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THE PROCEDURE OF ORDINATION AND OF THE APPOINTMENT  
OF COMMUNAL JUDGES FROM 70 C.E. TO THE END  
OF THE SO-CALLED TALMUDIC PERIOD

*The Faculty*  
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SECTION I  
THE BEGINNINGS OF ORDINATION

The traditional explanation of the origin of ordination is that the practice is traceable back to Moses, who, at the command of God, ordained Joshua as his successor. The verse, 12/13/11 1'8x 1'9' AK PNO'1, "And he laid his hands upon him and gave him a charge,"<sup>1</sup> is considered proof of this ordination. Moses is also supposed to have ordained the seventy elders.<sup>2</sup> They in turn ordained others, and thus from Moses, Joshua and the elders ordination was passed down from generation to generation until eventually the time of the rabbis of the Talmud was reached.<sup>3</sup>

There is, however, no basis in fact for such a theory. We know that ordination involved the conferring of the title, "rabbi."<sup>4</sup> By noting the time when this title made its appearance we can thereby determine the time when ordination, likewise began; and since the title, "rabbi," and also the closely related title, "rabban" did not come into being until somewhere around the time of the destruction of the second Temple, we can date the beginning of ordination also around the same time. As Sherira and Hai pointed out in a responsum, the first to bear the title of "rabban" was Rabban Gamaliel, the elder.<sup>5</sup> After him this title was also borne by Rabban Simeon, his son, Rabban Johanan ben Zaccai and, although Sherira fails to mention him, Rabban Gamaliel II, grandson of Gamaliel I. The above mentioned responsum also points out that the title "rabbi" first occurs in the days of Rabban Johanan ben Zaccai among his pupils and from

then on was widely used. The title "rabban," however, was no longer used after Gamaliel II. The title, "rabban," it seems, was confined to only the first few of the Nesiim. All other scholars during their time, as also Nesiim after their time, were known simply as "rabbi."

Although, as was said previously, the traditional account of the history and origin of ordination is not a true one, it seems possible that the rabbis did, at least, ~~find~~<sup>find</sup> to their satisfaction, Biblical basis for ordination in the Scriptural verse quoted above. To assert this, however, makes it necessary to emend slightly a passage in the Talmud. The question is asked on Sanhedrin 13b, מאי דאורייתא דרבנן

"Whence do we derive the ordination of elders by three?" The answer given is אין דאורייתא דרבנן

אין דאורייתא דרבנן  
אין דאורייתא דרבנן  
אין דאורייתא דרבנן

"Shall I say from that which is written, 'And he laid his hands upon him?' If so, one should be sufficient. And if you say Moses took the place of seventy-one, if so, then seventy-one are necessary. It is an unanswerable difficulty."

The word אין in the question should possibly be omitted here, changing entirely the nature of the question. <sup>6</sup> We then have, "Whence do we derive the ordination of elders?" To this the answer would have been given:

"From that which is written, 'And he laid his hands upon him!'"

When the extra word crept into the question, then it would be quite natural for the answer also to be changed and read:

"Shall I say from that which is written,  
etc. If so, one should be enough"

and the other alternative also be brought in.

But this revised answer is obviously not a good one for the question as it stands, because it tends to contradict the supposition of the question that three are required for ordination rather than affirm it. Only for the revised question would the use of this particular verse make sense, and it is, therefore, quite possible that this is what was intended originally.

SECTION II  
THE AUTHORITY TO ORDAIN

In enumerating a number of functions requiring the presence of three people the Tosefta also includes the following statement:

*משיכה שלשה ומשיכה שלשה וקנין שלשה ל' הויבר אמר*  
*דמיה*

From this we learn that at least three people were required to officiate at the ceremony of ordination, although a dissenting opinion by R. Judah says five. However, this law is probably a late one, for there are other passages which indicate to us that originally ordination might be conferred by a single individual. The Talmud, however, does not give us a very clear-cut picture of the historical development of the institution of ordination. Material having any bearing on the subject is comparatively scarce, and what little we have does not lend itself easily to analysis. In attempting, therefore, to trace the transition from ordination by individual teachers to ordination by a group of three and to decide exactly in whom the authority to ordain others was invested the best procedure will be simply to present the several passages involved, to discuss each individually and deduce what we can from them. In so far as possible, we shall present these passages in historical order, that is, according to the stages of development which they reflect.

The first such passage is as follows:

Said R. Ba, Originally each one ordained his own pupils, as for example, R. Johanan ben Zaccai ordained R. Leazar and R. Josh-

*original shortened from original. Wiener*



ua, and R. Joshua ordained R. Akiba,  
and R. Akiba ordained R. Meir and R.  
Simeon.<sup>9</sup>

*You might  
have given  
the  
whole  
statement  
in 8)*

From this it may be assumed that originally any individual teacher had the prerogative to confer ordination by himself upon any of his pupils. The story of Judah ben Baba also supports this contention. The Roman government had decreed that ordination should cease completely. Anyone who attempted to ordain another was to be put to death. Anyone who allowed himself to be ordained was, likewise, to be put to death. Any city in which an ordination took place was to be destroyed, or if it took place in the districts close by the city, these districts, likewise, would be uprooted. But Judah ben Baba went to a point in the mountains at the boundary line between Usha and Sefaram, and there ordained five men: R. Meir, R. Judah, R. Simeon, R. Jose and R. Eleazar ben Shammua (and possibly also R. Nehemiah). Just as he finished, they were discovered by Roman soldiers. He himself was too old to flee, but ordered his disciples to do so, while he was struck by three hundred spears.<sup>10</sup>

At the end of this account in the Talmud there is appended the statement that Judah ben Baba did not ordain alone, but that there were others with him, who were not mentioned out of respect to Judah ben Baba. But this is quite obviously because the later rabbis felt the contradiction between this story and their own practice of requiring three to officiate, and they

thus sought to effect a reconciliation.<sup>11</sup>

The above mentioned passage which tells us of ordina-  
tion by individuals continues further:<sup>12</sup>

They effected a change and paid respect to this house. They said that if the Bet Din ordains without the knowledge of the Nasi, its ordination is not valid, but if the Nasi ordains without the knowledge of the Bet Din, his ordination is valid. They effected (another) change and decreed that the Bet Din might not ordain except with the consent of the Nasi and that the Nasi might not ordain except with the consent of the Bet Din.

Here are reflected at least two more stages in the history of ordination. From the first part we may assume that the authority to ordain was centralized in the hands of the Nasi, since the Nasi might ordain without the Bet Din, but the Bet Din needed the consent of the Nasi. From the latter part, however, we may assume that at a later date the procedure was changed and the authority of the Nasi restricted, since mutual consent was necessary. The use of "Bet Din" in this passage is somewhat strange. If originally ordination was permitted by individuals and remained so until the power was centralized in the hands of the Nasi, we should expect this passage to refer to individuals and not to a "Bet Din." The answer may be that Bet Din is used here in a collective sense to refer to all the individual rabbis who comprised the principal Bet Din or supreme council of rabbis of which the Nasi was the head.<sup>12a</sup> It may also imply that before the authority to ordain was limited to the

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that originally R. Meir, R. Zakkai & R. Shila alone ordained, but rather in each case in connection with other rabbis who were present

Nasi, such authority was limited to the Bet Din, and only members of the Bet Din had the privilege of ordaining others.

The commentary<sup>13</sup> tells us that "this house" refers to the household of the Nasi. Maimonides takes this to mean Hillel,<sup>14</sup> the Elder. But this is contradictory to the whole passage, since the very men previously mentioned among those who ordained<sup>15</sup> on their own authority lived after the time of Hillel. More-<sup>16</sup>over, as pointed out above, the practice of ordination did not even begin until just after the time of Hillel.

Other scholars agree that the reference to "this house"<sup>17</sup> refers to a later time than Hillel. Lauterbach and Bacher<sup>18</sup> refer it to the time of Simeon ben Gamaliel, father of Judah Ha-nasi; Chajes<sup>19</sup> and Graetz<sup>20</sup>, to Judah Ha-nasi himself.<sup>21</sup> Bornstein maintains that this might possibly refer to Rabban Simeon ben Gamaliel, but more likely to R. Judah Ha-nasi, since in the days of Simeon ben Gamaliel we find that R. Akiba conferred<sup>22</sup> ordination on R. Meir and R. Simeon. The Talmud itself gives no explanation for this change, delegating complete authority in ordination to the Nasi. Bornstein, in a logical and plausible attempt to find the explanation, sees the answer in<sup>23</sup> the political and religious conditions of the time. Due to the desolation in the land after the fall of Bethar and to the severe decrees which Hadrian directed against the Jews the scholars of the time were forced to flee in all directions. As a result, if each scholar, wherever he might be, would have set himself up as an independent authority without any bond with the chief center which united all Israel, the unity of the peop-

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R. Akiba  
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le and the community would have been seriously undermined. The attempt of Hananiah, the nephew of R. Joshua to fix the calendar in Babylon is cited as an example.<sup>24</sup> For this reason the leaders of the time thought to restrict the privileges of the individual for the good of the people as a whole and to take away the right of ordination from scholars in general and to establish it as the prerogative of the Nasi, the highest leader of the people. At the same time for the same reason the system of partial ordination was also introduced. This<sup>25</sup> latter point we shall discuss in detail later.

Lauterbach similarly tells us that this centralization of authority occurred after the Bar Cochba war, when affairs in Palestine were in general reorganized and on the cessation of the Hadrianic persecutions during which ordination was altogether strictly forbidden.<sup>26</sup>

As evidence that it was, at least, not later than the time of Judah Ha-nasi that control was centered in the hands of the Nasi we have several passages indicating the power which Judah Ha-nasi wielded in the matter of ordination. Bar Kappara remained unordained, because he once incurred the displeasure of R. Judah, when he teased him for favoring Bar Elasha, his rich son-in-law, who was, however, not much of a scholar.<sup>27</sup> Similarly, Judah and Hezekiah, the sons of R. Hiyya, under the influence of wine, once made a derogatory remark<sup>28</sup> against the Patriarchate. Bornstein suggests that this like-

wise, may be the reason that they were never ordained. 29

In the Yerushalmi Sanhedrin 25b we read the following, which might seem to contradict the centralization of authority in the hands of Judah Ha-nasi. R. Hiyya says to R. Idi:

כא-מנה חכמים נאמר לק צדקה

"When the sages are ordained, we shall ordain you among them."

However, it says "we shall ordain," not "I," and thus R. Hiyya is not taking it upon himself to ordain Idi. But how could R. Hiyya even take it upon himself to promise and whom did he mean by "we?" In any case the consent of the Nasi would be needed. R. Hiyya, however, was a friend of R. Judah and probably had great influence with him. We see that he also approaches R. Judah in behalf of Rab and Rabah bar Hana.

Another passage seems to affirm the power and strictness of R. Judah, although its meaning is not completely clear.

30

We read:

רבי פנחס מנחם זצ"ל מנחם זצ"ל מנחם זצ"ל  
כ"ד" פ"ו מנחם זצ"ל מנחם זצ"ל מנחם זצ"ל

The meaning here seems to be:

Rabbi would confer two ordinations. If they were worthy they would remain ordained; if not, they would be deprived of their ordination.

Another possible, but less likely meaning is:

Rabbi would ordain by two ordinations (that is he would first ordain a man temporarily). If they were worthy, they would remain ordained; if not, they would be deprived of their ordination.

In a parallel passage in Kohemoth Rabba to Kohemoth 7.7 the two words וְלִבְרַ are added in the first sentence. This would help greatly in elucidating the first possible meaning given above, where something is obviously lacking and necessary to complete the sense of the passage. We then have that R. Judah would ordain only two persons each year. Of course, whether this meaning was originally intended or whether וְלִבְרַ is a later embellishment is an open question. It seems very plausible, however, to suppose that it was intended originally. Used with the second possible meaning the phrase only complicates matters, unless it means that Rabbi had two fixed times every year when his ordinations were conferred. One for the temporary and one for the permanent. In either case, we see that Rabbi exercised strict surveillance and control over those whom he ordained. In later years he repented of his strictness, and before his death, the same passage tells us, he advised his son to be a bit more lenient.

וְלִבְרַ וְלִבְרַ וְלִבְרַ  
וְלִבְרַ וְלִבְרַ וְלִבְרַ

Depending on which meaning we accept for the first part of the passage, the last three words may mean either "ordain everyone on an equal basis," that is, do not restrict ordination to only two per year, but give everyone an equal chance

or less likely, "Ordain everyone at one time," that is, do not have temporary ordinations.

31

According to Bornstein, the story of R. Hanina bar example of R. Judah refusing to ordain Hama is another/a man for petty reasons and is, therefore, indicative of his power. R. Judah is supposed to have refused to ordain R. Hanina, because R. Hanina once refuted him in public. Bornstein, however, has mistaken the import of the story which is found in continuation of the last-mentioned passage above. Before his death, R. Judah also instructs his son as follows:

32

וְיִמְנֶה רִשְׁבֵּי הַבַּיִת וְיִשְׁמַח בְּכָל הַיּוֹם

"Appoint R. Hanina bar Hama at the head." The Talmud then asks why did R. Judah not appoint him himself. One reason given is that the people of Sepphoris opposed him. This reason is rejected in favor of the reason that R. Hanina once refuted R. Judah in public, the circumstances of which incident are also given.

