

THE NASI
An Analysis of His Legal Statements

Jonathan J. Prinz

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Adviser: Dr. John J. Tapfer

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I. The Nazi: An Introduction

"It was for the general welfare of society" that Rabban Gamliel¹ Hazaken ordered that "from now on" men in Palestine could no longer set² up courts at will in order to invalidate divorces. Indeed, it had to be for the general welfare that Rabban Gamliel Hazaken ruled, since it was for that welfare that he, more than any other individual of his generation, was responsible. We actually know little of this elder Gamliel. Nevertheless, we do know that he was the first man to hold the title of³ Rabban. The grandson of the great Hillel, a descendant of the House of David, Rabban Gamliel Hazaken may well be considered the first real Nasi. To be sure, this Nasi was not the most powerful of the men who bore the title. Nor can we say that his opinions were the most far-reaching since so few of them are preserved, but with him begins the chain of tradition about which we will be concerned in this study.

Tradition states that it was Hillel who was first accorded the title and office of Nasi. We are told in Pesachim 66b of the Babylonian Talmud that after answering the questions of a group of Palestinian scholars he was elevated to the post. He is actually referred to as⁴ "Nasi" in the Talmud. One thing is certain. The House of Hillel began, with him, to hold (eventually as a hereditary right) an office which, by the time of his great-great-grandson Gamliel II, became the most powerful Jewish position in the world. During this entire period, beginning with the early days of the Common Era and culminating two hundred years later when the Mishnah, the major legal document of the times, was finished, the Nasi maintained his headquarters in the northern part in which the Nasi's power was great, his relations with Rome were close. That the Nasi depended on Rome, or its official representative in the area, is

מעשה ברבן נמליאל שהלך לסול clear from a Mishnah in Eduyoth.

רש"י מהנמון בסוריא "It occurred that Rabban Gamliel (II) had gone to obtain authorization from the General in Syria." The general, in this case, was the Roman representative who was stationed in Syria at the time and from whom apparently the Nasi had to receive periodic permission to continue in office. There are some who argue that the "רש"י" (authorization) which he was seeking was for the specific act mentioned in the Mishnah. This seems, unlikely, however, since Rome would have only limited interest in the intercalation of the year. Also, the point of the 'מעשה' (Occurrence) really had more to do with the fact that when the Nasi was away provisional decisions could be made by other rabbis. This connection with Rome is also exemplified by the fact that the Nasi and his closest associates made trips to Rome. Further, most historians agree that the last great Nasi, Judah, had a personal relationship with the Roman Emperor. If we knew nothing of the specific instances already mentioned, we would have to assume the connection which the Nasi maintained with Rome. During this period when Rome dominated the Eastern World, there would have been no possibility of Jewish self-government without Roman permission. The periods when autonomy ceased were those in which relations were strained. The best example of this is the Bar Kokhba rebellion when several scholars were martyred. Relations during most of the period, however, must have been rather good in as much as we have every indication from the scope of legal jurisdiction that the rabbis had a great deal of autonomy. This autonomy must have been granted them by a friendly Rome.

We have indicated that, in addition to authority granted by Rome, the Nasi also depended on support at home. It is not at all easy to

define exactly how he received such support. We do know that the scholar class had some control over his office. The appointment of Hillel by the rabbis, which has been cited, is a clear example of this. Apparently it was the custom of the rabbis to "elect" or "elevate" one of their number¹¹ to serve in the capacity of head of the Sanhedrin. As the text indicates, at the time of Hillel's elevation this was based on possession of superior scholarship. The Nasi was the man whose command of the law and its interpretation was so comprehensive that he could clarify difficult questions. This criterion of scholarship seems to have been maintained to some extent throughout the history of the office. There are indications that there was some delay in the appointment of Rabban Simeon b. Gamliel II to his father's office because there were more eminent scholars than he at the time. We also know that when there was talk of revolt against the same Nasi, two scholars intended to ask him questions they knew he could not answer. Certainly the Nasi was responsible to the scholars. In certain matters he needed their support in order to incorporate his decisions into law. In two cases of which we know, the withdrawal of such support threatened his right to the office. The first is the case of Rabban Gamliel II who, after humiliating a leading scholar of his generation, was deposed¹² temporarily. It was during this time that the rabbis appointed another of their number to act as Nasi. After this incident, the power of this Nasi was substantially decreased, and his would-be successor was given the honor of preaching once a month in his place. The second case, in which the Nasi was not deposed but only threatened, has already been mentioned. Here¹⁴ we are told in the Babylonian Talmud that Rabbi Meir (the Av Beth Din) and¹⁵ Rabbi Nathan (the Nakham) were angry at Rabban Simeon b. Gamliel II. They¹⁶

conspired against him, intending to show his incompetence. The plot was aborted, however, and the matter settled without injury to the Nasi.

It is clear then that the Nasi was somewhat dependent on his colleagues for support. Nevertheless, the office did, as has been indicated, become hereditary, for all intents and purposes, from the time of Hillel. A list of the men who held the office and the title of Rabban reveals a chain from father to son through fourteen generations. It is true that not every Nasi was strong enough to be the dominant force in his generation, but in most cases he did hold office. The one major exception is that of Yohanan b. Zakkai, the only rabbi who, while not a Nasi in the ordinary sense, held the title of Rabban. We know that he was the founder and leader of the academy at Yavneh. He may also have borne the responsibility of Nasi. It must be remembered that his time was unique. Yavneh was strengthened at the time of the war with Rome in the first century of the Common Era. Yohanan assumed leadership where there was an apparent vacuum. That this was a temporary move seems to be evidenced by the fact that the office reverted to the family immediately after his death. Not only was the office hereditary, but the Nasi himself may have selected his successor from among his sons. We are told that Rabbi on his deathbed designated his son Gamliel III as the Nasi who would follow him. In this case, Rabbi had more than one son and was choosing from among them.

It is more difficult to trace the popular support for the Nasi. If there was any democracy in the days of the rabbis, it was a democracy of the scholars. The value of a man's "vote" was directly related to his prowess as a master of the Jewish tradition. Theoretically, then, any Jew by virtue of his scholarly ability could assume importance and influence

the destinies of his people. We know of many scholars stemming from "simple" backgrounds who eventually took important places within Jewish society. Hillel himself is said to have been just such a person. As we shall see shortly, the Nasi had some power in determining the influence of the scholars and their place in society. It is then with reservation that we can state the population could make itself felt by choosing to aspire as individuals to positions of influence. It must be assumed, too, that in spite of the fact that the general public had little to say about the choice of a Nasi, he would not want to lose their support. No leader, even in the most totalitarian society, can afford to neglect "the people." Popular support not only pleases his vanity, but it also gives him a sense of security, he seems to seek it. It also may be said that the Nasi, as well as other executives, regarded himself the protector of the people. The Nasi may have been harsh with scholars, those who were in his class, but there is some question as to whether he was unkind to the citizenry.

