SEMIKHAH:

A HISTORICAL ANALYSIS OF RABBINIC ORDINATION

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NARRATIVE SUMMARY

This thesis is a historical examination that attempts to explore the way in which the leadership of the Jewish people has been transmitted, both physically and spiritually, from one generation to the next throughout the course of Jewish history, focusing primarily on the rabbinic period. The hope is that this treatment somehow helps to place the ordination ceremony of the Hebrew Union College – Jewish Institute of Religion into a larger historical context, thereby giving greater meaning to the ceremony.

The goal in crafting this narrative was to provide context: both a historical context for the ritual that takes place during ordination, as well as a larger "rabbinic" context in which those being ordained may place themselves.

This thesis contains six chapters divided into the following sections:

- Biblical Roots
- The Institution of Ordination
- The Ritual/Ceremony of Ordination
- The End of Ordination
- The Reinstitution of Ordination
- Modern Ordination & The Rise of the Seminary

This work examines biblical, post-biblical, and rabbinic literature that specifically deals with the transmission of leadership between the elite. It relies on secondary scholarship to fill in gaps and create a framework in which to place the primary texts. It draws from both primary and secondary texts and attempts to critically explore the rationale and meaning behind the rituals of ordination and *semikhah*.

To Ashley, the love of my life

without your love and support, I'd still be searching for an idea

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INTRODUCTION

On May 5, 2002, I sat in the sanctuary at Wilshire Boulevard Temple in Los Angeles California to witness a historic event, the first ordination ceremony at the Hebrew Union College – Jewish Institute of Religion's Los Angeles Campus. A freshman in college, I did not understand the somewhat mystical ritual, nor did I appreciate the significance of what I was seeing—the next link in a living chain of Jewish history.

מֹשֶׁה קִבֵּל תּוֹרָה מִסִּינַי, וּמְסָרָהּ לִיהוֹשֻׁעַ, וִיהוֹשֻׁעַ לִזְקֵנִים, וּזְקֵנִים לִנְבִיאִים, וּנְבִיאִים מְסָרוּהָ לְאַנְשֵׁי כְנֶסֶת הַגְּדוֹלָה.

> Moses received Torah at Sinai and handed it on to Joshua, Joshua to elders, and elders to prophets, and prophets handed it on to the men of the great assembly.[1]

The opening *Mishnah* of *Pirke Avot* reflects the traditional rabbinic conception of leadership. In the rabbinic conception, the Torah and the leadership of the Jewish people, was given by God to Moses who transmitted it to Joshua, who transmitted it to the elders, and this transmission has taken place in subsequent generations right down to the present. This transmission of leadership is embodied in the ancient act of *semikhah*, the physical laying on of hands to ordain an individual granting the authority to lead.

Study toward the rabbinate at the Hebrew Union College – Jewish Institute of Religion, culminates with an ordination ceremony, during which the president of the College – Institute engages in that ancient act of *semikhah*, laying his hands upon each student as he ordains them.

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[1] Mishnah: Avot 1:1. Translation: Jacob Neusner, *The Mishnah: A New Translation* (New Haven: Yale University Press, 1991). Unless otherwise noted, all translation from the *mishnah* are those of Jacob Neusner.

The process and rituals of rabbinic ordination may only be two millennia old, however the roots of *semikhah* can be traced to the biblical narrative. The chain of tradition may not be unbroken, as the *Mishnah* would have us believe, but the question remains, how did we get from Moses laying his hand on Joshua and ordaining him, to the president of the Hebrew Union College – Jewish Institute of Religion laying his hands on students in Cincinnati, New York, and Los Angeles, and ordaining them?

The historical examination that follows attempts to explore the way in which the leadership of the Jewish people has been transmitted, both physically and spiritually, from one generation to the next throughout the course of Jewish history, focusing primarily on the rabbinic period. The hope is that this treatment somehow helps to place the ordination ceremony of the Hebrew Union College – Jewish Institute of Religion into a larger historical context, thereby giving greater meaning to the ceremony.

The goal in crafting this historical narrative was to provide context: both a historical context for the ritual that takes place during ordination, as well as a larger "rabbinic" context in which those being ordained may place themselves. Rabbinic students and rabbis alike might benefit from understanding the basis for the ritual that ordains them with the privilege to lead the Jewish people. Furthermore, in better understanding the ritual and its historical development, rabbinic students and rabbis will be better equipped to place themselves in the chain of rabbinic leadership.

Authenticity is hard to quantify, but rabbis want, and in some cases need, to feel that they are authentic Jewish leaders, that they are standing on the shoulders of the generations of leaders who came before them. Thus, authenticity as an internal feeling is of great importance in the rabbinate. Hopefully this treatment of the foundation and historical

underpinnings of ordination will assist rabbis in their individual pursuit of their own authenticity.

This work examines biblical, post-biblical, and rabbinic literature that specifically deals with the transmission of leadership between the elite. It relies on secondary scholarship to fill in gaps and create a framework in which to place the primary texts. It draws from both primary and secondary texts and attempts to critically explore the rationale and meaning behind the rituals of ordination and *semikhah.*

BIBLICAL ROOTS

The first reference in the Hebrew Bible to a transfer of leadership is the appointment of judges in Exodus. Moses' father in law Jethro suggests that Moses appoint judges to hear some of the civil cases and in so doing, relieve himself from the burden of serving as the people's sole judge.[2] Exodus goes on to enumerate various qualifications necessary in order for someone to be fit to be a judge. One must be trustworthy, fear God, and not tolerate "ill-gotten gain."[3] While the basic qualifications needed to be a judge are described, a ceremony or process by which one actually becomes a judge is not. It would seem that once an individual was deemed to posses the necessary qualities, he was appointed to the office of judge.

Jethro's advice to Moses, while sounding good, clearly did not alleviate the burden that Moses felt because he complains to God in the book of Numbers that he is not able to carry the people by himself, it is too much for him.[4] God responds to Moses and instructs him to gather together seventy of the elders who are experienced and regarded by the people as leaders and these seventy will share the burden of the people with Moses. God explains that God will take the spirit that is on Moses and put it on them.

וְיָרַדְתִּי וְדִבַּרְתִּי עִמְּךָ שָׁם וְאָצַלְתִּי מִן־הָרוּחַ אֲשֶׁר עָלֶיךָ וְשַׂמְתִּי עֲלֵיהֶם וְנָשְׂאוּ אִתְּךָ בְּמַשָּׂא
הָעָם וְלֹא־תִשָּׂא אַתָּה לְבַדֶּךָ׃

[2] Exodus 18:13-27.
[3] Ibid., verse 21.
[4] Numbers 11:14.

I will come down and speak with you there, and I will draw upon the spirit that is on you and put it upon them; they shall share the burden of the people with you, and you shall not bear it alone. [5]

For purposes of this inquiry, it is especially interesting that something is being transferred from Moses to the elders. According to the text, this something was the spirit that was on Moses. This spirit may have been given by God, but it is unclear whether it is in fact God's spirit. If it were, we might have expected it to be referred to as such: "רוח אלוהים" for example. This text is clearly pointing to an act of transferring.[6] Moses, in essence, ordains the seventy elders, however, in none of the above cases is the term *semikhah* ever used.[7]

Following this transference of authority to the seventy elders, we find the first reference to *semikhah* in the Torah, an account of Moses transferring leadership to Joshua.

וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה קַח־לְךָ אֶת־יְהוֹשֻׁעַ בִּן־נוּן אִישׁ
אֲשֶׁר־רוּחַ בּוֹ וְסָמַכְתָּ אֶת־יָדְךָ עָלָיו׃
וְהַעֲמַדְתָּ אֹתוֹ לִפְנֵי אֶלְעָזָר הַכֹּהֵן וְלִפְנֵי כָּל־הָעֵדָה וְצִוִּיתָה
אֹתוֹ לְעֵינֵיהֶם׃
וְנָתַתָּה מֵהוֹדְךָ[8] עָלָיו לְמַעַן יִשְׁמְעוּ כָּל־עֲדַת בְּנֵי יִשְׂרָאֵל׃
וְלִפְנֵי אֶלְעָזָר הַכֹּהֵן יַעֲמֹד וְשָׁאַל לוֹ בְּמִשְׁפַּט הָאוּרִים לִפְנֵי

[5] Ibid., verse 17. JPS Translation. All biblical translations, unless otherwise noted, are from the new JPS translation.
[6] J. Newman, *Semikhah (Ordination): A Study of its Origin, History and Function* (Manchester: Manchester University Press, 1950), 2.
[7] According to tradition, the seventy elders serve as the basis for the Sanhedrin and these seventy ordained others. Thus from Moses and the elders, ordination was passed from generation to generation until the rabbis of the Talmudic period. There is however little or no basis in fact for such a theory.
[8] The Rabbis in the Sifre to this verse interpret the מ in מֵהוֹדְךָ as a partitative מ. Thus, Joshua received only a part of the Moses' glory, which gave reason to the elders of that generation to exclaim: "The face of Moses is like the sun, and the face of Joshua is like the moon." (Newman, *Semikhah*, 3).

יְהוָה עַל־פִּיו יֵצְאוּ וְעַל־פִּיו יָבֹאוּ הוּא וְכָל־בְּנֵי־יִשְׂרָאֵל אִתּוֹ

וְכָל־הָעֵדָה׃

וַיַּעַשׂ מֹשֶׁה כַּאֲשֶׁר צִוָּה יְהוָה אֹתוֹ וַיִּקַּח אֶת־יְהוֹשֻׁעַ וַיַּעֲמִדֵהוּ

לִפְנֵי אֶלְעָזָר הַכֹּהֵן וְלִפְנֵי כָּל־הָעֵדָה׃

וַיִּסְמֹךְ אֶת־יָדָיו עָלָיו וַיְצַוֵּהוּ כַּאֲשֶׁר דִּבֶּר יְהוָה בְּיַד־מֹשֶׁה׃

> And the LORD answered Moses, "Single out Joshua son of Nun, an inspired man, **and lay your hand upon him.** Have him stand before Eleazar the priest and before the whole community, and commission him in their sight. Invest him with some of your authority, so that the whole Israelite community may obey. But he shall present himself to Eleazar the priest, who shall on his behalf seek the decision of the Urim before the LORD. By such instruction they shall go out and by such instruction they shall come in, he and all the Israelites, the whole community."
>
> Moses did as the LORD commanded him. He took Joshua and had him stand before Eleazar the priest and before the whole community. **He laid his hands upon him** and commissioned him — as the LORD had spoken through Moses.[9]

It is important to note that this passage from Numbers is easily recognizable as being a product of the priestly author ("P" in documentary hypothesis) of Numbers.[10] When God instructs Moses to single out Joshua, God refers to him as a man in whom the spirit exists. This is likely the spirit that we discussed above, the spirit that God transfers from Moses to the elders. Milgrom points out that Joshua qualified as Moses' successor because the spirit

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[9] Numbers 27:18-23.

[10] Philip J. Budd, *Word Biblical Commentary: Numbers* (Waco: Word, 1984), 305, 307.

already existed within him. The spirit refers to the talent that is already within Joshua, not some skill that he is acquiring in this moment.[11]

Unlike the other elders, Joshua is selected to be Moses' successor and as a result, must receive more than the spirit that rests with all seventy. Thus God instructs Moses to bring Joshua before Eleazar and the entire community, to lay his hands upon him, and to transfer some of his [Moses'] authority to him. The Hebrew, rendered above as "authority", is מֵהֹדְךָ. *Hod* (הוד) does not appear anywhere else in the Torah. It does appear in Psalms,[12] and usually refers to the majesty or splendor that is an essential quality or characteristic of a King or God.[13] However Martin Noth suggests that *hod* must be interpreted to be describing something that is both effective and visible—he suggests "vitality."[14] Clearly, a fundamental shift is occurring here and the nature of the leadership of the people is changing.