Just what to "appoint at the head" means is, however, not altogether clear. According to Hyman it means to sit in the first row of scholars in the Bet Hamidrash. According to Rashi, it means "Rosh Ha-yeshivah." This seems to be the more acceptable. This passage may be compared to another similar passage where the reference is much clearer. We read on Baba Basra 12b:

וְיִשְׁמַח בְּכָל הַיּוֹם וְיִשְׁמַח בְּכָל הַיּוֹם

and from what precedes this, it is very clear that לְרִבְּרָא has reference to the position of לְרִבְּרָא לִי. Although in one case the phrase לְרִבְּרָא לִי, this difference is of no consequence, and we may therefore assume that to "Appoint at the head" has no reference to ordination, but refers rather to appointment to some office, in this case to the headship of the school as may be seen from Ketuboth 103b where R. Hanina is mentioned in this connection, Bacher, curiously enough, interprets these words to mean "Ordain R. Hanina first," although he admits the reference to R. Hanina in Ketuboth 103b speaks of him as head of the school. Bornstein evidently takes the word לִי in the text to mean "ordain" whereas the word may equally as well mean simply "appoint," which was its original meaning, and therefore, he takes לְרִבְּרָא to mean ordain, instead of simply "appoint at the head." But whatever "appoint at the head" may mean in this case (if our previous explanation is not correct), it is clear that we may be dealing with an example of R. Judah's prejudice, but we are certainly not dealing with ordination.

The account of what happened when R. Hanina refuted R. Judah also seems to bear this out. R. Judah asks, "Where have you studied Bible?" R. Hanina answers, "Before Rab Hammuna in Babylon." R. Judah then says, "When you go down there, tell him that I have appointed you Hacham, and we are then told that R. Hanina knew that he would not be appointed in his days. But R. Hanina was appointed! What then does it



mean when it says he knew he would not be appointed? If we take the word "Hacham" in this case to refer to the official position of Hacham in the schools, we can solve the difficulty. Having been appointed to this position, R. Hanina knew he would not be appointed to the higher position, Rosh Ha-yeshivah. If we were to interpret the verb, וַיִּשָּׂא, in this passage to mean "ordain," then the passage would obviously be contradictory and make no sense. In the Koheleth Rabbah version mentioned above,<sup>37</sup> the word וַיִּשָּׂא occurs instead of וַיִּשָּׂא as in the other. This seems to show that the confusion regarding the meaning of וַיִּשָּׂא in this passage is of long standing, for וַיִּשָּׂא<sup>38</sup> would make sense here only if ordination were involved.

The conclusion to the story of R. Hanina bar Hama in this same passage also points to the fact that ordination is not involved, but rather an official position in the school. We are told that R. Haninah yielded the position to R. Ephes who was slightly older than he, but another elder insisted on being in second position no matter who was first, so R. Hanina was in the third position.<sup>39</sup> If we were to interpret the elder's desire as a desire to be ordained second, it would not seem plausible, for what would be the virtue in being ordained second? But if we take it to mean that he desired a certain position in the school, regardless of who was to be his superior, the statement is better understood.

Zari translates R. Judah's remark to R. Hanina about being appointed Hacham in this fashion, "Tell him to appoint

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tion B.M.  
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וַיִּשָּׂא  
וַיִּשָּׂא  
וַיִּשָּׂא

*have simply misquoted wording of Yer.*

you Hacham."<sup>40</sup> This would obviate the difficulty arising when we translate, "I have appointed you Hacham" with the statement R. Hanina knew he would not be appointed. If this translation were correct, the meaning of "ordain" would be acceptable here, but the wording of the text does not bear this out.

We have thus far indicated that at one time the power of ordination was concentrated in the hands of the Nasi and shown that this was done at least by the time of R. Judah Ha-nasi.<sup>41</sup> We have also indicated above that at a later time this power was taken away, and just as the Bet Din needed the consent of the Nasi, so the Nasi needed the consent of the Bet Din. According to Chajes, this restriction on the powers of the Nasi occurred in the time of Gamaliel III, son of R. Judah Ha-nasi.<sup>42</sup> Graetz would have it in the time of R. Judah Nesia, the grandson of R. Judah Ha-nasi.<sup>43</sup> It seems more likely, however, that this restriction did not come into effect until the time of Judah III Nesia, the grandson of the grandson of Judah Ha-nasi. The reasons for this will be made apparent as we go on. The change of procedure itself probably came about for two reasons: first, because of the arbitrary manner of the Patriarchs, and second, because of a certain amount of corruption which found its way into the Patriarchate.

With reference to the first reason, we have already mentioned, in speaking of R. Judah Ha-nasi how he allowed himself to become the victim of his prejudices. It is true that at his death he admonished his son to do differently,<sup>44</sup> and apparently the advice was followed to a certain extent, at least, for we find that R. Joshua ben Levi ordained everyone of his disciples with the exception of one who because of a physical defect could not be ordained.<sup>45</sup> We find also, on the other hand, that R. Johanan was extremely anxious to ordain R. Hanina and R. Hoshaiah and yet found himself unable to do so.<sup>46</sup> The reason is not indicated in the Talmud. Rashi says that it was because he was unable to find two others to join him in the ordination, but Rashi seems simply hard pressed for an explanation and hits upon this one. It does not seem likely to be correct, however. It is quite possible that R. Johanan could not get the permission of the Patriarch, and, therefore, could not ordain them. Even the acts of Judah Ha-nasi were remembered and rankled in the hearts of later generations. R. Zeira, contemporary of R. Judah III,<sup>47</sup> is led to exclaim:<sup>48</sup>

"How many pious and learned men were fit to be ordained, as for example, Judah and Hezekiah, the sons of R. Hiyya<sup>49</sup>....but in the future to come the Holy One, Blessed be He, will ordain for himself a company of righteous by Himself and seat them with Him in a Great Yeshivah.

As for the second reason we have any number of in-

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was disciple  
of R. Johanan

dications that the Patriarch was not at all careful about the men whom he placed in office and monetary considerations often played a large part in their selection. One account reads  
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as follows:

The Patriarchate appointed a judge who was not learned. They said to Judah bar Nachmani, the interpreter of Resh Lakish, "Go, stand at his side as an interpreter. He arose, bending by him, and he (the judge) did not say a thing. He (Judah bar Nachmani) began to speak and said, "Woe unto him that saith<sup>to</sup> Wood, 'Awake,' to the dumb stone, 'Arise.' Can this teach? Behold, it is overlaid with gold and silver and there is no breath at all in the midst of it." (Hab. 2.19) And in the future God will exact punishment of those who make them stand, as it said, "But the Lord<sup>s</sup> in His holy Temple; let all the earth keep silence before Him." (Hab. 2.20). Said Resh Lakish, "Every one who raises up a judge over the congregation who is not worthy is as though he plants an Asherah in Israel."

From the individuals involved here we see that this incident must have occurred in the time of R. Judah II. Similar incidents are reported to have happened also in the  
51  
days of R. Judah III. R. Mana is said to have held in light esteem those who were ordained for money. R. Immi<sup>i</sup> proclaimed concerning them the verse: "Gods of silver and gods of gold you shall not make unto yourselves." (Ex. 20.23)

R. Josiah said the Tallith of such a person is like an expensive saddle on an ass, (i.e. you may put a good saddle on, but the animal remains an ass). R. Aschian, who  
52  
lived a little later than the other men we quote, added to the

latter statement that we may not stand before anyone ordained through money nor call him "Rabbi." It is told of R. Zeira and another rabbi who is not named that they were sitting together and there passed a man who had been ordained for money, and the rabbi sitting with Zeira said to him, "Let us pretend we are studying so that we shall not have to rise before him." Jacob of the village of Nibburaya also is said to have applied Habbakuk 2.19 to the men ordained for money, and he shows how weak these men are in comparison with good scholars such as R. Isaac bar Eleazar.

Since these corrupt practices were present during the office of R. Judah III, it is evident that reforms to check the power of the Patriarch had not yet been made, and for this reason it was stated above that the last part of the passage quoted from Yerushalmi Sanhedrin 19a regarding the restrictions placed upon the Nasi refers to the time of R. Judah III rather than any earlier period.

According to Bornstein some of the rabbis would have restricted the powers of the Nasi a bit further. On Sanhedrin 30b we read of how R. Johanan was really tricked into conferring an ordination, but he does not rescind it. R. Zeira comments upon this, saying:

ל"מ שבעה עשר כ"ו / כ"ו / כ"ו

"When a great man ordains, it stands." In this statement Bornstein sees a possible reference to the rule of mutual consent in ordination between Nasi and Bet Din and a protest that this is effective only in advance, but if for some reason it happens that a man is ordained by some leading scholar even though it be without the consent of the Nasi, the ordination stands.<sup>55</sup> In so doing he rejects the textual correction in the marginal note which is supported by the Dikduke Soferim and which would change the text to read "When a great man is ordained, it stands." His reasoning seems plausible, since the present text is preferable to the corrected one.

A word must be added concerning the time of introduction of the rule that ordination must be by three. Since in the Tosefta quoted above, R. Judah is mentioned as having differed from this law and given as his opinion that five are necessary, it may be presumed to date from at least R. Judah's time. The new regulations did not make it mandatory that the Nasi himself confer ordination. Only his permission was needed. With his permission others also might ordain, but perhaps to further enhance the prestige of the Nasi a distinction was drawn between the Nasi and the others. If others ordained, three were required. R. Judah, perhaps, would have preferred that even more deference be shown him and would have

required five men to preside over ordination when he was not present. It must be admitted, however, that it is quite possible that even the Nasi had to have others with him to preside at an ordination. The material at hand is by no means altogether clear on this point. It is strange that nothing is said about the number necessary to ordain in the Mishnah itself.<sup>55a</sup>

Whatever time the rule concerning three may have become effective, we do know that R. Johanan, contemporary of R. Judah II, was already aware of this rule.<sup>56</sup> There are examples where rabbis seemingly ordained by themselves. R. Joshua ben Levi is said to have ordained all his pupils except one.<sup>57</sup> It is said that of two scholars one of whom was present and one was out of the land, R. Johanan ordained the one that was present.<sup>58</sup> Likewise, R. Johanan ordained Jose ben R. Hanina.<sup>59</sup> It is probably, however, that these passages do not mean to say that the aforementioned rabbis ordained alone. They may well have been each the leading man among the three who ordained, and because of the lesser significance of the other two it was not thought necessary to mention them. It might be argued that the same type of reasoning would apply to the case of R. Judah ben Baba which was discussed above,<sup>60</sup> especially since this very argument is mentioned in this connection in the Talmud, but this incident occurred shortly after the death of Akiba for whose time we have definite proof that ordination was still by individuals and, likewise, was previous to the oc-

<sup>61</sup>

again  
relying on  
R. Bar's statement  
who lived much later

casion of the changes created in the time of R. Judah Ha-nasi, which occasion would also seem to have been the logical time for the change to the use of three in ordination.



SECTION III

CEREMONIES AND TERMINOLOGY CONNECTED WITH ORDINATION

In response to a question as to whether ordination was actually conferred by laying on of the hands upon the head of the initiate as the term "Semichah," itself implies,<sup>62</sup>  
<sup>63</sup>  
 Rav Ashi described the ceremony of ordination as follows:

וְהָיָה כִּי יִשְׁמַח הָאֵלֹהִים בְּיָדְךָ וְנָתַתָּה לְיָדְךָ  
וְנָתַתָּה לְיָדְךָ וְנָתַתָּה לְיָדְךָ

"They ordain him by name, bestow him with the title 'rabbi' and grant him permission to judge cases of fines."<sup>63a</sup>

This is no doubt a correct description of ordination as it obtained during most of its history, but in its early stages it more likely involved laying on of the hands. Otherwise, why use the term "Semichah?" Just as "Semichath Zekenim,"<sup>64</sup> referred to the laying on of the hands in sacrifice, so here, too, "Semichah" referred to the laying on of hands upon the head of the one to be ordained.

2

1

Lauterbach and Bacher advance two plausible explanations for the abandonment of this custom and the change to ordination by name.<sup>65</sup> First, the change must have occurred when the authority to ordain became the official prerogative of the Nasi. Then the custom of laying on the hands, which had significance only when the individual teacher ordained his pupil, just as Moses placed his hands on the head of Joshua, lost

*note: while preceded by Lauterbach used it*

its significance and was abolished. The second explanation is the fact that the custom of laying on of the hands had by the middle of the second century been taken over into Christianity, and long been a Christian institution. The apostles lay their hands on the head of certain disciples; Barnabas and Saul are so consecrated before being sent on a mission to the heathen. Several other examples also are mentioned.