We have seen the sources of the Nasi's support. Rome, the rabbis, and the people all played their role. The question remains as to how he was able to maintain power, and how he was able to perpetuate himself in office. The first advantage that the Nasi seems to have had has already been mentioned. It is not to be underestimated that the House of Hillel claimed to be of the Davidic line. It can be said that within Judaism, until that time, there had already been ample precedent for dynastic rule. The institution of the priesthood had remained with the family of Aaron from the days of the Exodus. During the period which preceded that of the rabbis, one family, the Hasmonaeans, had passed leadership from one

generation to another for well over a century. No dynasty possessed a greater potential for leadership, however, than that of King David. In the eyes of most Israelites, the restoration of the Davidic line meant a return to independence. It must also be remembered that Messianism was in the air during the period (especially in the years between the destruction of the Temple and the Bar Kokhba rebellion). The Messiah, or anointed one, was to be himself of the Davidic line.

The claim to being of David's House may have supported the Nasi to some extent, but it cannot be said to have been his major weapon for retaining office. The Nasi had certain definite powers which were of great help. Most important was his power to ordain rabbis. This ordination, or Smikhah, was particularly important because without it the power of a scholar was limited. To insure support, the Nasi only ordained those from whom he expected allegiance, and limited ordination to Palestine. In this way he was able to concentrate power in his own community. In addition to ordination, the Nasi held a supreme power of excommunication and restoration of those who had been excommunicated. Other courts could excommunicate, but this was sometimes limited to the locality from which a person had been excommunicated. The excommunication by the Nasi was valid in all Israel. Others could not lift his ban, but he was empowered to lift theirs. His jurisdiction was not limited to Palestine itself. The Nasi sent out all over the world. These "ambassadors" were sent to various Jewish communities in the Roman Empire. Here they resided (sometimes in groups of two or three) and represented the Nasi. They had authority in dealing with legal problems and informed the communities of the Nasi's wishes. The "ambassadors" were an important factor in

seeing to it that the provinces remained dependent on the Nasi.

In some respect the Nasi was viewed as a monarch. Indeed, the term is often translated into English as "prince," which connotes royalty. Another popular translation is that of Patriarch. This term has some advantage in that it is easier to refer to the institution as the Patriarch-etc. Of the two terms, scholars have preferred the latter, which is now accepted and has been incorporated into dictionaries of English usage. Both terms have disadvantages. The first connotes royal privileges which the office of the Nasi did not own claim to. What, one might ask, is the function of a "prince." It is neither King nor Prime Minister. The term Patriarch, on the other hand, has other connotations in Jewish history, being a near perfect English rendering of the Hebrew term נִסִּי. The נִסִּי, Abraham, Isaac, and Jacob have their own place in Jewish history, one which is in no way connected to our Nasi. Therefore, the use of it here is confusing. The term נָשִׂי comes from the root נָשָׂא to lift or to elevate. ²⁵ Levy translates it as "der Hochgestellte," the "elevated one." ²⁶ Jastrow offers us a selection of terms, "prince, chief, ruler or officer." None of these English renderings, while all have their own merit, are satisfactory. It is for that reason that it may be best to merely use the Hebrew term Nasi. It has two great advantages. First, it is the term which the sources use for the office. Secondly, it does not offer any connotation that might prejudice the student with any preconceived ideas of what the office might have been.

Whatever the limitations of the Nasi may have been and however he may have held on to his power, he acted as the chief of state. The ²⁷ Nasi never travelled alone, but was accompanied by an entourage. When he

went to Rome or on any other important trip, he took along his leading

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advisors. When the Nasi entered the Sanhedrin, he was accorded a greater honor than any other scholar. All present rose and remained standing un-

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til he gave them permission to be seated. When a Nasi died, everyone, needless to say, mourned his passing. It is significant that the manner

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of mourning the Nasi was the same as for a mother and father. Everyone attended his funeral, and thus we have in the Talmud a reference to an entire community being ritually unclean with the assumption that the Nasi

³¹
had died.

It is left now to discuss the actual duties and activities of
³²
the Nasi. Whenever a short description of the Nasi is found, it will be mentioned that he was the presiding officer of the Sanhedrin. The Sanhedrin, which consisted of seventy-one ordained scholars, was not merely a court, but Legislature. The Nasi, however, was not only a combination of Chief Justice and Senate President (or House Speaker). In certain areas he had
³³
the power of veto. For example, only the Nasi could intercalate the year -- declare a leap year -- which was vital to a people that followed a lunar calendar. It is true that ordination in theory could be conferred by the court, but it was subject to the Nasi's approval which made him the virtual determinant of who was to be a recognized member. It was the Nasi who de-

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termined the calendar which was vital to both religious and economic life. It was he who proclaimed fast days, usually in an effort to induce God to send rain. There are those who say that he also served as a tax farmer for
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the Roman Emperor, an assertion which is disputed by a recent study. His representative did, however, collect funds for maintenance of the state and ritual life. He was responsible for both civic and ritual law inside

and out of Palestine. While he did travel to other communities, he let his ambassadors handle foreign affairs. He also would appoint local officials, and he had the power to depose them. This power again was a direct result of the authority granted him by the Roman Emperor under whom most of the world lived during the period. He was involved heavily in the economic life of his country -- rather active in the period -- appointing, for example, market officers. Some of the rulings or appointments stem from what the text refers to as **בית הדין** "The House of the Nasi." This term may refer to his school as **בית הלל** refers to Hillel's School. It may be that the usage is similar in the case of the Nasi. One of the Nasi's methods for establishing new laws, or preventing what he considered were legal abuses, was the issuance of what were called **תקנות**. These **תקנות** or "ordinances for the public welfare" represent one of the strongest legal weapons of the Nasi.

