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**RABBINICAL ASSEMBLIES
IN THE TALMUD.**

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PART I.
THE RABBINICAL ASSEMBLIES IN THE TALMUD.

Rabbinical Assemblies In The Talmud.

INTRODUCTION.

For one who is not familiar with the scientific method of investigation and study and has not had much experience in scholarly research work, the writing of an essay on any Talmudic subject must necessarily be attended with great difficulty, for many reasons. In the first place, the primary sources, which always are the most sought-for material, are very scattered and not systematically arranged, and therefore it is very difficult for a young investigator to put the mass thereof into its proper place and to distinguish the chronologically different material, especially when the subject treated is a remote one. In the second place, whatever material is at hand has been befogged and beclouded, expounded and explained by later authorities, looked at from different and mistaken points of view by subsequent investigators who occasionally missed the correct perspective and consequently made it more difficult to get at the root of the matter and to picture the events as they actually occurred. In the third place, due to the nature of the literature, which was written primarily for other purposes than for that of history, later commentators and expounders, not always in a critical mood, overlooked many things which they did not understand, a fact which can easily be understood when we consider that they had to deal with a literature covering a vast period of time, and each scholar presented the occurrences in a different light, picturing matters as he thought that they must have been and adding a legend and a story here and there without stating that it was only a legend and that the legend was his own and not a part of the original narration. The result is that the young investigator is confronted by a daedalus of reports and opinions, a mystifying labyrinth of accounts, explanations, and counter-explanations which render it very difficult to re-

construct and to readjust the whole.

These difficulties one necessarily has to encounter likewise in our subject "Rabbinic Assemblies in the Talmud," where in addition to the above-mentioned difficulties, the material is not very plentiful and where, we may say, it is perhaps a little more scattered. At best, the nature of the subject is not quite so clear, because of the different organizations which these various assemblies had at the various times at which they were held, the different forms they assumed at these various periods, and the difference in the conditions which led to them and the men who organized them. In the second place, of contemporary evidence written soon after or during the assemblies there is absolutely or practically none. In the third place, the Talmudical works, which are the main sources of all the material of our thesis, were, as a whole, compiled still later, and may have been colored or palliated by redactional activity. Conflicting stories may have crept in, legend may have mixed with historic facts and may have been identified with tradition, comment may have been taken as tradition, and stories as historical facts. The desire to harmonize is liable to have caused further difficulties and to have obscured the real background all the more. Text corruptions may have crept in and other redactional confusions may have arisen. All in all, therefore, the subject is not a very easy one, as is further evidenced by the vast amount of difference of opinion between the modern scholars and the almost hopeless task of trying to arrive at definite conclusions from even a careful perusal and study of the various conflicting works which have been written about the subject which we have chosen for our thesis and its various component parts.

Yet with all this it is not necessary to despair. With a little patience and diligent research a student, a commencement in the

field of Talmudic research, may be able to get at the core of things, and may attempt to present a fairly logical, sensible, and methodical theory of his own, even though it contain many lacunae and errors of judgment, which, nevertheless, cannot be helped and may be regarded as excusable because of his comparative inexperience and lack of training in scientific methods. This we shall attempt to do, namely, to present the history of the great rabbinic assemblies of the Talmud in a simple and concise manner, free from literary, didactic, and scholastic embellishments, locating each in its proper place, time and historical sequence. We have thought it best, for the present, to limit ourselves to the Tannaitic assemblies, since they alone will provide us with ample material. We will therefore take up in chronological order the four great assemblies of the Tannaitic times, namely: The Assembly at the Upper Chamber of Chananiah ben Chiskiah ben Garon; the Assembly of the rabbis at Jabneh during the presidency of Rabban Gamaliel the Second; the assembly held during the Hadrianic persecutions at the home of Nitsah (נִיטָא) in Lydda; and finally, the great synod of Usha, held almost immediately after the end of the Bar Cochba revolution. In connection with the Synod of Usha we shall take up the Assembly in the Valley of Rimmon. In addition, we shall discuss very briefly several other so-called or probable assemblies or gatherings of the rabbis, and try to present grounds for considering them as actual, bona fide assemblies of a minor nature. But we shall devote the largest part of this essay to the above-mentioned four assemblies par excellence, treating them in connection with the political and internal conditions which led to them, the motives which prompted the rabbis to call them, the conditions which they sought to remedy, the actual procedure of the assemblies the measure to which they succeeded, and the results which they achieved, together

with a brief analysis of the place of each assembly in Jewish history.

We shall try to attain the facts as far as they are reflected in the original sources, while at the same time being assisted by what previous scholars have written. Despite this, however, we shall try to rely upon our own work to the greater extent, not accepting any theory blindly, but searching the sources independently and, as far as we are capable thereof, intelligently.

CHAPTER ONE.
-----THE ASSEMBLY IN THE UPPER CHAMBER(7th 5th)OF CHANANIAHBEN CHISKIAH BEN GARON.

The period between the year 66 and the year 70 ,when the rebellion of the Jews against the Romans was crushed,when the Second Temple was destroyed and when Jerusalem was captured by Titus,was a very stormy and exciting one,fraught with great significance for the survival of Judaism.Revolution and unrest were rampant.The troubles of the Jews,starting with the beginning of the Roman occupation of Palestine,had continued unbroken ever since they had come under the control of Rome.For many a year their lot was very unhappy;at times their condition was unbearable,and the mere fact that they had lost their independence and were subject to a foreign gentile nation provoked and irritated their hitherto free spirit.Conditions rapidly grew worse,and with the death of Agrippa,who might have acted as an intermediary between the Romans and the Jews and with whom their last semblance of independence perished,the lot of the Jews became absolutely untenable.For some thirty years the procurators had ground Judea down with an iron heel,taxing and oppressing the people beyond endurance.The hatred of Rome which these greedy tyrants inspired necessarily engendered hatred of everything that was foreign,of the unoffending foreign heathens as well as of the odious Romans.

