[restrictive] measure must be imposed on the community unless the majority of the community is able to bear it.”143 This rule is generally attributed to Simon ben Gamaliel I. Since the rulings of the Patriarchs were issued in response to need, this ruling was unquestionably directed against the endeavors of some extremists.

Rabbi Judah, son and successor of Simon ben Gamaliel, is often involved in halakhic discussions with his father. This shows that Judah, born about 135 C.E.,144 was a mature scholar during his father’s lifetime and also proves that Simon was Patriarch for a long period, perhaps until 170 or 175. The obscure statement in M. *Sotah* IX,15, “When Rabban Simon ben Gamaliel died the ‘locust’145 came and troubles grew many,” allows no safe inference as to the time of his death.

**JUDAH I**

Judah I succeeded his father Simon at about 170-75 C.E. and held leadership until his death at about 217 C.E.146 Since Judah was a mature scholar during the lifetime of his father — tannaitic sources preserved many halakhic disputes between father and son — a date earlier than 170 as the terminus a quo for Judah’s ascent to leadership is unlikely.

The period of Judah’s leadership, while lacking spectacular events, such as the Bar Kokhba uprising, is one of the landmarks in Jewish history. With Judah’s death, the tannaitic period ends, followed by three profound changes: 1) The center of Jewish life, spiritual and material, shifted from Palestine to Babylonia. 2) The Mishnah of Judah I became the focal point and basic text in the academies of Palestine as well as of Babylonia. 3) The language of the academies was changed from Hebrew to Aramaic.

Roman oppression and acts of persecution were frequent and heavy at Judah’s time.147 Rabbi Ḥiyya, a close associate of Judah, states: “God knew that Israel could not bear the persecution of the
Romans, therefore he exiled them to Babylon." 148 Though Rashi believes that this has reference to the time of the destruction of the Temple (ibid.), circumstances indicate that Hiyya had primarily his own time in mind. 149 He himself was among those who emigrated to Babylonia and stayed there for many years. 150 Several accounts about R. Hiyya, some of which concern his relation to Judah, serve as a key to the understanding of certain consequential occurrences of Judah’s time. One of these accounts is B. Sukkah 20a:

In this passage, Hiyya ranks with Ezra and Hillel in regard to importance for the “establishment” of the Torah. “Establishment” with reference to Hiyya means that during the years of his stay in Babylonia the (oral) Torah was forgotten in Palestine. Even Judah the Patriarch forgot the oral law, it seems. B. Ned. 41a relates that Judah studied thirteen (ways, methods, more probably: categories) of Halakhah. Seven of these he taught R. Hiyya. Then Judah fell sick (and forgot everything), subsequently R. Hiyya returned to him the knowledge of the seven categories he (Judah) had taught him. 151 “Sickness” is here either not to be taken literally or it represents an error. Had it been literally true, Palestinian scholars could have taught him upon recovery, since he had many disciples besides Hiyya.

In this connection, it is interesting to note the method of saving the Torah from oblivion which Hiyya suggests: 152

R. Hiyya said, “I take steps that the Torah shall not be forgotten in Israel: I bring flax seed, sow it, and weave nets [from the flax]. Then I catch stags with whose flesh I feed orphans and from whose skins I prepare scrolls, and then go to a town where there are no teachers of children, and write out the five Books of the Torah for five children, and teach another six children the six Orders of the Mishnah, and then tell each one: Teach your section

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Some scholars, e.g., W. Bacher, believe that Ḥiyya actually saved the Torah by applying the method he described, and this is why Judah exclaims “How great are the deeds of Ḥiyya.”

While Ḥiyya is ranked with Ezra and Hillel because of his achievement in behalf of saving the Torah, Judah is compared with Daniel, Hananyah, Mishael, and Azaryah in the Chaldean period, with Mordekhai and Esther in the Persian period, and with the Hasmoneans in the Greek period. This means Judah is credited with saving Judaism and the Jewish people of his time. Statements of this kind are not to be taken too literally, yet as a rule they are to a certain extent true. Accordingly, Judah contributed essentially to the preservation of Judaism and Jewry of his time.

The best known accomplishment of Judah was the redaction of the Mishnah. Was it this that the Talmud had in mind when it compared Judah to the great saviors of the past? In order to answer this question, we have to scrutinize the significance of Judah’s Mishnah.

What circumstances led Judah to the redaction of his Mishnah? Why did his Mishnah become the basic Mishnah, though other editions had also been composed? What was the impact of Judah’s Mishnah upon Judaism?

