ He came to Rabban Gamaliel and said to him, ‘Is the evening Tefillah optional or compulsory?’ He said, ‘It is compulsory’. . . When the scholars came to the academy, Gamaliel asked whether there was a dissenting opinion.

Rabbi Joshua said to him, ‘no.’ He said to him, ‘Behold in your name I was told that it is optional’ . . . Rabban Gamaliel kept sitting and expounding and R. Joshua remained standing, until the people began to clamor and say to Huzpith, the speaker, ‘Stop!’ and he stopped. They then said: ‘How long is he to go on annoying him? On New Year last year he annoyed him: he annoyed him in the matter of the first-born in the matter of R. Zadok (B. Bekhoroth 63a); now he annoys him again. Come, let us depose him. Whom shall we appoint instead? . . . R. Eleazar ben Azariah’ . . .”

One of the significant implications of this incident is that the members of the Beth Din Ha-Gadol of Javnah possessed the right of electing and deposing the head of the Beth Din Ha-Gadol.

40 Cf. HUCA, 20:384 f.
41 R. Gordis concludes, by comparing our Bible with the texts of the Dead Sea Scrolls, that masoretic activity existed already at that early time. See Jewish Frontier (April 1957), pp. 17 ff.
43 Devarim Rabbah I,1.
44 See commentaries on B. Shab. 115a.
45 See comments on B. Shab. 115a.
47 For example: B. Git. 55b; ibid. 56a; ibid. 88a; B. B. M. 30b.
49 Ed. Lauterbach, II, p. 188.
50 To the priests, not to the Levites. This change was made already at the time of the Temple. See B. Yev. 86b.
51 P. Sheqalim VIII,4; 51b.
52 A term for the produce under the suspicion of being untithed. The etymology of the word דמאי is uncertain.
53 See Tractate Demai.
54 See HUCA, 27:115 ff., "Hillelites and Shammaites, a Clarification."
55 See HUCA 20:370 ff.
56 See also Tosefta B. Q. VIII,10–12 where more exceptions are listed and the reason is given why no prohibition was issued against the raising of cattle; see also a Baraita in B. B. Q. 79b.
57 See Tosefta B. M. II,33 and parallels: "Gentiles and shepherds of 'small animals' shall neither be raised nor lowered."
58 Tosefta Yev. III,3.
59 See also A. Gulak, Tarbiz 12:181–89.
60 Cf. also A. Gulak, Tarbiz 12:181–89.
61 See Allon, op. cit., I,164 ff.
62 See, e.g., Tos. Yom Tov II,15.

R. Jose said, Thodos of Rome instructed the [Jewish] people of Rome to get lambs and prepare them as whole roasts in the Passover nights. They replied to him: He [Thodos] came close to making people eat holy meat outside [of the Temple area] since they call them "Paschal sacrifices."

See also M. Pes. IV,4: מוקם שמעה לאוכל כליל, מסתחו אלהין

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"Where the custom is to eat roast on the nights of Passover they may eat so."
The purpose of this custom is certainly to commemorate the Paschal sacrifice although the roast here does not necessarily refer to a whole roasted lamb.
According to Allon, *Toledoth*, I,165; *M. Pes.* X,4 “but this night roast only” does not refer to the time of the Temple as generally believed, but to the custom of the tannaitic period to eat roast in remembrance of the Paschal sacrifice of the past. He supports his view by citing a Genizah fragment (Abrahams in *IQR* 1:44,47,49) in which the Seder ritual includes the question regarding the roast and even prescribes a benediction over it (ibid., p. 46).
However in view of the fact that the eating of roast was merely a local custom in tannaitic times the conjecture that Judah I considered this one custom in his “Mah Nishtannah . . .” is not acceptable.

63 See Allon, op. cit., pp. 165 ff.
64 For example, A. Sammter in the Itzkowski ed. of the Mishnah (Berlin, 1887), ad loc. Friedman, *Ma'or Ein Tzahor shel Maseh* p. 55.
66 *Tos. Pes.* X,12:

משה ברbam שליאלא חקיקת שיחי מוסכת ביברה של ייחוס בר ויתן בולד
והי תוספות בחיבור התוספות להא שוחיק הלילה של קרן חניך הנבר הנבואה מעלימוה

It happened that Rabban Gamaliel and the sages were partaking of the Passover meal in the house of Boethos, son of Zonan, in Lud, and they discussed the laws of Passover all the night till the rooster crowed. Then they [the tables and blinds of the windows] were removed before them, and they went jointly to the Beth Ha-Midrash.