In connection with the abandonment of laying on of the hands we must note also the change in terminology with reference to ordination. Originally, ordination was known as שְׂמִיכָה or מִנּוּי. When the custom of laying on of the hands was abandoned, these terms were a misnomer, and the term מִנּוּי, ordinarily meaning simply an "appointment" of any kind, took on, in addition, the more technical meaning of "ordination." This change in terminology took place, however, only in Palestine. In Babylon the old terms continued. There ordination was not practiced anyway, and the change in manner of ordaining, which occurred in Palestine had no effect upon the vocabulary of the people in far-off Babylon. Thus the Babli employs constantly the term "Semichah," while the Yerushalmi uses "Minnui." In Palestine by the time of R. Johanan the old term is almost completely forgotten, and when R. Johanan quotes the Baraita containing the term, he finds it necessary to explain its meaning, for the term for ordination is confused with the similar term for laying on of the hands of the elders in sacrifice. There were also other ceremonies

connected with ordination. It was customary on such an occasion to sing the praises of the individual to be ordained. When R. Zeira was ordained the following verse was pronounced, "Not rouged, not painted, and not bedecked, but yet full of grace."<sup>76</sup> This was also part of a wedding song sung in honor of brides.<sup>77</sup> When R. Ammi and R. Assi were ordained, they exclaimed, "Only such men ordain ye for us, but ordain not for us of /16'N70 and /10'N70." Another version of this was "Ordain not of /10'ND or /10'N70." Jastrow interprets this to mean not to ordain scholars who use foreign words, such as these.<sup>78</sup> Rashi interprets "sarmitin" and "sarmisin" as people who do not speak sensibly and who pervert the sense of Scripture. "Hamisin," he says, are people who refuse to give the meaning of Scripture and "Termisin" he fails to explain.<sup>79</sup> The etymologies by which he arrives at his conclusions are, however, highly questionable.

80

Bacher's explanation is that both expressions originate from /10'ND and /10'N70, from the Latin "Semissis" and "Tremissis." The meaning then is: "Do not ordain for us of men who are worth a half "as," or a third of an "as," as "as" being the name of a coin or measure.

81

The names of those who were ordained were recorded in a book which was kept in the house of the Patriarch. This is reflected in a statement concerning R. Eleazar which is as follows: When R. Eleazar went to Palestine he said, "I am saved from one (penalty) ~~thing~~"; when they ordained him, he

said, "I am saved from two"; when they seated him in the council for intercalation, he said, "I am saved from three," as it is said (Ez. 13.9), 'And my hand shall be against the prophets that see vanity, and that divine lies; they shall not be in the council of My people' -- this is the council for intercalation -- 'neither shall they be written in the register of the House of Israel,' -- this is ordination -- 'neither shall they enter in the land of Israel' -- in its literal sense." <sup>82</sup> The identification of "register of the house of Israel" with ordination is evidence that the names of the ordained must have been recorded in some special register which was provided for that purpose. Another possible clue suggested <sup>83</sup> by Bacher is in the statement:

<sup>84</sup>

'למדן דאן /'ו סיד דאן'.

the import of which is that in matters involving intercalation <sup>84a</sup> ordained scholars are selected according to seniority. The year could be intercalated only by those especially appointed <sup>85</sup> to do so. Seven scholars were required for the purpose. These scholars were, then, selected by seniority, but such a rule could be enforced only if there were a certain means of determining seniority. However, it must be admitted that it is possible the expression quoted above means simply that the scholars for intercalation must be appointed by the Nasi, equivalent to the statement:

<sup>86</sup>

דאן /'ו דאן דאן דאן /'ו דאן /'ו

87

Gamaliel is mentioned as assembling such a group. But if it  
is correct to interpret this as meaning by seniority, a list  
such as mentioned above would have provided a permanent record  
of ordination which could be referred to in case a question of  
seniority arose. Just when such a list was introduced is not  
evident, but since R. Eleazar lived in the second half of the  
third century, it had been established at least before that time.

The ordination ceremony was evidently a very festive  
occasion. The candidates for ordination would dress in their  
best clothes. R. Berachiah in a parable refers to the special  
care a scholar would give to that garment he wore at ordina-  
tion.

90

The ordained was not only given the official title of  
"Rabbi," but he was likewise henceforth known as a "Zaken,"  
Elder. Thus the Biblical verse לֹא יִבָּרֵךְ בְּקִרְבְּךָ זָקֵן  
בְּיָמֶיךָ is interpreted as meaning there will be no ordained  
in the House of Eli. R. Judah tells Bar Kappara he will  
never be ordained in the words אִין מִכִּרְבָּךְ זָקֵן.  
We read similarly: לֹא יִבָּרֵךְ בְּקִרְבְּךָ זָקֵן בְּיָמֶיךָ.  
וְהָיוּ לְךָ זָקֵן וְזָקֵן, and there are other  
examples. To the term זָקֵן was often added the words וְזָקֵן  
בְּיָמֶיךָ. On Yoma 78a is asked the question whether a Zaken  
Yoshev Bayeshivah needs permission from the Nasi to examine  
first-born cattle for blemishes. On Nedarim 62a we read the  
admonition "that a man might not say, 'I shall read (Scrip-



Thus here "hacham" is used as "ordained" contrasted to "haber,"  
<sup>98</sup> "unordained." Another version of the same incident tells us  
<sup>99</sup> that the reply was כן כן, thus indicating the rela-  
 tionship in meaning between "hacham" and "zaken." However,  
 "hacham" was not restricted in meaning to ordination. It, too,  
 was used in a more general sense as "a wise man", and, in addi-  
 tion, was also the term by which one of the official positions  
<sup>100</sup> of the school was designated.

There are a number of references which indicate to  
 us that the ordained would thereafter wear some sort of of-  
 ficial garment. In some cases, it is referred to as tallith;  
 in others, as a goltha. A disparaging remark concerning those  
 who were ordained for money reads:

<sup>101</sup> The following warning to leaders of communities also mentions  
 the tallith:

והנה אדם המכיר ונשם טעם לא יאמר עובר  
אין נזקק לא מכיר ע' הצבור אלא כ  
<sup>102</sup> טוב הצבור ע' 102

Similarly:

אין יתורב אחר כך כה המעשה הטעם  
<sup>103</sup> לא נשמה חכם אין מכירין אלא המעשה הטעם <sup>103</sup>

also  
 in connection  
 with

in connection  
 with  
 (הנה)  
 (כ)

See  
 Kraus  
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 83 ff.



We also have references to the use of a keset  
ketoret, a goltha trimmed with gold which R. Judah spread  
over the son of Eleazar ben R. Simeon at the time of his ordi-  
nation. R. Meir, R. Judah, R. Jose, R. Simeon, R. Nehemiah  
and R. Eleazar ben Jacob had gone to the Valley of Rimon to  
intercalate the year. Of them it is said:

אברהם בן יצחק

(no doubt 2818 should be read 1818)

105 הנה חבירה קטע פאסט ביזאנא ו'הב ע'ה

Apparently without a golda the year might not be intercalated, and not all the scholars for some reason had such garments. Therefore, in order to permit all to participate in the intercalation, the available garments were torn in half and shared.

R. Jannai and Simlai were once walking and saw  
R. Judah Nesia approaching, whereupon Simlai said: למה

2/c' 2/A 2/c' 2/c' <sup>106</sup> . Here we see that the  
gold<sup>th</sup> was worn not only on official occasions, but when not  
on official business as well.

On some occasions the rabbis replaced the goltha  
with another garment called either pidpa or  
107  
pidpa. Many rabbis permitted this to be used

see  
Krauss  
Lehrn

Lehrstuhl s.v. ONB

for the absolution of vows. R. Hunah in the name of Jeremiah allowed it when a tallith was not available, while R. Jose ben R. Bun permitted it for light vows.<sup>108</sup>

Once anyone was ordained, the ordination might not be recalled for any reason. One passage bearing on this point has already been quoted.<sup>109</sup> We also read that R. Samuel says in the name of R. Abbahu, "A zaken who has become involved in some matter is not deposed from his office, but they say to him, 'Be honored and stay at home.'<sup>110</sup>" In consequence, a zaken is likewise free from the penalty of banishment for any wrong he may have done. #Said R. Jacob, son of Abaye, in the name of Rab Shesheth, 'It was voted in Asha not to banish a zaken.'<sup>111</sup> This was the general rule, but there were exceptions. Some men were deposed from their office, although ordination was not involved. Thus Gamaliel II deposes Pazar from his position,<sup>112</sup> and Gamaliel himself was deposed as head of the academy.<sup>113</sup>

*Asha*

*EB was village mayor*

SECTION IV  
ORDINATION OUTSIDE OF PALESTINE

Originally, it is quite likely that ordination was permissible anywhere outside of Palestine on the same basis as within Palestine. In the Mishnah we find the statement: "The Sanhedrin may conduct its office either within the land <sup>114</sup> or outside the land. From this it may be assumed that as long as there was no law introduced to the contrary, the right <sup>115</sup> of ordination also might be exercised outside of Palestine. Bornstein contends that a change was effected in the time of R. <sup>116</sup> Judah Ha-nasi. He offers as evidence the fact that up to the time of R. Judah we find Babylonians who bore the title "rabbi," but that after R. Judah this phenomenon ceases completely. He offers the following list of names: R. Judah ben Bathyra, R. Nathan Hababli, R. Isaac, R. Jonathan, R. Josiah and R. Aphi his son, and R. Zutra. However, although his contention is probably correct, this bit of evidence does not seem valid as proof. All of the rabbis mentioned may have lived part of their life in Babylon. Yet all studied in Palestine <sup>117</sup> and lived there also for some time, and therefore we can draw no conclusions from them as to ordination outside of Palestine, for they were probably ordained in the schools of Palestine and exercised their functions as ordained rabbis there. Similarly, scholars of later times came from Babylon and likewise gained the title "rabbi," as for example: R. Hanina, R. Eleazar, R. Asi, R. Simlai, R. Hiyya bar Joseph and others; but Bornstein for no apparent reason considers their case differ-

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disciples  
of R. Ish  
mael b.  
Eliezer

ent. Just as these latter names do not mean there was ordination in Babylon, so the other cases also are no proof. Therefore, even though it may have been permissible to ordain outside of Palestine, we have no evidence that this privilege was ever used. Perhaps the schools outside of Palestine were not yet firmly enough established and did not feel qualified to confer ordination, and by the time they were strong enough to do so the privilege had been revoked. The practical difference between earlier and later times with respect to ordination may have been simply this. At first scholars ordained in Palestine were permitted to go back to Babylon and exercise their functions there. R. Judah ben Bathyra, for example, does go back to Nisibis.<sup>118</sup> Later, however, anyone with any intentions of settling permanently outside of Palestine would not have been ordained. Thus Rab and Rabbah bar Hanah, who were going to Palestine,<sup>119</sup> were not ordained, but merely given R'shus. This, too, may have been the reason that Rabbi who was anxious to ordain Samuel, his physician, was unable to do so, since Samuel returned to Babylon,<sup>120</sup> and similarly for others.<sup>121</sup>

The remainder of Bornstein's suggestion is quite plausible.<sup>122</sup> He suggests that it was the attempt of Hananiah the nephew of R. Joshua to establish the independence of the Babylonian community and fix the calendar in Babylon which caused R. Judah to protect the authority of Palestine and restrict ordination to Palestine, thereby limiting the perform-

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ance of certain functions requiring ordained rabbis. Hananiah, says Bornstein, lived in the hard times following the fall of Bethar when the observance of religious practices was maintained in the land with difficulty. Hananiah, therefore, sought to establish the fixing of the calendar and dating of festivals in Babylon where the Jews lived in peace. This action on his part was later labeled as ד'ר'ר'ר'ר'ר'ר'ר'ר'ר'ר'ר'ר'ר'ר'ר'ר'ר'r' 124 ד'ר'ר' 124. It was considered a danger to the unity of Israel and the resettlement of Palestine, and raised great opposition in Palestine, especially on the part of R. Judah Ha-Nasi, who sought to centralize control of the religious life <sup>125</sup> in the hands of the Palestinian patriarchate. To this opposition Hananiah was at length compelled to yield, but this was, according to Bornstein, the chief cause leading to the restrictions on ordination.

However, this may be, we know that by the time of Joshua ben Levi it was an established principle that there <sup>126</sup> was to no ordination outside of Palestine. The Talmud takes for granted that if those who are to confer ordination are outside of Palestine and those who are to be ordained are within Palestine, this is forbidden, but the question is raised what if those who are to confer ordination are within the land and those who are to receive it outside of the land; is such <sup>127</sup> "in absentia" ordination permitted? The answer is that R. Johanan wanted to ordain Simeon bar Abba, but could not do so, because he was not present with him in Palestine, and likewise in the case of two other scholars, one who was present with

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him he ordained; the other, who was not with him he did not  
ordain. Elsewhere this statement as to Simeon bar Abba is  
borne out. He is said to have been in Damascus and Abbahu  
pleaded with him to come to Palestine and be ordained.