At this time a party sprang up in Judea with the avowed intention and purpose of throwing off the yoke of the Romans at all costs,not even shrinking from an open clash with their persecutors.These were the zealots.Others there were who wanted peace at all costs,and who did not regard it as expedient to resort to open rebellion and to military force.This was the peace party.Hence,the

Jewish people was, in the main, split up into two opposing factions: the zealots, or war party who, angered at the sufferings they had to undergo, provoked at the unrestrained boldness and license of the invaders of their holy land, were striving to throw off the Roman yoke, and were eager to regain their political independence which they had lost little by little, beginning with the appearance of Rome in Western Asia Minor soon after the glorious defeat of the Syrians under the Maccabees; and the peace party who, though realizing the actual state of affairs, recognized also the futility of a struggle of puny Israel against the Mistress of the World, and perceived that it was beyond their power to help themselves. They too wished to regain their independence and to call a halt to the persecutions and the abuse which they were forced to undergo, but patiently waiting for better days, they had persuaded themselves to adopt a more tolerant attitude towards the Romans and towards the heathens in general.

From the very beginning, Shammai and his school had belonged to the zealot party and shared their views to a great extent, while the great Hillel and his school had affiliated themselves with the peace party. Each of the schools in later days had remained true and loyal to the great principles for which its founder had carried on incessant warfare and argument. Shammai, who had been born and brought up in Judah, was inspired with a great and innate love for Palestine and for everything that pertained to it. His followers, the Shammaites, were therefore very ardent in their longing and striving for the restoration of Palestine to its pristine independence and freedom. They directed themselves to the narrower national circle, inoculated by their father with the intense desire for the conservation, for the exclusive possession, of the old institutions, and impregnated with hatred against the foreign

ment which, since the days of the hated Idumean Herod, had been gaining an ever stronger foothold on their beloved country and had now succeeded in controlling it absolutely. They were the more conservative, the more rigid. They chafed all the more under the foreign yoke. Therefore it is quite in keeping with their attitude that we find the Shammaites always *דמיון*, severer in their interpretation of the law, especially laws calculated to keep the people separate from the Gentiles, to prevent any possible rapprochement between Jew and non-Jew, and to protect the people from the foreign stream by means of a wall of religio-nationalistic statutes.

The Hillelites, on the other hand, took a standpoint diametrically opposed to that of the Shammaites. Hillel had been born in Babylon, and therefore, although he had devoted his whole life to the interests of Judaism, he was not so obsessed with the one-sided nationalistic idea. He was used to living under a foreign government and for this reason could not be so intense in his love for Palestine and in his hatred of the heathens. Hence, to the Hillelites, the followers of Hillel, who had been imbued with the doctrines of their founder, the idea of living as subjects of a foreign power was not so abhorrent as it was to the Shammaites. Of course, they would have preferred freedom, but they did not regard their lot as sufficiently unbearable to warrant their reckless plunging headlong into a struggle against mighty Rome and risking all on an unequal combat with the greatest military machine of history. Still another important factor may have entered the minds of the Hillelites, a considerable and cogent factor which may have contributed in no mean degree to deterring the Hillelites from war and to making them staunch advocates of peace. They extended their glance far beyond the narrow confines of Palestine to the flourishing Jewish communities in Babylonia, in Alexandria, in Rome, and in other places. They may have realized that open

rebellion against Rome and a policy of enmity toward the heathens in general would necessarily result in the destruction of Jerusalem, and in the persecution of the Jews in all parts of the then-known world. These extra-Palestinian Israelites were remote from the Temple and in daily close contact with the heathens, and it probably entered the Hillelites' mind that any restrictions or discriminations (*מִצְוָה*) - against the heathens would serve only to make the struggle of the foreign Jew for existence more difficult and provoke the heathens against them all the more. This view, advanced by Graetz, even though it can not be absolutely proved, is yet very plausible and sensible, especially in view of the reprisals which the heathens took up against the Jews on certain occasions, as is stated by Graetz and as we will state at greater length on a subsequent page. The mere fact that measures designed to raise up a wall between the Jews and the non-Jews would undeniably arouse the antagonism and resentment of the heathens is sufficient proof of the plausibility of Graetz's theory. For all these reasons the Hillelites were *דְּבִילִים*, making the laws more lenient. This naturally aroused the Shammaites and the other adherents of the zealot party, of which the Shammaites became a large part, no doubt, if not the majority. It engendered hatred between the two parties and rendered any reconciliation between the two opposing factions impossible. The crisis could be deferred for a time but it was bound to come eventually.

For a time after Hillel's death hostilities between the two parties were averted because the majority of the people was still in favor of the Hillelites and because Gamaliel the First, Hillel's grandson, took pains to see that the relations between the heathens and the Jews remained unstrained. In addition, the political conditions were not so serious. Bad they were, but they were not unbearable. But under the leadership of Gamaliel's son, Simon the Second (52 -70),

the rabid opposition of the Shammites, which had been checked for such a long time, broke out anew with unprecedented violence. Conditions in Judea under the Roman rule had now become absolutely intolerable. The procurators made life unbearable and untenable. Not only did the Shammites hate the Romans but they hated likewise all heathens in all lands, where the opposition between Jew and non-Jew increased every day and anti-judaism became more and more rampant. Especially was this the case in Egypt and Syria, and the friction between Jew and heathen broke out into a destructive race and religious war between 66 and 70 C.E. In all places with mixed populations clashes occurred daily. The heathens took up reprisals against the Jews and murdered many of them, for example, in Damascus. The ultra-zealots therefore believed themselves justified in extending their hostile spirit to include all the heathens. Florus, too, the worst procurator the land had, murdered many Jews and his acts of violence led to many uprisings and massacres throughout all Palestine. The Jews met this persecution and anti-judaism with similar reprisals, and with deep contempt of everything heathen. Political questions were combined with religious disputes. The whole struggle was at once imbued with a religious and political tinge. Party feeling ran high and public opinion inclined to the side of the Shammites, who formed part of the zealot party, if not the entire zealot party, before the actual rebellion against Rome took place.