Ashley explains that up until this point the leadership of the people had been shared by Moses and Aaron. Following Aaron's death, Eleazar replaced him as priest.[15] Now, the new generation must be ushered in, Joshua must replace Moses, just as Eleazar replaced Aaron and this is accomplished by the seemingly simple act of *semikhah*, the laying on hands.[16]

The introduction of the concept of *semikhah* is particularly impressive. Moses physically lays his hands on Joshua, engaging in a ritual act that appears to be part of the process by which leadership is handed over. In addition, it seems as though there is an

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[11] Jacob Milgrom, *Numbers: The Traditional Hebrew Text with the New JPS Translation—Commentary by Jacob Milgrom* (Philadelphia: Jewish Publication Society, 1990), 235.
[12] Psalms 21:6, 45:4, 104:1.
[13] Timothy R. Ashley, *The Book of Numbers* (Grand Rapids: William B. Eerdmans Publishing Company: 1993), 553.
[14] Martin Noth, *Numbers: A Commentary* (Westminster: James Knox Press, 1968), 215.
[15] See Numbers 20.
[16] Ashley, *The Book of Numbers*, 555.

attempt to transfer some of Moses' authority and status to Joshua. This transfer can be further nuanced by looking at a reference to it at the very end of Deuteronomy.

וִיהוֹשֻׁעַ בִּן־נוּן מָלֵא רוּחַ חָכְמָה כִּי־סָמַךְ מֹשֶׁה אֶת־יָדָיו עָלָיו
וַיִּשְׁמְעוּ אֵלָיו בְּנֵי־יִשְׂרָאֵל וַיַּעֲשׂוּ כַּאֲשֶׁר צִוָּה יְהוָה אֶת־מֹשֶׁה׃

> Now Joshua son of Nun was filled with the spirit of wisdom because Moses **had laid his hands upon him**; and the Israelites heeded him, doing as the LORD had commanded Moses.[17]

It is significant that Moses lays both hands on Joshua. Comparing this to the commissioning of the Levites (Numbers 8:10), Milgrom explains that a transfer of power and authority can only be accomplished by the laying on of both hands. The laying on of one hand is restricted to the act in which one who offers an animal for sacrifice, declares the purpose of the sacrifice and identifies himself as the one offering it.[18]

A close reading of Deuteronomey 34:9 leads one to believe that while all seventy of the elders may have possessed the spirit, only Joshua possessed the spirit of wisdom, the direct result of Moses' laying of his hands on him.[19] This second account of Joshua's ordination also tells us what the result of the ceremony was, namely, that the people listened to him. Thus some kind of transfer of authority clearly took place in the process of Moses laying his hands upon him. This transmission of leadership, authority, and perhaps even status, from Moses to Joshua came to be the basis of the early stages of ordination, in which teachers transmitted leadership and authority to their pupils.

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[17] Deuteronomy 34:9.
[18] Milgrom, *Numbers*, 235.
[19] Newman, *Semikhah*, 3.

THE INSTITUTION OF ORDINATION

Moses' ordination of Joshua is regarded as the original basis for the ritual of ordination in later times. The traditional view is that all subsequent ordinations of rabbis throughout history are part of an unbroken chain beginning with the Moses and Joshua incident. However, it is hard to believe that the ceremony and ritual of ordination has survived and been transmitted in an unbroken fashion from generation to generation as some would argue. From available source material, it is not possible to definitively state whether or not *semikhah* was transmitted in an unbroken chain from the time of Moses to the rabbinic period.[20] It can be concluded that Moses' transferring of leadership to Joshua was a unique biblical event; while it may have served as the basis for later rabbinic ordinations, it was a distinct incident that did not occur again.

The first mention of the existence of rabbinic ordination is a brief comment in the Jerusalem Talmud.

בראשונה היה כל אחד ואחד ממנה את תלמידיו כגון רבן יוחנן בן זכיי מינה את רבי ליעזר ואת רבי יהושע ורבי יהושע את רבי עקיבה ורבי עקיבא את רבי מאיר ואת רבי שמעון

> Originally each [teacher] would ordain[21] his own disciples. For example, R. Yohanan b. Zakkai ordained R. Eliezer and R. Joshua; R. Joshua ordained R. Akiba; and R. Akiba ordained R. Meir and R. Simeon.[22]

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[20] Ibid., 6-10.

[21] "ממנה" is translated here as "ordain." It can also be translated as "appointed." The distinction between "סמך" and "ממנה" is not entirely clear, there is evidence to support that in Eretz Yisrael the term "ממנה" was used, whereas in Babylonia "סמך" was. The relationship between the two will be explored below (see page 22).

[22] Jerusalem Tamlud: Sanhedrin 1:2. Translation: Jacob Neusner, *The Talmud of the Land of Israel,* vol. 31, *Sanhedrin and Makkot* (Chicago: University of Chicago Press, 1984). Unless otherwise noted, all translations from the Jerusalem Talmud are those of Jacob Neusner.

This comment represents the rabbinic understanding that ordination took place in the 1st century C.E. and more importantly, that the status quo was for individual teachers to ordain their students. Thus, we can assume that prior to some shift that may have occurred in the 1st or 2nd century C.E., individual teachers had the authority to ordain their students as they saw fit. As a result, as far back as the 2nd century B.C.E., during the early days of the Sanhedrin, we can assume that the so-called *zugot* were ordained in this fashion. A reading of Mishnah Hagigah may be able to support this assumption.

יוֹסֵי בֶּן יוֹעֶזֶר אוֹמֵר שֶׁלֹּא לִסְמוֹךְ, יוֹסֵי בֶּן יוֹחָנָן אוֹמֵר לִסְמוֹךְ. יְהוֹשֻׁעַ בֶּן פְּרַחְיָה אוֹמֵר שֶׁלֹּא לִסְמוֹךְ, נִתַּאי הָאַרְבֵּלִי אוֹמֵר לִסְמוֹךְ. יְהוּדָה בֶּן טַבַּאי אוֹמֵר שֶׁלֹּא לִסְמוֹךְ, שִׁמְעוֹן בֶּן שָׁטָח אוֹמֵר לִסְמוֹךְ. שְׁמַעְיָה אוֹמֵר לִסְמוֹךְ, אַבְטַלְיוֹן אוֹמֵר שֶׁלֹּא לִסְמוֹךְ. הִלֵּל וּמְנַחֵם לֹא נֶחְלְקוּ. יָצָא מְנַחֵם, נִכְנַס שַׁמַּאי. שַׁמַּאי אוֹמֵר שֶׁלֹּא לִסְמוֹךְ, הִלֵּל אוֹמֵר לִסְמוֹךְ.

> Yose b. Yoezer says not to lay on hands. Yose b. Yohanan says to lay on hands. Joshua b. Perahyah says not to lay on hands. Nittai the Arbelite says to lay on hands. Judah b. Tabbai says not to lay on hands. Simeon b. Shatah says to lay on hands. Shemayah says to lay on hands. Abtalyon says not to lay on hands. Hillel and Menahem did not differ. Menahem departed, Shammai entered. Shammai says not to lay on hands. Hillel says to lay on hands.[23]

It appears that the rabbis of the Mishnah are relating a debate the *zugot* had as to whether or not the laying of the hands is a necessary part of the ordination ritual. However, given the context of the Mishnah, it would seem most probable that the rabbis are discussing

[23] Mishnah: Hagigah 2:2.

the laying of the hands on a sacrifice.[24] In spite of this, based on the excerpt from the Jerusalem Talmud cited above[25], it remains reasonable to assume that during the period of Pharisaic leadership, each teacher ordained his students and that this process continued until the destruction of the Temple in 70 C.E.

Following the destruction of the Temple, R. Yohanan b. Zakkai began the process of developing rabbinic Judaism as a successor to the Pharisaic movement. He emphasized Torah and particularly stressed the importance of ordination. In the absence of the Temple in Jerusalem, ben Zakkai perceived an even greater need for authentic leadership. There needed to be an authority who would govern the lives of the people through the laws of Torah. The challenge for Yohanan b. Zakkai and his diciples at Yavneh, was to transfer as much of the power that had rested in the priesthood to themselves. They did this by continuing the groundwork that the Pharisees had already begun before the destruction of the Temple. Freehof explains that the Pharisees had already begun to regulate the practice of ritual that the priests carried out in the Temple, creating an image of the High Priest as an emissary of the Sanhedrin. Now that the power of the priesthood was virtually meaningless, this co-opting of the priestly authority by the Pharisees was picked up in Yavneh; after all, without the priests, there was no authentic source of authority except for the Pharisees. Thus, to gain respect and create the feeling that despite the destruction of the Temple, authentic leadership still existed, Yohanan b. Zakkai and his disciples stressed ordination. But to distinguish themselves from Pharisaic teachers, they instituted a new term for a recognized teachers—rabbi. R. Yohanan b. Zakkai ordained his students, the other rabbis at Yavneh ordained theirs,

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[24] The following *mishnayot* go on to explicitly discuss sacrifices and ritual offerings and whether or not one lays hands on them. Given this context, it would seem reasonable that the above *mishnah* is debating the laying on of hands in cases of sacrifices and offerings and not ordination.

[25] Jerusalem Talmud: Sanhedrin 1:2, see page 9.

and this process of rabbis ordaining their students continues through the time of R. Akiva who, as seen above in the passage from the Jerusalem Talmud, ordained R. Meir and R. Simeon.[26]

An examination of the continuation of that passage from the Jerusalem Talmud mentioned above[27], points to the next step in the evolution and development of ordination during the first two centuries of the Common Era.

חזרו וחלקו כבוד לבית הזה אמרו בית דין שמינה שלא לדעת הנשיא אין מינויו מינוי ונשיא שמינה שלא לדעת בית דין מינויו מינוי חזרו והתקינו שלא יהו ב"ד ממנין אלא מדעת הנשיא ושלא יהא הנשיא ממנה אלא מדעת בית דין

> They went and paid honor to this house [the house of the Nasi[28]]. They made a rule that if the Beit Din ordains without the knowledge and consent of the Nasi, the ordination is not valid. But if the Nasi ordains without the knowledge and consent of the Beit Din, the ordination is valid. [Ultimately], they reverted and made the rule that the Beit Din should ordain only with the knowledge and consent of the Nasi, and that the Nasi should only ordain with the knowledge and consent of the Beit Din.[29]

From these two excerpts from the Jerusalem Talumd, we can clearly see that various changes took place over time with respect to the way in which ordination was given. We can clearly see that initially ordination was given by an individual, either the student's teacher, or

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[26] Solomon B. Freehof, "The Institution of Ordination" (rabbinic thesis, Hebrew Union College, 1915), 9-10.
[27] Jerusalem Talmud: Sanhedrin 1:2, see page 9.
[28] The Nasi was the highest-ranking member, and president of the Sanhedrin (see note 30 below). He served as the leader of the leader of the Jewish community in Eretz Yisrael.
[29] Jerusalem Talmud: Sanhedrin 1:2.

in later times the Nasi of the Sanhedrin.[30] At some point, the authority to ordain rested with the Sanhedrin itself. If as our earlier passage from the Jerusalem Talmud tells, R. Akiba ordained R. Meir and R. Simeon following which the shift was made and the authority to ordain was granted to the Nasi, then we can infer that it was in the time of the fourth generation tana R. Simeon b. Gamaliel II, in the middle of the 2nd century C.E., that the authority to ordain was taken away from individual rabbis and given to the Nasi.

Was this shift in the authority to ordain a radical break, or was it merely a historical development? Borenstein attributes this shift to what he calls the conditions of the times, namely the dispersion of the Jewish people. He believes that the authority to ordain was given soley to the Nasi after the fall of Bethar (135 C.E.) when the Jewish people were forced to flee as a result of Hadrian's decrees. This dispersion threatened the unity of the Jewish people, according to Bornstein, especially if each scholar was trying to set up his own school and ordain his own students without a connection to the center of the Jewish people that still existed in Eretz Yisrael.[31]

Borenstein supports this claim, referencing a story of Hananyah, the nephew of R. Joshua, who fled from Eretz Yisrael to Babylonia during this time where he intercalated the calendar on his own because it could not be done in Eretz Yisrael. When the situation in Eretz Yisrael improved, the rabbis sent two messengers to Hananiah to tell him to stop intercalating the calendar. Initially, Hananiah fought and was reluctant to stop, but under the threat of excommunication, he finally agreed and went so far as to mount his horse and ride to inform the people that he had retracted his intercalation.[32]

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[30] The Sanhedrin was the governing council of Eretz Yisrael made up of 71 members. It served as the supreme civil and criminal court and was answerable only to the Roman governor.
[31] H. I. Bornstein, "Mishpat Ha-Semikhah v'korotheha," *Hattekufah 4.* 394.
[32] Jerusalem Talmud: Nedarim 6:8, Sanhedrin 1:2.