The sources do not spell out clearly the reason or reasons for Judah’s endeavor in creating the Mishnah. Nonetheless, a satisfactory answer can be found by comparing the Mishnah with other tannaitic literature, by considering the implications of some casual, but relevant utterances, and by considering the paramount importance of Judah’s Mishnah in the schools of Palestine and Babylonia.

A wise man such as Judah certainly learned from the historical circumstances of his time. He foresaw the possibility of another break in the continuity of school activities and wanted therefore to forestall a repetition of the loss resulting from such breaks. This, therefore, may have been at least one of his reasons for compiling a Mishnah collection. Such a Mishnah could serve its purpose best if committed to writing. While the question whether the Mishnah of Judah was committed to writing at the time of its redaction is con-
internal evidence indicates that it existed in written form either at Judah’s time or shortly after his death. The Tosefta, compiled not long after the redaction of the Mishnah — probably in the first half of the third century C.E. — obviously presupposes a written Mishnah.

Why did Judah’s Mishnah, in contrast to other Mishnah collections, such as those of R. Meir, Eleazar ben Shamua, Jose, Ḥiyya, Hoshayya, Bar Kapparah, and others, not merely gain prominence, but supplant all the other Mishnah collections?

The principal reason was undoubtedly the fact that Judah’s Mishnah was basically different from the other collections. The other Mishnah collections were works of individual sages who considered exclusively or predominantly the views and traditions of their own respective schools. One of the purposes of Judah was obviously to create a Mishnah that was acceptable to the various local academies which directed and regulated Jewish life in their own respective districts and thus to work toward the unification of Jewish life.

Was Judah’s intention in composing the Mishnah to make a compilation of existing traditions, or to create a code of laws? A comparison with kindred literature, particularly the Tosefta, shows that Judah’s intention was to create a code of more important laws and to include also some basic traditions and beliefs. For this reason, he reduced greatly the contents of his Vorlagen by the following redactorial steps: omission or abbreviation of numerous details such as definitions, exegeses, examples, generalizations, reasons for certain laws, and actual cases, omission of the historical background of a number of Halakhoth, and shortening of many background stories or reports. The Mishnah often reduces the number of different opinions uttered in a controversy, and also shortens the retained parts of the controversies, mostly giving just the views but not the arguments, or, if given, abbreviating the arguments. Most significant are the numerous instances in which the Mishnah omits the entire controversy and gives but one view in an anonymous form, or where the Mishnah omits the author or transmitter of a law.

All these editorial activities prove that the intention of the redactor(s) of the Mishnah was not to create a mere collection of tradi-
tions, but essentially and primarily to create a basic but not too detailed code. It has been the normal way of legislative procedure at all times that, when the view of an individual or school is made a law, the name of the individual or school is omitted in the codes. Instances in which the names of the authors (or transmitters) of laws are recorded in the codes are less frequent. In a number of cases the authors of laws were certainly unknown to the redactor of the Mishnah. However, we are considering now merely those instances where the Vorlagen include the names of men who held a certain viewpoint with regard to a law. Whether they were the actual originators of this viewpoint or merely transmitters is not even important — our Mishnah omits their names.

More conclusive in this respect are relevant explicit statements of the Talmud, for example:

In one case, Rabbi approved the view of R. Meir and recorded it as that of the sages, in another case he approved of R. Simon’s view and recorded it as that of the sages. Recording a view as that of the sages means accepting it as the law, and corresponds precisely to the anonymous formulation of the law. The author of the statement under discussion is Rabbi Johanan Bar Nappaha, the greatest Palestinian Amora and a disciple of Judah I in his younger years. In matters of authorship, he is a reliable spokesman.

How did Judah go about redacting his Mishnah? While some statements, such as “Behold, who redacted the Mishnah? Rabbi.” or “He who arranged the Mishnah” may be understood as meaning that he did this work alone, there is abundant proof to the contrary. Instances in which the law was decided by majority vote of Judah and his Court are on record. A few cases here will suffice.

1) “Rabbi summoned a Court, and they voted that if the land was in the possession of the Sicaricon for twelve months whoever buys it first acquires it, but has to give to the former owners one fourth of the land or [and] one fourth of the money, etc.”