In the midst of this tumult and uproar the Hillelites saw themselves discredited and had to keep silent. The welling current of national religious feeling, due to the removal of the Sanhedrin about the year 30 and the converting of Judea into a Roman province by Augustus a few years previous thereto, aroused the people, called their attention to the threatening danger, and caused the two groups to separate still more. Each took different sides on the national question,

But the Shammaites were carried along on the wave of popular opinion. The Shammaites gained the upper hand temporarily and public sentiment veered to their side away from the Hillelites, who had hitherto stubbornly, as it seems, defended the heathens who were now oppressing and persecuting their brethren in various lands, had advocated moderate treatment of them and had opposed all legislation which would tend to shatter the already strained relations between Jew and Gentile. The Shammaites believed that the time had come when they could set through without difficulty their long-cherished laws against the heathens. For this reason the Shammaites held a special synod ⁽¹⁾ in the garret or upper chamber of Chananiah ben Chiskiah ben Garon, ⁽²⁾ a prominent member of their party, a synod attended by rabbis, legislators, and politicians alike, a statement which is likely even though the sources state little as to the personelle of the assembly. This secret assembly ⁽³⁾ was held in the 77th year, no doubt, because the Romans might have prevented it if it had been held in the regular assembly place in Jerusalem, since the Romans had dissolved the Sanhedrin and even previous thereto had taken away from it the various powers ⁽⁴⁾ which the Sanhedrin had hitherto exercised and they were bound to look with apprehension, disfavor and opposition upon any attempt on the part of the Jews to hold assemblies. The part which the rabbis themselves had in this assembly cannot be ascertained with any degree of certainty. Suffice it to say that the most rabid Shammaites and zealots enacted the meeting. Chananiah ben Chiskiah ben Garon, the only person mentioned in connection with the assembly, is nowhere spoken of as being a rabbi, although certain passages seem to indicate that he was.

At this synod, instigated by the Shammaites, to which the leaders and many of the prominent Hillelites were unsuspectingly invited, after a stormy debate, the Shammaites, who were ordinarily in the minority

put through eighteen measures, known in Talmudical literature as the 717 *h"*, measures of reprisal directed against the heathens, and which forbade any intercourse or relationship whatsoever between Jew and Gentile; measures, which, like the priestly decrees of old, were enacted in order to set up a wall of separation between Jew and non-Jew. These laws were passed by the irreconcilable and stern Shammaites despite the desperate resistance of the Hillelites, who may very well have foreseen that these anti-heathen decrees would but lead to more excesses and counter-reprisals on the part of the heathens against the Jews.

The enactment of the 717 *h"* forms one of the most interesting events in Jewish history and the assembly at which they were instituted is the most unique of all the rabbinic assemblies. The Shammaites at this assembly readopted the old fight method which the Pharisees had formerly used against the Sadducees so successfully. It took place in the year 66 or 67 C.E. It represents a radical departure from the old method of Rabbinic disputation. Hitherto acuteness of mind and sharpness of wit had decided the issues. At this assembly, acuteness of weapons, brute force, and coercion, led to the decision. From the accounts which we have at hand and from a slight but justifiable use of the imagination in filling up the lacunae in the original sources, we may picture the actual occurrences, as approximately as can be ascertained, in the following manner: The Shammaitic leaders, of whom Chananiah b. Chiskiah b. Garon was one, passed the word around that an assembly for the purpose of discussing and deciding important matters was to be held at his upper chamber. The Hillelites, suspecting nothing, arrived. Some were admitted into the assembly place, but the word was passed that, although anybody could be let in, nobody was to be allowed to leave (5). Armed footmen belonging to the Shammaitic school stood below the entrance to the house after the Hillel-

ites had assembled, and prevented them from leaving. Once inside, the Shammaites demanded that the Hillelites subscribe to the measures which they were proposing against the heathens. The Hillelites were at first dissatisfied. Since they were politically and religiously moderate, they fought against the decrees, partly because of the difficulties involved in carrying them out, and partly because they had regard to the foreign Jews who would thereby be dragged into the whirlpool of hostility. Thus the Hillelites at first tried to resist, but they were overawed by the presence of the armed troopers who had entered the hall and they were cowed by the gleaming swords which the Shammaites held against them. One passage, at first blush of a legendary and tertiary nature but which nevertheless evidently contains a great deal of truth and reliability, actually states that some of the Hillelites were killed in a futile attempt to resist the Shammaites. Not casuistry and sharp reasoning, but swords; not intellectual strength but physical power, decided the issue at this synod, and as a result, the Shammaites forced the Hillelites to a vote. (6). The Shammaites, either because they were in the majority or because they had constrained and coerced the Hillelites to vote as they wished them to, easily outnumbered their opponents in the vote and obtained their official sanction of the enactment of these eighteen decrees. Such an assembly must naturally have taken place, not during times of peace, but under the violent influence of the fanatic hatred and of rebellion against the Romans. In peaceful times, no swords and no force, but sharpness of mind, would have been put into play. A scene unparalleled in the history of Jewish law may be easily imagined: the zealous insistence of the Shammaites; the anxiety of the Hillelites who were opposed to such decrees, and the feeling of mystery and romanticism, of excitement and the flush of victory which suffused the Shammaites'

cheeks when they realized that they had conquered the Hillelites, for the time being, at least, and forced them to subscribe to their will. The Hillelites regarded the day on which these resolutions were put through (9th of Adar, 66 or 67⁽⁷⁾) as a day of great misfortune⁽⁸⁾, as disastrous as the day on which the golden calf had been made⁽⁹⁾, because of the violent character of the synod, because of the seemingly inseparable breach which it had made in the wall of Judaism's unity, and probably, too, because of the hatred and resentment on the part of the heathens which the passage of the laws provoked. Later authorities regarded the synod from different viewpoints, according as they sympathized with the one or the other school.⁽¹⁰⁾ One rabbi stated that on the day of the assembly the Shammites had reaped a measure, i.e. had done something serviceable for Judaism; another declared that on that day they had blotted out the measure, i.e. had neglected to preserve the proper measure and had passed laws which were bound to entail evil consequences. These decrees, so the Talmud states⁽¹¹⁾, can never be repealed, because they were sealed with blood, a statement which seems to confirm the above-mentioned probability that some of the Hillelites lost their lives while attempting to resist the ultra-zealot Shammites.