In another passage bearing on ordination outside of Palestine, R. Ammi questions R. Simeon concerning this matter and is answered, "I have heard that elders are not ordained outside of Palestine," and R. Levi advances Biblical proof for this. The commentary Bene Moshe says the question referred to scholars who were outside of Palestine and asks whether they may be ordained in Palestine, presumably "in absentia." In the light of what follows this is quite possible, for we find a statement of the rabbis of Caesarea in which they make this exception:

"Elders are ordained outside of Palestine on condition they will return." <sup>132</sup> The examples which follow also convey the impression that we are dealing with "in absentia" ordination. We are told that R. Isaac bar Nahman was in Gaza, R. Zemena was in Tyre, R. Titus was in Rome, and all were ordained with the promise that they return to Palestine. We have also the statement here that R. Jonah was in Pithca and refused to be ordained until Zemena was also ordained. He presumably was eventually ordained, because Zemena was ordained, as we have just stated, and also Jonah was called "Rabbi." <sup>133</sup>

There remains the question as to whether anyone who was ordained in Palestine might fully exercise his functions outside of Palestine if he should go outside the land for a short period of time. It seems that this was permitted. At R. Joshua ben Levi's assertion that there is no ordination outside of Palestine,<sup>134</sup> the question is asked, "What does it mean there is no ordination. Should I say that they may not judge cases of K'NAS<sup>135</sup> at all outside the land, then lo, it is taught that the Sanhedrin may conduct its office either in the land or without the land; it means rather that we may not ordain (i.e., perform the ceremony) outside the land." The understanding here, then, is that the ordained may exercise all functions outside of Palestine also.<sup>135a</sup>

Other evidence favoring this is the fact that before R. Hiyya bar Abba was to depart for Babylon, R. Judah Nesia gave him a letter of recommendation reading: "Behold, we have sent you a great man, our representative, just as one of us (NP K31'2)<sup>136</sup> until he returns to us." This phrase, NP K31'2 Bornstein takes as meaning that the Nasi was permitting him not only to judge ordinary civil cases, which the non-ordained scholars of Babylon might also do, but, in addition, as the representative of the scholars of Palestine, to judge case involving K'nas just as they did.<sup>137</sup>



From what has gone before, we see that Semichah in its full technical sense had no place in Babylon. Nevertheless, in a more general sense there was Semichah in Babylon also, and this term was widely used in reference to the scholars of the various schools. <sup>138</sup> On Pesahim 49a we read of the two sons of Rab Idi bar Abin who were ש"ס ו'ס'ס. They are, however, Rab Shesheth and Rab Joshua, neither one of whom, as we see from their titles, were ordained in the Palestinian sense of the term. It is in this same sense that the term is used by Rab Sherira Gaon in his letter:

רבי נחמיה אבא, רבי יוחנן בן זבדי, רבי אבהו, רבי אבהו, רבי אבהו  
<sup>139</sup> רבי אבהו, רבי אבהו, רבי אבהו, רבי אבהו, רבי אבהו

Because there was no technical ordination, however, Babylonian scholars did not have the right to the title, "rabbi," but were designated as "Rab" instead, as stated in the passage just quoted from the letter of Sherira Gaon. <sup>140</sup> Likewise, Palestine remained the authority for calendation, as we noticed above, <sup>141</sup> and cases of K'nas were not handled in Babylon. The Babylonians accepted and recognized this situation. Once when Rab Hisda addressed a question to Rab Nahman involving K'nas, Rab Nahman rebuked him, "Hisda, Hisda, are you going to demand K'nas in Babylonia." <sup>142</sup> In such cases the plaintiff had the right to bring the case to trial in Palestine, and if he wished to do so and the defendant would not go, the defend-

143  
ant might be banished. In general, this distinction with regard to ordination gave the Babylonians a sense of inferiority toward Palestine which extended to other things as well. On Pesahim 51a we read concerning a ritual question:

יד"א ויד"ב / יד"ג ויד"ד / יד"ה ויד"ו / יד"ז ויד"ח / יד"ט ויד"י

"Since we yield to them, we act as they do." This, Rashi tells us, refers to the fact that in Palestine there was ordination, but in Babylonia not.

We do not hear of any ceremony connected with the granting of the title "rab" nor of any specific requirements or functions by which a Rab differed from anyone not so entitled. It may be that all teachers of the Babylonian schools were thus automatically entitled without ceremony or formality, or it may be that the use of the title, "Rab" was connected with the obtaining of "R'shus" from the Exilarchate, Mar Zutra<sup>144</sup> who is said to have judged without "r'shus" is possibly not known as "Rab" for this reason.<sup>145</sup>

Babylonians were permitted to assume all functions not requiring full ordination and to perform them as representatives, so to speak, of the Palestinians. Thus we read, "~~They~~ (we) act as their representatives in civil cases; in matters of fines we do not act as their representatives."<sup>146</sup> We are also told that even in civil cases the Babylonians might thus act as representatives of the Palestinian authorities ~~in~~ only in such types of cases as occurred frequently or in which ac-

tual monetary losses were involved, but in unusual cases and in cases in which no fixed monetary loss was involved they might not act as representatives of the Palestinian authorities, and these, too, were presumably not tried in Babylon.<sup>147</sup>

There remains another question to be discussed involving the relationship of Babylonia to Palestine, the question as to whether a R'shus granted in Palestine is valid in Babylonia. This we shall discuss together with the whole problem<sup>148</sup> of R'shus.

SECTION V

THE GRANTING OF R'SHUS OR AUTHORIZATION

Besides ordination as has been described previously, which is a complete and unqualified ordination, there was also what may be called a partial ordination known as R'shus, "authorization," by means of which scholars were licensed to perform the same functions permitted to ordained scholars with the exception of judging dine k'nasos.<sup>149</sup> A fully ordained scholar received the title "rabbi" and the R'shus to judge dine k'nasos. A partially ordained scholar, so to speak, did not receive the title "rabbi" and might receive R'shus for other things, but never dine k'nasos, and was, of course, also not eligible to aid in the intercalation<sup>150</sup> of the calendar.

That R'shus for Dine K'nasos was granted only with full ordination may be seen from several passages in which ordination is made practically synonymous with this privilege. In<sup>151</sup> the supposed description of ordination referred to above, only the right to judge Dine K'nasos is mentioned, thus making it appear that this is the unique function of the ordained. Also when R. Joshua ben Levi asserts there is no ordination outside<sup>152</sup> of Palestine, immediately the question is asked as to whether this means that Dine K'nasos are thereby completely eliminated outside of Palestine, and it is explained that R. Joshua means here that only the actual ceremony of ordination is forbidden, but not the exercise of any function for which only the ordained are qualified. The question here asked implies that Dine K'nasos is such a function and by the fact that it is silent concerning other functions, implies

also that lack of ordination would not interfere with their practice.

The introduction to the story of Judah ben Baba who ordained students despite the decree against ordination by the Roman government, <sup>153</sup> is also an illustration of the same point. We are told were it not for Judah ben Baba the judging of Dine K'nasos would have ceased in Israel. It was only the fact that he dared to ordain some of the students that prevented this from happening. Without ordained rabbis there could have been no Dine K'nasos.

There are a number of indications that other functions might be performed by those not fully ordained, but properly authorized. On Sanhedrin 5a the question is asked as to what is R'shus, and although a definition is not given, <sup>154</sup> an example is. When Rabbah bar Hanah and Rab were each about to leave Palestine for Babylon, their uncle R. Hiyya went to R. Judah, the Patriarch, and asked on behalf of each for permission to render decisions in ~~matters~~ religious matters, to judge civil cases and to inspect first-born animals in order to determine whether or not they suffered a blemish and thus were rendered profane and usable. To Rabbah permission for all three was granted. Rab was refused permission to inspect the first-born animals. To neither one of them was the title "rabbi" granted. Since they were leaving to settle in Babylon, Rabbah and Rab had to be content with a R'shus and could

The Yerushalmi has a different version of this in-  
which deals with Rab only, but one which accords, nev-  
with the interpretation of R'shus as we have given  
same question as above is raised, but in different

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On the basis of this passage, Loew adds two more categories of activity, for which authorization was granted to the three already mentioned, i.e. remission of vows and deciding questions involving the uncleanness of women. This is, however, not justified. Both of these things fall under the category of re-

ligious law. In the Babli the all-inclusive term "Yoreh" is used, in the Yerushalmi two ~~more~~ specific items which are implied under the term "Yoreh."<sup>158</sup> The two versions may be considered variant reports of the same incident, as is often found in the Babli and Yerushalmi.<sup>159</sup>

We see also that a certain community once sent to R. Judah, the Patriarch and asked him to send them a man who would preach, judge, act as sexton, teach Bible, Mishnah and care for all their needs.<sup>160</sup> R. Judah sends them Levi bar Sisi, spoken of without a title and therefore not ordained. From this, too, we learn that any one of the functions here named did not necessarily need an ordained man to perform them.

In authorizing men to perform any public function there was this rule. In order to be able to perform any single function, he must at the same time possess all the qualifications and be fit for the performance of all functions. As an example, we are told that that R. Joshua ben Levi was grieved that he could not ordain one of his pupils. This pupil was suffering from eye trouble, which disqualified him with respect to Halitzah. The statement is then made that he might have given him partial ordination instead of full, but he did not, because anyone who is not fit for every function is not considered fit for any function.<sup>161</sup>

Not only was partial ordination conferred limited with respect to functions, but it might also be conferred limited



with respect to time. Simeon bar Abba upon leaving the country was granted such authorization by R. Johanan, which was to be effective until such a time as he would return. Elsewhere <sup>162</sup> he <sup>162a</sup> is mentioned as one of the scholars who could not be fully ordained because of residence outside of Palestine, but we see that he was permitted to carry on all functions permitted to the partially ordained.

This question is raised elsewhere also. Corresponding to מלך ישראל בקו"פ ירמיה', the Yerushalmi also asks מלך ישראל בקו"פ ירמיה'.

But here the answer is not a satisfactory one. We are told that R. Hiyya bar Abba, through the influence of R. Eleazar obtained a letter of recommendation from R. Judah Nesia which read "Behld we have sent you a great man, our representative with full power like one of us until he returns to us." According to this it does not seem that R. Hiyya received a temporary authorization. But there is also another version of this letter given which reads, "Behold, we have sent you a great man. And what is his greatness? That he is not ashamed to say I have not heard (i.e., I do not know)." This latter version says nothing about temporary authorization. And for two reasons is probably the correct one. In the first place we see that Hiyya is spoken of as R. Hiyya. He already has the title, "Rabbi," is therefore ordained and has no need of a temporary authorization. Secondly, what R. Judah Nesia was asked for was not an authorization, but rather a letter of recommendation, אפי"ק אפי"ק, so that people would bring their cases to him, and he would be able to make

a living thereby while outside of Palestine.

Bornstein tells us that the various functions performed by the fully and partially ordained were graded ~~into~~ <sup>164</sup> with Dine K'nasos and intercalation at the top. Lauterbach, similarly, says that there were different degrees in ordination, the highest of which, however, was the inspection of firstlings for blemishes. The next degree, he says, entitled the rabbi to decide religious questions and to judge in criminal cases, but not to inspect firstlings. The next degree entitled the rabbi to decide religious questions and to judge in civil cases, while the lowest entitled the rabbi to decide <sup>165</sup> religious questions only. He is led to make this statement, however, on the basis of the Rambam. Judging from the passages we have examined in the Talmud; it does not seem that there was any grading of functions outside of the fact that Dine K'nasos and intercalation stood higher than the others because for these fully ordained scholars were required. Except for these, all functions seem to have been on an equal plane and authorization for any one of them did not necessarily include others supposedly below it in rank. Rab was refused authorization to judge blemishes of firstlings. He might just as easily have been refused authorization to judge legal cases or religious questions and been granted authorization to judge firstlings. Loew, also, by combining the Babli and the Yerushalmi passage relating to Rab's authorization comes to

the conclusion there were five gradations of ordination in following order from least important to most: Religious questions, civil law, absolution of vows, menstruation questions, inspection of firstlings.<sup>166</sup> This, too, is pure speculation.

Having been authorized to act in certain broad fields such as ritual questions or legal matters, it was quite possible for men to be assigned to specific tasks because of the special knowledge or abilities, or perhaps to choose specific tasks as their means of livelihood. Thus we hear R. Ahi was assigned to hear divorce cases, because a most thorough knowledge of marriage and divorce laws was considered essential, and he apparently was an expert in this field.<sup>167</sup> Similarly, we hear of the לְרֹאשֵׁי הַבָּשָׂה<sup>168</sup>, meat supervisors who decided on questions of Kashruth in the slaughter houses. It does not seem likely that authorization was given specifically for gittin or for being a meat-supervisor, but that these probably came under a general authorization to decide legal or ritual cases, and as has been indicated above,<sup>169</sup> and these tasks were then either assigned or chosen as a specialized activity.