2) “It once happened that Rabbi and R. Ishmael, son of R. Jose
and R. Eliezer Ha-Qappar tarried in the store of Pazzi in Lud, and Pinhas ben Jair was sitting before them. They said to him: What about Ashkelon? [in respect to certain aspects of Jewish law restricted to the land of Israel]. . . . They said to him: If this is so come and let us vote about it to exempt it from tithes [i.e., Ashkelon should be considered as foreign soil in regard to tithes]. R. Jishmael son of R. Jose did not vote with them. When he left, Rabbi said to him: Why did you not vote with us? He replied: Regarding a matter which I formerly declared unclean, I changed my mind and declared it clean. Therefore I did not want [to vote for leniency] in regard to the tithes too, being afraid of the Beth Din Ha-Gadol lest they bash my head.” 167

3) “Rabbi and his Court voted on Qeni and declared it clean.” 168 That means, a place bearing the name Qeni was in matters of defilement not to be considered as part of the land of Israel.

4) Rabbi and his Court permitted the purchase of greens immediately after the sabbatical year. 169

The instances which show explicitly that a law incorporated in our Mishnah was decided by the majority vote of Judah’s court are, on the one hand, quite revealing, while, on the other hand, they leave many questions unanswered.

They reveal that the court Judah summoned is not identical with the Beth Din Ha-Gadol. Passage 2 shows clearly that Judah’s Court was a small body which we may call a committee. The fact that one of its members refrained from voting because he was afraid of the Beth Din Ha-Gadol, may or may not mean that the final decision was in its hands. In any case, it indicates that it reviewed and criticized the actions of the committee members.

A controversial issue is the question whether every law included in the Mishnah was passed by Judah’s Beth Din (or also required the endorsement of the Beth Din Ha-Gadol), or whether this was the procedure for exceptions only. Ch. Tchernowitz believes that a decision by vote was needed only for the issuance of Taqqanoth and Gezeroth, but not for the redaction of the Mishnah. It is true that the anonymous Halakhoth of the Mishnah generally represent the views of the majority, although no formal vote was taken. Judah
often accepted the view of an individual, but in such cases he added his own consent to make it a quasi-majority opinion.\footnote{170}

In contrast to Tchernowitz, other scholars believe that the redaction of the Mishnah was done throughout by Judah in conjunction with his \textit{Beth Din}.\footnote{171}

Apart from the passages where Judah (Rabbi) is named in connection with passing a law by vote, there are many other instances of legislation by voting on simple Halakhoth and not on \textit{Tagganoth} and \textit{Gezeroth}. Zuri believes that in most cases where the expression \textit{בריתינו} “our masters” is used, a halakhic decision by vote is implied.\footnote{172}

In our opinion the decisive question is not whether or not a formal vote was taken in every instance but that, as a rule, the majority opinion was accepted as the Halakhah. Illustrative in this respect is \textit{Tos. Ahiluth} XVIII,16 (617) where it is stated that Caesarea, which hitherto had been considered with regard to certain halakhic matters as part of Jewish Palestine, was exempted by the sages from these laws without a vote. This indicates that when there was an obvious majority, no formal vote was required for the establishment of a new law. However, in judicial matters “voice vote” was not as a rule sufficient. According to the Tosefta, if there was no traditional law in a case before the court, the court decided the case by vote, thus establishing a precedent, a case law.\footnote{173}

The view that the Mishnah was not written as a code at all, but that it is merely a collection of laws and other traditions since it contains not anonymous laws exclusively but also many controversies, opinions of individuals, and non-halakhic passages, is erroneous. True, it is not a modern code, or a code issued by an authority possessing political power able to enforce its dicta. Judah’s authority was essentially a spiritual one and he had to proceed, therefore, cautiously and wisely. Needing the cooperation of the leading sages and the established schools, he had to include many names, views and traditions of prominent schools and sages, thus making his Mishnah acceptable to the various schools and scholars as an impartial compilation of basic law and tradition. The best proof of the fact that Judah did not intend to make a mere collection of traditions, or to write a personal Mishnah, is the fact that most of Judah’s own views are
not included in his Mishnah, neither in anonymous form nor explicitly.\textsuperscript{174} This tells us unequivocally that Judah in redacting the Mishnah accepted the majority view even if it opposed his own. An explicit case to this effect is found in Tosefta \textit{Hag.} I,1 stating that “The sages decided the issue in favor of R. Judah [son of Ilai]” against Rabbi. The Mishnah (ibid. I,1) took cognizance of this decision and gives R. Judah (ben Ilai’s) view, disregarding Judah (the Prince).\textsuperscript{175} How open-minded Judah was is evidenced by the occasional admission (unusual among scholars) that the view of his opponents is superior to his own.\textsuperscript{176}

A mere collection of a limited amount of traditions, as some believe the Mishnah was, could never have become \textit{the} basic concern of all the academies in Palestine as well as in Babylonia.