What were the eighteen measures which the Shammites decreed at this important session? This is a question which is not easily answered. The passage in Mishna Sabbath I, 4, the only passage in the Mishna which mentions the assembly, does not state any of the laws and gives no hints as to what they were. The secondary (in point of proximity to the time of the assembly) sources, i.e. the two Talmuds, present four⁽¹²⁾ different sets of eighteen decrees, each more involved and amplified than the other. These are found in Jerusalemi Sabbath I, 7, and in Babli Sabbath 13b-17b. Three of these lists⁽¹³⁾ are entirely unauthentic, and it is absolutely excluded that they could have

been the original "717". It is evident from what we have already learned of the nature and purpose of the assembly that laws concerning Terumah (14), about drinking unclean drinks, about a 27 not being allowed to eat with a 717 and other such laws which concern ritual, such as are mentioned in these three fictitious and legendary accounts, could ^{not} have been decreed at the synod. Only laws decreeing absolute separation from the heathens and Romans, and forbidding all intercourse with them, could have been discussed and dealt with. And these eighteen laws have been handed down to us almost intact in a Baraytha quoted under the name of R. Simeon ben Jochai in J. Sabbath I, 7. This interesting passage reads as follows:

ד תני ר' שמעון בן יוחי ב' ב' (15) אדר (16) על פיתן (17)
 ועל גבינה ועל יינם ועל חומצן ועל צירן ועל מוריסן
 ועל כבושיה ועל שליקיה ועל מלוחיה ועל החילקה ועל השחקה
 ועל הטעני ועל לשון ועל גדות ועל מתנותיהן על בניהן ועל
 בנותיהן ועל בכוריהן:

From this it is perfectly clear that at the synod decrees were passed forbidding the use of the heathens' bread, cheese, wine, vinegar, brines, or pickling fluids, spices, various food articles, forbidding the use of their language and decreeing against accepting their testimony. The decrees furthermore stated that the heathens no longer could bring gifts or first fruits as presents, and that no intermarriage between Jew and non-Jew was to be tolerated. The law against bringing gifts and first fruits was no doubt directed against the Romans, whom the Shammaites hated as stoutly as they did the other heathens. Under the provisions of this decree no gifts of any kind were to be accepted of any heathen for the Temple Service or for any other purpose. That the Roman emperor was accustomed to bring presents for the Temple is indicated in Josephus (18), where it is sta-

ted that an individual ruling was made against accepting gifts from the heathens for the Temple but the legislation passed at the synod was sweeping and superseded all decrees of individuals. Besides, since Josephus states that Eleazar ben Ananias persuaded the priests not to accept gifts, it is evident that up to the time of the 717 B.C. there was no absolute law against it. The same would no doubt apply to the prohibition of oil ⁽¹⁹⁾, i.e. that up to the time of the 717 B.C. there was no law against using heathen oil, and that it rested with the individual alone whether to use it or not, but that the absolute law forbidding all subsequent use of heathen oil was laid down at the synod. These, then, with the addition of the prohibition against oil, which, as we have explained in Note 17, was most likely inadvertently omitted from the list, are the original 717 B.C. which the Shammites decreed against the heathens, including the Romans. They served as a means of nationalizing the Jews, erected an insurmountable barrier between the Jews and the non-Jews, and stirred up the religious feelings of the Jews against the outsiders.

There is only one man mentioned in all the various sources in connection with the assembly, namely, Chananiah ben Chiskiah ben Garon. This fact is very strange when we consider how much was made of this assembly, but it may be explained through the fact, either that the data concerning the assembly at the time the meeting was written down were very meagre and that therefore the name of the important Chananiah alone was remembered while the less important details were forgotten, or it may be indicative of the tendency referred to above to clothe all the details of the assembly with the cloak of secrecy, and obscurity. Whatever the case may be, Chananiah b Chiskiah b Garon is the only one mentioned in all the sources, and even then nothing further is said about the part he played in the assembly other than that it took place in his house. Chananiah seems

to have been quite an important personage in his generation, and the greatest years of his life were from 65 to 70 C.E. He came from a very wealthy and noble family, the family of Garon, his grandfather, who was highly respected, as is evidenced by the fact that in the Mishna and in the other sources the names of both his father Chiskiah and of his grandfather Goron are placed, a thing which happens very rarely, if at all in other cases. Chananiah himself had a son Eliezer, and was and was noted for his riches and wisdom. All the sources agree that it was he who sat up all night upon a certain occasion when the book of Ezekiel was in danger of being rejected from the Bible Canon on the ground that it (Ezekiel) contradicted the Bible (i.e. Leviticus and Deuteronomy) and burned up three hundred cruises of "midnight oil" in a successful attempt to harmonize these differences, thereby saving the book from being hidden away, or placed in the Apocrypha. (20)

For this reason he was to be remembered for good, and it is no doubt due in great part to this fact that his name was preserved in connection with the assembly, for the testimony concerning the greatness of the act he performed in saving Ezekiel for posterity is spontaneous and sincere. (21)

Chananiah, likewise, together with his band, (חנניה וצוותו), collected and wrote the Megillath Taanith, a list of days of joy on which no fast could be held because of some great deliverance wrought for the Jews thereon (22) in pre-Maccabean, Maccabean, and even in Roman times. It was only natural that, after such a great triumph in his upper chamber, Chananiah, aided by his band, should set about the collection of the list of joyous days in order to inflame the hearts of the people and arouse their patriotism and resoluteless to observe the decrees. The struggle against the heathen was one of religion against religion, and nothing that would tend to stir up the religious emotions and loyalty of the people would be

overlooked.

Chananiah's part in the assembly is not expressly mentioned in the Talmuds, but it can be easily inferred. He was, as is evidenced in babil Sabbath 13b, by the words "Chananiah and his band" (חנניה ופ'יו) a leader of the Shammaites, but he enjoyed a good name among the Hillelites as well, as is proved by the fact that they came up to visit him, a thing which would not have been the case unless he enjoyed a fair degree of popularity among them. His harmonization of the book of Ezekiel and the Pentateuch likewise may have contributed a great deal to the high regard in which he was held among the Hillelites. When the decision was reached to pass the decrees against the heathens at all hazards, it was resolved to use the influence which Chananiah enjoyed among the Hillelites as a means of inveigling them into the meeting place. To have held the meeting publicly would have brought down upon the Shammaites the wrath and fury of the Romans, and, too, this would have been impossible, because the Romans had forbidden all assemblies through fear of revolt. To have held the assembly in the home of anybody else would have aroused the suspicions of the Hillelites, and they would never have fallen into the trap which was being set for them. Hence it was decided to hold the secret synod in the upper chamber of Chananiah, and in order the better to disarm whatever suspicions the Hillelites might have, word was spread by the Shammaites that Chananiah was ill. For this reason many of the members of the two parties came to "visit" him, and when a certain number of the Hillelites had entered, the armed guards appeared on the scene in accordance with the pre-arranged plan. Some remained below and kept too many Hillelites from entering. Others entered the assembly room and by overawing the Hillelites, forced them to a vote whereby the Shammaites set through their eighteen decrees against the non-Jews. Chananiah's part in the assembly must have been that of