According to Bornstein, this story clearly illustrates the desire of the rabbis in Eretz Yisrael to centralize power and regulate the aspects and institutions of Jewish life, including ordination by giving sole authority to the Nasi. While this is sound reasoning on Bornstein's part, the Jerusalem Talmud's introduction to the Hananiah story refutes Bornstein's argument.

בחוצה לארץ אין מעברין ואם עיברוה אינה מעוברת ביכולין לעבר בארץ ישראל אבל בשאינן יכולין לעבר בארץ ישראל שמעברין אותה בחוצה לארץ ירמיה עיבר בחוצה לארץ יחזקאל עיבר חוצה לארץ ברוך בן נריה עיבר בחוצה לארץ חנניה בן אחי רבי יהושע עיבר בחוצה לארץ

> Abroad they do not intercalate [the year], and if they did so, it is not intercalated. This rule applies when they are able to intercalate in the Land of Israel. But if they are not able to intercalate in the Land of Israel, then they do intercalate the year abroad. Jermiah intercalated the year abroad. Ezekiel intercalated the year abroad. Hananiah, nephew of R. Joshua, intercalated the year abroad.[33]

If indeed ordination could not have taken place in Eretz Yisrael, then it would seem that for the cohesion and the preservation of the Jewish people, permission would be given to ordain outside Eretz Yisrael. Clearly, the intercalation of the year was permitted to take place outside the land when it was not possible to do so in Eretz Yisrael, why shouldn't we assume the same for ordination? One can reasonably assume that the ordination of rabbis and the transmission of leadership for the Jewish people were of greater importance than the

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[33] Ibid.

intercalation of the Jewish calendar. After all, the intercalation of the calendar can only be done by rabbis, thus is completely dependent on ordination![34]

In the wake of the Bar Kochba revolt and Hadrian's persecutions that followed, the Roman government outlawed the practice of Judaism.[35] The great schools that had existed all over Eretz Yisrael had been closed. In an attempt to end the propagation of Judaism once and for all, the Romans forbid the practice of ordination.

שפעם אחת גזרה מלכות הרשעה שמד על ישראל שכל הסומך יהרג וכל הנסמך יהרג ועיר שסומכין בה תיחרב ותחומין שסומכין בהן יעקרו

> For a time the evil empire enacted oppressive decrees against the Jewish people. Anyone who confers ordination would be killed, and anyone who accepts ordination would be killed, and any town in which ordination is conferred would be destroyed, and the boundaries [of a town] within which ordination was conferred would be destroyed.[36]

The Babylonian Talmud goes on to explain that in this terrible time, one rabbi, Judah b. Baba, decided to take action. He went and found an isolated place between the cities of Usha and Shifaram. There he ordained seven students of R. Akiva. The Romans discovered them and Judah b. Baba told the newly ordained rabbis to flee for their lives.[37]

Those seven who survived fled to nearby Usha in the Galilee and began to rebuild the hierarchy of rabbinic authority and resuscitate Jewish life. The question of ordination loomed

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[34] Newman, *Semikhah*, 18-19.
[35] Dan Cohn-Sherbok, *Judaism: History, Belief, and Practice* (London: Routlege, 2003), 115.
[36] Babylonian Talmud: Sanhedrin 14a. Unless otherwise noted, translations from the Babylonian Talmud are my own.
[37] Ibid.
The Talmud tells that Judah b. Baba died a martyr's death; he was run through with three hundred iron spears until he was like a sieve.

large in their minds. Perhaps in an attempt to raise the dignity and grander of the Nasi, they decided to give sole authority to confer ordination to the Nasi.[38] A literal reading of the Jerusalem Talmud's statement: *"They went and paid honor to this house [the house of the Nasi],"* further supports the rationale that Graetz and Newman both suggest, namely that the Pharisees wanted to elevate the office of the Nasi and give it further prestige, thus they decided that the authority to ordain should rest with the Nasi.

It can easily be imagined that in the wake of such persecution and tragedy, they desired to strengthen and solidify Jewish practice by centralizing the source of authority. Rather than allowing each rabbi to ordain his own students, they created one central source of ordination that would illustrate strength and cohesion—the Nasi. This seemingly radical change was likely easy to make because almost all the schools that had once dotted the landscape of Eretz Yisrael, had been destroyed. Only the school at Usha remained. Thus there were no other schools to oppose the limitations on rabbinic autonomy and the centralization of authority in the office of the Nasi, thereby adding to its prestige.

This shift from individual teachers ordaining their students, to the Nasi ordaining reflects a fundamental change in the character of *semikhah.* With this shift, *semikhah* no longer involves only individuals, it becomes a communal process. Leadership, per se, is no longer being transmitted from one person to another, as was the case with Moses and Joshua, rather authority is being given to the ordained by the Nasi on behalf of the Sanhedrin and the entire community.[39]

However, the authority that was given by the Nasi on behalf of the Sanhedrin was not the same kind of authority that teachers bestowed upon their students, nor that Moses gave to

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[38] Hugo Mantel, *Studies in the History of the Sanhedrin* (Cambridge: Harvard University Press, 1961). 37-39.
[39] Newman, *Semikhah*, 110.

Joshua. When Moses "ordained" Joshua, he did not "ordain" him for the purpose of being a judge for the people and adjudicating the menial disputes between people, nor did he "ordain" him for the purpose of intercalating the calendar, or any of the other tasks and responsibilities that those ordained by the rabbis were privileged to engage in. While these are all important aspects of Jewish religious life, Moses invested Joshua to be his replacement. Joshua was to be "Moses' successor with Divine consent."[40] While this incident may have served as a basis for subsequent rabbinic ordinations, it must be noted that it was a unique event and that such an investiture was never repeated.

Moses handed over his own authority to Joshua with the understanding that Joshua would now take over leadership of the people and Moses would step aside. So too, when students received *semikhah* directly from their teachers after years of study, this was an act in which the teacher transferred his authority. Moses had to transfer his own authority and leadership to Joshua while he was still living, so that the people could acknowledge Joshua as their leader. This is discussed in the Sifre on Numbers 27:18 in which God instructs Moses to "lay your hands upon him [Joshua]."[41] The Sifre comments that "[God] said to him: "Moses, give Joshua an interpreter so that he may ask, explain, and teach guidance in your lifetime, so that the people, after you have passed away, may not say—as long as his teacher (Moses) lived he did not decide on religious questions, but now he does'."[42]

From a later rabbinic perspective the new leader Joshua, must be acknowledged and recognized as an authentic leader before the old leader Moses, dies. This would prevent anyone from linking Joshua's leadership to Moses, as the comment from the Sifre cited above warns. This changes when the Beit Din takes on the authority to appoint its Nasi, the

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[40] Ibid.
[41] Numbers 27:18.
[42] Sifre to Numbers 27:18. Translation by Jacob Neusner.

de facto leader of the Jewish people. In essence, the tables have turned. Moses was the leader of the people, and he picked the seventy elders. But in the case of the Sanhedrin, it was they who chose their leader. Moses selected and ordained his successor, however no Nasi was ever given the privilege to select, much less ordain his successor, this decision was reserved for the Sanhedrin.[43] While the Moses Joshua incident may have served as a basis for subsequent rabbinic ordinations, it was a truly unique event and such an investiture or "ordination," was never repeated.

The Nasi also served and important function within the relationship between the Jewish community and the Roman government. By the end of the second century, the Roman government recognized the Nasi as the leader of the Jewish community. It was his responsibility to collect taxes from the Jews, appoint judges, and maintain a judicial system.[44] The official Roman title for the Nasi was "Patriarch." Julius Caesar instituted this title when Hyrcanus II was Nasi. Evidence of the Nasi's honored position within the Roman establishment can be found in the titles used to refer to the Nasi—titles ordinarily used for only the highest Roman officials, such as: the Respectable, the Most Noble, or the Illustrious.[45]

At this time, another change took place with respect to ordination.

פעם אחת הלך רבי למקום אחד וראה בני אדם שמגבלין עיסותיהם בטומאה אמר להם מפני מה אתם מגבלין עיסותיכם בטומאה אמרו לו תלמיד אחד בא לכאן והורה לנו מי בצעים אין מכשירין והוא מי ביצים דרש להו ואינהו סבור מי בצעים קאמר ...תנא באותה שעה גזרו

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[43] Newman, *Semikhah*, 112.
[44] Shaye J. D. Cohen, *From the Maccabees to the Mishnah* (Louisville: Westminster Johns Knox Press, 2006) 214.
[45] Mantel, *Studies in the History of the Sanhedrin*, 238-239.

תלמיד אל יורה אלא אם כן נוטל רשות מרבו

> Once Rabbi went to a certain place and noticed that the people there were kneading their dough in uncleanliness. He asked and they told him the following: "Once a certain disciple came to us and taught us that marsh water does not make something unclean. (In reality he had said the liquid of eggs, but they thought he had said marsh water)...At that time they decreed: a disciple may not render decision unless he is given authority by his teacher."[46]

From this we can assume that prior to this ruling, any disciple, whether ordained or not, was allowed to provide guidance and instruction in religious ritual and practice. The consequence of this is clearly illustrated in the above example, namely, mistakes or incorrect instruction in ritual laws. As a result, the ruling was made that only ordained teachers should be permitted to teach the law. Until this time, while ordination was an honor, a mark of special fitness, it was optional, and not required—now it was a prerequisite, without which one could not make religious decisions. The requirement to be ordained along with the fact that ordination could now only be obtained from the Nasi, strengthened and centralized the authority and leadership of the Jewish people in the office of the Nasi.[47]

During this period, a new phenomenon is emerging that dramatically changes the narrative of ordination forever. It was during the tenure of Judah I as Nasi of the Sanhedrin (c. 165-220 C.E.), that the significance of the Babylonian schools and academies began to grow. In these early days of the Babylonian schools, there was a desire among the men who were leaders and scholars of those academies to be ordained in Eretz Yisrael. Thus we have an

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[46] Babylonian Talmud: Sanhedrin 5b.
[47] Freehof, *The Institution of Ordination*, 13.

account of R. Chiya who wanted Judah I to ordain his nephews before they went to Babylonia.

כי הוה נחית רבה בר חנה לבבל אמר ליה רבי חייא לרבי בן אחי יורד לבבל יורה יורה ידין ידין יתיר בכורות יתיר כי הוה נחית רב לבבל אמר ליה רבי חייא לרבי בן אחותי יורד לבבל יורה יורה ידין ידין יתיר בכורות אל יתיר

> When Rabbah bar Chanah was going down to Babylonia, R. Chiya said to Rebbi: "My brother's son is going down to Babylonia, may he render decisions?" "He may render decisions. "May he adjudicate?" "He may adjudicate." "May he permit firstborn animals?" "He may permit them." When Rav was going down to Babylonia, R. Chyia said to Rebbi: "My sister's son is going down to Babylonia, may he render decisions?" "He may render decisions. "May he adjudicate?" "He may adjudicate." "May he permit firstborn animals?" "He may not permit them."[48]

It seems that R. Judah I was hesitant to ordain Babylonians. Perhaps this explains why he only gave Rav partial ordination. But these Babylonian schools were new and had not yet established themselves. They were still trying to build their prestige and being ordained by the Nasi in Eretz Yisrael was a good way of doing just that. In addition, according to Freehof, there was a feeling among many in Babylonia that they needed ordination from Eretz Yisrael in order to be "authentic."[49] However as time passed and the Babylonian

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[48] Babylonian Talmud: Sanhedrin 5a.
[49] Freehof, *The Institution of Ordination*, 14.

schools became more established and gained respect and authority, some began to think it odd to have to go to Eretz Yisrael to be ordained.[50]

As a response to this growing independence among the Babylonians as they began to gain status and as the academies in Eretz Yisrael begain to weaken, we find a law in the Babylonia Talmud prohibiting ordination outside Eretz Yisrael.