We referred to some of the circumstances that Judah may have had in mind when he undertook the task of redacting the Mishnah, such as the persecutions, the political unrest of his time, and his intention to work toward unification of Jewish life and thought, and centralization of Jewish religious leadership. Besides all this, however, we have to keep in mind that the Jews of Palestine did not live behind Chinese walls, but had daily contacts, material and spiritual, with the non-Jewish peoples of the land. It is a well-known fact that the Princes (and some other rabbis) maintained close contact with the culture of their surroundings.\textsuperscript{177} Therefore, it is not impossible that external influence was among the factors that prompted Judah, perhaps subconsciously, to create his Mishnah. We have to keep in mind that Judah’s time was also the period in which Christianity consolidated its early traditions by sifting and compiling them. Therefore, it may be more than a coincidence that Judah’s redaction of the Mishnah is paralleled, to a certain extent, by a corresponding endeavor of St. Irenaeus, ca. 140–200 c.E., i.e., an exact contemporary of Judah I. St. Irenaeus presented Christianity for the first time in a systematic form, and this was about the same time Judah edited his Mishnah.\textsuperscript{178}

The compilation of Judah’s Mishnah was decisive not merely for the history of the Halakhah, but likewise for the history of Judaism in various respects. The most important consequence of the general acceptance of the Mishnah was that it contributed essentially toward
the unification of Jewish life and thought by serving as a guide and
basis for all subsequent activities of the academies. In proceeding in
the direction shown by the Mishnah redactors, the academies were
able to make substantial gains toward the unification of the Halak­
hah. The main reason for this was that after the close of the tan­
naitic epoch the various schools which Judah had to consider in
compiling his Mishnah existed no longer. Consequently, the aca­
demies could proceed unhampered towards the creation of a unified
Halakhah.179

The acceptance of Judah’s Mishnah had other consequences too,
not all of them foreseen or desired by Judah and his colleagues. One
of the important consequences of the acceptance of Judah’s Mishnah
was that the Mishnah collections of the district-academies lost their
significance and were later supplanted by Judah’s Mishnah. Instead
of writing new Mishnah collections, the schools concentrated on the
interpretation and halakhic clarification of Judah’s Mishnah. Quite
instructive in this respect is P. Horayoth III,5; 48c “Always pursue
the study of the Mishnah, more so than that of the ‘Talmud’ [dis­
cussion of tannaitic materials]. This, however, was right only before
Rabbi had included [in his Mishnah] most of the Mishnah collec­
tions.180 But after Rabbi had incorporated most of the Mishnah col­
lections, pursue the Talmud more than the Mishnah.”181

The consequences of the edition of the Mishnah which were
unforeseen and undesired from the viewpoint of its editors were the
following:

1) With the basic book of tannaitic law and learning in their hand,
the Babylonian academies were no longer dependent on the Pales­
tinian schools. This fact, in combination with the unfavorable polit­
cal climate in Palestine, resulted in a shift of the center of Jewish
learning from Palestine to Babylonia.

2) Since Judah’s Mishnah was adopted as the basic text and law
book of Rabbinic Judaism, the academies now concentrated on the
interpretation and clarification of this book. As the language of in­
terpreting the biblical books was the vernacular, i.e., Aramaic (Tar­
gum), so was the language of the Mishnah interpretation the ver­
nacular, i.e., Aramaic. This must have been most undesirable for
Judah, a fanatic concerning the Hebrew language, in whose home
even the maidservants spoke Hebrew.\(^{182}\) Judah himself once remarked “Why speak Aramaic לְשׁוֹן סִירָאִית [lit. Syriac] in the land of Israel. One should use either Hebrew or Greek.”\(^{183}\)

Considering the decisive impact of the Mishnah upon Jewish life and thought, and its influence toward unity, we may safely assume that it was mainly because of his Mishnah that Judah was considered as one of the saviors of Judaism, ranking (with some exaggeration) with the Hasmoneans.

In another source Judah is compared to Moses:\(^ {184}\) “From the days of Moses to the days of Rabbi we do not find Torah and greatness [leadership] \(^ {185}\) in one place [person].”

The statements recognizing Judah’s greatness and his decisive contribution to the preservation of Rabbinic Judaism, which we have discussed so far, were made by Amoraim, who were primarily interested in Judah’s accomplishments that contributed toward the preservation of Judaism throughout the ages. However, to understand fully Judah’s role in the development of Judaism, his activities of immediate consequence in his own time must be considered, too. These activities may be divided in two principal categories: 1) Measures aimed at strengthening the bonds of Rabbinic Judaism in order to prevent sect-breeding schools and groups or other sources of chaos. 2) Measures aimed at adjusting the Halakhah to the needs of the time.