an interested spectator. His aides-de camp did their work nobly, and it seems that nobody suspected Chananiah of being in the scheme. At any rate he retained the good will of the Hillelites, he is regarded by the subsequent rabbis as a great benefactor of Judaism, and his name is preserved, whereas the Shammaitic nobles and other chieftains and authors of the assembly have been entirely forgotten or ignored. Chananiah's Shammaitic affiliations seem to have been overlooked in view of his literary activities in behalf of his faith. He is the last important member of the Garon family. His son Eliezer⁽²³⁾ is mentioned once or twice but nothing important is said about him.

The results of the assembly of the 717 B.C. were therefore important and far-reaching. Not only were the decrees which erected a wall of barrier between the Jews and the heathens passed with enthusiasm and dispatch, but a literary movement, which, however, in this essay, is of secondary importance, seems to have taken place as a direct result of these decrees. The מגילת תענית was collected and given out by Chananiah and his victory party for the purpose of stimulating the minds and heart of the people and inspiring them to emulate the glorious deeds of the ancestors. What the Book of Daniel was to the generation of the Hasmoneans the Megillath Taanith, which has come down to us in a different form, with various amplifications and modifications, was to the generation of Chananiah b. Chiskiah b. Garon. The decrees no doubt were eminently successful. They were observed by all the people of that zealot generation, the majority of whom were rabid supporters of Chananiah and the Shammaitic party. All were sick and tired of the rule of the Romans and of the innumerable persecutions and wrongs they had had to endure at the hands of the heathens. The decrees instilled into the Jews of that day a feeling of unity and inspiration, a feeling which made weak and puny Israel strong enough to combat for three long years the mighty hosts of the

Romans, and which would have enabled Israel to laugh at the Romans and to have gained the final victory, even as the Parthians, by their indomitable will and courage, ever resisted the Romans, were it not for the split in the ranks formed by the peace advocates. The decrees awakened in the hearts of the people a feeling of hatred and contempt for the heathens, and there seems to be no doubt that they were carried out willingly in all their rigor for many years after the event. This wall of separation has lasted throughout the centuries. Many of the decrees are observed by the Reform Jews, more by the Orthodox to-day, and it is my belief that the decrees of Chananiah did more to cement the people together for its heroic resistance throughout the ages than did the ritualism of Ezekiel and of the Priestly Code, a ritualism which lost its importance after the year 586^{B.C.}, and which could not be observed, and which needed constant reinforcement and strengthening. Ezekiel was but the dream of an impractical dreamer; the Priestly Code contributed, it is true, a great deal to the separation of Jew and heathen, but the decrees of Chananiah gathered up the scattered threads and wove them into a strong cable, a *ḥalutz* which has bound Israel together and has acted as a guide rope even till today, a rope which has preserved Israel and which today, through the influence of certain adherents of Reform Judaism, has been considerably weakened and had best be strengthened. Judaism is distinct from other peoples and religions, and Chananiah and his sturdy loyal followers realized this full well, more than the modern conscious and unconscious assimilationists. This is what is meant by the statement in Talmud ⁽²⁴⁾ already referred to, that the 727 *ḥalutz* could never be repealed, and in actuality, they never were repealed. They were given sanction such as only the Law of Moses had received, because laws sealed with blood or passed at the risk of human life could never be annulled.

But the 717 D' must have had a gloomy side, even tho eclipsed by the bright side. They must have aroused the ire of the heathens, to a certain extent, against the Jews, but it seems that the Jews were strong enough to resist them. The question as to whether or not these decrees were obeyed by the extra-Palestinian Jews is problematical. In my opinion, merely a matter of opinion and not of proof, though not observed by the foreign Jews as scrupulously as by the Jews in Palestine, they nevertheless were welcomed by the former, who sympathized with the Jews of the home land, despite the increased persecutions and antijudaism which they may very well have aroused. But our ancestors do not seem to have been much disturbed by these fresh outbursts of hatred, at least we have no record of any serious consequences. Our forefathers in those days were "bellatores" par excellence, a quality which Judaism today seems to have lost to a great extent due to the years of peace we have enjoyed.

Later generations, viewing the assembly from a historical perspective, declared that the Shammites had gone too far, overstepping the boundary. Others stated that the day (D'17 1711) on which the eighteen decrees were passed was to be put down in the calendar as a day of great misfortune, like the day on which the Israelites had made the golden calf. But these were expressions of opinion by people who lived long after the time of the assembly and who could not appreciate the actual advantages of the decrees. Later writers, living at the time when Israel was one, at the time when the Hillelites had regained their dominance and the two parties had merged into one for all time, tried to minimize the importance of the assembly of the Shammites' victory, added legends and myths, amplified and expunged, but the essentials had to remain, because the effects of the assembly could not be obliterated.

Through the 717 7'' the Shammites, who hitherto had remained in the minority, and had been constantly outvoted and outgeneraled by the Hillelites, were swept along on the crest of public opinion and gained the upper hand. The Hillelites were beaten and discredited, and had to seek new fields (Jabneh) where they could grow and flourish in peace. The destruction of the Temple and the capture of Jerusalem detracted a great deal from the people's faith in and of the strength of the Shammites, but they still formed a very important and powerful party. They lost their superiority, but they still proved strong enough to resist all the attempts of the Hillelites to eliminate them. That they still formed a formidable power is evidenced by the fact that around the year 116 the struggle between the Hillelites and the Shammites caused the two parties to realize that this continuous struggling and fighting would lead to great trouble and distress if allowed to persist. Then, and not till then, did the Shammites disappear. This gives eloquent testimony to the power and influence, lasting through fifty years, which the Shammites gained from this assembly, a power greater by far than the influence they had wielded in pre-synodal times, and which leads directly up to, and is the prime motive for, the holding of the assembly of Jabneh. The Assembly of Chananiah is unique in Talmudic history and as such deserves a prominent place in the history of rabbinical assemblies.