Certain objects which the judge might need in the course of his duties came to be taken as symbols of the office of judge. On Sanhedrin 7b we have a reference to the לְרֹאשֵׁי הַבָּשָׂה<sup>170</sup>, which are there immediately defined by the statement that when

R. Huna presided at a case he would ask that the implements of his office he brought to him. These were the rod, the lash, the shofar, and the sandal. The rod was to be used in punishing for disobedience, the lash in cases when the penalty called for was a certain number of lashes, the shofar in proclaiming banishment and excommunication, and the sandal in the ceremony of Halitzah.<sup>170</sup>

The practice of granting R'shus was probably originated by Judah Ha-nasi. Originally in religious matters anyone who felt he had the necessary knowledge might presume to give his opinions on religious questions. Once, however, R. Judah visited a certain town and found that the people there were not taking proper precautions in certain matters involving levitical uncleanness. R. Judah inquired as to the cause and found that it was due to a misunderstanding between them and a pupil who had taught them the law on the subject. He, therefore, decreed that, henceforth, no pupil might render decisions in religious matters unless he had received R'shus from his master.<sup>171</sup> The Talmud says, "his master," which might lead us to suppose that others teachers besides the Nasi might bestow the R'shus, but we see that Rab and Rabbah bar Hanah came <sup>172</sup>to directly to R. Judah and since R. Judah was asserting his authority over the complete religious life of the people, no doubt this, too, was under his domination. In

another version of this incident the law is stated simply that a pupil should not render religious decisions and has no reference to permission of "his master."<sup>173</sup>

As for authorization to inspect the firstlings we know definitely that R. Judah asserted complete control to increase the authority of the Patriarchate. "Said Rab Idi bar Abin, this matter (inspection of firstlings) they handed over to the Patriarchate in order that they might entrench themselves therewith."<sup>174</sup>

The matter of R'shus in civil cases was merely a continuance of the practice of designating "experts" which had been done previously by the Bet Din. Just as the Patriarch took over from the Bet Din all rights with respect to ordination,<sup>175</sup> so did he also with respect to all judges. On the question of "experts" we shall elaborate more fully in the next section.

When under Judah Nesia the Patriarchate was losing its authority with regard to ordination in general, it probably lost complete control of granting R'shus also.<sup>175a</sup> Thus Si-meon bar Abba received R'shus, not from the Patriarch, but from<sup>176</sup> R. Johanan, who had also been active in bestowing ordination.<sup>176a</sup>

The granting of R'shus was not, unlike ordination, limited to Palestine. Babylonian scholars also were eligible

for authorization. In Babylonia the internal life of the Jew was governed by the Exilarch, and R'shus was obtained from him.<sup>177</sup> This leads us to the question as to the relationship between Palestine and Babylonia concerning the honoring by each of authorization granted in the other land. The Talmud,<sup>177a</sup> in speaking of civil cases, tells us it is clear that authorization to judge might be obtained either in Palestine or Babylonia and that such authorization was considered valid for the country in which it was obtained. It also takes for granted that anyone receiving authorization in Babylonia might judge in Palestine. The Palestinians were no doubt lenient in this respect, because their authority was protected by the higher rank of ordination. But the question is raised as to whether an authorization granted in Palestine is valid in Babylonia. On this question the Talmud is a bit confusing. Several examples are cited, but we have to re-evaluate these incidents and separate them from the later comments which were made in error:

"Rabbah bar Hanah once judged and erred. He went before R. Hiyya who said, 'If they have accepted you, you do not have to make restitution, and if not, you do; and lo, Rabbah bar Hanah had R'shus.'"

From this we are told we may deduce Palestinian R'shus was not valid in Babylonia, since he was held responsible in case of error.<sup>178</sup> But we see from another passage of the Talmud just below on the very same page that Rabbah bar Hanah had received R'shus just as he was about to leave Palestine for Babylonia,

This discussion in Babbli may date the cessation of R'shus in Babylonia due to the error of Rabbah bar Hanah.

and therefore, it must be assumed that such R'shus was to have value for him in Babylonia, and he would be able to make use of it there. Indeed, the Talmud itself asks, "If Palestinian R'shus is not valid why did Rabbah bar Hanah obtain it?" The answer given states that such authorization was valid for the cities of the frontier. The anonymous nature of the question and answer, however, makes it appear to have come from the later teachers of the Talmud who might well have hit upon such an explanation simply as a compromise answer reconciling the opposing points of view. ~~The Babylonian scholars seem here eager to minimize the opposing points of view.~~ The Babylonian scholars seem here eager to minimize the importance of Palestine and declare their own independence, and this may reflect the later period when the Palestinian schools were losing their power. Epstein seems to solve this contradiction by supposing that authorization to judge granted in Palestine was valid in Babylonia, and the recipient was allowed to judge, but in case of error he was held responsible and had to pay the loss he caused. The very fact that Rabbah bar Hanah judged a civil case in Babylon and his question as to his responsibility in case of error indicates that Rabbah, although uncertain about his responsibility in case of error, knew that his authorization applied to Babylon also, or else he would not have judged.

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Another incident mentioned involved Rabbah bar Huna. He found himself quarreling with the Exilarchate and defied him with the statement, "Not from you have I received authorization. I received authorization from my father, my

B. H. while still in Babylon, before studying in Pal. indeed a case taken over in Pal. asked his power about

here is another incident involving Rabbah bar Hanah who already turned Babylonian and was in Babylonia. The case is very different. B. H. while still in Babylon, before studying in Pal. indeed a case taken over in Pal. asked his power about

teacher, and he from Rab and Rab from R. Hiyya and R. Hiyya  
from Rabbi." <sup>180</sup> This incident seems to be misunderstood. There  
seems to be no question of validity of a Palestinian authori-  
zation here, even though Rabbah bar Huna traces his authoriza-  
tion back from teacher to teacher to R. Judah Ha-nasi himself.  
This seems rather to reflect an internal dispute between Rab-  
bah bar Huna, head of the school at Sura and the Exilarchate. <sup>181</sup>  
It is puzzling that Rabbah bar Huna should received authoriza-  
tion from his father and also that authorization could be  
traced back from teacher to teacher. The Talmud here may be  
quite correct when it says, "He was only trying to put them  
in their place with mere words." Rabbah bar Huna may have  
meant here to emphasize the line of teachers from <sup>which</sup> he drew his  
knowledge and to show that the Exilarch was small in compar-  
ison to them. He may also not have meant actual formal au-  
thorization, which he may have had from the Exilarch, but ra-  
ther used the term in a larger sense to refer to the teaching  
and preparation which were necessary before anyone could ob-  
tain authorization; his preparation had been at the hands of  
such great men, that it was <sup>as</sup> though this preparation itself  
constituted the real authorization, and the authorization of  
the Exilarch of little consequence in comparison.

In religious questions it seems to be taken for  
granted that Palestinian authority is to be respected. Rab is  
called a Zaken Mamre, a rebellious elder, because he did not



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want to conform to a decision of the Patriarchate. Abaye  
takes it for granted that Babylonia is subordinated to Pale-  
stine when he says concerning a certain religious question,  
183  
"Since we yield to them, we do as they do. A Babylonian under  
a ban who wanted to be released after the person who placed  
184  
him under the ban had died is sent to the Patriarch. These  
seems to indicate that Palestinian decisions were held in high  
esteem in Babylonia, and lacking any evidence to the contrary,  
we may assume from this a Palestinian R'shus concerning reli-  
185  
gious questions would therefore be valid in Babylonia.

SECTION VI

NON-EXPERT AND EXPERT JUDGES: DIFFERENCE IN STATUS

The privilege of judging at trials of civil cases was not restricted only to those who were either fully or partially ordained. Within the limits of certain disqualifications,<sup>186</sup> which we shall discuss later, any man at all might act as judge in civil cases.<sup>186a</sup> Certain people, however, known to be scholars and skilled in the law were designated as דננין, "expert." Their judgment was considered authoritative, and they were free from several restrictions to which the others as non-experts were subject.

Judges, at first, were declared "experts" by the Bet Din (that is, Bet Din, in the larger sense of the term which refers to the entire Rabbinical assembly or school such as that at Yabneh),<sup>187</sup> as we may assume from the phrases דננין<sup>188</sup> and דננין<sup>189</sup>.  
דננין<sup>188</sup> and דננין<sup>189</sup>.  
 Later, when the Patriarch Judah Ha-nasi established his authority over the Jewish community it could be bestowed upon him alone in the form of R'shus.<sup>190</sup> In Babylonia it was the Exilarch who exercised this right.<sup>190a</sup> Thus those who received R'shus for civil cases and the fully ordained are also to be understood under the term דננין.<sup>191</sup>

As a general rule, non-experts might not judge alone.<sup>191a</sup> A minimum of three such judges was required. An expert, however, was permitted to sit in judgment of a civil case by himself.<sup>192</sup> According to Samuel, in the event that only two judges (non-experts) did take it upon themselves to judge a

case, their decision stands, but they are called a "Bet Din Hatzuf," a presumptuous court. According to R. Johanan and Resh Lakish, if only two non-expert judges tried a case then the decision was not valid. R. Abbahu also tells us that this was the general opinion.<sup>193</sup> It is recorded that R. Aha sided with Samuel, while Raba disagreed with his opinion.<sup>194</sup>

There seems to have been exceptions, for the Mishnah does speak<sup>of</sup> occasions when even one non-expert judges alone, which the Gemara explains as possible if the litigants indicate that they are willing to accept the decision thus rendered. If non-experts rendered decisions and erred, they were obligated to make restitution for any loss they had caused. This was a punishment for being so presumptuous as to judge alone. Experts, however, were exempt from restitution.<sup>195</sup><sup>196</sup>

We are also told that Mar Zutra, son of Rav Nahman, judged alone, even though he did not have R'shus.<sup>196a</sup> He erred in judgment, but here he is told by Rab Joseph that if the litigants accepted him he need not repay, but only, if not, then he must repay. Rab, however, was of the previously stated opinion and said that if a man wants to be free from any obligation in case of error, he must have authorization<sup>197</sup> from the Exilarch.

Whether non-expert or expert, if an error was made in the decision, when it was a matter of a decision between two opposing points of view, the decision stood, but if the

law had been definitely stated on the point involved, the de-  
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cision was reversed.

The decision of an expert could not be appealed. It  
is told that R. Abba and R. Benjamin bar Japheth were litigants  
before R. Isaac. The decision was in favor of R. Benjamin.  
R. Abba then went and appealed to R. Ammi, and he proclaimed that  
if an expert has taken the trouble to render judgment, his  
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decision stands.

In addition to judging civil cases non-experts might  
also remit vows if they were able to suggest reasons which  
would invalidate the vow and there were no authorized in the  
vicinity. An authorized person might do so alone. For un-  
authorized persons three were required. The rabbis of Cae-  
sarea allowed them to remit vows even if an authorized person  
was in the vicinity. Rab Huna is cited as having remitted  
vows, and his authorization is questioned by R. Zeira, but  
200  
R. Jose asserts that he was authorized. Other passages tell  
us that experts might remit vows alone and non-experts in  
201  
courts of three without adding any further qualifications.

SECTION VII

QUALIFICATIONS, DISQUALIFICATIONS AND STANDARDS FOR ORDAINED  
RABBIS AND JUDGES

Some of the ideal qualifications which were looked for in men who were to be ordained may be seen from some of the statements which were made in regard to the Sanhedrin. R. Johanan tells us that members of the Sanhedrin had to be older men of fine stature and appearance and men of wisdom, who understood the seventy languages so that the Sanhedrin would not need to rely on an interpreter. They also had to know sorcery! This, says Rashi, was that they might be able to confound the sorcerers who were tried before them. Members of the Sanhedrin had also to be humble, sin-fearing, and well liked by others.

Men who were to act as judges had to be free from physical defects. "Just as the Bet Din must be clean in respect to righteousness, so must they be clean from all physical defects." Thus R. Joshua ben Levi, who ordained all his other disciples, was prevented from ordaining one, because he was blind in one eye. The minimum age at which one might begin to teach concerning religious questions is set at forty, although it is pointed out that Rabbah taught, even though at forty he died. The answer given to this is meaning, according to Rashi, that if one is equal in wisdom to the leading scholar in the town in which he finds himself, or if there is none older than he in the town, he may teach. The ceremony of ordination is not mentioned in this discussion, but this would obviously mean that a person might not be or-

This date  
unlikely,  
probably  
died at  
60.

daind until he was forty years old. Whether this was actually carried out is uncertain on the basis of available evidence.