1) In regard to the first category, Judah undertook steps to concentrate more power in his own hands. The most important measure in this respect concerned the ordination.

Prior to Judah’s innovation, any rabbi could ordain his disciples. This fact and subsequent changes are related in P. Sanh. I,2; 19a: “Rabbi Ba said: First, every [rabbi] ordained his disciples. For example, Rabban Johanan ben Zakkai ordained Rabbi [E]liezer and R. Joshua. R. Joshua ordained R. Akiba. Rabbi Akiba ordained R. Meir and R. Simon. . . . Later, they bestowed honor to this House [the Nasi, i.e., Judah Ha-Nasi] and said: The ordination by a Beth Din without the consent of the Nasi has no validity but the ordination of the Nasi without the consent of the Beth Din does have validity. Later an ordinance was made that the Beth Din

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could not ordain without the consent of the Nasi and that the Nasi
must not ordain without the consent of the *Beth Din.*”

Whereas the period of the first two phases of the ordination in
this passage was clearly that of Judah, the time of the third phase
cannot be determined. It is certain merely that the period in question
was one after Judah's death, probably the third century.

The source just cited does not include all the changes made at
Judah's time regarding the ordination. Other sources inform us that
Judah executed the ordination alone, and do not mention that he
sought the consent of the *Beth Din.* They also state that he ordained
but two men every year. Also he himself retained the right to
revoke the ordination if the ordained man proved to be unsatisfac­
tory. By thus concentrating more power in his hand, he was able
to curb dissent and disunity to a considerable extent.

Ordaining only two men a year for the entire Jewish community
compelled him to be extremely selective and this may have ac­
counted, at least in part, for the fact that he did not ordain some of
the greatest sages of his time, such as Mar Samuel (who was to be­
come head of the academy in Nehardea in Babylonia [Persia] and
an outstanding authority on Jewish Law), and Ḥaninah bar Ḥamah.

Krochmal believes that Judah used his power of ordination as a whip
and he would not ordain a man who contradicted or corrected him.
Thus, for example, when Ḥaninah once corrected Judah's reading
of a biblical word, Judah implied to him that he would not ordain
him as a rabbi. Although we saw above that Judah often yielded
to the opinion of others without showing the least resentment, the
correction of a reading before the academy must have deeply embarr­
sed him. However, this may not even have been the main reason
(ibid.). In his later years, Judah realized that he went too far in
restricting the number of ordinands to two in a year and instructed
his son and successor on his deathbed to discontinue this practice
and to ordain everybody (qualified) without delay. He also told him
to ordain first Ḥaninah, son of Ḥamah (ibid.), thus correcting his
former mistake.

Related to the problem of ordination is a regulation issued at
Judah's time that a student must not render an halakhic decision,
particularly not in the locale of his teacher. This *Gezerah* may
have been issued at an earlier time during Judah’s presidency, when the old procedure that the teacher ordained his pupils had not yet been altered.

Both the extent and limitations of Judah’s authority are well illustrated in an incident related in B. Horayoth 11b: Judah asked R. Ḥiyya whether he would have to bring (under the prescribed conditions) the דְּמַעְש goat sacrifice required of the Nasi (ruler, king). Ḥiyya replied in the negative, since Judah had a רְעָה his rival and equal — the Exilarch — in Babylonia, i.e., he was not the sole ruler of the Jews, which is a precondition of the biblical law in question.192

This passage reveals two significant factors. On the one hand, it shows that Judah was not merely head of an academy or the Beth Din Ha-Gadol but, since he was compared to the Exilarch, he was considered to be the head of the Jewish people (in Palestine).193 On the other hand, it makes it quite clear that Judah possessed no authority over the Babylonian Jewish community. His lack of authority in Babylonia is evident also in an incident in which nobody listened to his vehement protest against a lenient practice in Babylonia, and he possessed no power to prohibit the matter.194 While the Babylonian Jewry in Judah’s lifetime was independent of the Palestinian leadership, still it is considerably to Judah’s credit that Babylonian Jewry did not develop a separate, independent brand of Judaism. Judah’s Mishnah became the unifying force of the two great branches of Rabbinic Judaism, thus accomplishing after his death a feat he was unable to realize in his lifetime.