69 B. *Taanith* 29a. See also Midrash Ekhah Rabbathi 2.2.
73 See Halevy, op. cit., 1e,362 ff.; Zuri, *Rabbi Akiba* [Hebrew], pp. 110 ff.
74 See *Tos. Sanh.* II,8.

אמר ר', שמטעין מצמש ב', וקרובו שיחיה בובך ביבת האוסוריין וברב שים

"Rabbi Simon [a disciple of Akiba] said: It happened that Akiba, while in prison, intercalated three consecutive years."

75 See, for example, B. *R. H.* 26a.
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76 See particularly L. Ginzberg, פרוסים ותודושים בירוסלם III,174 ff.
77 See T. Mommsen, loc. cit.
78 See, e.g., G. Allon III, pp. 201 f.
79 See particularly Ch. Tchernowitz, op. cit., IV,271 ff.
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Rashi, s.v. בולו gives a different ARN version which, however, does not change the essence.

The readings vary, some versions reading בולו while others have בולו. We are inclined to accept the reading בולו = בולו, בולו meaning “completely filled warehouse.” The emphasis is on the “warehouse” because its goods are well arranged in contrast with the heap of stones and the peddler’s basket (see Rashi, loc. cit.)

While the probable meaning of סדר here is “arranged,” it also may mean “as he lectured in proper order [systematically]” just as the phrase סדר אדנות is understood to mean “he recited Aggadoth in proper order.” See references and literature in Strack, Introduction, p. 197.

The exaggeration is obvious if we realize how many circumstances from within and without influenced the fate of the Torah. See particularly M. Guttmann, Zur Einleitung in die Halacha, and Ch. Tcherwonitz, Toledoth. The natural basis for the exaggeration was Akiba’s extraordinary personality.

A short version of this Baraitha is also given in Sifre Deut., ibid.

Examples of tractates which were arranged according to subject matter already at the time of the Temple (totally or partially) are: Tamid, Middoth, Yoma.

Cf. Zuri, Rabbi Akiba (Hebrew), p. 266.

See Sifra, beginning.


Sifre Num. 15:31 (112), p. 121.
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108 The rabbis named in Shir Ha-Shirim Rabbah II,5 are: Judah, Nehemiah, Meir, Jose, Simon ben Johai, Eliezer (son of Jose Ha-Gelili), and Eleazar ben Jacob. The disciples of Akiba who survived the Hadrianic persecutions, according to Ber. Rabbah 61:3, are: Meir, Judah, Jose, Simon, Eleazar ben Shamua, Johanan, Ha-Sandlar, and Eliezer ben Jacob. Another list, ibid., names: Judah, Nehemiah, Jose, Simon, Haninah ben Hakainai, and Johanan Ha-Sandlar. None of the variant readings includes the name of Simon, son of Gamaliel.


110 B. Shab. 15b.

111 Tosefta Shevi’ith IV, 21; B. R. H. 15a.

112 See M. Guttmann, op. cit., II,161 ff.

113 P. Hag. III,1; 78d.

114 Qoheleth Rabbah 1,4.

115 B. Ber. 63a,b; P. Ned. VI,8;40a,

Rav Safra said: Rabbi Abbahu said the following: When Hananiah the son of Rabbi Joshua’s brother went down to the Diaspora [Babylonia], he intercalated the years and fixed new moons outside of the Land [Palestine]. They [the Palestinian Jewish authorities] sent to him two scholars, R. Jose ben Kipper and R. Zekhariah ben Kevuttal. When he saw them, he said to them: Why have you come? They said: We have come to study Torah . . . Soon they began to declare clean what he declared unclean and to permit what he prohibited . . . He said to them: “Why do you declare clean what I declare unclean, why do you permit what I prohibit?” They said to him: “Because you intercalate years and fix new moons outside of Palestine.” He said to them: “Did not Akiba son of Joseph intercalate years and fix new moons outside of Palestine?” They said to him: “Don’t mention Rabbi Akiba who left none equal to him in the land of Israel.” He said to them: “I also left no equal in the land of Israel.” They said to him: “The kids which you left behind have become goats with horns, and they have sent us to you saying, ‘Go and tell him in our name: If he listens, that is good; if not, he should be in ban.’ ”

In this incident no name of a Nasi is mentioned. It obviously occurred at a time of interregnum, probably after the Bar Kokhba uprising.