אמר רבי יהושע בן לוי אין סמיכה בחוצה לארץ

R. Joshua ben Levi said: "There is no ordination outside Eretz [Yisrael]."[51]

R. Joshua ben Levi was a first generation Amora who lived about fifty years after Rabbi Judah I.[52] Prior to this, there would be no need to have such a prohibition because the Babylonians still felt dependent on Eretz Yisrael and would not yet have attempted to set up their own independent means of ordination or granting of authority. Clearly, the prohibition above was directed at the Babylonians in an attempt to stifle their growing power and independence.[53]

Ultimately however, the Babylonians grew in power and prestige and created a legal system based on the authority of the Exilarch in Babylonia and not the Nasi back in Eretz Yisrael.

פשיטא מהכא להכא ומהתם להתם (מהני) ומהכא להתם (נמי)... מהני מהתם להכא מאי

It is clear [ordination granted] here (Babylonia)[gives one the right to judge] here, and [ordination granted] there (Eretz Yisrael) [gives one the right to judge] there. And [that ordination granted] here (Babylonia) [gives one the right to judge there (Eretz

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[50] Ibid.
[51] Babylonian Talmud: Sanhedrin 14a.
[52] Shulamis Friedman, *Who's Who in the Talmud* (Northvale: Jason Aronson Inc., 1995), 341-342.
[53] Freehof, *The Institution of Ordination*, 17.

Yisrael)]...[but] what [about ordination granted] there (Eretz Yisrael) [with respect to] here (Babylonia)?[54]

They go on to decide that ordination granted in Eretz Yisrael has no validity in Babylonia. They explain that Rabbah bar Chanah and Rav, who were ordained by the Nasi in Eretz Yisrael, did not need this ordination to judge in Babylonia, they only needed it to judge in the border cities between Eretz Yisrael and Babylonia.[55]

This clearly reflects the growing sense of independence among the Babylonian community. They no longer felt the need to root themselves in Eretz Yisrael, they saw themselves as autonomous. This is reflected in the ability of the Exilarch to grant authority.

אמר רב האי מאן דבעי למידן דינא ואי טעה מיבעי למיפטרא לישקול רשותא מבי ריש גלותא וכן אמר שמואל לשקול רשותא מבי ריש גלותא

Rav said: One who wishes to adjudicate a case and wishes to absolve himself if he errs, should obtain permission from the Exilarch. And so Shmuel said: Let him obtain permission from the Exilarch.[56]

Thus we can see that in Babylonia, the Exilarch granted something called *"reshut"* or "permission" that was similar to *"semikhah"* or ordination. While there is no evidence that the granting of *"reshut"* was accompanied by any ritual or ceremony, it was de facto ordination for the Babylonians.

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[54] Babylonian Talmud: Sanhedrin 5a.
[55] Freehof, *The Institution of Ordination*, 15.
[56] Babylonian Talmud: Sanhedrin 5a.

Given this growing divide between the communities in Babylonia and Eretz Yisrael and their relationship to the institution of ordination, a particular comment in the Jerusalem Talmud may be better understood.

תמן קריי למוייה סמיכותא

There [in Babylonia] they call appointment to a court "semikhah."[57]

The Jerusalem Talmud seems to make it clear that in Eretz Yisrael, the term "*semikhah*" was changed to "*minui,*" which can also be seen by the numerous references to ordination in the Jerusalem Talmud, where the term "*minui*" is used rather than "*semikhah.*" Why this discrepancy in nomenclature? Why would the rabbis of Eretz Yisrael, where *semikhah* had long existed and been practiced in the traditional form, rename it "*minui*" while in Babylonia, where *semikhah* never really existed in it's complete form, the rabbis retained the term "*semikhah*?" The reason may be explained by comparing the ways in which the changes in granting *semikhah* were experienced differently in Eretz Yisrael and Babylonia.

In Eretz Yisrael, *semikhah* had existed for generations, it was a significant part of the fabric of Jewish life. Thus the shift from individuals ordaining their students, to the Sanhedrin granting authority to individuals, as well as the change in scope of the responsibilities of the ordained, was experienced to far greater extent than it was in Babylonia. By calling the new phenomena "*minui*" and not "*semikhah,*" those in Eretz Yisrael were clearly illustrating the tangible change in the institution of ordination. As far as they were concerned, the process was not about ordaining a new leader for the Jewish people,

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[57] Jerusalem Talmud: Sanhedrin 1:2.

rather it was the installation of a judge; thus *minui* is a more appropriate term than *semikhah*. On the other hand, in Babylonia, what they had been calling *semikhah*, was not truly *semikhah—semikhah* never had its full authority and significance in Babylonia, thus the dramatic change in the nature of ordination was not received in the same way it was in Eretz Yisrael and it could continue to be called *semikhah* without appearing inauthentic.[58] In Eretz Yisrael one was ordained by the Sanhedrin and given *minui*, and in Babylonia one was ordained by the Exilarch and given something called *semikhah*, which in actuality was *reshut* or *minui*, some sort of permission or appointment to judge and make religious decisions.

The nature of ordination changed yet again, both in Eretz Yisrael, and to a greater extent in Babylonia as the latter began to emerge as the center of Jewish life. Ordination shifted from being a qualification for judging matters of Jewish law, and became a sort of graduation. *Semikhah* was used to motivate a student to study and was given as an honor to students who had made great scholastic achievements and who stood out from the others in the academy. Ordination then, was no longer necessarily the mark of a leader, nor was it a permission to judge. It had become an accomplishment of scholarship, given to those who had achieved understanding and knowledge and who were fit to be called "rabbi" based on their mastery of knowledge and academic status.[59]

Students studied a wide variety of subjects and disciplines. Torah learning in the form of Scriptural exegesis as well as other Jewish text, served to bolster the character of the rabbi as a learned sage. However the character of the rabbi in Babylonia was not simply that of a Torah scholar who engaged in matters of religious ritual and practice, the rabbi was seen to possess certain powers. He was a wonder-worker, capable of miraculous things. People

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[58] Newman, *Semikhah*, 113.
[59] Ibid., 114.

believed the rabbi to be a holy man. Neusner explains that the rabbi's learning was not limited to the ancient traditions and rituals of the Jewish people, nor to the exegesis of Scripture. Rather the rabbi was a master in theurgical learning which enabled him to have influence both with God, and amongst human beings[60]—a realm of learning also necessary for one ordained. He continues, explaining that the rabbi's entire opus of knowledge and learning was called "Torah," but this "Torah" was not limited to the written and oral Torahs given at Sinai. As a result, rabbis were able to explain phenomenon that puzzled others, not because they were sorcerers or wizards, but because their knowledge and wisdom enabled them to draw meaning from natural phenomena and communicate with the heavens. Similarity, rabbis were not physicians, however they were learned in the healing arts.[61]

Study played a significant role in the life of the rabbi in Babylonia. Study was not only a means to ordination, but rather a part of the daily life of a rabbi. Study brought out the rabbi's supernatural powers.[62] At this time, the study of rabbinic text was largely oral. Teachers and students repeated a tradition, so it is imaginable that if a rabbi was engaged in such study with his lips moving, onlookers might very well have thought him to be reciting a spell or an incantation rather than *mishnahyot* or commentaries from the prior generations.[63] The act of oral study was seen as so powerful by the rabbis that it was thought to be a protection against death.

רב חסדא לא הוה יכיל ליה, דלא הוה שתיק פומיה מגירסא. סליק יתיב בארזא דבי רב, פקע ארזא ושתק ויכיל ליה

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[60] Jacob Neusner, *The Wonder-Working Lawyers of Talmudic Babylonia: The Theory and Practice of Judaism in its Formative Age* (Lanham: University Press of America, 1987), 48.
[61] Ibid., 47-48.
[62] Ibid., 50.
[63] Ibid.

> The angel of death was not able to overcome R. Hisda because his mouth never stopped repeating his learning. He went and sat on the cedar tree of the academy. The tree cracked and R. Hisda stopped [learning], so [death] overcame him.[64]

Clearly, rabbis were thought to have a connection to God and the heavens that ordinary people lacked. This connection, along with his knowledge of Torah, set the rabbi apart from ordinary people, but it did not make him a holy man, much less a wonder-worker. It was the rabbi's ability to perform extraordinary acts that propelled him to a status above that of simply wise and learned scholars—namely healing.[65]

Neusner characterizes the foundation of rabbinic medicine as resting on two things: sound advice as to maintaining one's health, and occasionally concocting medicines to treat specific conditions. There is little evidence that rabbis ever performed surgical or medical procedures.[66] The rabbis possessed this knowledge of medicine and the human body because it was part of their broader definition of "Torah" and was essential for their understanding of Jewish law and practice, thus further differentiating them from other simply educated individuals and making them candidates for ordination. While some miraculous occurrences are attributed to the rabbis, miraculous medical cures are not. Medicine was seen as part of the required knowledge to be a rabbinic leader, not something to elevate the rabbis to the level of holy men.[67] Indeed nothing the rabbis did was meant to elevate them to such a level, but the way their actions were interpreted by the community at large, may have been different entirely. At a time in which miraculous acts were widely attributed to the holy men

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[64] Babylonian Talmud: Moed Katan 28a.
[65] Neusner, *The Wonder-Working Lawyers of Talmudic Babylonia*, 54.
[66] Ibid., 55.
[67] Ibid.

of other communities, it is understandable if not probable, that the actions of the rabbis be thought of in the same way.[68]

Much of the medical knowledge and wisdom described above could have been considered at the time, to be magic. It is likely that the rabbis took many of the magical rites that were commonplace in their world, and tried to infuse them with Jewish relevance and meaning.[69] It is not clear however, whether they did this because they disapproved of the original understanding, or if they simply wished to make it more Jewish. Either way, the "Judaizing" of magic did not make it any less magical.[70]

Returning to the episode of R. Hisda and the cedar tree referenced above, it is clear that the rabbis believed Torah, and moreover the study of Torah, to have some intrinsic magical power, this included conducting oneself in a manner befitting a Torah scholar. The study of Torah, and all of the obligations incumbent upon the individuals who studied it, were believed to produce the kind of wonder-working power that people ascribed to the rabbis—the kind of power that could enable and ordinary person to do the things others could not, transforming him into a holy man.[71]

The belief was that if a rabbi was learned, pious, and worthy, he would be able to perform miracles.[72] This ideal is what was cultivated in the academies of Babylonia, and students who achieved it were honored with ordination. These rabbis could do many things, however the source of their power was singular: studying, repeating, and living the words of Torah.[73] Rabbis were different from ordinary people. Rabbis were believed to be capable for

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[68] Ibid., 59.
[69] Ibid., 62.
[70] Ibid.
[71] Ibid., 66.
[72] Ibid., 67.
[73] Ibid.

conversing with angels and demons, as well as the dead. They had the ability to go to heaven and return to earth, even to avoid death themselves. "Both for what they were and for what they knew, they were therefore exceptional men."[74]

It must be noted however, that the rabbis of Babylonia were not "Jewish magicians." Neusner notes that they took on the behavioral patterns of the holy man just as any religious leader in their time in the region would have.[75] However they placed the greatest importance, not on their role as a holy man, but rather on Torah—a Torah that infused the student with wisdom and unusual knowledge and skills, but Torah nonetheless. Rabbis did not participate in the study of Torah in order to perform supernatural acts or become magicians; they did not study witchcraft and sorcery, rather they studied a legal system and the relevant commentary of earlier generations. While rabbis may have performed wonders, their primary function was not that of wonder-worker, any more than they were physicians or merchants.[76] All of these functions resulted from their primary concern with Torah. "The rabbis were chiefly judges and lawyers, teachers and masters, and their lives were spent not in the marketplace, but mostly in the academy."[77] The performance of wondrous and sometimes magical acts was one way rabbis gained public esteem and respect, but it was certainly not the primary way. Learning was the means by which a rabbi secured his public acceptance.[78] It was this embodiment of the study, repetition, and living of Torah that became the requirement for ordination.

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[74] Ibid.
[75] Ibid., 68.
[76] Ibid.
[77] Ibid., 69.
[78] Ibid.

THE RITUAL AND CEREMONY OF ORDINATION

There are several elements that have made up the ordination ceremony throughout the course of Jewish history. These rituals include the physical laying on of hands, a verbal proclamation, the wearing of special clothes, a festive celebration, and some sort of ordination certificate or record of those ordained.

The act of the ordaining authority physically laying his hand on the ordained is probably the oldest ritual associated with the ceremony of ordination. It also explains the how the term *"semikhah"* came about, as it comes from the root סמך which literally means to lay on or rest on.[79]

The laying on of hands is clearly described in God's instructions to Moses regarding the ordination of Joshua.