2) The following are among the measures of Judah designed to adjust the Halakhah to the needs and realities of his time.

Measures pertaining to the laws related to agriculture

Judah’s measures in this area were dictated by the need of the time. The heavy burden of taxes imposed by the Romans upon the Jews compelled Judah to liberalize the laws of agricultural dues and restrictions of the Torah.

For instance, Judah freed several Palestinian towns, which came under gentile economic domination, from certain agricultural duties
and observances, such as: Beth Shan, Beth Guvrin, Kefar Zemah, Caesarea.\textsuperscript{196}

In carrying out these measures, Judah sometimes had to contend with resistance and criticism. Thus, when he freed Beth Shan from tithes on the basis of a testimony stating that R. Meir ate there untithed vegetables, his brothers and relatives strongly objected. His defense is very significant:\textsuperscript{197}

R. Joshua ben Zeruz, the son of R. Meir’s father-in-law, testified before Rabbi that R. Meir ate a leaf of a herb in Beth Shan [Scythopolis, in Galilee] [without tithing it]. On this testimony Rabbi permitted [eating without tithing in] the entire territory of Beth Shan. Thereupon his brothers and other relatives [lit. 'his father's family'] joined in protest against him and said, “The place where [eating without tithing] was prohibited by your parents and grandparents will you regard as free?” Rabbi, thereupon, expounded to them the following verse, “And he [Hezekiah] broke in pieces the copper serpent that Moses had made; for unto those days the children of Israel did offer to it; and it was called Nehush­tan [II Kings 18:4].” Now is it at all likely that Asa did not destroy it? Or that Jehoshafat did not destroy it? Surely Asa and Jehôshafat destroyed every form of idolatry in the world! It must therefore be that his ancestors left something undone whereby he [Hezekiah] might distinguish himself; so in my case, my ancestors left room for me to distinguish myself.

This answer is an important key to the understanding of Judah’s theology which guided him and contributed so much to his success in preserving Judaism. It tells us, in effect, that it is an essential characteristic of our religion that it be not final in all of its details. It is designed this way in order to give later generations the opportunity to make contributions of their own.

Judah wanted to abrogate the sabbatical year altogether. He did not go through with his plan because Pinhas ben Ja'ir, whom he consulted in the matter, would not consent.\textsuperscript{198} However, he succeeded in introducing some leniencies concerning the sabbatical year:

Judah permitted the importation of vegetables from abroad in the sabbatical year,\textsuperscript{199} which was hitherto prohibited as a “fence” of the law.

Judah permitted the buying of vegetables (greens) immediately
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after the sabbatical year. He did this when he was told that two radishes, brought before him between Rosh Ha-Shanah and Yom Ha-Kippurim following a sabbatical year, grew from seeds planted after New Year. The possibility of such quick growth is more than questionable, and Judah, owner of much land yielding large crops, certainly knew that this was not possible. Yet, he wanted to lessen the burden of the sabbatical year whenever he saw a way of doing so.

Judah permitted, in contrast to other sages, the export of produce, etc. from Palestinian districts bordering Syria to neighboring districts in Syria.

Measures pertaining to sabbath, the festivals, and fasts

Judah declared two leniencies with regard to walking to certain places on a Sabbath. Judah permits the going out on a Sabbath with false teeth—he does not consider this as a likely cause of a transgression of the law prohibiting carrying objects on a Sabbath—while the sages prohibit it. In this instance, Judah may have taken human nature, i.e., vanity of man, into consideration.

Judah is lenient in a certain case of the 'Eruv, while the sages are strict. He is lenient in regard to the moving of certain stones on a Sabbath, considering these (according to an explanation) as resembling chairs. He is in agreement with R. Simon in limiting the scope of the prohibition for the Sabbath.

Judah wanted to abolish the fast of the 9th of Av, but the sages prevented this by withholding their consent. According to another (later) account, Judah merely wanted to cancel a 9th of Av fast that happened to fall on a Sabbath. S. Krauss connects Judah’s attempt to abrogate the fast of the 9th of Av with Judah’s Messianic ideas.