One could, of course, deal with these questions in much more detail, but that is not the primary purpose here. The power of the Nasi began to become supreme with the end of the Second Commonwealth. This end is symbolized in the destruction of the Temple. It was a time of conflict with and defeat by Rome. This power was subsequently increased after the Bar Kokhba rebellion, again a time of conflict and defeat. It is intriguing that the office of the Nasi not only survived these conflicts but emerged strengthened after them. It is meaning enough that Jews emerged in a better position after 70 C.E. than before. This is equally true after the second rebellion when they are even stronger. While not in the scope of this study, it would be interesting to ascertain the Nasi's position vis-à-vis the leaders of the revolts.

II. The Nazi: An Analysis of Legal Statements

We have seen the position of the Nasi. It has been noted that the strength of the office increased steadily after the end of the Second Commonwealth. We might add that it reached its zenith and then began to decline around the year 200 C.E. It was at this time the Mishnah was completed by the last great Nasi, Judah, or, as he is more commonly known, "Rabbi." The Mishnah is an interesting document since it reflects, if anything in particular, the viewpoint of the Nasi. We have seen that the Nasi controlled, to some extent, scholarship through his power to ordain rabbis. By the same token we might say he was able to influence law by being himself the final redactor of this basic legal document. It would be very difficult to find within this vast work one prevailing tendency. It would be even more rash to claim that tendency, if it exists at all, to have been that of the Nasi. Therefore it is necessary to isolate the specific statements of the Nasi. Again, when we say the Nasi, we know that there is not one Nasi, but a number of men who have held that office. It might seem then that we should study the statements of Rabbi since he is certainly the most important of the Nasi-im. Unfortunately, we are sure which statements can be attributed to him. As compared to other men, Rabbi has fewer statements which actually bear his name; that is to say, he often presents his own opinion without giving himself credit. This is called a *niwo dmd* -- an anonymous Mishnah. Since not every anonymous Mishnah is necessarily his, tracing then becomes an insurmountable task. For these reasons we have chosen rather to study the statements of two other men.

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The two are Rabban Gamliel II and his son Rabban Simeon b. Gamliel II. Two men have been selected because it would not give us an accurate enough picture of the office to restrict ourselves to only one personality. Taking two will

give us a chance to make some comparisons. It will also give us an opportunity to point out the personal point of view held by one or the other Nasi. In selecting these men, we have chosen two whose statements are numerous. In addition, both were very powerful individuals. Both were, to some extent, controversial. Each man seems to have been close to Rome, and to have had a sense of the importance of his office. Finally, we have confined ourselves to two areas of concern. These are matters of ritual and civil law. We have not dealt with the problems of cult and priesthood. From time to time we may bring in statements of another Nasi, but these, in the main, will be for illustration rather than exposition.

We have stated that the Nasi was the leader of his people. As such he was accorded honors by his fellow Jews who viewed him as a father. A study of the text also reveals an interesting tendency in the Nasi. This is an attempt to set himself apart from the ordinary people. The texts which illustrate this most clearly are to be found in Mishnah Berakhot.

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Here we find three cases where Rabban Gamliel II takes a position in terms of his personal observance of custom which is different from the norm. One case deals with the recitation of the *Yom* on the first wedding night. The second is that of washing on the first night after his wife dies. The last describes his accepting condolences upon the death of his servant Tabi -- a non-Jew. The common analysis of these passages indicates that Gamliel was a man of great piety. In the second case, most people would assume that he was frail. It may well be that these explanations are accurate. However, the passages do lend themselves to another interpretation. The key phrase in the passages is the statement: *דאזא כל כשרא י'א* -- I am not like other men. Indeed the Nasi did not view himself as being

like others. Why should he have done so in the light of what we already knew about him? To examine each case:

It was a custom for Jews not to recite the שמעון their wedding night. Gamliel II did recite it. When his students learned of it, they asked him why he recited the prayer in as much as he had taught them that it was not mandatory to do so. He replied: ³⁹אינו שומע לכם לבטל חמני מל-

נחמא ⁴⁰"I will not listen to you, absolving myself from the kingdom of Heaven, for even one moment (literally one hour)." Certainly this statement can be looked upon as an act of piety and humility. It is interesting, though, that it is the מלכות שמע that he does not wish to give up for even a moment. A national leader must constantly be cognizant of his limitations in power, or the source of his power at every moment. It may be well for others to get lost in the "honeymoon spirit," but a ruler is always a ruler. In our own times, the responsibilities of office have not changed in this regard. Could a President be absolved of his responsibilities, even momentarily, because of a personal event in his life? The American leader is constantly aware of the people who have elected him, of the Congress which keeps watch on him, and, most important, of the Constitution by which he must guide himself. I cannot listen to you (אינו שומע לכם), he said to them. He knew his responsibilities. He had to think differently from all other people.

The second case is a little more difficult. Again his students question Gamliel II when they discover that he has washed on the first night after the death of his wife. He replies: איני כשאר כל אדם

איני כשאר כל אדם-- I am not like other men, I am איני כשאר כל אדם. Here the interpretation rests on the translation of this Greek loan word. Most English

versions render it "delicate," "frail" or "infirm." If that is so, then the interpretation is that it was for health reasons that Gamliel had to wash. There is much to be said for this rendering of the word which has its English counterpart in the medical term aesthetic. It is possible, however, to translate the word fastidious. In spite of the fact that this is not the most common usage, we do have another reference in the Talmud where the term אֲדָמָה is used and where the Sederim Talmud translates it as over-fastidious. In Sanhedrin 100b we read: רבי ינאי אומר כל 41 הנאכלים והשותים והמשתטחים והמשתטחים "Rabbi Jannai said: 'All the days of the afflicted are evil' refers to one who is over-fastidious." The fact that Gamliel II said that he himself was fastidious is not surprising. We know 42 that he went to Aqco to bathe there in spite of the fact that it was adorned by a large Aphrodite statue. It is interesting to note in passing that the rabbis were in the habit of indulging in this Roman custom of visiting the baths. We find many references to the baths of a community in the literature. In the tractate Shabbat there is even a description of how Rabbi 43 Eliezer b. Azariah had devised a way of keeping the bath hot on the Sabbath. Returning to our problem, it is not strange that the head of government should, even in times of personal tragedy, have regard for his appearance. Thus the phrase אֲדָמָה has even a deeper meaning than merely a connection with his being אֲדָמָה. Gamliel is also implying a reason why he is "fastidious," namely, that he is not like other (or ordinary) people.

It is not only the Nasi who is not like others. Tabi, his Gentile personal servant, was not like others. Upon the death of this man Gamliel II breaks tradition by accepting consolation (בבל תחזונים), which is a formal way of saying that he deserved mourning. Charged by his students to

explain this strange action, he says: אין סבי כשאר עבדים כשר היה

"Tabi was not like ordinary slaves, he was worthy." One might say that this is a sort of honor by association. Not merely the Nasi himself was to be set apart, but his servant was set apart.

