Rabbinic Judaism in the Making

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reason in mind, i.e., the plight of the unloved woman in a polygamous society.

In the manner of the Nasi and the leading sages of the time, Akiba likewise maintained a *Beth Ha-Midrash*, a private academy, near Javneh, seat of the Sanhedrin. This academy, located in Bene Berak (B. *Sanh.* 32b and parallels) had a great reputation and may have been the leading private academy of the time. However, Akiba did not limit his teaching to the academy halls but also lectured publicly, even during the Hadrianic ban on teaching, and continued to instruct and lead his people even after imprisonment by the Romans on a charge of publicly defying the ban (B. *Ber.* 61b and parallels).

Some of the sages were permitted to visit him in the prison (B. *Eruvin* 21b; B. *Pes.* 112a, etc.), and they communicated his teachings and decisions to the sages throughout the land. Only his death as a martyr terminated his activities as the teacher and leader of his people. M. *Sotah* IX,15 informs us

> "When Rabbi Akiba died the glory of the Torah ceased."

The corresponding Mishnah in the Palestinian Talmud

> "When Rabbi Akiba died the interpreters ceased"

probably indicates what the “glory of the Torah” here means: its elaborate interpretation as undertaken by Rabbi Akiba.

Akiba concentrated his entire strength on the saving of his people mainly by saving and teaching the Torah, including the oral law. His effort did not fail for he contributed essentially to the preservation of the Torah and of the Jewish people.

**SIMON BEN GAMALIEL II**

Akiba’s contribution to the rescue and molding of Judaism did not end with the organization of traditional materials and the promotion of text interpretation as a principal means of modifying and enriching the realm of Halakhah, but instead his contribution increased through the work of his disciples,
the principal torchbearers of Judaism after the unsuccessful Bar Kokhba uprising.

After Hadrian’s death in 138 c.e., the anti-Jewish laws were annulled by Antoninus Pius. Subsequently the rabbinical leaders (most of them disciples of Akiba) convened in Usha, a town in Galilee. Simon, son of Gamaliel II, is not mentioned among the rabbis who convened in Usha. No reason is given for this in the sources. He may have been very cautious and wanted more time to pass until taking over the leadership of his people.

Before Simon ben Gamaliel II appeared on the scene and resumed his duties as the Nasi, the Synod of Usha assumed the duties usually within the authority of the Nasi and issued several enactments, called אֲשֵׁרָא תָּמוֹנָת the Taqqanoth of Usha. These enactments, necessitated by the prevailing conditions after the lost war and the period of persecutions, are the following:

1) Parents must support their children as long as they are minors.
2) If the father deeds all his property to his children, they must support their parents from this property.
3) One who spends freely (by giving too much money for charity, etc.) may not spend more than one fifth of his property.
4) A father must be patient with his son (while teaching him) until he is twelve years old, but after that he should apply strict measures. (He should chastise him and refrain from supporting him if he does not want to study.)
5) Should a wife sell her property while her husband is alive and then die, he may take the property from the purchaser.
6) The Terumah must be burned in six cases of doubtful defilement.
7) Tithing and “removal” of the ethrog depends on the time of its harvesting (i.e., ethrog of the sixth year that ripened in the seventh year is exempt from tithing but requires “removal” since it was harvested in the sabbatical year. On the other hand, ethrog of the seventh year that ripened in the eighth year requires tithing but is exempt from the “removal” because it was harvested after the sabbatical year).

Some of these ordinances are significant because they reveal unhealthy after-effects of the war. There were parents who would not support their children and had to be forced to do so. On the other hand, children who were given their parents’ property had to be in-
structured to support their parents. Another enactment prevented unreasonable spending for charity and for other matters. An excessive spending would impoverish the family of the spender, making them a public charge. All these enactments (including the one concerning the kethuvah) show that the bonds of family responsibilities loosened during the war and had to be strengthened. Not all of these enactments were new. Nos. five and six represent a strengthening of neglected practices.

Whether all these enactments were issued by the Synod of Usha is uncertain. The sources merely say that these enactments had been decided upon in Usha. However, Usha was not merely the locale of the famous Synod, but also the seat of the academy ("Sanhedrin") after the Bar Kokhba uprising. Therefore, some of the enactments could have been issued by the "Sanhedrin" of Usha that was established in Usha some time after the Synod. The strongest indication that at least most of the above enactments were issued by the Synod of Usha is the statement in Shir. R. II,5, "They [the sages] gathered and studied and did everything that was necessary" (i.e., at the Synod of Usha). Perhaps more important than the enactments was the message of the seven leaders of the Synod to the rabbis of Galilee, inviting them to the Synod and announcing "Those who have already studied, come and teach. Those who have not yet studied, come and be taught." Studying was considered the basic requirement for maintaining and strengthening Judaism (ibid.). Another source tells us that the seven surviving disciples of Akiba filled the entire land of Israel with Torah (Gen. R. 61:3). There may be more enactments of Usha but the sources are not clear on this.