Lenient in other instances of fasts also, Judah limited the number of fasts for lack of rain to thirteen “because one must not place too heavy a burden upon a congregation.” The qualification for this ruling is most significant, for it guided Judah on many occasions and is one of the reasons for his success. Judah bathed on the fast of
the 17th of Tammuz.213 He was lenient also regarding the beginning of a fast.214

Judah once said the Sabbath prayers while it was still day (Friday afternoon), and then went to the bathhouse, though for him it was already Sabbath. Later Amoraim claim, without proof, that Judah did not take a bath at this occasion.215 Moreover, once on a cloudy day people recited the prayers of מזמיא שבת (prayers to be said after the Sabbath) while it was still Sabbath. Afterward the sun appeared in the sky. Judah then was asked what should now be done (i.e., whether the people should repeat the respective prayers at the proper time). He replied that since they had already prayed (though at the wrong time), this was sufficient. He did not want to burden the people with the repetition of the prayers.216

Judah also did some planting on Purim which was considered objectionable by other sages. (See n. 213.)

Measures pertaining to the calendar

In this matter Judah introduced or, at least, completed a significant change. Before this change, the beginning of the month had been communicated to the Jewish people in Palestine and Babylonia through fire signals.217 Due to interference by a certain category of people — the terms used in the sources vary: Sadducees סדרוני סדים Samaritans מיניים מיניים, sectarians, or Christians — who made fire signals at the wrong time (either to confuse the Jews, or to express their own decision), Judah completely abolished the fire signals. In their place he introduced (or expanded) the ruling that messengers be sent out to the Jewish communities to convey to them the news about the beginning of the new month.218

The consequence of this innovation was the introduction of the יום טוב שנה שנהגלית "second day of the holy day of the Diaspora." Since the messengers were often unable to reach all the places of the Diaspora before the festival of the respective month, an additional day had to be observed as a holiday to be sure that the proper day had been celebrated.219

Judah also introduced some leniencies regarding calendation, such as the following:
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He permitted a murderer either to testify about the new moon (*Qorban Ha-Edah*, ad loc.) or to serve as a messenger (*Peneh Mosheh*, ad loc.).

He admitted indirect testimony in regard to the new moon.

He permitted messengers to leave for their respective destination the evening before the official proclamation of the new moon if the time of the new moon was evident. 220

Decisions revealing a tendency to strengthen the legal status of women and to further marriages

Judah was lenient in certain cases of betrothal, except when enmity within the family might have resulted from such leniency. 221 Judah thus proved himself to possess good psychological insight, as he promoted the cause of family peace.

Judah’s stand in certain instances protected the woman from becoming an *‘agunah*, thus becoming unable to remarry, 222 and in other cases Judah protected the women by not permitting stipulations to be entered in the bill of divorce. 223

Judah (following Simon ben Johai’s view) permitted a proselytess who had been converted to Judaism while less than three years old to marry a priest. 224

Judah permitted a girl raped by a dog to marry a priest. 225

Some decisions in other miscellaneous areas in which a tendency of welfare or realistic approach is evident

In a case of snake bite, Judah permitted the bitten person to eat food recommended as part of the cure though it was *untithed*, whereas Eleazar, son of Simon, did not permit this. 226 Judah did not want to endanger the life of the stricken man by delaying the healing procedure by the observance of rituals.

Judah ruled that if two sons in a family died after the circumcision, the third son must not be circumcised, whereas Simon, son of Gamaliel (Judah’s father) required the circumcision of the third son, too. However, there is a Baraitha which reverses Judah’s view. Ac-
ccording to the Talmud, there was a change of opinion in this matter on the part of Judah. The question is, which was his final opinion? Judging from Judah's basic tendency in matters of life and welfare, the conclusion that his lenient decision was the final one is the plausible one. (B. Yev. 65b. P. Yev. VI,6 does not give names.)

Judah realized, as did other sages, that the priests should not drink wine after the destruction of the Temple. Drunken priests are not allowed to serve in the Temple of Jerusalem (see Lev. 10:9). A sudden restoration of the Temple could not lead to a prompt resumption of the prescribed cult if the priests were drunk. Yet, knowing the priests would not observe such a prohibition, he did not prohibit them wine. Accordingly, the Talmud observes that the priests rely on Judah when they drink wine in our day. Judah was realistic when he did not want to make a prohibition which would not have been observed anyway. His stand in this matter also shows that he did not believe in a sudden restoration of the Temple.

On one occasion, Judah refused to introduce a prohibition that would have been justified, if he had taken a certain occurrence as a precedent. "Shall we prohibit all the butchers' shops because of this fool who acted improperly?" he declares. He did not want to introduce a prohibition because of one reprehensible incident. He certainly realized that such a prohibition would not have worked.