116 B. R. H. 32a; P. ibid. IV,6;59c; Tosefta, ibid. IV,5,

117 See B. R. H. 31a. H. Mantel, op. cit., pp. 140 ff. reconstructs Johanan’s statement and suggests that there was only one removal from Javneh to Usha, and this took place after the Bar Kokhba war. It never met in Javneh after this war, nor did it meet in Usha before it.

118 B. Shab. 33b.

119 B. Ber. 63b.

120 Z. Frankel, op. cit., p. 179, believes that the reference to the Vineyard of Javneh here is correct. Questionable is merely the identity of the place where the sermons were given, whether it was the Vineyard of Javneh or Usha.

121 B. Shab. 33b.
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123 See Rashi, B. *R. H.* 31b.

124 See the full discussion of this point in M. Guttmann, *Bitzaron* VII,8 pp. 95 ff. and VII,9 pp. 192 ff.

125 Mishnah *B. B.* VIII,5.

126 *M. Ket.* IX,1.

127 *B. Shab.* 151b.

128 See *M. Ket.* XI,5.

129 *B. Hag.* 5b and parallels.

130 *M. Meg.* 1,8.

131 *P. Meg.* 1,9;71c; *B. Bava Qamma* 83a.

132 *M. Ket.* XIII,11; *B. Git.* 41a; *M. Ket.* V,8; ibid. VII,9, etc.

133 That he issued this ruling in conjunction with R. Eleazar son of Zadok (who may have been his *Av Beth Din*) is given in Tosefta *Sanh.* 2:13 (418) with reference to a specific instance; in *B. A. Z.* 36a and parallels in a general way.


135 Graetz, loc. cit., maintains that Hiyya had the persecutions of Marcus Aurelius (161–180) in mind. This is a conjecture.


137 *B. Ned.* 41a:
It was taught [in a Baraitha]: “I have not rejected them” [Lev. 26:44] — in the days of the Chaldeans, when I raised up for them Daniel, Hananiah, Mishael and Azariah; “neither did I abhor them” [Lev., ibid] — in the days of the Greeks, when I raised up for them Simon the Righteous and Hasmonai and his sons, and Mattathias the high priest; “to destroy them utterly” [Lev., loc. cit.] — in the days of Haman, when I raised up for them Mordecai and Esther; “to break my covenant with them” [Lev., loc. cit.] — in the days of the Romans [reading of MS M; other texts read: Persians], when I raised up for them the members of the house of Rabbi and the sages of the various generations.

For example, by R. Meir, R. Hiyya, Bar Kappara.


See A. Guttmann Mischna, giving a complete synopsis of Mishnah and Tosefta. Much of the supplementary material of the Tosefta and fragmentary repetition of numerous mishnaic statements are obviously based on a written Mishnah text.

He considered most of the existing Mishnah collections, see P. Horayoth III, 48bc and parallels.

See numerous references and discussion of their significance A. Guttmann op. cit.; summary of the conclusions pp. 181 ff.


See, e.g., B. Sanh. 86a.


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A defiled man is exempt from the command to appear before the Lord; see Exod. 23:14; Deut. 16:16. Johanan, son of Dahbai, said in the name of R. Judah: also a blind man .... R. B. replied to Johanan ben Dahbai, and the sages decided the matter in favor of R. Judah.

They [the sages] permitted to the House of Rabbi three matters: to use a mirror; to wear a special hair-do [kavva, customary among high class Romans]; because they have to deal with the [Roman] authorities; and to teach Greek to their children.

They spoke Hebrew and Aramaic. See L. Blau, in ... p. 16, where he points out that מְשַׁמֵּשׁוּת (in old sources) means: a complete edited collection of Mishnays and not just individual Mishnays.


They spoke Hebrew and Aramaic. See R. Meg. 18a (R. H. 26b):
The rabbis did not know what was meant by serugin, until they heard the maid of Rabbi’s house, on seeing the rabbis enter at intervals, say to them, How long are you going to come in serugin?

Subsequently several more instances of similar nature are cited which all show that Judah’s learning and teaching was not limited to the halls of the academy but encompassed his entire household to the extent that casual remarks of his maid servants enlightened the rabbis in regard to the meaning of some uncommon Hebrew words.