According to R. Johanan, the Sanhedrin went into exile: ... from Javneh to Usha, from Usha to Javneh, from Javneh to Usha, from Usha to Shefar-Am, etc. (B. R. H. 31ab). The wording "went into exile" means that the Sanhedrin (or central academy) changed its seat time and again under the force of circumstances. After the Bar Kokhba war, due to Judea’s desolation, a town in Galilee had to be selected as the new seat of the academy. The most hospitable reception of the participants by the people of Usha at the occasion of the Synod may have persuaded the sages to make Usha the seat of the reestablished academy. However, on one occasion the seven named
disciples of Akiba assembled not in Usha, but in Biq'ath Rimmon (Beth Rimmon), in Galilee and intercalated the year there,\textsuperscript{113} thus performing a function of the Nasi and the Sanhedrin. This may indicate that for a short time the \textit{Beth Din Ha-Gadol} convened in Biq'ath Rimmon. As in the time of Gamaliel II, now too the calendation became a crucial issue, one that threatened to disrupt the unity of Rabbinic Judaism.

\Hananiah, the nephew of R. Joshua, regulated the calendar during the Hadrianic persecutions in Babylonia, where he was sent by his uncle Joshua because he seemed to be susceptible to Christian influence.\textsuperscript{114} After the Hadrianic persecutions in Palestine ended, two sages were sent to \Hananiah from Palestine requesting that he desist from the regulation of the calendar and leave it to the sages of the land of Israel. First he refused to comply with this request, but after a threat of excommunication he yielded and cancelled his last act of calendation.\textsuperscript{115} Thus the unity of Rabbinic Judaism had been saved once more.

Henceforth the Palestinian leadership regulated the calendar without interference as evident from cases of calendation related in the Talmud. A case of such calendation occurring at Simon’s time is revealed incidentally in a dispute about a liturgical issue. In this case the \textit{Beth Din} of Usha sanctified the New Year, which implies that the calendar was regulated there.\textsuperscript{116}

According to the above liturgical dispute, Simon ben Gamaliel II attended the worship services both days of Rosh Ha-Shanah and confirmed Akiba’s view which was followed the second day of Rosh Ha-Shanah by saying, “This was the practice in Javneh.” The reference to Javneh is certainly a reference to the pre-Bar-Kokhba Javneh as Rashi (ad loc.) states. This needs to be pointed out because according to some sources the central academy (“Sanhedrin”) moved from Usha to Javneh for reasons unknown.\textsuperscript{117} It could have been a move dictated by nostalgic feelings. The second period of Javneh, if historical at all, could have been but a short one since merely two sources refer to it. According to one of these the sages who convened in the Vineyard of Javneh were Rabbi Judah, Rabbi Eleazar ben Jose, and Rabbi Simon.\textsuperscript{118} In another passage, among the congregants in the Vineyard of Javneh are named R. Judah, R. Jose, and R. Eliezer.
the son of R. Jose the Galilean. The accuracy or historicity of this account is questionable since the words spoken there are, on the whole, those uttered at the Synod of Usha.

After a possible short interruption, the academy continued to function in Usha for an indeterminable number of years under Simon ben Gamaliel's presidency. His precaution not to take over the leadership of his people right after Hadrian's death was justified in view of the watchful attitude of the Romans even after Antoninus Pius (138–161) annulled the Hadrianic decrees against the Jews. The Romans had spies who watched the conversations of the Jews and informed the Roman authorities. At one occasion, Judah, Jose, and Simon were discussing the accomplishments of the Romans, while Judah, a son of proselytes, was with them. The latter, a spy, informed the Roman authorities about the conversation of the named sages. As a result, Simon was to be killed (but managed to escape), Jose was exiled to Sepphoris, and Judah, who praised the accomplishments of the Romans, was to be "elevated" (rewarded).

In another incident, the Romans entrusted two proselytes with spying on Gamaliel II in Usha. In this case no calamity resulted. The historical implication of this case is noteworthy. If the text is accurate, it would mean that Gamaliel II officiated in Usha, at least for a short time. Since no other ancient source corroborates this, the probability is that the patriarch referred to is Simon ben Gamaliel, though Rashi states that Gamaliel officiated in Usha as well as in Javneh. Should the text of our Sifre and Rashi's tradition be right, the statement that the Sanhedrin moved from Javneh to Usha and from Usha to Javneh could refer to Gamaliel II's Sanhedrin.

The academy of Usha created a new office, that of the Ḥakham. His functions are not defined in the sources. Under Simon ben Gamaliel's presidency, R. Nathan, son of the Babylonian Exilarch, was the Av Beth Din and R. Meir was the Ḥakham. Thus the Ḥakham obviously ranked third.