The measures and decisions of Judah, just cited, show Judah's endeavor to harmonize religion with life, thus keeping religion meaningful in his day. Livability, not leniency as it may appear on the surface, was his real motive when he made the above decisions. Thus, for example, his measure changing or endorsing the method of communicating the new moon from fire signals to the dispatching of messengers was just the opposite of a leniency. Apart from creating the need for an expensive host of messengers, it led to the introduction of additional days to the holidays throughout the Diaspora: To Passover, to Shavuoth, to Sukkoth and Shemini Azereth. The addition of a day to Rosh Ha-Shanah, which applied also to Palestine, had another reason.

In instances not requiring special considerations, Judah's decisions reveal no definite tendency toward either leniency or stringency. They are decided by him on the specific merit of the respective
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case, as he sees it. Occasionally he changes his former view and
introduces a new Halakhah.

Whatever we said in this chapter applies to Halakhoth and measures
original with Judah, and to those which he accepted (but which
originated with other sages). However, in regard to controversial
Halakhoth originating with other sages, he often suggested a com­
promise, accepting the view of both controversialists, each one under
a specific set of circumstances. This was one of his methods aimed
at the unification of the Halakhah and the promoting of the ac­
ceptability of his Mishnah by the various academies and opposing
sages. Valid evidence for Judah’s sound judgment and foresight was
the fulfillment of his expectations. Judah’s activities terminated the
significance of the private academies of his day. The heads and teach­
ers of these academies raised no disciples who served as steady trans­
mitters of the teachings of their masters as was the rule with regard
to the sages of previous tannaitic generations or as later happened
during the amoraic period.

Judah’s great accomplishments, coupled with his personal qualities,
earned him a recognition not allotted to any of the other Nesi‘im
before or after him. Thus he is the only prince with the epithet
כדוק the Holy. The meaning of the epithet “holy” is not quite
clear. Some scholars believe it is an adaptation of Divus, an epithet
of the Roman emperors, while others hold that Judah’s holiness had
reference to his self-sacrificing labor for the national ideals of his
people. He was the martyr of a lost cause, a persecuted man, as were
Akiba, Meir, Jose, and others. However, neither of these explana­
tions finds real support in the sources. More conservative conjectures
connect the epithet “holy” with Judah’s saintly way of life, with his
stature as a man of deep religiosity and high morality. It is quite
possible that qadosh is merely an attribute of high veneration with­
out a specific denotation. This then would be comparable to the
veneration allotted to him by Hiyya when he calls Judah “the
Anointed” (משלי Messiah) of God.

The same may hold true regarding the friendship between Judah
and the Roman emperor Antoninus. This friendship, and all the
stories about it, may well be fictitious and perhaps should be taken as expressions of high regard and admiration for Judah.\textsuperscript{238}

In spite of all his great achievements, recognition, and veneration, Judah admitted the superior right of Huna, the contemporary Exilarch of Babylonia, to the leadership of the Jewish people.\textsuperscript{239}

Judah continued to emphasize the paramount importance of study even to the hour of his death. In this hour he demanded that thirty days after his death, the academy resume its sessions.\textsuperscript{240}

In Judah’s time the transfer of the center of Jewish learning, leadership and administration in Palestine from Judah to Galilee was completed and was firmly established there. It was to stay there for centuries to come. The last phase of this move was the transfer of the site of calendation (of intercalating the year \( \text{חברות למשנה} \)) from Lud to Galilee due to a disastrous occurrence: “It once happened that \( 24 \) קְרוֹת הָהָרִים ['wagons,' probably wagons with rabbis] of the house of Rabbi went to Lud to intercalate the year, but an evil eye fell upon them and all of them died at the same time. In that hour they moved it [intercalation of the year] from Judah and established it in Galilee.” \textsuperscript{241}

Where did Judah live? It is certain that he lived in Beth She'arim,\textsuperscript{242} where he headed his academy, and in Sepphoris, where he spent the last seventeen years of his life for reasons of health.\textsuperscript{243} According to a Talmud passage he lived also in Tiberias.\textsuperscript{244} However, the accuracy of this account is questioned by some scholars.\textsuperscript{245}

Like his predecessors, Judah, too, traveled to many places to promote the cause of Judaism. Among these were: \( \text{לוד} \) Lud, \( \text{לודאיה} \) Ludaqyia, \( \text{דספורה} \) Diaspora, \( \text{בנ בורכ} \) Bene Berak.\textsuperscript{250} On these trips he was, as a rule, accompanied by R. Jose, son of Judah ben Ilai.

A later addition to our Mishnah enlightens us in very few words about the root of Judah’s greatness: “When Rabbi died, humility and the shunning of sin ceased.” \textsuperscript{251}