It is possible that Judah objected to the Aramaic title Rabban, the title of the Princes that preceded him, and insisted on the Hebrew title Rabbi.

Some sources speak of ordination by three men (Beth Din), and even by a single sage without any reference to the Nasi’s consent. See, e.g., B. Sanh. 13b-14a.

Rabbi used to make two appointments [ordained two men] every year; if they proved worthy they were retained, and if not they were demoted. When Rabbi was close to death, he commanded his son saying: “You should not act so, but appoint them all together [at once], and appoint R. [name] first.”


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It is conceivable that the loud complaint of the people of Sepphoris was the primary reason for Judah’s action.

P. Ta’anith, ibid. See also B. Ket. 103b, B. Shab. 29b, where the wording is: דועי ברמאך בר האת שיב ברמאך The words דועי ברמאך here unquestionably mean, as pointed out already by Graetz (op. cit., IV,446) that Haninah should be ordained first. The B. Talmud, however, misunderstood these words and assumed that they meant that Haninah should be the head of the Beth Din Ha-Gadol.

P. Shevi’ith VI,1; 36b,c. P. Git. 1,2; 43c (Cf. B. Sanh. 5b):

It was written in Levi’s note book: I spoke to my teacher, i.e., our holy Master, about those who mix shatitha in Babylonia, and my teacher, i.e., our holy Master, protested vehemently against the practice of mixing shatitha, but none heeded him, and he lacked the power to forbid it, etc.

B. Shab. 156a:

It was taught [in a Baraitha]: A student who decides a Halakhah in the presence of his teacher is guilty of a death penalty.

P. Demai I,1; 22c. Ibid., III,3; 23c.: Tos. Shevi’ith IV,10 (665). B. Hull. 6b,7a.

P. Demai I,3; 22a. P. Ta’anith III,1; 66c:

Rabbi wanted to suspend the sabbatical year. R. Pinhas ben Ja’ir visited him. Rabbi asked him: How is the crop doing? R. Pinhas replied: The endives...
are good. — How is the crop doing? Pinhas again replied: The endives are good. Then Rabbi knew that R. Pinhas would not agree with him.

199 P. Pe'ah V,1; 18d. See details in P. Shevi'ith VI,3; 37a:

בראשית היה הריק אוור ב汜פר ארכו פרדס של חבקי שימל הירק מהוור
بسيפר ארכו שררל. אם כה אוכרי זכרון לbservice ירק מוחמד ארכו.
 hükü möchten להב אחר ירק מחמד ארכו. אם כה אוכרי
ליצק ירק מבמציא שבירעה מדר.

In former times vegetables were prohibited [immediately after the sabbatical year] in towns near the border of the Land of Israel [since they may have come from the prohibited crop grown in the Land of Israel during the sabbatical year]; later they ordained that vegetables be permitted in towns near the border of Israel. Nevertheless it was prohibited to import vegetables from the outside to the Land of Israel. Now they ordained that the import of vegetables from the outside to the Land of Israel be permitted. Nonetheless it was prohibited to buy greens immediately after the Sabbatical year. Rabbi permitted to buy vegetables immediately after the Sabbatical year.

200 M. Shevi'ith VI,4:

רבocese ילקק ירק מבמציא שבירעה מדר.

201 P. Pe'ah VII,3; 20b: אינון קדם קדש כותב פ旎ין מבין

Two radishes were brought before Rabbi between Rosh Ha-Shanah and the Great Fast after the sabbatical year. They were enough for a camel's load [i.e., they were very big]. He asked: Did they not grow [during the sabbatical year] and are, therefore, prohibited? They replied to him: They were planted after the New Year. At that time Rabbi permitted to buy vegetables immediately after the sabbatical year.


203 B. B. 90b–91a. According to the parallel version in Tos. A. Z. IV(V),2 (465–466) Judah the Nasi permitted the export of wine to Syria, while in the Talmud this was done by Judah, the son of Barhyra. On the other hand, the Tosefta has Rabbi Judah (i.e., the son of Ilai) in place of Rabbi (i.e., Judah, the Nasi) of the Talmud version.


205 M. Shab. VI,5:

Rabbi permits a false tooth or a gold tooth; but the sages forbid it.