וַיֹּאמֶר יְהוָה אֶל־מֹשֶׁה קַח־לְךָ אֶת־יְהוֹשֻׁעַ בִּן־נוּן אִישׁ
אֲשֶׁר־רוּחַ בּוֹ וְסָמַכְתָּ אֶת־יָדְךָ עָלָיו׃

> And the LORD answered Moses, "Single out Joshua son of Nun, an inspired man, **and lay your hand upon him.**[80]

From a later rabbinic perspective, at this very first "ordination," the ordaining authority laid his hands on the ordained. Interestingly, after Moses' ordination of Joshua, there is not a single record of the laying on of hands being done as a part of any ordination ceremony—in biblical times or in the early rabbinic period. This further highlights the fact

[79] Newman, *Semikhah*, 102.
[80] Numbers 27:18.

the Moses Joshua incident was unique and not a prototype that was duplicated in subsequent rabbinic ordinations.

The first mention of the laying on of hands in connection with ordination, is a question posed by the sixth generation amora Rav Acha bar Rava in the Babylonian Talmud, thus around the end of the 4th century C.E.

אמר ליה רב אחא בריה דרבא לרב אשי בידא ממש סמכין ליה אמר ליה סמכין ליה בשמא קרי ליה רבי ויהבי ליה רשותא למידן דיני קנסות

> Rav Acha bar Rava said to Rav Ashi: [Must the ordainer] actually lean a hand on [the ordained]? [Rav Ashi] replied: [No.] They ordain him by proclamation—they call him rabbi and give him permission to adjudicate cases involving fines.[81]

Clearly, in the 4th century C.E. and later, the ritual of laying on hands was not done. As mentioned above, it is unclear whether or not it was ever done after the singularly unique investiture of Joshua by Moses. However, given the above dialogue and other such conversations in both the Babylonian and Jerusalem Talmuds, it is likely that at one time, the laying on of hands was practiced as a significant ritual aspect of the ordination ceremony. It would seem strange then that the rabbis would make such a radical departure from the biblical example of conferring *semikhah.*

The first of several possible explanations has been noted by numerous scholars[82] in reference to a variety of changes and developments in Jewish practice throughout history, namely that the Christian Church began to incorporate a similar ritual in their ordination

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[81] Babylonian Talmud: Sanhedrin 13b.

[82] Newman, Graetz, Strack, Bacher, and others have explained that when the Christian Church adopted certain practices and attached great significance to them, Jews stopped using those very rituals.

ceremonies. As with many other aspects of Jewish practice, when the Church adopted them, the rabbis dropped them for fear that their practice and Christian practice begin to look alike. While this explanation may have been one factor in the shift from the laying on of hands to ordination by proclamation, it is difficult to believe that it was the sole factor.

Herzog offers an interesting possibility. He suggests that when the Romans made it illegal to ordain rabbis, the rabbis discontinued the practice of laying on hands in the hope that the Roman authorities would believe that ordination had stopped; when in reality it continued, only incorporating a new ritual—proclamation.[83]

Here again, while this may have been a factor, it shouldn't have lead to the complete abandonment of the practice. After all, when the Roman prohibition was no longer enforced, we would expect the rabbis to resume the ritual, but they did not.

According to Newman, a plausible explanation has its basis in the time of Rabbi Akiva. As we discussed above,[84] the shift from teachers ordaining their own students, to the Nasi ordaining was a dramatic change in the nature of *semikhah*. It went from being individual to communal. Leadership was no longer being transferred, authority was granted—but it was a very different kind of authority than Moses gave Joshua, or that teachers gave their students. Ordination went from being the means by which one leader passed the torch to his successor to becoming a qualification that was given to individuals by the government, in this case the Sanhedrin.[85]

Once ordination took on a communal nature rather than an individual one, the practice of laying on hands became less appropriate. When a teacher ordained his student, laying on of hands was a intimate and physical ritual that transmitted the teacher's authority,

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[83] I. A. Herzog, "Historical Notes on the Sanhedrin Laws," *Sinai* 3, 1-2, 34-30.
[84] Pages 11-12.
[85] Newman, *Semikhah*, 112-114.

leadership, and powers, to the student. Now that ordination was conferred by the Sanhedrin, a new ritual needed to be created—one that could better reflect the change in ordination.[86]

This new ritual was proclamation. Given the above comment in the Babylonian Talmud, it would seem that ordination by proclamation was an obvious alternative to ordination by laying on of hands. Furthermore, ordination by proclamation was a much more appropriate ritual for a group to use when ordaining an individual, as was the case with the Sanhedrin now ordaining worthy candidates. This is further confirmed by a comment Maimonides makes in his *Mishneh Torah* where he asserts that indeed proclamation, not laying on of hands, is the proper way to ordain. "How is *semikhah* in all generation to be performed? Not that they lay their hands on the head of the elder, but that they call him "rabbi" and say to him: You are ordained."[87]

However the question remains as to where the rabbis came up with the idea of ordination by proclamation. Surely they felt the need to base it in some form of Jewish tradition. From a discussion regarding the ordination of the High Priest and the Deputy High Priest in the Jerusalem Talmud, it appears that Rav Zeria made a connection between the ordination of the Deputy High Priest and rabbis.

במה הוא מתכפר רבנין דקיסרין בשם רבי חייה בר יוסף בפה אמר רבי זעורה הדא אמרה שממנין זקנים בפה

> With what is he [the deputy High Priest] appointed?[88] The rabbis of Caesarea in the name of R. Hiyya bar Joseph, "By a word of mouth." Said R. Zeria, "Thus does the tradition state that they appoint elders by word of mouth."[89]

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[86] Ibid.
[87] Mishneh Torah: Hilchot Sanhedrin 4.2.
[88] See note 89 below.

From a biblical view, we know that the High Priest was ordained by being anointed with oil,[90] and that that ordinary priests simply had to put on the clothing of a priest and they could serve as such[91], but the Deputy High Priest was ordained by proclamation. So why did Rav Zeria associate the ordination of a rabbi with the anointment of a high priest?[92] We have three options for ordination rituals above, why select proclamation?

Newman argues that a comparison between the appointment of judges that Rav Zeria would have been familiar with and the ordination of a High Priest would be unlikely. Unlike the position of judge or rabbi, the High Priest was a singular office; only one High Priest existed at a time. The High Priest would be better compared to Moses' or Joshua's office. Thus the ritual of anointment with oil for the High Priest, is equivalent to the laying on of hands in the case of Moses and Joshua, and would not serve as a fitting alternative to the latter. Nor would the ritual associated with the ordination of ordinary priests. Wearing special clothing could not be considered to be enough of a formal ritual to mark the ordination of a judge or rabbi. The only option remaining for Rav Zeria to suggest would be the ordination by proclamation that was employed to appoint the Deputy High Priest. If it was a good enough ritual for the Deputy High Priest, why not for a rabbi?[93]

Having made a shift from the physical laying on of hands to a proclamation being uttered to ordain someone, we must now ask what this proclamation consisted of. There are several permutations that can be found in different sources. The Talmud offers:

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[89] Jerusalem Talmud: Yoma 1:1.
Neusner translates "מתכפר" as "appointed." This is consistent with the intent of the question, given the answer offered by the rabbis explicitly referring to the appointment of the elders.
[90] Exodus 29:7.
[91] Leviticus 8:13.
[92] Jerusalem Talmud: Yoma 1:1.
[93] Newman, *Semikhah*, 115-116.

סמכין ליה בשמא קרי ליה רבי ויהבי ליה רשותא למידן דיני קנסות

They ordain him by proclamation—they call him rabbi and give him permission to adjudicate cases involving fines.[94]

Maimonides adapts this in a modified version: "You are Rabbi, you are ordained, and you have the right to adjudicate cases involving fines."[95]

We mentioned above that the wearing of special garments was not sufficient as a ritual for ordination, however it was likely a significant aspect of the ordination ceremony. The Babylonian Talmud tells of a remark Rabbi made to the son of R. Elazar ben Shimon:

חכם עבדי לך וגולתא דדהבא פרסי עלך ורבי קרו לך

They have made you a sage and spread a gold garment upon you, and called you "Rabbi."[96]

Clearly the gold garment was worn during ordination and was a sign that one was indeed ordained. The importance invested in this special garment is further illustrated by a passage in Midrash Rabbah in which R. Berakhyah states that the gold garment "can be compared to a *zaken* who had a hood and asked his pupil to fold and shake it, [the pupil] said to him: 'My king, my lord, of all the hoods you have, you want it done only to this?' Yes, he answers, because this [hood] I wore when I was ordained."[97]

Furthermore, there are numerous references in the Babylonian Talmud to special garments worn by the Talmid Hakham.

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[94] Babylonian Talmud: Sanhedrin 13b.
[95] Mishneh Torah: Hilchot Sanhedrin 4:2.
[96] Babylonian Talmud: Baba Metzia 85a.
[97] Midrash Rabbah: Leviticus Ch. 2. Translation by Jacob Neusner.

חלוק של ת"ח כיצד? כל שאין בשרו נראה מתחתיו. טלית של ת"ח כיצד? כל שאין חלוקו נראה מתחתיו טפח.

How [long] should the tunic of a Talmid Hakham be? So that his skin cannot be seen blow it. How [long] should the outer cloak of a Talmid Hakham be? So that a tefach of his tunic does not show below.[98]

כל המתגאה בטלית של ת"ח ואינו ת"ח אין מכניסין אותו במחיצתו של הקב"ה

Anyone who glorifies himself by [wearing] the cloak of a Talmid Hakham and is not a Talmid Hakhahm will not be admitted into the enclosure of the Holy One Blessed by God.[99]

One might find it strange that the rabbis invested so much importance in the piece of clothing. After all, it was a extra piece of clothing that served no practical purpose, similar to a doctoral hood or a vest. But Newman argues that to the rabbis, it was not simply a piece of decorative clothing. They saw themselves as being akin to the priests during the time of the Temple.[100] So it would make perfect sense that they too wanted to dawn special garments, as did the priests with whom the rabbis attempted to associate themselves.[101]

Special garments being associated with individuals being inducted into office was nothing new. As we've discussed, the Priestly dress which is described in detail in the Torah[102], and which the rabbis spend countless pages of Talmud dissecting[103], was probably

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[98] Babylonian Talmud: Baba Batra 57b.
[99] Ibid., 98a.
[100] Newman, *Semikhah*, 119.
[101] Ibid.
[102] Exodus 27:20-30:10.

used as a basis for the special garments the rabbis created for themselves, both as a part of their ordination, and as a means to differentiate themselves from *am ha'aretz* and bring honor and importance to their positions. In addition, it is of note that the installation of the Nasi involved a garment special for that occasion.[104] The Nasi's counterpart in Babylonia, the Resh Galuta, was certainly no exception. He too, as an official officer of the King, dressed like royalty.[105]

In our contemporary vernacular, we often used the term *semikhah* to refer not only to the act of ordination, but a diploma of sorts that is presented to the ordained during the ordination ceremony. It seems that a certificate, or at the very least a document that stipulates to the permission and authority granted to the ordained is not a modern convention.

ר' זמינא הוה בצור ומנוניה ע"מ לחזור אוף ר' יונה הוה בפיתקה ולא קביל עלויי מתמניה

> R' Zemina was in Tyre and was ordained on the condition that he would return to [Eretz Yisrael]. R' Yonah was also listed on the [authorizing] document [with R' Zemina, as one of the ordained], however he did not accept the ordination upon himself.[106]

Clearly, the fact that the ordination of individuals was accompanied by a document of some sort was a given to the rabbis of Eretz Yisrael. It also appears that multiple candidates may have been ordained simultaneously and all listed on a single document.

The Mishnah, in tractate Moed Katan mentions something called an *eg'rot shel reshut*.

וְאֵלּוּ כּוֹתְבִין בַּמּוֹעֵד, קִדּוּשֵׁי נָשִׁים, גִּטִּין וְשׁוֹבָרִין, דַּיָּתִיקִי, מַתָּנָה וּפְרוֹזְבּוּלִין, אִגְּרוֹת שׁוּם

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[103] Babylonian Talmud Zevachim 88b, Arachin 16a.
[104] Babylonian Talmud: Berachot 28a.
[105] Babylonian Talmud: Shabbat 20b, Horayot 13b.
[106] Jerusalem Talmud: Bikkurim 3:3. Translation by author.