Ordination was forbidden to non-Jews. We are told there were many non-Jews such as Tabi, the servant of Rabban Gamaliel who were worthy of being ordained, but could not because of their ancestry.  
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However, in spite of all the qualifications which were looked for in the ordained, the son of R. Eleazar ben R. Simeon, who was mentioned previously as having been ordained by R. Judah, was a totally worthless and immoral fellow at the time of his ordination. Nevertheless, R. Judah ordained him in the hope that the dignity to which he was raised would make him change his ways. Strangely enough, the experiment was a success, and he later became an upright scholar.  
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Although the privilege of acting as judge in civil cases was theoretically open to all, there were, nevertheless, certain restrictions. Dice players were barred as judges. This included not only those who played with cube blocks, but also those who played with nut shells or pomegranate peel as well. When they broke up their blocks and were completely reformed so that they would not play again even without stakes,



then they could again be considered eligible for judging.<sup>211</sup>  
Two possible reasons for disqualifying dice players are given.  
One: because it is best for the public welfare. Another: be-  
cause gambling is an "asmachta" and an "asmachta" is not legal-  
ly binding and considered a form of robbery.<sup>211a</sup>

People who borrowed money on interest were also  
disqualified. Not until they tore up their documents and so  
reformed that they would not lend on interest even to a gen-  
tile were they again eligible.<sup>212</sup> Those who raced pigeons,  
cattle, other animals or fowl were ineligible. To be again  
eligible they must break up all implements used in racing and  
so reform that they would not arrange races even in the wil-  
derness.<sup>213</sup> Those who traded with produce of the Sabbatical  
year were ineligible and could not be reinstated until another  
Sabbatical year came around and they showed they had stopped  
this practice by refraining from trading with the produce of  
this Sabbatical year. R. Jose would make it harder and said  
two Sabbatical years must pass. R. Nehemiah said that repen-  
tance in such cases was not to be indicated by mere words alone,  
but the individual concerned was to demonstrate his good faith  
by giving as a gift to the poor<sup>214</sup> an amount equal to that gained  
by his forbidden sales. R. Judah held that the above were  
disqualified only if they had no other occupation, but if  
they also had other means of livelihood they were eligible.  
Others, however, held that in either case they are disqualified.<sup>215</sup>

(1836)

A robber<sup>216</sup> is disqualified and also one who takes by force even though he leaves payment for what he takes (<sup>216</sup> /o n p.).  
Taxpayers and publicans were barred, because they overcharge.  
Herdsman<sup>217</sup> were barred because they drive their flock on other people's land. Rab Judah said all herdsman were ineligible even without evidence that they were dishonest, while tax collectors in general were eligible, presumably unless it was first proved that they were dishonest.<sup>218</sup> Herdsman were ineligible, however, /only when caring for their own flock. When tending some one else's flock, they would have no personal gain from driving them on other people's property. Presumably,<sup>219</sup> then, the temptation to do so would be lessened.

Others declared ineligible were those who accept charity from gentiles publicly, provided it might have been done privately,<sup>220</sup>  
<sup>221</sup> slaves, <sup>222</sup> apostates, and those who had at some time given false witness.<sup>223</sup> A proselyte might judge a fellow proselyte and even an Israelite if his mother were an Israelite, except in cases of Halitzah when both parents had to be Israelites.<sup>224</sup> By inference,<sup>225</sup> women also are ineligible. In general, all who were disqualified from acting as witness in court were also disqualified from being judges, although this did not necessarily mean that all who were qualified to act as witnesses were also qualified to act as judges.<sup>226</sup>

In order to ensure fair and impartial decisions there were also certain restrictions which kept individuals from judging in certain specific cases, although they were qualified to act as judges generally. Judges were disqualified if the litigants were close relatives.<sup>227</sup> Also if the litigants were friends or enemies.<sup>228</sup> A friend is defined as one's groomsmen in the Mishnah, and in the Gemara the rabbis differ as to whether this means for one or seven days after the wedding feast.<sup>229</sup> An enemy, according to the Mishnah, is one with whom one has not spoken through enmity for three days. Similarly, said Rab Papa, "A man should not act as judge either for one whom he loves or for one whom he hates, for no man can see the guilt of one whom he loves or the merit of one whom he hates."<sup>230</sup> Two judges who hated each other might not sit together in the same court,<sup>231</sup> and each judge asked to consider a case was to refuse if he knew another judge in the case was not as upright man.<sup>232</sup>

Rabbinic literature abounds with statements indicating the high standards which were expected of judges and the ideals of justice which the rabbis set up. Of these only a few have been selected and are here presented. We have tried to select only statements directly involving judges rather than abstract statements concerning justice in general. Judges are admonished to consider whom it is they are judging<sup>233</sup> and who will call them to account. The judge should be con-

cerned only with what he actually sees with his own eyes,  
which means that what is expected of him is that he should  
confine himself to the evidence and make an honest attempt to  
arrive at a just decision. In the spirit of "Be deliberate  
in judgment,"<sup>234a</sup> we have also the admonition not to make a de-  
cision unless the case be clear as morning, and if it is not  
so, not to render any decision. Similarly, said Resh La-  
kish, "Justify the decision, and then render it."<sup>235a</sup>

Judges were admonished against favoritism or pre-  
judice of any kind: "You shall not favor anyone," said R.  
Judah. "You shall not estrange anyone," said R. Eleazar.<sup>236</sup>  
It is told that a former host of Rab came before him with a  
law-suit and Rab said to him, "I am disqualified from being  
your judge," and he sent him to Rab Kahana.<sup>236a</sup>

The phrase "Thou shalt not wrest judgment" is ex-  
plained as meaning that one should not say, "So-and-so is  
a fine man; so-and-so is my relative."<sup>236c</sup> "Thou shalt not  
respect persons,"<sup>236b</sup> is explained that one should not say, "So-  
and-so is poor; so-and-so is rich."<sup>236a</sup>

If the poor is innocent and the rich guilty a judge  
must not be silent and, conversely, even a disciple who is  
present when his master judges a case, should not remain si-  
lent when he sees a point which would favor the poor or be  
against the rich.<sup>237</sup> Similarly, said R. Hanin, "You shall not  
hold back your words because of anyone."<sup>237a</sup> The learned also

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were not to be favored over the unlearned. If a judge has acquitted the innocent and pronounced sentence upon the guilty, then he has acted righteously with both the innocent and the guilty, but "Any judge," said Samuel bar Nahman, quoting R. Jonathan, "who takes from one litigant and gives to the other unjustly, then God will take his soul from him." <sup>239</sup> Similarly, the same man, also quoting, said: "A judge must always regard himself as though a sword was resting between his flanks and Gehinnom open below him." <sup>240</sup> Minor cases were to be given just as much consideration as major ones, and Resh Lakish tells us that a law-suit involving a mere "Perutah" must be regarded as of equal importance as one involving a hundred <sup>241</sup> "Maneh."

The taking of bribes is strongly condemned, even to <sup>241a</sup> acquit the innocent or convict the guilty. Said Raba: What is the reason for (the prohibition against taking) a gift? Because as soon as a man receives a gift from another he becomes so well disposed towards him, and he becomes like his own person, and no man sees himself in the wrong." <sup>242</sup> Not only a bribe of money, but a bribe of words, likewise, was forbidden. By this was meant not only words, but any act which might tend to ingratiate a litigant with a judge. A number of such incidents are cited where an honest judge as a result declared he was thereby disqualified and refused to act

as a judge. Samuel was crossing a stream on a board when a man who wanted to try a case before him came up and offered him his hand, and Samuel declared himself disqualified. The other incidents came to a similar conclusion. <sup>243</sup>

Any judge who is in the habit of borrowing was declared unfit to pronounce judgment, but the Gemara adds that this applies only when he possesses nothing to lend to others in return, but where he possesses things to <sup>244</sup>lend, it is all right.

Judges were not permitted to take fees in return for their service, and if they did so, their decision was <sup>245</sup>invalid. This applied, however, to fees for pronouncing judgment. Compensation for loss of work was permitted. Such compensation would be in the form of equal amounts from each litigants so that the judge could not be influenced by this compensation in favor of one or the other. We are told that this is the manner in which Karna acted. <sup>246</sup> Another statement is recorded to the effect that a judge who took a fee was <sup>247</sup>considered contemptible, although his decisions were valid. This seems to be in contradiction to the statement above that the decision is invalid. This is interpreted, however, to refer to compensation for loss of work when such loss of work cannot be proved. In Karna's case the loss of work was not proved, because he had regular employment -- testing wine. Similarly, Rab Huna, whenever a case was brought before him, would say to the litigants, "Provide me with a man who will draw the water in my place, and I will pronounce judgment for

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you."

All judges were collectively responsible for any verdict rendered, no matter how many sat in judgment. "Said R. Joshua ben Levi, ten who sit in judgment -- a chain hangs about the neck of all." <sup>249</sup> We are told, likewise, that when a case was submitted to Rab Huna he would summon ten other scholars to sit with him in order that each might carry a chip of the beam. Rab Ashi, similarly, when a "Terefah" was submitted to him for inspection would gather all the slaughterers of Matha Mehasia <sup>250</sup> in order that each might carry a chip of the beam. Whatever the decision rendered, all judges were committed to secrecy and might not divulge the individual opinions and declare who <sup>251</sup> was for the decision and who was against.

Good judges were highly praised. The Biblical verse, "And they that are wise shall shine as the brightness of the firmament," <sup>252</sup> is applied to a judge who gives an honest verdict. <sup>253</sup> "A judge who renders a judgment in perfect truth causes the Divine Presence to dwell in Israel," <sup>254</sup> while Corrupt judges are condemned, "And he who does not deliver judgments in perfect truth causes the Divine Presence to depart from the midst of Israel." <sup>255</sup> Also, "Whosoever takes money and perverts judgment will not leave this world before the light of his eyes will be diminished." R. Nathan put it this way: "Either his mind will become confused with respect to knowledge of the Torah....or he will become dependent on charity or his eyesight will be diminished."

The לֹא־שֹׁפְטִים 'ו'א, judges who were ignorant of the law, but made compromises between their litigants so that the actual rendering of a decision was unnecessary, are likewise spoken of contemptuously. <sup>255a</sup>

Those who appointed judges not on the basis of merit also received condemnation. The Sifre to Deut. 17, <sup>tells us</sup> that one who appoints a judge should not do so because he is fine-looking or strong or a relative or has lent him money or knows many languages. This leads to injustice. He acquits the wicked and condemns the righteous, not because he is wicked, but because he does not know any better. A corresponding passage in Midrash Tannaim on Deut. 1.17 adds also that one should not appoint a man judge, because he is rich or a Hellenist. R. Simeon ben Lakish was most outspoken against the appointment of unworthy judges and said that "He who appoints an unworthy judge is as though he would plant <sup>256</sup> an idolatrous tree."



SECTION VIII  
THE END OF SEMICHAH

It is the purpose of the paper to discuss the history of Semichah only to the end of the Talmudic period. Because of this a discussion concerning the time of the cessation of Semichah is in place only if it ended within this period. Scholars were long under the impression that this was so, and maintained that Semichah ceased in the days of Hillel II,<sup>257</sup> about 359 C. E. However, according to Bornstein, this belief rested on a misinterpretation by Nachmanides of a responsum by Hai Gaon concerning the reason for the establishment of a fixed Jewish calendar by Hillel II. This misinterpretation was handed down from one scholar to another without critical examination and accepted. The chief characteristic of the ordained, as we have seen, is the power to judge Dine K'nasos. Therefore, says Bornstein, if it can be shown that Dine K'nasos were judged in Palestine after the close of the Talmud, it proves that Semichah had not ended during the Talmudic period. This he proceeds to do chiefly on the basis of Gaonic material and comes to the conclusion that Semichah came to an end either in the later days of Maimonides or very shortly thereafter. Whether or not this is correct (though it seems to be) there seems to be nothing in the Talmud to belie the fact that Semichah continued into the post-Talmudic period, and there certainly were a number of men in Palestine with the title, "Rabbi,"<sup>258</sup> who lived after the time of Hillel II.



NOTES

1. Nu. 27.23
2. Nu. 11.16 ff.
3. Cf. Maimonides, Mishneh Torah, Hilkoth Sanhedrin 4.1.
4. קרי' ע'ה רב' San. 13b.
5. אינר רב לרירא און, edition of B. M. Lewin, p. 125.
6. cf. H. I Bornstein, מלפני הסמיכה וקריאתה, Hatekufah vol. IV, p. 395. In addition to the commentary of R. Meir Halevi Abulafia, ad loc., and the ספר בלשור of R. Judah ben Barzilai, p. 132, which Bornstein cites the Dikduke Soferim, likewise, bears him out.
7. Tosefta, Sanhedrin 1.1, Ed. Zuckerman, p. 414. Similarly, Sanhedrin 13b: ואנא סמיכה וסמיכה בקרי' בלשור. In Mishnah Sanhedrin 1.1 we read: סמיכה בקרי' ועד'ם העד'ם בלשור. From the association of סמיכה בקרי' with עד'ם העד'ם we see that סמיכה בקרי' refers to the laying on of the hands by the elders in sacrifice. And indeed the Gemara to this and Rashi also so take it. From the text on Sanhedrin 13b, however, it might seem that סמיכה בקרי' referred to ordination and סמיכה to sacrifice. We read: אנא סמיכה ואנא סמיכה בקרי' ? אמר ר' יוסן איסמק סב' The proximity of איסמק סב' and סמיכה בקרי' makes it seem so, for it looks as though איסמק סב' refers to the last phrase mentioned. However, Bornstein in Hatekufah, vol. IV, p. 394, note 1, informs us that R. Meir Halevi Abulafia in his commentary to Sanhedrin

gives another reading: '20 p'no'n d'2'no

Similarly, he tells us that the Cambridge manuscript gives a reading published in the Dikduke Soferim which also makes it clear that Smichah refers to ordination and Smichath Z'kanim to sacrifice (see A'2'2'2 ad loc.).