One should not make too much out of this particular aspect of the study. Its only value is that of a further insight into the office, and how the Nasi viewed himself. If one wants to check the viewpoint expressed, one might look at the passage which follows the three situations in which Gamliel II found himself. When Simon b. Gamliel is asked by his students for a ruling as to whether a man who wants to recite the שמע on his wedding night may do so, he replies: לא כל הרוצה לפול את השם יפול. "Not everyone who wants to assume the name (God's name) may do so." Here is another Nasi who states that the recitation of the שמע on the wedding night is a definite privilege reserved for the few.

An important historical factor in the growth of the Nasi's position was the destruction of the Second Temple in 70 C.E. Judaism without a Temple was not a new phenomenon. In the year 586 B.C.E. the Temple which Solomon had built had also been destroyed. Nevertheless, there was something unprecedented in the second destruction. When the First Temple had gone under, Palestine ceased, albeit for a short time, to be the center of Jewish life. We know that there were Jews who remained, but the center shifted to Babylonia where the leading members of the community had gone into exile. The situation was different. With the close of the Second Commonwealth it is true that there were even more Jews and Jewish communities outside of the country than there had been in 586. Babylonian Jewry still existed and had become much more sophisticated than it had been in

the past. Well established settlements existed in other parts of the Roman Empire. With all this, Palestine lost none of its importance, but continued, in spite of the Temple's loss, to maintain its supremacy. Thus, for the first time since the days of the early kings, it was the center without a central shrine.

This fact presented the Nasi with some practical problems. We do not find among these, as we might imagine, the question of rebuilding the Temple. We have no evidence that any Nasi negotiated with Rome for the rebuilding of this central place of worship. This, in itself, is revealing in as much as the Nasi was, especially in the later years, so intimate with the Emperor. The problem with which he was faced was one of compensating for the Temple's loss. This compensation took two forms. First -- Institutions had to replace the Temple. The Court and the Synagogue filled this gap. The strengthening of these institutions was to his advantage since they were rabbinic, not priestly. Second -- There was the matter of strengthening prayer as the exclusive form of worship. This became a major function of the Nasi. One of the most interesting innovations of the Nasi was that of making the Maariv or evening worship compulsory. It is Rabban Gamliel II who is credited with this addition, not in a Mishnah, but in a Gemara. Commenting on the Mishna Berakhot 4:1, "The evening prayer has no fixed limit," he states: "With regard to the evening Tefillah.... it is compulsory." The significance of the decision is that this was the only Jewish service which was not equivalent to a fixed sacrifice in the Temple. By making it compulsory, Gamliel II was establishing worship as something more than a substitution for sacrifice. He was giving it a life of its own. Even without reading too much into this act, we might conclude that the Nasi

was not merely adapting Judaism to a new situation that would be a temporary one. Rather he was preparing for a permanent existence without a Temple. One thing seems certain. He was insuring the continuance of prayer as a major form of communion with God even if the Temple were to be restored.

In addition to the establishment of the Maariv service, Gamliel II contributed to the content of the service itself. One of the problems he faced was unification. The content of the service could be used as a vehicle for unifying Israel. Until the time of the Nasi, the שמע ⁴⁶ had taken hold as a prayer said by all Jews. In addition to the שמע, a longer text known as the Tefillah existed. The question whether or not all people are obliged to read this prayer during the service was posed ⁴⁷ in the Mishnah. Rabbi Joshua held that it was not necessary for the entire prayer to be recited, but rather an abbreviated form. Rabbi Akiba, on the other hand, felt that a man's ability to read should determine as to whether or not the prayer he said. Rabban Gamliel states: כלל ויום סתם כלל

אדם שמונה עשרה "A man (must) recite the Eighteen Benedictions every day." Thus the Nasi establishes this prayer as a requirement for all. By not allowing exceptions, he rules out the possibility that there will be differences in worship. If Joshua's opinion had been accepted, then it would be up to individuals or communities to set their form of worship. Had Akiba's view been put into practice, some people might not have recited this central prayer; they might have chosen an entirely different text or have restricted worship to the שמע. It would seem that the Nasi did not oppose the idea of having someone recite the prayers for people as a Shalich Tsibor. We know that Gamliel Ha-Zaken had permitted a Shalich

Tsibor to blow the Shofar for the congregation. Each of its members would
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then be considered to have fulfilled his obligation.

Gamliel II also gave form to the Seder service. He insisted that in order to have fulfilled the obligation of telling one's son of the Exodus, three things were to be mentioned. They were the Pascal lamb, unleavened bread and bitter herbs. He thus introduced specifics into the Biblical injunction, "You shall tell it to your son on this day, saying, because of what the Lord did for me when I came out of Egypt," giving it practical form. Gamliel II's well known statement (it is part of our modern Seder ritual) reads as follows: **כל שלא אמר שלשה דברים אלו בפסח לא יצא ידו** **והוא** "Everyone who does not say these three things on Pesach has not fulfilled his obligation." The crucial word is **כל** (everyone), for it was the object of the Nasi to unify Israel.

In spite of the fact that no Temple existed, it seems that the Nasi was still interested in having Jews from communities around the world come to Palestine for important holidays. To make this possible, Gamliel II recommended waiting until the seventh of Marheshvan for the recitation of
50
the prayers for rain. This would give an opportunity to those who came from Babylonia to return home in time **כדי שיגיע אחרון שבישראל לזהר פרה**. It is not surprising that Babylonia was used as the destination in as much as the most important community of the Galut resided there. In his ritual injunction Gamliel II shows himself to be a person with international religious responsibilities. We shall see later that he has concern for the "people" in Palestine. He also exhibits such concern for those in foreign communities.

In Baba Bathra we are told of a situation in which a man is survived

by sons and daughters. If the deceased was wealthy, the sons inherit his estate and the daughters are maintained by them. If, on the other hand, he was of modest means, the daughters are maintained and the sons have to fend for themselves. Reacting to this ruling, a Jerusalem judge by the name of Admon protests: "בשביל שאני זכר הפסדתי" "Must I suffer because I am a man?" In this opinion, we are told, Rabban Gamliel II concurs. It is not often, however, that the Nasi takes a position in favor of men over women. Looking at trends in the legal opinions of the Nasi, we find that there is a definite solicitude on his part in favor of women. One might say that this prejudice is a protective instinct rather than anything else. The society in which the Nasi found himself was oriented more to the activities and needs of men than of women.