וְאִגְּרוֹת מָזוֹן, שִׁטְרֵי חֲלִיצָה וּמֵאוּנִים וּשְׁטָרֵי בֵּרוּרִין וּגְזֵרוֹת בֵּית דִּין וְאִגְּרוֹת שֶׁל רְשׁוּת

And these are the [things that may be] written on the intermediate days of a festival: writs of betrothal for women, writs of divorce, receipts, testaments, deeds of gift, prosbols, letters of valuation, letters of alimony, writs of halisah and of the exercise of the rite of refusal, deeds of arbitration, courts decrees, **and letters of authority**.[107]

Newman points to R. Nissim's (1290-1375 C.E.)[108] explanation of אִגְּרוֹת שֶׁל רְשׁוּת in which he takes it to be a synonym for a "rabbinical certificate" that the Nasi/Sanhedrin would give to the ordained, granting him the authority to judge, to answer questions of religious practice and ritual. R. Nissim goes on to explain that the possession of such a certificate would absolve the holder of liability in the case he made a error in judgment. If someone does not hold a "rabbinical certificate", he would be obligated to pay restitution for any "misjudgments."[109]

The Talmudic reference to ordination, mentioned above, may also support the idea that some sort of written document accompanied the ordination of an individual.

סמכין ליה בשמא קרי ליה רבי ויהבי ליה רשותא למידן דיני קנסות

They ordain him by proclamation—they call him rabbi and give him permission to adjudicate cases involving fines.[110]

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[107] Mishnah: Moed Katan 3:3.
[108] Hersh Goldwurm, *The Rishonim: Biographical Sketched of the Prominent Early Rabbinic Sages and Leaders from the Tenth-Fifteenth Centuries* (Brooklyn: Mesorah Publications Ltd., 1982), 106.
[109] Newman, *Semikhah*, 126.
[110] Babylonian Talmud: Sanhedrin 13b.

It seems reasonable that the "permission" mentioned above, would likely be written permission. Such a hypothesis is further supported by the fact that we know there were a variety of different forms of ordination. Some individuals were ordained for specific purposes; others were ordained for a set amount of time after which their ordination would expire.[111] If some people had these forms of partial ordination, while others had full ordination, it would follow that one would need to carry with him his "certificate of ordination" or "letter of authority" in order to verify what privileges he had and for how long he had them.[112]

Further evidence of a document accompanying ordination can be found in Maimonides' Mishneh Torah. He explains that assuming both the individual to be ordained and the ordaining authority are in Eretz Yisrael, they need not actually be in the same place. One can be ordained by sending him a certificate of ordination, testifying to his authority.[113] In other words, the entire ceremony of ordination can take place in the simple act of writing the ordination certificate. Thus it is reasonable to assume that a written record of an individual's ordination was of significant importance.

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[111] Babylonian Talmud: Sanhedrin 5a, 5b, & Jerusalem Talmud: Hagigah 1:8.
[112] Newman, *Semikhah*, 127.
[113] Mishneh Torah: Hilchot Sanhedrin 4:6.

THE END OF ORDINATION

It is clear that the process of *semikhah*, as explored above, ceased sometime between the 4rd century C.E. and the 12th century C.E.; however, determining precisely when ordination in the traditional manner stopped is difficult.

A survey of rabbinic literature suggests that *semikhah* ceased during the time that Hillel was Nasi of the Sanhedrin, approximately 320-370 C.E. However some, including Bornstein have offered a significantly different possibility, namely that *semikhah* continued for another eight hundred years and did not end until the time of Maimonides in the 12th century C.E.[114]

In Newman's assessment of Bornstein's argument, he explains that Bornstein uses several comments in Maimonides' writings to claim that the chain of *semikhah*, unbroken from generation to generation, was still in existence in the Rambam's time. He points to a remark in which the Rambam speaks of traveling to Eretz Yisrael and adjudicating matters of Kenas, just as the Geonim did before him.[115] Bornstein concludes from this comment that the Rambam's time, *semikhah* was still practiced in its traditional form. However, Newman points out, if this is indeed true, and *semikhah* did exist in Rambam's time, then we must search for an explanation as to why he discusses the restoration of *semikhah*, implying that it did not exist in his time.[116] Newman summarizes Bornstein's explanation, in which he claims that during this period, a question arose as to whether or not rabbis in Eretz Yisrael who claimed to be ordained, actually were. Bornstein claims that while still in Spain, Maimonides learned that *semikhah* no longer existed, thus in his Mishnah commentary which he wrote there, he posited a means by which it could be reinstituted. Later, when he was in Egypt, he

[114] Newman, *Semikhah*, 144.
[115] Mishneh Torah: Hilchot Sanhedrin 5:17.
[116] Mishneh Torah: Hilchot Sanhedrin 4:11.

was told that *semikhah* did in fact still exist, that the Jewish people had not let go of this chain of leadership and authority, and so in his Sefer Hamitzvot, which he wrote in Egypt, he implies that *semikhah* still exists. Finally, confused himself as to whether or not *semikhah* still exists, in his Mishneh Torah, Maimonides doesn't make a clear decision either way.[117]

Newman's analysis of Bornstein's argument is harsh, to say the least. He accuses Bornstein, not the Rambam, of being the one who is unsure as to whether or not *semikhah* really existed in Maimonides' time. Bornstein offers an alternative explanation which Newman assesses to be even more ridiculous. Bornstein claims that while *semikhah* still existed in Maimonides' time, the risk of it disappearing was so great that Maimonides took it upon himself to create a means by which it could be restored, were it to inevitably cease. [118]

I find the manner in which Bornstein reads Maimonides' to be absurd. Bornstein offers no historical evidence and his hypothesis is based solely on his own conjecture. In addition, no other text can substantiate an argument that *semikhah* continued to be practiced during the time of Maimonides. Rather, numerous texts explicitly support a much earlier date for the end of *semikhah*.

A discussion in the Babylonian Talmud explains that

ואי אמר קבעו לי זימנא דאזלינא לארעא דישראל קבעינן ליה ואי לא אזיל משמתינן ליה

> "If plaintiff pleads: "fix me a time to bring my case to be heard in the Land of Israel," we must fix it for him; were the other party to refuse to obey that order, we should have to excommunicate him."[119]

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[117] Newman, *Semikhah*, 147.
[118] Ibid., 148.
[119] Babylonian Talmud: Baba Kama 15b.

In other words, the Babylonian Beit-din must facilitate arraignments for the plaintiff to go to Eretz Yisrael to have his case heard, and they can force the other party to go as well. In his commentary to this *gemara*, the 13th century commentator Rashba asks why either party would want to go to Eretz Yisrael because at this time, there was no longer a Beit-din of ordained rabbis there because *semikhah* had cease long before. Rashba's question clearly suggests that in his time, the assumption was that *semikhah* had ceased in Talmudic times. After all, if *semikhah* had indeed been practiced a mere one hundred years prior, in Maimonides' time, Rashba would have been familiar with it and would not have written as though it ended eight hundred years earlier.[120] Thus we are still left in search of a plausible answer as to when exactly *semikhah* ceased.

Whether or not *Semikhah* cease in the middle of the 4th century C.E. during Hillel's tenure as Nasi of the Sanhedrin or not, it is clear that at that time *semikhah* lost a certain amount of significance. This was in large part due to Hillel's fixing of the calendar, making one of the primary responsibilities of the ordained, unnecessary. At this point, the only real privileges left to the ordained was the title of "rabbi" and the authority to judge in matters of *kenas*. In all the references to such in our rabbinic texts, it seems rather rare that Babylonians actually traveled to Eretz Yisrael to have cases involving *kenas* adjudicated. Rather, it seems that in most instances, Babylonian rabbis decided to act on behalf of their counterparts in Eretz Yisrael and decide the case themselves.[121]

The claim that *semikhah* ended in Hillel's time (320-365 C.E.) may not be entirely incorrect. If we nuance this view a bit, we can say that such an opinion does not necessarily mean that *semikhah* came to an abrupt end during Hillel's time, but rather that it lost most of

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[120] Newman, *Semikhah*, 149.
[121] Ibid., 150-151.

its significance. So while the ritual may have continued, the authority and characteristics had changed.

The characteristic of *semikhah* began to be diminished during Hillel's time, and with this came a decline in the role and the need for "ordained" rabbis, being that those functions—such as being a judge for the people and adjudicating disputes, intercalating the calendar, or any of the other tasks and responsibilities that those ordained by the rabbis were privileged to engage in—were no longer a necessary part of Jewish life in Babylonia. In essence, the traditionally ordained rabbi with "*semikhah*" from Eretz Yisrael, became obsolete. Newman suggests that despite this fact, the ritual did in some form continue until the end of Daniel ben Azariah's tenure as Gaon of Eretz Yisrael in 1062 C.E. He bases this on a comment in a Geonic letter attributed to *Resh Galuta* Daniel ben Hisdai (1150-1174) which states, "It is surely everywhere known and recognized that the chain of *semikhah* has been broken now for many years since the death of Daniel [ben Azariah], head of the Yeshivah."[122]

Whenever or not *semikhah* continued in some form until the 11th century, it is clear that it did not suddenly cease to exist, but rather it fell victim to a gradual process of extinction from the 4th to 11th centuries C.E.

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[122] Ibid 152.

THE REINSTITUTION OF ORDINATION

While the exact date when *semikhah* ceased may not be discernable, it is clear that the Jewish people have continued to want to place their leaders in a chain of tradition that connects back to the early rabbis, if not to Joshua and Moses. *Semikhah*, which had faded from the collective consciousness of the Jewish community, began to make stage a comeback in the late 14th century C.E. In 1386, conflict over the means by which one could become a rabbi emerged in France. The conflict was between the chief rabbi of France, Yohanan Treves and Isaiah b. Abba Mari (he also appears with the name Astruc of Savoy).[123] Ben Abba Mari held that in order to carryout one's responsibilities as a rabbi, the rabbi must have certain abilities, and must be elected to the office of rabbi. Treves insisted however, that one only needed a certificate or letter testifying to his abilities. The idea seems to have been that a teacher has a certain amount of autonomy to ordain his students as he sees fit. Ruling in favor of ben Abba Mari's opinion, Jacob Weil, also known as the *Mahariu* (c. 1400-1450 C.E.), posited in a related case, that a community has the right to choose their rabbi. One cannot judge a community against its will. Thus it seemed clear that a community needed to agree to the appointment of a rabbi, but what made someone a rabbi? Obviously, there was a need to establish which students had reached the level of knowledge to be considered worthy of appointment as a rabbi. It was at this time that *semikhah* reappeared, although not in its traditional form. Here it was a seal of qualification. Upon ordination, students were given the title *morenu ha-rav*, "our teacher, the rabbi." Students were given a *hatarat hora'ah,* a document that confirmed the ordination. It was recognized that this convention was not the *semikhah* of old, in fact rabbis were frequently asked not if they had *semikhah*, but if they

[123] Simon Schwarzfuchs. *A Concise History of the Rabbinate*. (Cambridge: Blackwell, 1993), 28-30.

had *hatarah,* or *heter*, thus avoiding any possible confusion between this seal of approval and authority, and the traditional institution of *semikhah.*[124]

Rabbis were evaluated based on their intellect and their learning. Because this ordination was not something passed from one generation to the next, but rather a certificate of authority and knowledge, the teacher who ordained a rabbi became of significant importance. In other words, someone's *heter* was worth nothing more than the teacher who gave it to him. A rabbi's qualifications were measured by the stature of the teacher who taught and ordained him. Thus the ability of a rabbi to be able to prove who ordained him was essential. As a result, a phenomenon developed in which rabbis would get so called *semikhah*, more correctly a *hatarat hora'ah,* from several notable rabbis, thus bolstering their own status and value as a rabbi. *Semikhah* came to have value that it never enjoyed in rabbinic times.[125] The distinctions between this *"semikhah* like" diploma and the traditional institution suggest the question, would it be possible to restore *semikhah* in its traditional form, or had it been lost forever?