Similarly, with correction, the reading of R. Judah of Barcelona, in the Sefer Hashtaroth, p.132. Bornstein also believes that R. Judah does not mean to differ with regard to ordination, but refers only to sacrifice when he says five are needed.

7b. Only one of the three needed himself to be ordained. See Tosefoth Yom Tob to Mishnah Sanhedrin 1.3.

8. Cf. H. I. Bornstein, *ibid.*, p. 396. He also suggests that the reason ordination is not mentioned in the Mishnah Sanhedrin 1.1, among the things which require three officiants (see note 7) is because at the time that this Mishnah was written ordination might still be conferred by individuals.

9. Y. San. 19a.

10. San. 14a, Ayodah Zarah 8b. There is apparently a contradiction concerning the ordination of R. Meir and R. Simeon between this passage and the passage mentioned above from Y. San. 19a. One says that R. Judah ben Baba ordained them and one that R. Akiba ordained them. Indeed, the Talmud (San. 14a) raises this question with regard to R. Meir, although it says nothing concerning R. Simeon. The solution offered is that R. Akiba did or-

dain R. Meir, but it was not recognized; R. Judah ben Baba ordained him, and it was recognized. Rashi says Akiba's ordination was not recognized because Meir was too young at the time, but this seems to be merely a supposition on his part. Herford in his Pirke Abot, p. 108, suggests that Akiba ordained him while traveling together, and the ordination was not valid because performed outside the land. The discussion in the Talmud is indeed followed by the statement, "There is no ordination outside the land," and this may have been introduced here because the thought was suggested by the previous statement concerning <sup>the</sup> non-acceptance of R. Akiba's ordination, or actually have been intended as the reason for the non-acceptance and is not the beginning of a new subject at all.

11. Cf. Bornstein, *ibid.*, p. 396.

12. Y. San. 19a.

12a. Cf. J.E., vol. III, art. "Bet Din," Louis Ginzberg; also English Graetz, History of the Jews, J.P.S., vol. II, p. 325; also references to Gamaliel and his Bet Din in Jabneh in Tosefta Berachoth 2.6 and Judah Hanasi and his Bet Din in Mishnah Avodah Zarah 2.6.

13. ~~Rene~~ Moshe, ad loc. (Moses Margalith).

14. Mishneh Torah, Hilchoth Sanhedrin 4.5.

15. Cf. Shire Korban ad loc. (David Frankel). Yerushalmi, Vilna edition, Sanhedrin 6b. This commentator, perhaps

taking his cue from Maimonides, suggests that emendation of "Bet Din" to "Ab Bet Din" in each case will solve the difficulty. Thus only the Ab Bet Din would have been re-

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Talmud |  
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Maim., a. l.

stricted and compelled to consult the Nasi, while other individuals might ordain without the Nasi. Such an emendation, however, is unjustified, for why should the Ab Bet Din be restricted more than ordinary scholars? Furthermore, as he himself points out, R. Joshua who ordained Akiba on his own authority was an Ab Bet Din, and this spoils the theory. He concludes his comment by saying that one might say, then, that this rule with regard to the Ab Bet Din came into being after the time of Joshua, Akiba, and Judah ben Baba. But, here again, this would disprove the assertion of Maimonides rather than confirm it.

16. See above, p. 2.

17. JE, vol. 9, art. "Ordination," p. 429.

18. Monatsschrift, vol. 38, Zur Geschichte der Ordination, p. 124.

19. Revue des Études Juives, vol. 39, "Jewish Judges in Palestine", p. 44.

20. History of the Jews, 3rd German edition, vol. 4, p. 453.

21. Hatekufah, ibid., p. 397.

22. See above, p. 7.

23. Hatekufah, ibid.

24. Y. Nedarim 40a, Y. Sanhedrin 19a, Berachoth 63ab, see below, p. 35

25. See below, Section V.

26. JE, vol. 9, <sup>art.</sup> "Ordination."

27. Y. Moed Katan 81c, cf. also "Toldoth Tannaim, V'Amoraim", A. Hyman sub Bar Kappara, p. 288.

28. Sanhedrin 38a.



29. Hatekufah, ibid., p. 398.

29a. Sanhedrin 5a.

30. Y. Taanith 68a.

31. Hatekufah, ibid.

32. Corrected in accordance with the ל"לך מ"ס and ל"לך מ"ס. Cf. Ketuboth 103b and Shabbath 59b.

33. Toldoth Tannaim V'amorain, p. 486.

34. Ketuboth 103b, top.

35. Bacher, Die Agada der Palästinenischen Amoräer, vol. I, p. 2.

35a. On Sanhedrin 30b we find a similar phrase ל"לך מ"ס ל"לך מ"ס. Here, indeed, the implication seems to be "Let the master first ordain him." R. Johanan had asked a question to which R. Jose son of R. Hanina supposedly knew the answer, but R. Simeon ben Eliakim would not let him answer until R. Johanan would first ordain him. Thus here, too, ל"לך מ"ס, has no part in the meaning, "ordain," as is evident, because ל"לך מ"ס in itself would be sufficient.

On Horayot 10a we find the phrase, ל"לך מ"ס. Here, too, we must take the meaning as appointment to an official position. A plea is made to Gamaliel on behalf of two needy disciples. Ordination would not have helped their plight, but an official position in some supervisory capacity in the community would have gained them a livelihood. Furthermore, R. Joshua would not have needed to ask Gamaliel to ordain these disciples. R. Joshua

is mentioned among those who ordained by themselves (see above, p. 7 ).

36. See below, p. 25

37. See above, p. 12

38. See below, p. 28

39. Cf. Ket. 103b.

40. Zuri, Toldoth Hamishpat Hazibburi Haivri, vol. I, p. 71.

41. See above, p. 8

42. Revue des Études Juives, vol. 39, p. 45, note 7.

43. Graetz, History of the Jews, 3rd German ed., vol. 4, p. 453.

44. See above, p. 12

45. Y. Hagigah 76c.

46. Sanhedrin 14a.

47. Cf. H. L. Strack, Introduction to Talmud and Midrash, English ed., p. 125.

48. Koheleth Rabbah <sup>to Koheleth</sup> 1.11.

49. According to emendation in ס"גגג ל"גג, see above, p. 10

50. San. 7b.

51. Y. Bikkurim 65d, Midrash Shmuel, perek 7.

52. Bacher, Die Agada der Palästina-siches Amoräer, vol. III, p. 108.

2 53. The names mentioned here are considered to be contemporary to R. Judah III, on the basis of H. L. Strack, "Introduction to Talmud and Midrash."

54. See above, p. 16

55. Hatekufah, ibid., p. 399, note 3.

55a. See notes 7 and 8.

56. San. 13b.

57. See note 45.

58. San. 14a.

59. San. 30b, or Simeon ben Eliakim according to parallel account in Y. San. 21d.

60. See above, p. 7

61. See above, p. 7

62. Cf. Nu. 27.23 and its use on Sanhedrin 13b. See above, p. 3

63. San. 13b.

63a. Cf. Y. Horayoth 47d: אמר רבי בציריאל כדא  
אמר רבי אבהו דקניס דפה,

Note also the opinion that three are required to judge Dine Khasos (San. 8a.)

64. Mishnah San. 1.1, see note 7, above, cf. also Lev. 1.4.

65. J.E, vol. 9, art. by Lauterbach, "Ordination," p. 429; Bacher, Monatsschrift, vol. 38, p. 124.

66. Nu. 27.23.

67. Acts 6.6.

68. Ibid., 13.3.

69. Epistles to Timothy, I, 1.14; 5.22; II, 1.6.

70. Tosefta Sanhedrin 11, San. 13b.

71. Y. San. 19a.

72. תני כסמיכא בלעזא דמימיכא פיא סמיכא  
אין קר" דמנו"ה סמיכא Y. San. 19a.

73. See below, Section IV.

74. Thus even Palestinian statements are quoted in the Babli, using the term, "Semichah."

אמר רבי יהושע בן לוי אין סמיכה בחובה ערוך  
San. 14a.

..... ר"א כ' הוה סליק לא"ר אמר  
ובכיה ב'ג יאליא לא יבדו דה סמיכה  
 (Ket. 117a)

75. סמיכה וסמיכה בקנין בלשון אמר סמיכה  
ומה סמיכה בקנין א"ר יוחנן מיסחק סב'  
 (San. 13b); see above, note 7; cf. also Y. San. 19a, see  
 above, note 72.

76. Ketuboth 17a, San. 14a --Translation by Lauterbach,  
 J.E., vol. 9, "Ordination," p. 429.

77. Ket. 17a.

78. Jastrow's Dictionary under terms in question.

79. ad loc.

80. Die Agada der Palästiniensichen Amoraer, vol. II, p.  
 145.

81. Lauterbach in J.E., op. cit.; Bacher, Monatsschrift, vol.  
 38, Zur Geschichte der Ordination, p. 125 ff.

82. Ket. 112a, Y. San. 18c.

83. Bacher, op. cit., p. 127.

84. Y. Rosh Hashanah 58b; Y. San. 18c.

84a. This applied only to intercalation; in other official  
 matters, men were selected on the basis of ability: לפי

הוועד הולכי אמר הכי, ibid.

85. San. 10b, 11a; Y. San. 18c.

86. San. 10b, 11a.

87. San. 10b, 11a, Y. San. 18c.

88. Perhaps another indication that seniority in ordination  
 possessed significance is the disappointment of R. Simeon  
 when R. Akiba ordained R. Meir ahead of him:

אמר ילך רבי מאיר תחלה ובכיה  
פני רבי, Y. San. 19a. However,

here, too, it is possible that R. Simeon's disappointment has nothing to do with seniority in ordination, but is merely disappointment at being placed second to R. Meir.

89. Lev. Rabbah II, 4.
90. See above, p. 24
91. San. 14a.
92. Y. Moed Katan 81c.
93. Y. Bikkurim 65d.
94. San. 14a.
95. Cf. Nu. 11.16, ל'רבותו / ב' פ'קד'ן, San. 14b.
96. Kiddushin 32b.
97. Hagigah 14a; cf. Rashi ad loc.
98. Kiddushin 33b.
99. Y. Bikkurim 65c; cf. also A. Hyman, Toldoth Tannaim V'Amoraim, p. 1133.
100. Ketuboth 103b. It is also contrasted to "rabbi" on Baba Mezia 85b-86a: "Samuel Yehinai shall be called a wise man, but not be called 'rabbi.'"
101. Y. Bikkurim 65d.
102. Shemoth Rabbah, perek 27.
103. Baba Bathra 98a.
104. B. Mezia 85a.
105. Y. Hagigah 78d.
106. B. Bathra 111a.
107. See Jastrow, Dictionary, under ר'ב'ן.
108. Y. Hagigah 76d.
109. See above, p. 196.
110. Y. Moed Katan 81d.

111. Ibid.
112. Rosh Hashanah 22a.
113. Y. Berachoth 7cd.
114. Makkoth 1.9.
115. Cf. Bornstein, Hatekufah, vol. IV, p. 400.
116. Ibid., p. 401.
117. Cf. Bacher, Agada der Tannaiten; under each name; also Strack, Introduction to Talmud and Midrash. For R. Zutra, see Hyman, Toldoth Tannaim v'Amoraim, p. 382.
118. Y. Nedarim 40a; cf. Strack, op. cit, p. 114.
119. San. 5a; concerning R'shus see below, Section V.
120. B. Mezia 85b, bot., Rashi notwithstanding.
121. Cf. Bornstein, Hatekufah, vol. IV, p. 403.
122. Ibid., p. 401 f.
123. Y. Nedarim 40a, Y San. 19a, Berachoth 63ab.
124. Y. Ketuboth 13a.
125. Cf. Y. San. 18d, 19a., אין מצדיקין אדם עליו  
אם לא יבדוק ואם יבדוק בשם מצדיק  
אין מצדיקין אדם בשם ואם יבדוק אינו מצדיק  
 Similarly, San. 11b.
126. San. 14a, אריה"ם אין סמיכה סוף עמרף
127. San. 14a.
128. Y. Bikkurim 65d.
129. We are told that finally Simeon bar Abba probably did come to Palestine and was ordained because there<sup>are</sup> a few instances where he is given the title "rabbi" in the Yerushalmi (Bornstein, Hatekufah, vol. IV, p. 401, note 1.).
130. Y. Bikkurim 65d.