CHAPTER II

THE ASSEMBLY IN THE VINEYARD AT JABNEH.

Fifty years had passed since the epoch-making and unique assembly in the upper chamber of Chananiah b. Chiskiah b. Garon had taken place. The authors and the disputants of this assembly had all passed away, but the disputes between the two houses, which had been one of the prime motives for the first assembly, not only remained in all their vehemence, but had increased in number and had become intensified. For a while, under the influence of Jochanan ben Zakkai, who saved Judaism to a great extent by transplanting the seat of learning from Jerusalem to Jabneh, and partly, too, under the duress of the revolution and its disastrous consequences to the Jewish state, these quarrels and disputes had been quieted down a little, but no sooner had the shrewd and skilful Jochanan died than they broke out again and undermined of a sudden the weak and easily penetrable cloak of unity which he had thrown over the body of Judaism.

These disputes had developed along very sound lines and were not based on the whim or caprice of individuals. We have seen how the disputes between the Hillelites and the Shamnaïtes which resulted in the assembly at the house of Chananiah developed logically, as the result of the standpoint which each school took to the political conditions of the time. This first assembly concerned itself with nothing more than the eighteen decrees passed versus the heathens, and ignored absolutely the many other mooted and disputed questions upon which the Hillelites and Shamnaïtes had differed ever since the death of Hillel and Shamnaï and even previous thereto. But these other points of difference persisted after the destruction, even though they had been checked a little by the revolution of 70 C.E. In the

course of time they had become so enlarged and aggravated that they threatened the unity of the law with disappearance and extinction.

There is no doubt that the ultimate source of all these disputes was Hillel and Shammai. Before Hillel and Shammai Judaism was an absolute unit. Naturally little disputes arose occasionally between the rabbis, but these were either harmonized after a while or were confined to the individual disputators ⁽²⁵⁾. In addition there was a powerful Beth Din, or Sanhedrin ⁽²⁶⁾, which had, in addition to its other duties, the task of smoothing out difficulties and harmonizing contradictions in the law and settling disputes and deciding new cases by the method of listening to the case and deciding by a vote or by means of a tradition or former statement concerning the point at issue. This Beth Din with its various subsidiary branches handled all difficult and doubtful cases and thereby prevented the rise of disputes. But beginning with the advent of Hillel and Shammai a new period arose. The Romans obtained absolute control over Judea, which, under Emperor Augustus, was reduced to the status of a Roman province. Some time around 30 C.E. the Sanhedrin was stripped of all its authority and forced to disband ⁽²⁷⁾, and thus the disputes between the schools of Hillel and Shammai and the two founders of the schools themselves could continue unabated because the central authority which hitherto had controlled them functioned no more.

The disputes between Hillel and Shammai were not of a frivolous nature, although at first blush and to the casual observer some may seem to have been so. They dealt with very vital problems, with questions which in those days were as vital and important as any of our modern problems today. These differences of opinion were produced by the political affiliations of the two parties and of their leaders, by their feelings toward the external world, by their personal feelings and opinions (i.e. of Hillel and Shammai), by the antagonism

of the Shammaites to Hillel's method of teaching, which was too favorable to the development of new laws, and by other causes which can not be determined. Naturally, at first the disputes were limited in number. One source (28) states that Shammai and Hillel disputed only three questions. Another source (29) states that, whereas at first there were no disputes at all, Hillel and Shammai had only four disputed points. These testimonies, while extremely valuable in general, are not to be taken seriously in all specific details. It is inconceivable that during the long period of disputes lasting through several decades only three or four points of dispute existed between the two scholars, when the Mishna and the two Talmuds are literally full of points of variance between the two men. Better should these two passages be understood as a statement that the disputes between the two heads of the schools were few in number compared with the later disputes which arose between the followers of the two men, the Hillelites and the Shammaites, or else as a statement that, whereas the disputes between Hillel and Shammai were many, the important points upon which no agreement could be reached and concerning which a state of absolute irreconcilability existed were but few in number. At any rate, Hillel and Shammai at their death left to their disciples and followers, the Beth Hillel and the Beth Shammai, a unique legacy: a succession of disputes and differences, and the seeds of many new alterations, which each party guarded as precious and was loathe to give up. Hence we may speak of the days of Hillel and Shammai as being the first period of disputes (*אמרי חכמים*).

The pupils of Hillel and Shammai received their inheritance and preserved it jealously. Neither side was willing to give in to the other. The points at issue became more and more numerous, partly because of the new conditions which arose and concerning which

opinions had to be formed, and partly because the pupils of the masters in their unbending and blind zeal disregarded the reasons of their masters or had learned only superficially (30); partly because because each party insisted rabidly upon its own way and would brook no compromise. In addition, the political party affiliations of both schools added to the differences and formed a line of demarcation and division which separated the two schools all the more. One of these periods of furious and violent disputes led to the decreeing of the 727 ⁷²⁷, and the disputes, checked a little, continued thereafter in full force, all the more seriously and vehemently because of the added strength and confidence the Shammaites had gained from their victory over the Hillelites. The questions about which they had differed up to the time of Chananish ben Chiskiah ben Garon were mostly religio-political, and fall more into the category of 727A, laws promulgated through decree at the time of need and under the stress of the whirling national stream. But the disputes in the fifty years after Chananish's assembly were mostly religious and affected the people's practical and every day life in every respect. That the Shammaites prohibited the Hillelites allowed; what the Hillelites forbade the Shammaites permitted. The one law of Israel became two laws; the ones who acted according to Beth Shammai even in minor points were deserving of whatever would happen to them, in the opinion of the Hillelites (31) and were regarded as absolute violators of the law, and vice versa. No mutual agreement, no reconciliation as possible. The one Torah of Israel had become two in actuality. The split between the followers of the two schools was absolute in all details and resulted in a deep and decided difference in the doctrine and life of the adherents of both of them. Weighty and important vital matters, e.g. matrimonial laws, were disputed with rigor and the quar-

rels persisted in all their acuteness .