206 ‘Eruein 32b,33a:

[This Mishnah] represents the view of Rabbi who said: Any act that is forbidden by the rabbinical measure shevuth is not subject to that prohibition during twilight [of the Sabbath eve], etc.

207 P. Shab. XVIII,1; 16c.

208 B. Shab. 64ab. B. Be'ehah 40ab. Some other cases of Judah's leniency regarding the Sabbath: B. Shab. 51a. Ibid. 60b.
Rabbi ... wanted to abolish [the fast of] the Ninth of Ab but the sages did not agree with him. Rabbi Abba son of Zevada said: Master, this was not the case, but it happened that the Ninth of Ab fell on a Sabbath and it was postponed to the day after the Sabbath. Then Rabbi said: Since we postpone it, let us postpone it altogether (i.e., not observe it this year); but the sages did not agree with him.

It was taught [in a Baraita]: Not more than thirteen fasts are ordained upon the community because we should not trouble the community unduly; this is the opinion of Rabbi.

Our rabbis taught [in a Baraita]: Until when may one eat and drink [on the night preceding a fast]? Until the rise of dawn; this is the opinion of Rabbi.

Has not R. Abin related that once Rabbi said the Sabbath Tefillah on the eve of Sabbath and he went into the bath and came out and taught us our section while it was not yet dark? — Rabba said: He went in merely to perspire, and it happened before the prohibition was issued [against bathing and perspiring on Sabbath].

Before time they used to kindle flares, but after the evil doings of the *minim* [sectarians; or *kuthim*, Samaritans; or *zeduqim*, Sadducees] [who kindled...
flares at the wrong time] they ordained that messengers should go forth. How did they kindle the flares?, etc.

218 P. R. H. II, 1; 58a: מ ביסל היא המשאווה רב ביסל היא המשאווה
Who abolished the flares? Rabbi abolished the flares.

G. Allon, Toledoth, I, 49–50 argues that this change was made long before Judah’s time, who merely completed the change.

219 E. Mahler, Handbuch der jüdischen Chronologie. See detailed literature at the end of U. Cassuto’s article in Encyclopaedia Judaica, IX, 813.

220 P. R. H. II, 1; 58a: אלתים רזת. והיתר עד מפר. והיתרUPDATED Địaן על ידכוך באחת

Cf. Graetz, Geschichte, IV, 198, n. 3.

221 B. Qid. 63a:

היתר והיתר לאשה הרין הייתה לקדשות לילאחר שאתתיר...לאחר שאותה
It was taught [in a Baraitha]: If he says to a woman: Be thou betrothed unto me after my conversion [to Judaism] ... after the death of your husband, etc., Rabbi Judah the Prince holds that she is betrothed; but why did they say that she is not betrothed? Because of enmity [that may be the consequence of such betrothals].

222 B. Qid. 64a:

היתר והיתר לאשה הרין יש על בן بشבעת הרין אחרון אחרון אמור אחרון אחרון
It was taught [in a Baraitha]: If he says at the time of betrothal that he has children; at the time of death he says that he has no children; at the time of betrothal he says that he has no brothers; at the time of death he says that he has brothers; he is believed to free [her from legal ties] but is not believed to restrict her [marital rights].

223 B. Git. 84b:

וחי כלו התהאvenues כשלאבר רב וכ
Our rabbis taught [in a Baraitha]: All conditions [written] in a bill of divorce make it invalid. This is the view of Rabbi, etc.

224 B. Yev. 60b:

דרמר עידントון הקדישין אמור יש על בןрешת מיתת אחרון אחרון אחרון אחרון
As R. Joshua ben Levi related: There was a certain town in the Land of Israel the legitimacy [pedigree] of whose inhabitants was disputed, and Rabbi sent R. Romanos who conducted an inquiry and found in it the daughter of a proselyte who was under the age of three years and one day [married to a priest], and Rabbi declared her eligible to live with a priest [her husband].

225 B. Yev. 59b:

משתא בירוחמה אתח חתולה שחיתת מקבדת את כתובין ומחזיקה לכל כופר
It once happened in Hitalu that while a young woman was sweeping the floor
a village dog [Rashi: big hunting dog] raped her from the rear, and Rabbi permitted her to marry a priest.

If a person is bitten by a snake, one may call a physician for him from one place into another, or tear open a hen for him, or cut leek from the ground for him, give it to him to eat, without having separated the tithe thereof; this is the view of Rabbi. R. Simon ben Eleazar said: He must tithe it.