An important area of this protective tendency can be found in a number of statements dealing with laws relating to marriage. In many legal matters it was necessary that two witnesses attest to any document. Certainly in a Jewish society, Jews were expected to be the witnesses. Since the dissolution of a marriage is a legal procedure, it also involves witnesses. A marriage may end either through the death of one of the partners or through divorce. In a case where the husband dies, the woman is free to marry someone else unless left childless. Normally, such an occurrence presents no great problems. When a husband dies away from home, however, it is necessary for witnesses to attest to the fact. If there is no proof of death, his wife is considered an *W'K NWN* (a man's wife), and thus is not permitted to remarry. This situation caused considerable difficulties for the woman who was called an *W'K NWN*, and for the society in general. It is just such a situation that the Nasi as chief of state wanted to avoid. For

this reason the Nasi Gamliel Hamehzan stated that in matters of attesting
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 to the death of a husband, one witness is sufficient. Rabban Gamliel II
 concurred with the opinion of his grandfather. Here we see the beginnings
 of the tendency that continues with each Nasi: The woman has to be protected.
 Rabban Simon b. Gamliel goes even further. He states in another Mishnah
 that a woman may marry a priest if one witness attests to her eligibility.
 It was quite unimportant to him as to whether or not the witness had been
 challenged. The Nasi was interested, it would seem, in making it possible
 for people to marry. This is not merely a view that protected women, but
 it can be considered liberal as well.

A woman's testimony as to her sexual activity was also accepted
 54
 by Rabban Gamliel II. We find four cases in Ketuboth. In the first, the
 woman claims that after her betrothal she was raped. In the second case,
 she states that she lost the signs of her virginity through an accident.
 In the third, she had been seen conversing with a man in the market. In
 reply to inquiry, she testified that they had done nothing beyond talking
 to one another. The final situation is that of a pregnant woman who states
 that the father of the child is a priest. This would mean that she would
 be eligible to marry a priest at some later date. In each case Rabbi
 Joshua (the Av Bet Din during the period) takes issue with the Nasi, Rabban
 Gamliel II. He demands that proof be brought before the woman is believed.
 Gamliel II consistently takes the position that the woman herself is to be
 believed. Joshua in each case assumes the worst of the woman. Gamliel,
 joined by Rabbi Eliezer, states without reservation "חַיָּה" -- she is to
 be believed.

Another problem was that of a woman who had property. When such

a woman marries, there is some question as to the property in as much as
 55
 she herself has become her husband's property. The rabbis ask whether all
 that belongs to her does not become his as well. All agree that in cases
 where she has property before **קידושין** (betrothal), the property belongs
 to her. She may either sell it or give it away, and the sale or the gift
 stands. If, on the other hand, she acquires the property after **נישואין**,
 then there is some difference of opinion. Shammai states that she may sell
 this property as well. Hillel says that she may not do so. What if she
 does sell it? Here both agree that the sale stands. Not satisfied, Gam-
 liel II is asked whether it does not follow that since a man takes possession
 of a woman that he should take her property as well. To this the Nasi re-
 plies: **על החדשים אנו בושין, אלא שאחם מנללים עלינו את הישנים**

We are uncomfortable about the law made in regard to "new things" (those
 acquired after **קידושין**). Would you also impose on us the old ones, too?
 Gamliel goes even further than previous generations. He declares that all
 property before the actual consummation of marriage is to be considered
חדשים. It is interesting to note that in his statement to his colleagues
 he uses the term "**בושין**" which is not merely being "uncomfortable," but
 means "shame." We might say that he is rebuking them for the entire con-
 cept of possession in the case of a wife. It would seem that Gamliel is
 not at all satisfied with this view of marriage. Certainly at every opportu-
 nity he attempts to free the woman from any such notion.

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Another case of property belonging to a wife is considered by
 Rabban Simeon b. Gamliel. In this case the woman inherits the slaves that
 belonged to her own family. They should not be sold, says Simeon b. Gamliel,
שהן שבה בית אביה, because they are representative of the profit of her

father's house. Here the Nasi is protecting not only the woman, but her family as well.

We have already seen a case where Rabban Gamliel II supports the views of the Jerusalem Judge Admon. It is a matter of some interest that he is consistent in supporting this particular Judge. In this connection
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we find another case which involves not merely the woman but her father as well. The father of the bride pledges an amount of money to be paid to his child's husband prior to the wedding. At some point after ארנס', but before נשוא', the father reneges. The girl is, according to Jewish law, אנש'א חסא, and thus is at the mercy of the betrothed man. She may not marry anyone else unless he grants her a bill of divorce. The young man, in the case cited, says let her sit until her hair turns white. He refuses to consummate the marriage, and will not grant her release. Taking the view that the money promised is a matter of the father-in-law's responsibility and not that of the daughter, Admon says to the young man; דנס'א חסא -- either marry her or free her. If he refuses to marry her without payment of the money, she goes free. Here again the rights of the woman are protected.

It stands to reason that if a tendency to protect women can be found in the dicta of the Nasi, it will also appear in the laws concerning divorce. We note, for example, that in the matter of witnessing the writing of a bill of divorce (גט) even Samaritans qualify, according to the view of
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Rabban Gamliel II. A גט was more important to a woman than to a man in Jewish society. At the time of Gamliel II, polygamy was still practised. This meant that a man could have a number of wives. This privilege was not extended to the women, however, who, as an נשוא' חסא, was tied to one

man. It took the bill of divorce (or the husband's death) to free her. When the Nasi permitted a Samaritan to witness the writing of a גט , he was in fact protecting the women. In this connection we find another ⁵⁸ Mishnah of interest. We are told of a situation in which a man is in a foreign country. His wife is at home. Wishing to divorce his spouse, the man writes a גט and sends it to her by messenger. This practice was within the law. Gamliel II, however, promulgated the following restriction. If a man were to send a messenger from a foreign land, the agent would have to accompany the presentation of the גט with the formula:

$\text{הנני רואה את הבעל הזה ואת הבעל הזה} --$ In my presence (the document) was written and sealed. This meant that he who brought the גט also had to be its witness. Gamliel went further. Not only did this apply when the husband was in a foreign country, but even if in another legal jurisdiction (מדינת אחר). Simon b. Gamliel II, as quoted in the same passage, concurs in this view of his father. The Sages (חכמים), however, state that the formula applies only when the husband is in a foreign country. This cautious position taken by the Nasi is understandable. If the messenger attests to the document, then the jurisdiction in which the wife lives can have some control over its legality. In a situation, for example, where someone questions the validity, the agent may be called upon to testify. He has come to her. Now the evidence of a witness is accessible to her court. One can say that he actually is able to perform a function in testimony that the husband might have performed had he been in the wife's locality at the time. Following this procedure, all could be certain that the woman was free to remarry. The fact that this was to be done even if the husband were in another

מדינת אחר (presumably within Palestine) is of further interest as shall be

seen shortly.