There is no discussion in either Talmud of a means by which *semikhah* could be restored. The rabbinic conception of *semikhah* as discussed in both the Babylonian and Jerusalem Talmuds has only one legitimate form—the ordination that Moses gave Joshua and that was handed down from generation to generation.[126] It would appear that if that chain is lost, as it was, that *semikhah* too is lost. It is not until the time of Maimonides that discussion about a possible reinstitution of ordination can be found.

In his commentary to the Mishnah, Sanhedrin 1:3, Maimonides writes:

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[124] Ibid., 31.
[125] Ibid., 32.
[126] Newman, *Semikhah*, 155.

"I am of the opinion that if all the students and scholars agree to the appointment of one to the academy that is, as its head, and on condition that this takes place in Eretz Yisrael, as I said earlier, then that person is so appointed he is ordained and may ordain others."[127] The Rambam cites Isaiah 1:26 in which God promises: "I will restore your judges as of old...." He uses this verse to legitimize the possibility of reinstating *semikhah* by claiming that were *semikhah* only able to be passed through the unbroken chain from Moses, then it has ceased to exist forever, even in a messianic age. But in the Isaiah verse God promises that the Sanhedrin will be restored and the only way this can happen would be through a reinstatement of *semikhah*, and this could only happen, according to Maimonides, through the mutual consent of the scholars of Eretz Yisrael. However, it was not for nearly four hundred years that anyone attempted to put Maimonides' convention into action.

In the hills of Safed in Eretz Yisrael in 1538, a determined and courageous man named Jacob Berab took a considerably bold step and attempted to restore *semikhah.* Berab brought together all the learned men in Safed for the sole purpose of restoring *semikhah.* As the recognized authority of his time and the man who brought together this group, Berab was the first to be ordained. Twenty-five rabbis signed the certificate that was evidence of Berab's ordination in 1538.

Berab was born in Spain and was a respected teacher and businessman. Following the expulsion from Spain in 1492, he moved to Fez where, as a result of his knowledge, he was appointed a religious leader. His forthcoming conflict with Levi ben Habibi was certainly not his first. Siegal characterizes Berab has having a superiority complex as well as a domineering personality which likely served as catalysts for a number of conflicts with

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[127] Gerald J. Blidstein, "Maimonides on the Renewal of Semikha" *Jewish Political Studies Review* 10, no. 3-4 (1998): 24.

others. In 1524 he moved to Safed and fourteen years later, in 1538, he began his efforts to restore the institution of ordination.[128]

The halakhic basis for Berab's ordination was rooted in Maimonides' commentary cited above. Initially there was no objection, even in Jerusalem. However, after two weeks of discussion and numerous conversations between the Chief Rabbi, Levi ben Habibi and others in Jerusalem, including Moses de Castro, ben Habibi ultimately declared Berab's ordination to be invalid.[129]

For those two weeks, prior to ben Habibi's judgment, Berab was quite the rabbi. He was the de facto "Nasi," head of the Sanhedrin which he would soon rebuild. People came from near and far to hear him speak. He explained the halakhic basis for his ordination and the rebuilding of the Sanhedrin and the hope that messiah was near. It was not until word from Jerusalem reached Safed of ben Habibi's refusal to recognize Berab's ordination that his status diminished. Ben Habibi's objection was based on Maimonides' Commentary, the same remark that Berab used to validate his ordination, ben Habibi used to refute it. He argued that Maimonides' requirement that all students and scholars agree on one man, upon which to confer ordination had not been met, because he himself had not been consulted. Berab assumed that a majority decision would be enough. In the face of this new pressure from ben Habibi, he sought to have the sages of Safed ordain him again, however some of his original supporters had distanced themselves from him and it became clear that Berab's dream of a restored Sanhedrin would not become a reality. Instead, he set his sights on a new goal, to ordain two other rabbis and to create a *Beit Din* that would have more power than the

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[128] Judith Lazarus Siegal, "Development of the Ordination Liturgy" (rabbinic thesis, Hebrew Union College, 2006), 23.

[129] Jacob Katz, "The Dispute Between Jacob Berab and Levi ben Habibi Over Renewing Ordination" *Binah: Studies in Jewish History* 1, no. 7 (1989): 124.

Batai Din that existed at that time. This also failed because one of the men Berab was going to ordain wanted to be ordained by the consent of all the scholars.[130]

Katz argues that the controversy between Berab and ben Habibi was motivated by a number of different factors. First and foremost was an antagonistic personal relationship between the two. However, despite the animosity that existed between Berab and ben Habibi for nearly fourteen years, the conflict did not begin in a heated fashion. In addition, this would not explain the involvement of other scholars in a variety of locales. There was a growing competition between the Jewish communities in Jerusalem and Safed, and this may have served as a possible motive for the controversy over ordination. In the 16th century, the affluent community in Safed had become rich with Jewish scholars and began to rival Jerusalem. This competition even took on a financial dimension as the communities competed to see who could raise more money. But it is in the very restoration of *semikhah* itself that one of the most significant motives behind the controversy can be found.[131]

Berab embarked on his endeavor to restore *semikhah* out of a hope that it might bring about the messiah. As discussed above, Berab rooted his reinstitution of ordination in Maimonides' assertion that the chain or ordination could be restored by the consent of all the scholars in Eretz Yisrael to ordain one man who would have the authority to ordain others. Maimonides bases his claim on the verse from Isaiah in which God promises "I will restore your judges as of old...."[132] Such a return of judges would precede the messiah. Maimonides did not intend this to have a messianic connection; rather he intended simply to clarify the halakhah for some future time. The community in Safed however, which was already

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[130] Ibid., 126.
[131] Ibid., 133.
[132] Isaiah 1:26

experiencing a growing messianic fervor, saw this as a formula by which to bring about the messiah.[133]

The fact that the renewal of *semikhah* took place in 1538, may not have been a coincidence. Some scholars have noted that it was close to 1540, the year Solomon Molcho predicted the messiah would come. A messianic thread ran through the entire controversy and is explicitly addressed by Berab who claimed that his generation would be the generation to welcome the messiah. Berab, much like Maimonides, was of the opinion that human beings would be able to initiate the initial stages of bringing on the messiah through their actions. Ben Habibi, on the other hand, thought that human beings had no role to play in the bringing of messiah. For ben Habibi, it was purely about the halakha.[134]

An additional aspect of the disagreement between Berab and ben Habibi, centered around the authority of a *Beit Din* of ordained rabbis, over a regular *Beit din*. In a world without ordination, *Batai Din* had lost the authority to levy fines, distribute lashes as a punishment, and absolve an individual from being cut off from the community. As a result, the *geonim* enacted substitutes for the laws of fines. Berab connected the issue of fines to messianism. He claimed that levying fines was the essence of *semikhah*. However the halakhic problem, as ben Habibi saw it, was one more concerned with the lashings and absolution from being cut off from one's community. Many of Berab's peers wanted absolution, thus they saw the creation of a *Beit Din* as a mean by which they might achieve this, rather than as a halakhic necessity.[135]

Lastly, the authority to intercalate the calendar was a motivation for the aforementioned controversy. As discussed, originally the authority to intercalate the calendar

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[133] Katz, *The Dispute Between Jacob Berab and Levi ben Habibi*, 133.
[134] Ibid., 135.
[135] Ibid., 136.

was the exclusive privilege of the ordained. However, with Hillel II's fixing of the calendar in the 4th century C.E., the need no longer existed. With the reinstitution of *semikhah* came an important question: would a restored rabbinate have the authority to un-fix the calendar. Berab and the others in Safed held that the fixed calendar would not be affected by the restoration of *semikhah*, but ben Habibi claimed that a reinstitution of ordination opened the possibility of a return to a time in which the calendar was manipulated in erroneous ways.[136]

The entire dispute lasted less than a year and was primarily centered in Eretz Yisrael. Berab died eight years after this controversy, but did manage to ordain four disciples, among them Moses of Tranim and Josef Caro.[137] The identities of the other two is ambiguous, some suggest Abraham Shalom and Israel de Curial, others Moses Cordobara and Joseph Magish. In any event, the identities of the other two cannot be established for certain.[138]

Interestingly, only one of the four men Berab ordained was interested in continuing the restored chain of *semikhah*—Josef Caro. Caro ordained Moses Alshikh, who ordained Hayyim Vital Calabrese in 1580. From there, it is unclear if Vital Calabrese passed *semikhah* on to the next generation, but a generation later, Abraham Laniada and Yashiyah Pinto both carry the title "rabbi", making it likely that they too were ordained. Pinto died in 1648 and appears to be the final link in the chain of *semikhah* restored by Berab. A mere one hundred and ten years after it was restored, *semikhah* again ceased to exist. Newman suggests that the reason *semikhah* was discontinued is because it was never really reinstituted in the first place. Because *semikhah* was never actually recognized as restored, it did not gain acceptance in Jewish life and did not become normative or even significant. As mentioned above, *semikhah*

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[136] Ibid., 138.
[137] Caro is notable because of his work in the field of *halakhah*, namely his *Shulchan Aruch*, a law code that became the basis for much of Jewish practice.
[138] Newman, *Semikhah*, 168-169.

in and of it self, became largely obsolete. For all intents and purposes, whether or not someone was ordained was irrelevant.[139]

[139] Ibid., 169-170.

MODERN ORDINATION AND THE RISE OF THE SEMINARY

The next quarter century saw little development in the institution of ordination. As the Jewish community centered itself in Europe, so-called "private ordination" became the norm. In a way, private ordination was a return to the earliest Pharisaic forms of ordination in which individual teachers would ordain their pupils when they saw fit to do so. However, as we have explored at length above,[140] the character and nature of this ordination was quite different. By the end of the 18th century C.E., ordination had become strictly a reward for a culmination of study and a credential of sorts to teach, advise, and lead the Jewish community. There is little evidence as to exactly how these private ordinations took place, but we can assume that they were not thought of as *semikhah* and any certificate that may have been issued, certainly did not bear the phrase: "יורה יורה ידין ידין, he may surely teach, he may surely judge." Clearly this phrase was emblematic of the *semikhah* given by the Sanhedrin in Eretz Yisrael and could no longer be considered characteristic of the permission or authority given to rabbis in modernity.

The emancipation of Jews in France also meant that the authority of the Jewish community over its own had diminished. Jews could no longer be compelled to be members of the community; rabbis lost their authority as civil and criminal judges leaving rabbinic courts to settle purely religious disputes. Further diminishing the authority and power of the Jewish community and it's rabbis was a French law passed in September of 1792 making marriage a civil matter, not a religious one. As a result, for the first time, intermarriage, which had been legally impossible up until that time, became a possibility. The rabbis had become powerless to regulate the most sacred of institutions, marriage.[141]

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[140] Pages 8-9.
[141] Schwarzfuchs, *A Concise History of the Rabbinate*, 76.