131. Ad loc.

132. For some reason the Pene Moshe here changes his interpretation of the passage and takes this part to mean that scholars going out of Palestine for a short time may be ordained temporarily, but his first explanation seems more in accord with the remainder of the passage and our own findings on the whole problem. We are not told that the scholars mentioned in the text were about to leave Palestine and were ordained וּשְׁמַרְטוּ אֶת הָאָרֶץ. They were already outside of Palestine, and therefore the meaning must be that they were ordained with the proviso they return, and not temporarily ordained for the duration of their stay outside of Palestine.

133. This passage is slightly corrupt and must be read with correction of David Frankel as suggested in his מנחת אברהם under וְשָׂרְפוּ אֶת הָאָרֶץ, p. 77b. Pithca, however, may or may not have been outside of Palestine. Cf. A. Neubauer, La Géographie der Talmud, p. 274, where it is listed as a town of doubtful location.

134. See note 126.

135. Cf. above, p. 24, and below, p. 43

135a. Cf. commentary of Obadiah of Bertinoro to Mishnah Sanhedrin 1.3.

136. Y. Hagigah 76d.

137. Hatekufah, vol. IV, p. 403.

138. Cf. *ibid.*, p. 419.

139. Letter of Rav Sherira Gaon, Levin edition, p. 125,

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Cf. also statement on B. Kama 80b, "If the door has been shut it will not be quickly opened again." Mar Zutra says this refers to "Semichah." Note that Mar Zutra could not be ordained since he was in Babylon, but he is probably thinking of himself when he says this, for he does not even have the Babylonian title "Rab," and he is thus using "Semichah" in a more general sense and referring to the Babylonian practice.

140. Cf. *ibid.*, also כל דב מחבול כל דב' מ'א

141. See above, p. 358 | cf. also, ובגל' ד' ד' ק'ס'א (San. 13b),

142. B. Kama 27b.

143. *Ibid.*, 15b.

144. See below, p. 52

145. San. 5a.

146. B. Kama 84b.

147. *Ibid.*

148. See below, p. 52 ff.

149. San. 13b; see above, p. 27

150. Even all the ordained, however, were not eligible for this; see above, p. 27

151. See note 149.

152. San. 14a; same passage referred to above, p. 36

153. San. 13b, Abodah Zarah 8b.



154. אמאי ר' לויאן כ' פנה נחמ' רבה בר חנה לקבל  
אמר ע"פ רב' חייא ע"ל בן אמאי יורה לקבל יורה יורה  
יבין יבין יבין בכורא יבין כ' פנה נחמ' רב לקבל  
אמר ע"פ רב' חייא ע"ל בן אמאי יורה לקבל יורה  
יורה יבין יבין יבין בכורא אל יבין

155. Cf. above, p. 35.

156. Y. Hagigah 76c; Y. Nedarim 42b.

157. Loew's Gesammelte Schriften, vol. 5, p. 88 ff.

158. Cf. Abram Epstein, "Ordination et Auctorisation,"  
 Revue des Etudes Juives, vol. 46, p. 209. For the  
 most part we have not followed his opinions, but on  
 this **point** he seems acceptable.

159. See Frankel, Mebo Ha-Yerushalmi, p.40 ff.

160. Y. Yebamoth 12a.

161. Y. Hagigah 76c, Y. Nedarim 42b.

162. San. 5b. Text has Rab Simeon. In Didkduke Soferim  
 ad loc. it is Simeon bar Abba.

162a. See above p.36

163. Y. Hagigah 76c, Y. Nedarim 42b.

164. Hatekufah, vol. IV, p. 397.

165. J.E., vol. 9, art. "Ordination," p. 429.

166. See note 157

167. Gittin 5b, cf. Rashi ad loc.

168. Hullin 55b.

169. Cf. above, p.45

170. San. 7b and Rashi ad loc.

171. San. 5b.

172. See above, p.44

173. Y. Shebiith 36c, Y. Gittin 43c.

174. Yoma 78a. The remainder of this passage is also of interest although all its implications are not clear. The question is asked whether a "Zaken Yoshev Ba-yeshivah" (an ordained scholar, see above, p. 28) must receive R'shus to be able to inspect firstlings. We are told that the question is asked with the thought in mind that since control over inspection of firstlings was handed over to the Patriarchate that it might thereby increase its authority, it might be necessary for an ordained scholar to obtain R'shus, but since we are speaking of an ordained scholar, perhaps he needs no R'shus. Zadok ben Hakula (according to Hyman, Toldoth Tannaim v'Amoraim, p. 1033 and Dikduke Soferim, it should read Isaac ben Haluka) cites a case which occurred before Judah Ha-nasi in which R'shus was asked for by R. Jose ben Zimra, but R. Abba refutes this and says there were special reasons why R. Jose ben Zimra needed R'shus which would not apply in regular cases. Since ordination supposedly included R'shus for all things (see above, p. 43), it is strange that the question should arise whether an ordained scholar needed R'shus for inspection of firstlings. However, this problem as we see from the people involved, came up during the time of Judah Nesia (cf. Bacher, Agada der Palestinensichen Amoräer, vol. I, p. 109). It was at this time that the authority of the Patriarchate was being challenged (see above, p. 16). Its control over ordination was taken away, and it may be that

the Patriarch and his supporters were attempting to retain complete control over at least this one field, the inspection of firstlings, and so were trying to separate it from ordination and compel even ordained scholars to apply for R'shus to the Patriarch himself. Hence the question as to whether inspection of firstlings is a prerogative of the Patriarch or implied in ordination. Isaac ben Haluka tries to support Judah Nesia, R. Abba to oppose him.

175. See above, p. 86.

175a. Cf. note 174, above.

176. Cf. above, p. 47

176a. See above, p. 21

177. San. 5a מאיס ל'י'אן מאיס ס'פ'ס

177a. San. 5a.

178. See below, p. 58

179. Cf. A. Epstein, art. 4., "Ordination et Autorisation," op. cit. vol. 46, p. 204.

180. On San. 5a we are told that Hiyya spoke up on behalf of Rab, but that Rab received R'shus from R. Judah.

181. A. H. Weiss in 'L'v'v'v'v'v', vol. III, p. 195, suggests that Rabbah bar Huna was head of the school at Sura against the wishes of the Exilarch.

182. Y. Abodah Zarah, 4ld.

183. Pesahim 51a, Hullin 18b, see above, p. 40

184. Moed Katan 17a.

185. Cf. Epstein, op. cit., p. 203 f.

186. P. 62 ff.

186a. For inspection of firstlings experts were always necessary (Mishnah Bechoroth 4.4). For religious teaching, see p. 50

187. See note 12a.

188. San. 23a.

189. Mishnah Bechoroth 4.4.

190. Cf. above, p. 51

190a. See above, p. 52

191. The term "Mumheh" was evidently a relative term. On San. 8a, it appears to refer only to the ordained, and all others are called "Hedyotth." That is because here it is speaking of "Dine K'nasoth." We know that only the ordained were eligible for this (see p. 43) and, therefore, only they were "expert" in relationship to "Dine K'nasoth" while even those judges with authorization would be non-experts in this case.

191a. Each litigant chose one judge and then, according to R. Meir, the two litigants chose a third together. According to the other rabbis, the two judges chose a third -- Mishnah San. 3.1.

192. Cf. San. 4b, 5a: גמי דבני דמי אמורא בלעל  
ואם היה מוחם לרבים אפילו אחד אחד  
נחתן כיון אמר דן דמי אמורא בימי' וכן אמר  
ר' חייא כיון אמר דן דמי אמורא בימי'

Even though permitted by law, however, it was thought by some not to be a good practice even for "experts" to judge

alone: דמינין אר גמי דן ימי' לאין דן ימי'  
אמר אר (i.e., God) -- Y. San. 18a. We read also that

R. Abbahu was sitting judging by himself in Caesarea.

His pupils ask him in surprise whether he has not said that one should not judge alone. He answers, "When they see me sitting by myself and they come to me, it is as those who willingly in advance agree to accept the deci-

sion, and if the litigants agree to accept the decision, it is permitted to judge alone -- Y. San. 18a.

From the discussion on San. 2b and 3a, it seems that non-expert judges were limited to cases of Halva'oth and Hoda'oth (loans and admissions), while cases of Gezeloth and Havaloth (larceny and mayhem) required experts, and three such judges were necessary

193. San. 3a, Y. San. 18a.

194. San. 3a.

195. Mishnah Bechoroth 4.4.

196. Y. San. 18a, Babli; San. 6a.

196a. Ma Ukba is mentioned as a judge, Ketuboth 105b, San. 28b-29a; also Karna Ketuboth 105a. They are without title "Rab", and so probably without R'shus (see p.40)

197. San. 5a.

198. San. 6a, 33a; Y. San. 18a; Y. Ketuboth 33a.

199. Y. San. 18a.

200. Y. Nedarim 42b.

201. Nedarim 78a, b, B. Bathra 120b, 121a, Yebamoth 25b.

202. San. 17a.

203. Tosefta Hagigah 2.9, San. 88b.

204. Yebamoth 101a.

205. See above

206. Sotah 22b, Abodah Zarah 19b.

207. Rosh Hashanah 18a, Yebamoth 105a.

208. Yoma 87a.

209. See above, p.17

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210. B. Mezia 85a.

211. San. 24b, 25b; Y. San. 21a; Mishnah Rosh Hashanah 1.8.

211a. San. 24b. "Asmachta" is a term used to denote a promise to submit to a forfeiture of pledged property, the value of which property exceeds the amount thus secured (Jastrow<sup>Dictionary</sup>, p. 94, under "Asmachta"). The promise in such a case is really not made with the intention of fulfillment, because the person who thus promises actually believes that such forfeiture will not be necessary and that the conditions which would require his payment will not come about. Thus, in gambling, also, the individual hopes that his wager will be won and he will not need to pay. He puts up a wager only in the hope of gaining what the other man has put up. If a wager is lost, its value is not received in return, and the winner obtains what the other man did not really want him to have. To a certain extent this resembles an "Asmachta", and it is as though the loser has been robbed by the winner.

212. San. 24b, 25b; Y. San. 21a; Mishnah Rosh Hashanah 1.8.

213. Ibid. For racing pigeons, the phrase פ'נ'ן 'ח'פ'נ'ן is used. According to R. Hama bar Oshaia it means לכנ'ל one who puts up snares for other people's doves (San. 25a, cf. Rashi ad loc.).

214. Ibid.

- 215. San. 24b, 25a; Y. San. 21a.
- 216. San. 25b.
- 217. Ibid.
- 218. B. Mezia 5b.
- 219. San. 25b, B. Mezia 5b.
- 220. San. 25b.
- 221. San. 27a, Mishnah Rosh Hashanah 1.8.
- 222. San. 27b, Rosh Hashanah 22a.
- 223. San. 27a.
- 224. Yebamoth 102a.
- 225. Rosh Hashanah 1.8. With respect to women, the passage speaks only of evidence, but this would imply judging also. See note following.
- 226. Mishnah Niddah 6.4.
- 227. Mishnah San. 3.1, 4.
- 228. Ibid. 3.5.
- 229. San. 29a.
- 230. Ketuboth 105b.
- 231. San. 29a.
- 232. Shabuoth 30b.
- 233. San. 6b, cf. also Y. San. 18b.
- 234. San. 6b and Rashi ad loc.
- 234a. Aboth 1.1, San. 7b.
- 235. San. 7b.
- 235a. Ibid.
- 236. Ibid.
- 236a. San. 7b, 8a.

236b. Dt. 16.19.

236c. ע'בול אלו, 'מלך קדש

237. San. 6b.

237a. Ibid.

238. Shabuoth 31a.

238a. Y. San. 18b.

239. San. 7a.

240. Ibid.

241. San. 8a.

241a. ע'בול אלו, 'מלך קדש

242. Ketuboth 105b.

243. Ibid.

244. Ibid.

245. Kiddushin 58b, Ketuboth 105a, Mishnah Bechoroth 4.6.

246. Ketuboth 105a.

247. Ibid.

248. Ibid.

249. San. 7b.

250. Ibid.

251. Mishnah Sanhedrin 3.7.

252. Dan. 12.3.

253. B. Bathra 8b.

254. San. 7a.

255. Mechilta to Ex. 23.8.

255a. B. Bathra 133b.



256. San. 7b, Abodah Zarah 52a: also, 'sivul lips'  
p'Gail.

257. Cf. Bornstein, Hatekufah, vol. 4, p. 404 ff.; J.E.;  
 vol. 9, p. 429 f. art. "ordination"

258. See list of Amoraim by generations in Strack's "In-  
 troduction to Talmud and Midrash," p. 129 ff.

259. B. Mezia 86a.

260. Died 427, 420, respectively, Strack, op. cit., p.  
 132.

261. Cf. Loew's Gesammelte Schriften, vol. IV, p. 163, 165.

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