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Two brothers have married sisters. One is of age (גדולה) while the other is a minor (קטנה). According to Biblical law (מדאורייתא), a marriage between a man and a minor is forbidden. The rabbis, in general, permit such a union. In this case the husband of the adult sister dies. Rabbi Eliezer b. Hyrkannus takes the position that the husband of the minor must give her up in order to comply with his loverite responsibility. He must be in a position to marry the older sister — his יבמה. Rabban Gamliel states: אם מאנה, מאנה, ואם לאו תחתין עד שחודל, חצא הלזו. אם מאנה מאנה. If she (namely, the minor) wishes to do so, the marriage is abolished. If not, she may wait until adulthood. At the moment when the younger sister comes of age, the older would no longer be considered a יבמה. She would lose that status because a man cannot marry a sister of his wife. Eliezer's view is the law. It views the younger girl as no wife at all, supporting the Biblical contention. The fact that this is the accepted rule, however, does not concern us here. What is crucial is the opinion of the Nasi. It should be noted first that Gamliel leans toward the rabbinic rather than the Torah law in relation to these marriages. This is not at all surprising in light of what has been said thus far. It is possible to consider the Nasi's tendency in support of women to be protection of the person who is legally disadvantaged. In relation to the laws of his society, there is little doubt that basically this was the case. In this case two women are involved. Here the law seems to favor the older sister, who is of age. Thus, by siding with the minor, Gamliel is again defending the person who is not able to defend herself. The minor is not of equal status. We might say that this case touches the heart of

the principle that is behind the attitude of the Nasi. With it we see a much broader concern demonstrated than in the previous cases where only the protection of women itself seemed evident. In this context then, it is not woman qua woman who is being protected, but rather the female as the legally disadvantaged.

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It will be remembered in a previous reference that Gamliel equated a foreign country with another **מדינה זרה** in reference to an agent bearing a **שלטון**. This is interesting in as much as there seems to be a tendency in the opinions of Simeon b. Gamliel II which is related to it. The assumption in treating a foreign land and a different legal jurisdiction in a like manner is that each maintains autonomy. The legal powers of one area would not extend into another. An example of this was given in the introductory pages when it was pointed out that excommunications were valid only within the local districts themselves unless promulgated by the Nasi. It seems that the Nasi, while wanting to hold on to his own powers, did seek to protect local autonomy to some extent.

The principle which Simeon b. Gamliel II expounded in granting such autonomy was **כלל כנסתא דתורה**, everything goes according to the customs of the locale. This principle was applied to a variety of situations. When a woman was married she brought with her a certain amount of money. This amount, according to the Nasi, was to be determined locally. 63
As in every society, people hire workmen. There had to be laws governing the treatment of such people. This, too, was in his opinion, to be left to local authorities. Two kinds of documents exist. One is a simple sheet of paper. The other is folded. The question is asked as to where the witnesses should affix their names to the form. After some discussion as to

whether the signatures should appear on the outside or inside of the folded ones, Rabban Simeon b. Gamliel II suggests that it should be up to local
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authorities to decide.

It must be remembered that the Nasi was not merely the spiritual, but also the temporal, head of the Jewish community. As such, he had a deep concern for economics. Business during the period involved agriculture as well as trade at home and abroad. The Nasi, himself, travelled extensively. Since travel was so important to the maintenance of commerce, one would expect the Nasi to encourage it. A significant problem facing the Jews in this regard was travel on the Sabbath. During the period they travelled regularly to distant lands, especially by sea. Many such trips would
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extend over a week or more. We are told that when Rabban Gamliel II and the elders were on a ship, they disembarked on the Sabbath. In this case a non-Jew had lowered the gangplank for his own use and had preceded them. The reasoning which they used was simple. If light or water for the feeding of cattle has been provided by a non-Jew for his own use, it may be used by Jews as well. If it had been provided specifically for the use of the Jew, it may not. In this case someone else had lowered and used the gangplank. The importance of the ruling was that it was an encouragement for Jews to travel. By being able to disembark, they would not have to wait for the end of the Sabbath, an inconvenience that might discourage such a journey.

When a person is taken beyond the Sabbath limit on that day, he is permitted to navigate within a radius of only four cubits. This is the case when a person is out in the open, but what happens if those who took
67
him (either a non-Jew or his own insanity) and put him into an enclosure? In such a case Rabban Gamliel II, joined by Eliezer b. Asaria, says that

they may move anywhere within the enclosure. Akiba and Joshua oppose, saying that they must restrict their movements to the four cubits. Gamliel's view is clearly more liberal as the Mishnah clearly states when it says of Akiba and Joshua, **שָׂרְצוּ לְהַמִּיר עַל עַצְמָם** -- they wanted to be strict with themselves. It is liberal because in effect they are stating, if only in a limited sense, that the enclosure is equivalent to the person's own house where movement is unrestricted. Of special interest to us here is a **מַעֲשֵׂה** (occurrence) cited in the Mishnah. The four scholars (including the **Ḥasid**) mentioned were on a vessel returning from a trip to Italy. They happened to be en route on the Sabbath. Gamliel and Eliezer moved freely throughout the boat, while the others restricted themselves to the four cubits. The creation of a homelike atmosphere with all the freedoms implied was indispensable to the businessman. One must assume that ships which carried people involved in commerce or on diplomatic missions were inhabited by non-Jewish colleagues as well. The fewer barriers that existed, the greater likelihood would there be for cordial relations, between Jew and Gentile.

The issue of Hellenism was no longer acute for the Jews of the rabbinic period. We have seen that the rabbis went to Roman baths, and that they travelled to Rome. Their close relationship with the Empire can be seen in a Mishnah dealing with translation of religious writings.