According to Schwarzfuchs, a decade and a half later Napoleon issued a decree on March 17, 1808 that clearly outlined the functions of the Jewish community and established guidelines for who could be considered a rabbi.[142] According to the ruling, in order to be a rabbi, one must be a French born or French naturalized Jew in France, or an Italian born or Italian naturalized Jew in Italy. Candidates would have to have three *hatarat hora'aot* from established rabbis, testifying to their rabbinic knowledge and ability. In addition, rabbis must be fluent in either French or Italian, to be rabbis in France and Italy respectively. Napoleon's decree went on to list the responsibilities of the rabbi. Among the responsibilities not enumerated was the rabbi's ability to compel two parties to come before him, nor to judge. The role of the rabbi was officially now that of a moral and religious leader. He could give advise to congregants, but had no means to compel them to take it. The rabbi had only the authority given to him by his congregants.[143]

During Napoleon's reign, the majority of the majority of academies or *yeshivot* in Western Eurpoe closed. As a result, there was a dramatic drop in the number of Talmudic scholars and thus far fewer qualified candidates to become rabbis. An educational system that had once been made up of exclusively religious Jewish schools was slowly being supplemented by public, secular education. It was against this backdrop—as Jewish communities across Europe became aware of the scarce number of rabbis, and a disconnect between rabbis and the new generation of Jews who were less educated and saw Judaism more as a religion than as a race—that the first rabbinical seminaries were built.[144]

In 1829, the Instituto Convitto Rabbinico opened in Padova, Italy. The curriculum was made up of Talmud, codes, and responsa literature. Students also studied homiletics,

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[142] Ibid., 83.
[143] Ibid., 84.
[144] Ibid., 86.

history, and Bible, through the lens of classic rabbinic commentators. The school censored the reading material that students had access to, prohibiting works that were considered immoral and which might hamper a student's studies. The seminary closed briefly in 1871 and reopened in Rome in 1887. In the early 20th century the school moved briefly to Florence where its name was changed to the Collegio Rabbinio Italiano before moving back to Rome in 1955 where it remains to this day. While the Italian seminary was the first rabbinical seminary, the Jewish community in Italy was too small for it to have any significant impact. For that, we must look to France.[145]

Surprisingly, the push for a seminary in France did not originate in Paris, rather it came from Metz, where a small *yeshivah* had reopened but hadn't yet been able to recover the status it enjoyed prior to the Napoleonic reign. In July 1830, the community in Metz closed the *yeshivah* and opened the Central School of Theology, later renamed the Central Rabbinical School of Metz. Clearly, the leaders of the community had not been oblivious to the success the Catholic seminaries in training clergy. However they hesitated to actually use the word "seminary" for fear that they would be perceived as emulating the Church. The curriculum included Hebrew, Bible, and codes, as well as French, German, and Latin. Much like the school in Italy, homiletics and history were taught, including the history and geography of France.[146]

Much like the seminary in Metz, the Dutch seminary, the Nederlandsch Israelitisch Seminarium, built in Amsterdam also replaced a local *yeshivah*, the *Beit Hamidrash Etz Chayim*. While it is unclear exactly when the seminary opened, a royal decree from 1826

[145] Ibid., 88-89.
[146] Ibid., 91.

calls for a seminary to be built in Amsterdam, to serve both the Ashkenazic and Sephardic communities of Holland.[147]

The development of rabbinical seminaries in Germany was less smooth than in the Italy, France, and Holland, in large part due to a different political climate and the lasting effects of the Napoleonic reign on the German community. It was not until 1854 that the Jewish Theological Seminary of Breslau opened, based on the premise that a historic expression of Judaism rooted in academic scholarship, would insure the future of the Jewish people.[148]

The German ideal, *Wissenschaft des Judentums*, the academic study of Judaism, found its expression at the liberal, *Hochschule fur die Wissenschaft des Judentums*. Opening in Berlin in 1872, the *Hochschule* was akin to a Judaic studies department at a major university; it also trained teachers and rabbis. A year later the orthodox, Hildesheimer Seminary, also know as *Das Rabbiner-Seminar zu Berlin*, opened in Berlin as well. Hildesheimer was able to recruit some notable faculty such as David Hoffman, Abraham Berliner, and Jacob Barth. In addition, he supplemented what had become the traditional curriculum with study of the Jerusalem Talmud, astronomy, Semitic language, and medieval Jewish philosophy.[149]

The rise of rabbinical seminaries changed the process by which one prepared and studied to be ordained and the process became more formalized. However, despite the growing number of seminaries appearing in the European landscape, there is little knowledge or evidence of any ordination ceremonies taking place in Europe, apart from the

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[147] Ibid., 93.
[148] Ibid., 101.
[149] Ibid., 104.

abovementioned private ordinations. It is not until we reach America that an account of an ordination in a rabbinical seminary can be found.

In 1867, the Maimonides College opened in Philadelphia. It was the first rabbinical school in the United States, but it closed six years later having ordained only one student. Two years later, Isaac Mayer Wise opened the Hebrew Union College in Cincinnati. The faculty was better versed in Jewish communal life, most had congregational experience as rabbis. This was not the case at other seminaries where the teachers frequently spent the majority of their professional lives as academics with little or no practical experience in the rabbinate. In this vein, Wise's curriculum included liturgy, homiletics, pedagogics, Jewish social studies, music, and ethics.

The first ordination ceremony of the Hebrew Union College took place on July 11, 1883. Four men were ordained at Isaac Mayer Wise's Plum Street Temple in Cincinnati Ohio. Wise placed an ordination kiss on the forehead of each of the four men, blessed them, and proclaimed: "In the name of God and by the authority of the Governors and the Union of American Hebrew Congregation, and in the name of all good men, I declare you to be rabbis of the Jewish faith, that you may preach the Word of God to the people, that you may be patriots in America and standard-bearers of the people."[150] Each of the four men received a *semikhat hora'ah* in Hebrew and English, granting him the privileges of rabbi and teacher.[151] From where did Wise devise this ordination ceremony?

Wise's inspiration for the ordination ceremony he created at the Plum Street Temple in 1883 is unclear. The nature and circumstances of Wise's own ordination are circumstantial

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[150] Michael Meyer, *A Centennial History* (Cincinnati: Hebrew Union College Press, 1976), 37.
[151] Ibid.

at best[152], however he would have likely been a product of the European private ordinations mentioned above and had no frame of reference for such a public and ceremonial affair.

Of particular interest is the ordination kiss Wise placed on the forehead of each student. While this kiss has become a symbol of ordination until the present, evidence of such a ritual ever taking place is scarce, however we can hardly assume the Wise invented it. Rabbi Dr. Lewis Barth offers an interesting possibility.

Barth examines the story of Eliezer ben Hyrcanus in which Eliezer sits crying because he wishes to study Torah. Finally, after fasting for two *shabbatot*, Elijah the prophet reveals himself to Eliezer and instructs him to go to see Rabban Yohanan ben Zakkai in Jerusalem. Ben Zakkai begins by teaching him the *Sh'ma* and the *Birkat Hamazon*, but Eleizar continues to cry because he wants to study Torah. So ben Zakkai teaches him two laws a day. For eight days Eliezer fasted, until his breath was so bad ben Zakkai had to send him away. Again Eliezer cries, finally ben Zakkai approaches him and asks who his father is. Eliezer responds, telling ben Zakkai that he is the son of Hyrcanus. Ben Zakkai is surprised that Eliezer is the son of such a great man and invites him to a meal. Meanwhile, Hyrcanus sets out to Jerusalem to disinherit his son Elieizer. When he arrives, he finds him at a festive day for ben Zakkai and many other great men. Ben Zakkai leaves the room and Eliezer begins to preach. Following Eliezer's teaching, ben Zakkai returns and approaches Eliezer and kisses him on the head, saying: "Abraham, Isaac, and Jacob, you may be proud and happy that this one came from your loins!" Hyrcanus hears this and is flabbergasted, after all Eliezer is his son, not Abraham, Isaac, and Jacob's. Finally, after seeing how wise and

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[152] Sefton Temkin, in his biography of Wise, simply states, "It is states that when he was 23 Wise received the rabbinical diploma in Prague" (Temkin, 22).

James G. Heller offers a bit more detail, however bases it soley on Wise's own writings. "[Wise] himself wrote that he had received his *Hatarat Hora'ah* (ordination) form his teachers, Rappaport and Samuel Freund, and, as the third member of the *Beit Din*, Ephraim Loeb Teweles" (Heller, 79).

respected Eliezer has become, Hyrcanus instead decides that he ought to disinherit his other sons and leaves all he has to Eliezer—the one who only desires Torah, and nothing else, but Eliezer attempts to convince his father otherwise.[153]

Barth suggests that the festivities described in the story, may be in fact a type of ordination ceremony. He notes that the features of an ordination are present. It is a festive day for the teacher. The prominent men of the community are present. The student gives a *d'var* Torah. The teacher, who absented himself so the student could teach returns, kisses the student on the head, and offers a blessing.

Whether Wise got the inspiration for his ordination kiss from the Eliezer ben Hyrcanus incident or not is unknown, however it is clear that he sought to place those whom he ordained as links in the chain of *semikhah* beginning with Moses, so much so that from 1883 to the present, the *semikhat hora'aot* that graduates if the Hebrew Union College receive are the only known certificates to bear the classic phrase: "יורה יורה ידין ידין", others simply omit it.

[153] Pirke d'Rabbi Eliezer: Chapters 1-2.

CONCLUSION

With modernity has come the next evolution in the life of the "academy", namely the rabbinic school. While the Hebrew Union College – Jewish Institute of Religion may be the oldest rabbinical school in continuous existence today, students across the spectrum of Jewish life and observance, now study in seminary from a formal curriculum employing the pedagogy of academia and other institutions of higher education. From the liberal, Geiger Kolleg in Berlin to the orthodox, Yeshiva University in New York, students are required to have a Bachelors degree prior to beginning study toward the rabbinate.

Today, ordination ceremonies take place on all three stateside campuses of the Hebrew Union College. Because the ordination ceremony at the Jerusalem campus differs significantly and is not the subject of this paper, it will not be addressed here. There are some subtle differences between the ceremonies on all three stateside campuses. In attending the ordination ceremonies at the Cincinnati, New York, and Los Angeles campuses, I was struck by how different I felt at each occasion. Each ceremony seemed to have its own distinct message, perhaps reflective of an overarching theme or focus.

The Cincinnati ceremony focuses on tradition, namely Reform tradition and linking the ordination of new Reform rabbis to Wise's original ordination in 1883. The ordination ceremony in Cincinnati is the only one to incorporate a full *Shacharit* service with a Torah service and a sermon, further deemphasizing the individual and fostering a feeling of ritual and tradition. The Cincinnati ceremony still takes place in Wise's Plum Street Temple, sometimes thought of as the home of Reform Judaism. Plum Street, both in architecture and décor, feels like a living testament to 19th century Reform Judaism, further promoting a focus on tradition in the Cincinnati ceremony.

The New York ceremony seems to focus on community. The impact of the New York school's proximity to the Union for Reform Judaism cannot be underestimated. As a result, there is a large representation of the Movement's leadership in attendance and students cannot help but feel that they are part of a community and a movement.

If the Cincinnati ceremony is about tradition, and the New York ceremony about community, then the Los Angeles ceremony is certainly about the individual. The ceremony reflects the emphasis the Los Angeles school places on each student as an individual. At this ceremony each student is presented for ordination by a sponsoring rabbi who shares a few words about the student. In years past, students have processed into the ceremony each carrying a Torah scroll rolled to a portion significant to the student. This emphasis on personal narrative extends to the program as well. A comparison of the ordination programs from all three stateside campuses sheds light on the above themes. In Cincinnati, students' names are simply listed. In New York, a short paragraph and a line of text accompany each student's name. In Los Angeles, each student receives a full page in the program, with a photograph, a personal statement, as well as a teaching. Clearly, the Los Angeles campus community places a value on the individual who is participating in this communal experience, not just the Movement or the community.

While these differences are significant reflections of the location, campus, and culture of each place, there is considerably more uniformity among the ordination ceremonies than one might think; the most significant of which is the ordaining authority. The president of the Hebrew Union College – Jewish Institute of Religion ordains every student of the College-Institute in the United States and Israel. At all three stateside ordinations, the president takes each student individually before the open ark, places his hands on their shoulders, offers

them a blessing, and then places an ordination kiss on their forehead. The ceremony in Los Angeles is unique in that the Dean of the campus proclaims: "Rabbi so-and-so, here is your *semikhah*!" This was a creation of Rabbi Dr. Lewis Barth, the Dean of the Los Angeles campus when it began ordaining in 2002. In his view, this was the necessary ordination by proclamation mentioned above.[154]

At all three campuses students receive an ordination certificate, which is refered to as a "*semikhah*," which includes the phrase: "יורה יורה ידין ידין". What does it mean to have a "*semikhah*" that says "יורה יורה ידין ידין" when those privileges are not longer what is being given? Perhaps simply that we strive to place ourselves as links in the *shalshelet hakabbalah*, the chain of tradition connecting us back to our ancestors, even if it is not the unbroken chain of *semikhah*.

The rabbis of the 21st century are not the same kind of rabbis that were ordained by their teachers and then by the Sanhedrin two thousand years ago. The nature of the rabbinate today could not have been conceived of by Yose b. Yoezer. Ordination is no longer a transmission of authority and leadership between two individuals, in which the elder relinquishes his status to his student. As has been demonstrated above, ordination evolved into a communal affirmation of an individual's knowledge and the community's desire to grant authority to him or her. So the fact that ordination today is not exactly as it was two millennia ago is not a sign of a lack of authenticity, rather it is evidence of a natural progression—a progression that has enabled *semikhah* to remain a relevant reflection of the community as they ordain their rabbi.

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[154] Pages 24-27.

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