In addition to these disputes between the two schools other factors tended more and more to the disruption of Judaism at this time. Many Halacoth had been forgotten, probably because of the destruction and the persecutions before and after it, and their wording became a matter of controversy. Each Tanna taught the laws according to his own individual conception of it, and none had taken the trouble to learn them thoroughly and absolutely. As a consequence the one law and the one doctrine developed into many teachings and many doctrines. Disputes were constantly increasing in number and growing worse and worse, and there was even grave danger that an incurable schism in Judaism would be produced.

The rabbis, finally, after a half century and more of torpid and indifferent toleration of this state of affairs, awoke to a realization of the actual conditions, and to the chaos they might bring in their wake unless checked. This feeling on the part of the rabbis which had been smouldering for some time awaiting the spark which would cause it to burst into flame became crystallized due to another deplorable and unfortunate event which threatened to split Judaism still further into pieces and to aggravate the situation all the more. Gamaliel II of Jabneh, a great great grandson of Hillel, with his customary peremptoriness and high-handedness, had grievously insulted R. Joshua (33) in the general assembly hall without cause. A wave of popular indignation arose against Gamaliel and he was forthwith deposed from the Nasiship and Eleazar ben Azariah was appointed in his place by popular acclamation. It did not take Gamaliel more than a few hours to recover his senses and to apologize to Rabbi Joshua, but Eleazar, once having been appointed, could not very well be unceremoniously deposed. Hence, Gamaliel was re-instated and Eleazar and he conducted the Nasiship jointly. In some manner or other the uproar and

turmoil aroused by this personal debate between Gamaliel and Joshua stirred the rabbis all the more and made them realize more clearly than ever the actual condition of affairs and the results which might be produced unless this petty wrangling and quarreling, this breaking up of the scholars into opposing factions, this quibbling and debating about vital laws were brought to an end. For this reason, on the same day on which the struggle between Gamaliel II and Joshua, and his deposition and reinstatement took place, the rabbis held a special assembly in the vineyard at Jabneh (34) in order to avert the danger which threatened the uniformity of doctrine. (35) Why the assembly was held in the vineyard is not definitely known. But it was no doubt felt that a meeting in a neutral place, far away from the school house or the Beth Din, the common battle ground of the two factions, would be more conducive to a harmonization, and for this reason it was decided to hold it in the large $\square \square \square$, which offered spacious accommodation to all the scholars and provided a cool, shady, comfortable resort for the important task which they had imposed upon themselves.

No sooner had the rabbis entered the vineyard than they set about their work with neatness and dispatch. They realized clearly the need for unity and harmony. They expressed their fears that the Torah was in grave danger of being forgotten; they saw that the differences between the two schools were due to the tenacious insistence of each school on its own views, and that if the prevailing conditions were allowed to continue, the time would soon come when Judaism would fall into decay and oblivion and when one would look for a decision regarding a Halacha in all possible places, in Scriptures as well as in oral tradition, without being able to find it, because one answer would contradict the other. For this reason they determined to begin from Millel and Shammai, and subject all laws, dis-

puted and otherwise, to discussion and revision for the purpose of determining the exact wording of the law, its practical application, and according to whom the law should be decided.

Why was it that it was determined to begin from Hillel and Shammai? Because all the difficulties and doubts had begun with them. Because before the days of Hillel and Shammai there were no disputes at all, with the possible exception of one, but from the time of Hillel and Shammai the disputes had increased and increased in number until the doctrine of Judaism was threatened with obliteration. Hence the rabbis, in order to get at the root of affairs, decided to commence their research work and investigation with Hillel and Shammai, thereby attacking the evil at its very source, i.e. of the differences of opinion, and provide a remedy from the root of the whole trouble. We may be sure that if there had been disputes before Hillel and Shammai the rabbis at Jabneh would have gone back to that time.

The assembly therefore undertook to collect the ancient Halacoth under the joint supervision and presidency of Gamaliel II and Eleazar b. Azariah, to examine and determine their wording, and to decide their differences, and thereby set up an unassailable and unimpeachable code of laws which should serve as a norm and standard for future teachers and which should make dangerous schisms like the one which had led to the Jabneh assembly impossible. The testimony of witnesses, no distinction being made as to their rank and reputation, regarding many old, obscure, and mooted laws, was asked for, and many people hastened to the assembly vineyard in order to lay down their testimony in answer and obedience to the synodal proclamation. In this way the collection Eduyoth arose as a direct result of the Assembly of Jabneh. (36) The original collection of Eduyoth was much larger than the Mishna treatise which now bears its name. It included originally

all the Halacoth which were then-known, whether controverted or not, and was in a certain sense the first collection of laws, or at least an amplification or redaction of the so-called שנן וסנן which is generally spoken of and concerning the existence of which a great dispute is still being waged among the scholars (37) The names of more than twenty persons who laid down testimony on that day concerning laws about which they had traditions are still preserved for us and for this reason the name Eduyoth, or testimonies, was most likely given to the collection by the Synod, since the greatest part of it was concerned with these testimonies, although the collection no doubt included the whole treasure of all the existing laws and was the only individual collective factor of the oral teaching about which all subsequent amplifications and modifications were grouped. No details are preserved as to the method by which the witnesses were examined. (38)

Our סנן וסנן includes only a small part of the original סנן collection gathered at the assembly of Jabneh. It was not arranged topically or systematically, but the laws were grouped without the least congruity, without any logical connection except the name of the one who handed them down. Perhaps likewise the number may have been a connecting bond. These two methods of grouping, i.e. by name and by number, were two old and important methods of arranging Mishnaic material on the grounds of which the methods we see today in the Mishna developed. The Eduyoth collection forms the foundation of our present Mishna. Not long after its redaction the need for arranging it in a methodical and logical way and for incorporating into it new laws made necessary by the exigencies of the times led to the Mishna of Rabbi Akiba. This in turn formed the basis of the collection of Rabbi Meir, and finally the Mishna of Rabbi Jehuda Kansi was built up on the basis of the two preceding

Mishnas. Hence the connection between the Edayoth collection of the Jabneh assembly and the present Mishna is clear. The א'ר'ב collection became the basis for discussion in the schools until it was superseded by the later collections. Akiba omitted many of the Malacoth included in the original text of Edayoth, Meir and Judah Hanasi likewise, but the Edayoth must have existed as a separate code up to the time Of Judah Hanasi, who took over whole parts of the collection into his collection.