Simon ben Gamaliel was not the greatest sage of his time, and he knew it. He often quotes his own contemporaries, admits having learned from them, praises them in most laudatory terms, and acts in accordance with their halakhic decisions. In ordinary relations with his people, he displays signs of great humility.
Simon ben Gamaliel’s acts of recognition of and admiration for the sages resulted in a weakening of his personal authority, and he realized this. For example, the members of the academy rose not merely when he entered, but when the *Av Beth Din* and the *Hakham* entered as well. Simon ben Gamaliel, in order to bolster his own authority, introduced a new procedure. All those present were to rise only for him and would not sit down before instructed to do so. However, when the *Av Beth Din* entered only two rows were to rise, one on each side and were to remain standing until he was seated. For the *Hakham* only one of these rose and remained standing until he was seated. 130 R. Nathan and R. Meir, taken by surprise, planned vengeance. The plan, suggested by R. Meir, was that Simon ben Gamaliel be asked to discuss the laws of defilement about *uqzìn* ‘stalks’ of fruits and plants. They knew that the Nasi was unprepared to do this and, after pointing to his ignorance, they expected that the academy would dismiss him. Subsequently, Nathan would become the Nasi and Meir the *Av Beth Din*—so they thought. However, the plan failed because a sage faithful to Simon ben Gamaliel indicated to him that *uqzìn* would be discussed in the academy by studying about it aloud near the residence of the Nasi, who took the hint and studied this section of the law. Next day, when the Nasi was asked to discuss *uqzìn*, he was able to do so. He also knew the purpose of the question and expelled Nathan and Meir from the academy. They continued asking questions by sending notes from the outside. The sages of the academy were able to answer some of them. Those they could not answer were answered by Nathan and Meir in written notes which they threw inside the academy. R. Jose intervened for Nathan and Meir by saying “The Torah is outside and we are inside.” Hereupon Simon ben Gamaliel permitted them to re-enter, but penalized them by ordering that their names should not be mentioned when their views are quoted, but that Meir should be quoted as “others” (say), and Nathan as “some say.” Later R. Nathan asked the Nasi for forgiveness, R. Meir did not. 131 This incident is significant, because it shows that the academy (“Sanhedrin,” or *Beth Din Ha-Gadol*) could dismiss a Nasi and appoint another person in his place. This would not be possible if
the office of the Nasi were independent of the academy, or were an office endorsed by the Roman authorities. The situation was probably the same at the time of Gamaliel II's demotion.

In exercising his duties as Nasi, Simon ben Gamaliel pursued a course of democracy, realism, and flexibility.

Simon ben Gamaliel points out that in former times the witnesses who signed the kethuvah were either priests. Levites or Israelites of unblemished descent.\textsuperscript{132} This implies that matters changed under his presidency. While he was not necessarily the initiator of the change, his pointing to it indicates that it had his consent and support. From that time on the signers of a kethuvah did not have to belong to a pedigreed group.

Simon ben Gamaliel proclaimed the principle that \( \text{הלל כמותה} \) the custom of a place is binding.\textsuperscript{133} This is an important legislative measure. Declaring a custom as binding gives it in large measure the character of a law.\textsuperscript{134}

Simon ben Gamaliel holds that a man who gave his property away to deprive his unworthy sons from inheriting it is praiseworthy.\textsuperscript{135} This shows that he had no scruples about disregarding biblical law (law of inheritance) if circumstances warranted such a measure. But he would not permit the setting aside of a law of the Torah without compelling reason.\textsuperscript{136} Another example: “You may transgress the Sabbath for a newborn baby [to save his life], but not for King David when he is dead,” he declared.\textsuperscript{137}

Simon ben Gamaliel strengthened the authority of the courts.\textsuperscript{138} One statement by Simon ben Gamaliel is, at first glance, puzzling: “Wherever the sages cast their [evil] eye, the consequence is poverty or death.\textsuperscript{139} However, if we keep in mind his unagreeable experiences with some of the sages, this dictum is understandable.

The only foreign language in which the Bible may be written, according to Simon ben Gamaliel, was Greek.\textsuperscript{140} This indicates that he did not oppose Greek culture. In fact he studied Greek himself as did other Patriarchs and many other Pharisaic and Rabbinic Jews.\textsuperscript{141}

As to the financial settlements pertaining to marriage, he strengthened the position of the woman.\textsuperscript{142}

A sensible rule related in the name of Simon ben Gamaliel is “No
[restrictive] measure must be imposed on the community unless the majority of the community is able to bear it.”\textsuperscript{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.,\textsuperscript{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. \textit{Soṭah} IX,15, “When Rabban Simon ben Gamaliel died the ‘locust’\textsuperscript{145} came and troubles grew many,” allows no safe inference as to the time of his death.

\textbf{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.\textsuperscript{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.\textsuperscript{147} Rabbi Ḥiyya, a close associate of Judah, states: “God knew that Israel could not bear the persecution of the