אֵין בֵּין סִפְרִים לְחֻמְלִין וּמִזֻּזָּה אֵלָּא שְׁחַפְּרִים נִכְתָּבִים בְּכָל לָשׁוֹן

The only way in which Bibles differ from Tefillin and Mezuzoth is that while Bibles may be written in any language, the latter must be only in Hebrew. This in itself is interesting in that it allows the Bible to be translated. The implication

is that the Bible in another language does not lose its sanctity. Rabban

Sim'on b. Gamliel goes one step further, רבן שמעון בן גמליאל אומר: אף

בספרים לא החירו שיכתב אלא
ביוונית

only valid translation is Greek. This is particularly important because it shows the place of Greek in the minds of the rabbis in general, and more specifically the Nasi. It is clear that such an attitude must have enhanced the relationship with the Hellenized world. The acceptance of the Bible, Judaism's most sacred work, in Greek translation must have been considered a victory by Rome.

Let us return to the Nasi's role in business affairs. Property used for the conduct of business was often rented. As is common, a landlord wanted to evict his tenant. Tannaitic law put certain restrictions on the landlord so that sufficient notice would be given. This was done, it would seem, because the tenant's livelihood was involved. Rabban Sim'on

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b. Gamliel said:

הנוח של נחתומים ושל צבעים שלש שנים

In the case of a baker's or dyer's shop, three years' notice must be given. The reason behind this injunction was that these men extended long term credit. Therefore it would take them longer than the ordinary businessman to liquidate their establishments.

Related, if only by being disposable property, to business were

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slaves. A slave has been taken captive. If he is ransomed as a slave, he remains one; if as a freeman, he remains free. Sim'on b. Gamliel states that in either case he is considered a bondsman (עבד) vis-a-vis the original owner. Since the slave is the recognized property only of the true owner, only he (and not the thief) can determine his legal state. In this ruling the Nasi is protective of the rights of private property. The

anonymous ruling seems to recognize the man who has stolen as having the legal rights of ownership. It might be said that from the slave's point of view this is an advantage. He had no control over his captivity. Why should he suffer now because of a legal question between his soul and his would-be masters? It must be remembered that this society did recognize the bondsmen as property. He was protected from cruelties because he was a human being. If, however, his feelings were taken into account in this case, the entire system would be threatened. It was the responsibility of the Nasi, as head of the society, to protect it from such threats.

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A second case is found in the same Mishnah. A man has put up his bondsmen as security in a transaction. In this case the slave belongs to the original master, but is, as it were, attached property. The master then decides to free the **גלוי**. The Mishnah goes on to say that in order to maintain the order of society (**מלכות**) the man with whom the owner had the transaction should give his written sanction for the freeing of the slave. Simon b. Gamliel says that only the original owner has to draw up a document which replaces the original security, namely the slave. Here again the Nasi views the bondsmen as the full property of his owner, albeit that he is attached property. The other party has no claim on him. The only way in which he might be transferred is if the agreement were broken, and the change of the security does not constitute such a break.

One should not assist in the escape of slaves. There are slaves who have come into a person's possession who can be ransomed. An anonymous ruling states that this should not be done because it is a breach of society.

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Simon b. Gamliel disagrees. This is not a matter of **מלכות**, but rather one of **גלוי** (a protection of the captives). Albeck explains

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that if it became a custom to aid captives, then the person who later has a captive himself might, in order to prevent his escape, be cruel to him. Before we saw that the Nasi was concerned with maintaining the place of the **729** in society. He treated him as mere property. This case shows that he has not forgotten that the man is a human being.

Construction of new buildings is good for a community. During the process it may at times be necessary to leave materials in the public domain. For example, in our own times sidewalks and streets of a city are often blocked by such materials. If such property is left, there is a danger that someone will tumble over it and be injured. Rabban Simon b. ⁷⁶ Gamliel suggested that building material could be left in such an area for a thirty-day period without liability. While his view was rejected, it is again an insight into the view of the Nasi. He would naturally want to encourage building projects. If the law made the builder liable for too much, he might decide against building. This was to be avoided. Simon b. Gamliel further encouraged building when he rejected the view that all construction should be modelled after the Temple. He says, **הכל כבנין בית המקדש** ⁷⁷ Should everything be in accordance with the structure of the Temple? There has been some question as to how this statement is to be taken. Albeck takes it as a statement, not as a question. The Nasi is saying that building ought to be undertaken according to the custom of the area where the structure is to be erected. He draws support for this interpretation from the tendency which we have already pointed to, that Simon b. Gamliel favors local autonomy. Here again we can see that the Nasi wants to encourage building by limiting restrictions.

Rabban Simon b. Gamliel is told that in regard to work on

Tisha B'Av (the Ninth of Av) only scholars should abstain from it. He retorts לעולם יעשה אדם עצמו חלמיך חכם Every man should act as if he were a scholar. While it is true that the Nasi wanted to maintain some distance between himself, his class and "the people," he does not want to discourage their participation in the life of the community. This can be seen more clearly in another Mishnah. Rabban Gamliel II reprimands his colleague Akiba for being overly cautious with a large number of witnesses who have come to testify about the new moon. He points out that if he continues to do this, people will be discouraged from performing this important service to the state. He recognized how crucial it was to his own work that citizens take part in watching for the new moon. Without their help it would become increasingly more difficult to perform his own function.

If asked to make some judgment about the Nasi, we might say that his central interest was the building and preservation of society. Under circumstances that would have defeated any other nation, Israel survived intact. Society is made up not only of leaders, but also of the people. The Nasi, as chief of state, was more sympathetic to the latter. It has been stated that he had a strong tendency to support the disadvantaged. This is quite a different view of him than given in a great many history books. We often hear of Gamliel II and his fights with the rabbis. He is said to have been harsh. If he was, it was with his colleagues, as is shown in the foregoing Mishnah, rather than with the citizenry. He was strict with himself, but a liberal in terms of the community. One thing is clear. Without him Judaism never would have survived its blackest days under the yoke of Rome.