It was taught [in a Baraita]: If one circumcised the first son and he died, the second son and he too died, the third one should not be circumcised, this is the opinion of Rabbi. Rabban Simon ben Gamaliel says: The third one should be circumcised but not the fourth one.

Judah changed his opinion on other occasions, too. See for example, B. B. M. 44a; B. A. Z. 52b. These and similar passages are considered by some scholars, among them Z. Frankel (Mevo Ha-Yerushalmi, p. 20ab), Rappoport (Kerem Hemed, part II) as evidence that Judah made a second edition of the Mishnah in his old age. However, the fact that Judah changed his opinion in several instances does not prove conclusively that his former opinions were part of an edited Mishnah.

Rabbi says: I say a [priest] should not at any time drink wine, but what can I do seeing that his misfortune [destruction of the Temple] resulted in an advantage to him [i.e., he is now permitted to drink wine].


Occasionally other sages, too, were called qadosh, “holy”, but not other Princes. Examples: R. Meir (P. Ber. II,7; 5b). Judah was given the epithet qadosh in his life time, see B. Shab. 118b, not after his death as stated by I. H. Weiss, Dor. II,178.

For the former view, see Krochmal, op. cit., II,93. For the latter see
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236 See particularly W. Bacher in JE 7,333 and and A. Hyman, Toledoth, II,600 ff.


While Hiyya compared Judah to the Messiah, Judah and Hezekiah, Hiyya’s sons said something entirely different. B. Sanh. 38a:

This attitude of Hiyya’s sons toward the House of the Nasi may be rooted in their tense relationship to the sons of Judah. Zuri, Rab., p. 99 suggests, without sufficient evidence, that the reason for this tense relationship was their competition in trade.

238 See L. Wallach in JQR 31 (1941).

239 P. Kil. IX,3; 32b (cf. Ber. Rabba 98:8):

Our rabbis taught [in a Baraitha]: ‘Justice, justice shalt thou follow’ [Deut. 16:20]. Follow . . . Rabbi to Beth She’arim.

240 B. Ket. 103b (and parallels): 

241 P. Sanh. 1,2; 18c:

242 B. Ket. 103b. B. Sanh. 32b:

Our rabbis taught [in a Baraitha]: ‘Justice, justice shalt thou follow’ [Deut. 16:20]. Follow . . . Rabbi to Beth She’arim.

243 P. Kil. IX,3; 32b; P. Ket. XII,3; 35a:

244 B. Meg. 5b: חכם טוב לתדוך חלף... רבי ליבעון שבעים

245 See discussion in A. Hyman, Toledoth II,603 f.

246 B. Niddah 47b.

247 P. Shevi’ith VI,1; 36b.

248 Sifre Deut. 32,46.

249 B. Shab. 46a.

250 See Zuri, op. cit., II,76, n. 29.

251 M. Sotah IX,15: משמת רבי ליבעון משמה ודרתא מצינו

This statement and the numerous other expressions of deep affection and veneration are not refuted or invalidated by a few exceptional incidents. To judge Judah’s personality according to the exceptional incidents, as done, for
example, by Krochmal, op. cit., pp. 84 ff., is to distort history. Besides, some of these incidents merely show that Judah was psychologically a normal human being unable (or unwilling) to suppress his emotions. An example: P. Kil. IX,3; 32b:

Rabbi was very humble and said, ‘Whatever a man may say to me [pertaining to humility] I would do, with the exception of that which the Elders of Bathrya did to the Elders of Sharon: They resigned their leadership and appointed him [Hillel; see B. Pes. 66b and parallels]. However, if the Exilarch Rav Huna would come here, I would place him above me...’ Once Rabbi Hiiya the Great visited Judah and said to him: ‘Rav Huna is outside.’ Hereupon Rabbi’s face turned pale [remembering his promise to place Rav Huna above himself]. Then Hiiya said: ‘His coffin came.’ Rabbi now said: ‘Go and see who wants you outside.’ He went, but did not find anybody and knew that he [Judah] was angry at him.

It is quite understandable that a practical joke like this upset Judah and he was, therefore, unable to suppress his feelings. This incident and others of this type prove that the editors of the Talmud did not suppress facts uncomplimentary to the great and venerated leaders of Judaism. This fact enhances the value of the Talmud as a source of Jewish history.