Notes

1. We sometimes find him called Gamliel the Elder or even Gamliel I. We will use the title Gamliel Hazaken in this study to avoid any confusion with his grandson who is a major subject of the thesis.
2. Mishnah (M.) Gittin 4:2
3. The title Rabban was accorded to a number of important rabbis of the period. While it was often the title of the Nasi, we do know that Yohanan b. Zakkai held it. Since there is some doubt as to whether he actually served as Nasi, it cannot be stated conclusively that the title was used to designate that office alone.
4. Babylonian Talmud (B.T.) Shabbat 155b
5. The origin of the synagogue is shrouded in obscurity. It is not at all clear when the institution actually came into being. The name itself is Greek, and we are sure that it did exist in the rabbinic period. Often called Bet Hakeneset in Hebrew, it was a house of gathering. It seems that it was used for prayer, study, and meetings. Josephus tells us that one synagogue played a role in the war against Rome. Certainly the synagogue eventually took the place of the Temple, and as such has come down to our own day.
6. B.T. Ketuboth 17a
7. New Testament John 18:33 is only one of the references to Jesus as "the appointed" and "king of the Jews."
8. M. Eruyoth 7:7
9. M. Erubin 4:1 (actually from Italy, but the assumption is that they visited Rome)
10. There are historians who claim that Judah Hanasi had contact with Marcus Aurelius or with Septimius Severus. It is quite likely that this is true in light of the importance of the Nasi in the Empire.
11. The Hebrew and Greek sources disagree as to the nature of the Sanhedrin. The former views it as a religious body which met for the purpose of discussing Jewish law, and even for instructing those who listened. The Greeks say that it was primarily a political body headed by the chief of state -- the Nasi. It seems to have been a combination of Supreme Court and legislature which could not have been apolitical in the context of the times in which it existed.
12. Blackman, Philip: Mishnayoth, Volume I, page 518
13. B.T. Berachot 37b
14. B.T. Horayoth 13b

15. The Ab Bet Din was the second in authority after the Nasi. It is not clear whether he actually presided over the Sanhedrin when the Nasi was present, but it would stand to reason that he did act as President pro tempore in his absence. There are those who say that the office originated with the Zugot. This would mean that Hillel, for example, was Nasi, while Shamai was the Av Bet Din.
16. The role of Hakham is even less clear than the Av Bet Din. Any scholar was called Hakham. Nevertheless, we do have several references to this title being used in connection with leadership group. Judah Hanasi designated one of his sons as Hakham.
17. Herford, R.T., Ethics of the Fathers, page 36
18. Successor to Rabban Yohanan b. Zakkai
19. The common name for Judah Hanasi
20. B.T. Kethuboth 103b
21. This power was used against Babylonian rabbis. They were refused ordination, which became restricted only to those scholars who lived in Palestine. For that reason the rabbis of the later Amoraic period are called "Rav" instead of "Rabbi."
22. B.T. Moed Katan 16a
23. B.T. Moed Katan 17a
24. Mantel renders the term as apostle. Due to the special connotations of that term in Christian literature, the word "ambassador" is used here. In addition to this, the duties of the Shaliach seem analogous to those of the modern ambassador. It is interesting to note that in Responsa literature the term for a response is shalach. The sheliham did in fact answer questions of the Jewish people in the areas which they visited.
25. Levy, J., Wörterbuch über die Talmudim und Midraschim, Volume 3, page 448
26. Jastrow, M., A Dictionary of the Targumim, the Talmud Babli, and the Midrashic Literature, Volume 2, page 939
27. B.T. Rosh Hashanah 24b
28. M. Brubin 4:1, Those who went with Gamliel II were Eliezer b. Asariah, Akiba and Joshua.
29. B.T. Horayoth 13b
30. B.T. Moed Katan 22b
31. B.T. Pesachim 70b

32. For the following material, in addition to the sources quoted, Hugo Mantel's new book, Studies in the History of the Sanhedrin, has been of invaluable help.

33. B.T. Sanhedrin 11a

34. B.T. Taanith 13a

35. Mantel is the one who refutes the thesis that he was a tax farmer.

36. B. T. Baba Bathra 89a

37. We will refer to Rabban Simeon b. Gamliel II as Rabban Simeon b. Gamliel in this study.

38. M. Berakhoth 2:5-7

39. M. Berakhoth 2:5

40. When the text refers to the Shema it means the concept of the prayer within the Jewish liturgy. Recitation of the Shema, which is one of the oldest Jewish customs, means the acceptance of the yoke of heaven.

41. The Soncino edition of the Talmud in Sanhedrin 100b of the word **בְּיָבוֹשׁ**. There is also a rendering of the term as sickly in M. Yoma 3:5. The meaning there is quite clearly connected to health.

42. M. Avodah Zarah 3:4

43. B..T. Shabbat

44. The Eighteen Benedictions which together with the Shema form the main portion of the Jewish service.

45. B.T. Berakhoth 27b

46. The origin of the Shema is Biblical coming from Deuteronomy 6:4-9 and 11:13-21. The custom of reciting it in the morning and in the evening stems from the injunction to remember the words "when you lie down and when you rise up."

47. M. Berakhoth 4:3

48. The Shaliach Tzibor was one who could recite the prayers for the entire congregation. This was necessary for two reasons. Often there were not enough books for everyone to read the text which they did not know by heart. Secondly, when Jews did not know how to read, they still had to participate in the service. The Shaliach Tzibor eventually became the Cantor, and even the modern Rabbi is in the liberal service a Shaliach Tzibor.

49. M. Roah Hashanah 4:9 says: **רַבֵּן נַמְלִיאֵל אֹמֵר: שְׁלִיחַ צִבּוֹר** Rabban Gamliel (Hazzaken) says: A Shaliach Tzibor fulfills the obligation of the many.

50. M. Taanith 1:3

51. M. Baba Bathra 9:1

52. An Agunah is a woman whose husband has disappeared, but is not yet proven dead. She is without a husband, but still considered an אשה נשואה -- thus she may not marry.

53. M. Yebamoth 10:7

54. M. Ketuboth 1:6-9

55. Ibid 8:1

56. Ibid 8:3

57. M. Gittin 1:3

58. Ibid 1:1

59. Y. Yebamoth 5:1

60. Ibid 13:7

61. Majority for a girl was at the first signs of puberty. This usually was around the thirteenth year.

62. M. Gittin 1:1

63. M. Ketuboth 6:4

64. M. Baba Metziah 7:1

65. M. Baba Bathra 10:1

66. M. Shabbat 16:3

67. M. Erubin 4:1

68. M. Megillah 1:3

69. The literal translation is "books," but Albeck says it refers specifically to the Bible.

70. The literal translation is "Assyrian," but Blackman renders it "Hebrew."

71. M. Baba Metziah 3:6

72. M. Gittin 4:4

73. Ibid

- 74. Ibid 4:6
- 75. Albeck, Hamech; Shisha Sidra Mishnah
- 76. M. Baba Metzi'ah 10:5
- 77. M. Baba Bathra 6:4
- 78. M. Pesachim 4:5
- 79. M. Roah Hachanah 1:6

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