The preservation of Edayoth in the form in which we have it seems to have been due only to a feeling of reverence and ²pity, for there was no real reason why it should have existed alongside of the completed Mishna of Judah Hanasi, since Edayoth had given up most of its contents for the corresponding groups of our Mishna. But the Rabbis wished to preserve it out of pietistic and sentimental reasons. They therefore selected a choice of laws from all the material which the Edayoth collection formerly held, united them into a group, gave it the same name the larger collection had, and incorporated it into the Mishna as a separate tractate. This may account for the fact that so many of the Edayoth statements are found scattered in various parts of the Mishna. This selection is called א'ר'ב ⁽³⁹⁾, a synonym for א'ר'ב משנה , and the name א'ר'ב is an explanation of the origin of the tractate א'ר'ב , the most unique and interesting of all the Mishna tractates, an explanation which on the one hand presents the details of the assembly at Jabneh and on the other hand indicates the outlines of the first Malacha redaction and the whole history of the present Mishna.

It may well be imagined that the work of the assembly at Jabneh was not easy of completion. The collection of the testimonies formed but one important item among the manifold duties which the assembly had imposed upon itself. In addition to and in conjunction therewith, and this is the most important of all, all the difficulties

between the two schools had to be straightened out. One or the other school necessarily had to disappear, or else an absolutely eternal compromise had to be effected. "Let us begin from Hillel and Shammai" meant "Let us restore the conditions prevailing before Hillel and Shammai, before the breach which threatened to disrupt the unity of Israel and cause an irreparable schism in the heart of Judaism was made." Accordingly, all the teachings of both schools, all the points of dispute, were subjected to exhaustive discussion, and inquiry in connection with the *Eduyoth* collection. But unity was not so easy to attain. Each side proclaimed ardently and stoutly that its traditions and its standpoints were correct. The Shammai school, stubborn and unbendable like the founder of the school, could not be moved to give in. For three long and wearisome years the struggle continued in the vineyard of Jabneh. (40) Of a sudden a heavenly voice, a *Shofar*, was heard, a divine voice which, in those more superstitious days, was regarded as a sign from heaven in indubitable cases and in perplexing situations. (41) The divine voice proclaimed, "The doctrines of both schools are indeed the words of the living God, but in practice the precepts of Hillel alone shall have validity." The majority immediately conformed to this decision, although it had taken place without a formal vote. Only Rabbi Joshua expressed himself as opposed to a decision brought about by a Bath Kol. (42) He stated that a heavenly voice need not be regarded or obeyed, because the doctrine of Judaism was given only for human beings and divine intervention should exercise no influence. But the opposition of Joshua had no effect. Hillel's traditions, interpretations, and deductions and laws were recognized as the exclusive norm. Through this act the great schism which had threatened to disrupt the religion came to its termination.

But the Hillelites did not want to force the Shammaites to

conform to this unusual decision and to change their mode of living accordingly against their will. They were given their choice of keeping on living in accordance with their convictions. "Whosoever wishes may follow according to the house of Hillel, and whosoever wishes may live according to Shammai: only, the verdicts of Hillel alone shall be the norm. (43) This was a compromise which the Hillelites conceded to the Shammaites in order to allay their unyielding stubbornness and to induce them to assent to a compromise.

Rabbi Joshua, we have said, protested against the acceptance of the heavenly voice as final testimony. In actuality his protest was justified. Naturally no heavenly voice was heard in actuality. Actually, the result was achieved by means of some agreement reached between the two parties. Undoubtedly the more moderate and less zealous of the Shammaites realized that unless one side gave in, the results were bound to be disastrous. Hence certain prominent Shammaites signified their willingness of giving up the struggle and allowing the Hillelites to fix the law according to their standard. In return for this concession the Shammaites were to receive the concession that theoretically they were right, but that practically the laws of Hillel were the standard. (44) According to one source which we have already mentioned, theoretically the law was according to Hillel, but practically the precepts of Shammai could be followed. But this statement, upon closer analysis, can hardly be taken seriously, because it would eventually obliterate all the work of the assembly and lead to a renewal of the dispute if some acted according to Hillel and some according to Shammai.

After this agreement had been reached, the report went out that a Bath Kol had been heard to proclaim that the laws of Hillel were to be the rule and that the precepts of Shammai were recognized as divinely inspired but had no practical application. At

first, we may be sure, a storm of protest arose. None doubted the proclamation of the Bath Kol, especially since it was admitted by some of the most important Shammaites. Some, like Joshua, protested against it, but their protest was all in vain. The Hillelites, helped by the more moderate Shammaites (45), who connived at the pious deception which was being practiced, managed to ^{pass} set through their principles and the struggle which had persisted for more than a century came to a close (46).

The exact date when the assembly was held cannot be determined with definiteness, due to the meagreness of the sources, but it can be placed approximately around the middle of the Nasiship of Rabban Gamaliel II, i.e. sometime between 110 and 115 C.E. It lasted three years. In view of the fact that the revolt of the Jews under the rule of Trajan (insurrection of Quirinus) took place in 116 or a year previous, the most probable dates of the synod were from 111 to 114. Gamaliel's Nasiship extended from 100 to 130 (47), and it can well be placed at this time in view of the fact that both Gamaliel and Eleazar ben Azariah presided over the sessions jointly, since the assembly was begun immediately after Gamaliel's deposition and reinstatement and the appointment of Eleazar.

Of Eleazar's share in the assembly we know nothing. (48)
One passage states that he was present at the synod in the vineyard at Jabneh, but nothing is told of his activities in connection therewith. Eleazar could not have occupied a very important place. His power even as co-partner with Gamaliel in the Nasiship was practically nothing, because of his youth and inexperience. He was appointed to displace Gamaliel by popular acclamation in a moment of excitement, indignation, and spite. When Gamaliel forthwith perceived and admitted his error, the people would willingly have deposed Eleazar, but they refrained lest they insult him. He held a position in

name only, and we may be sure that Gamaliel, with his strong personality, was the real power and that he conducted the entire assembly.

(49)

His character and work has been entirely misunderstood. Gamaliel, far from being a seeker of power, wished to stabilize Judaism and provide it with a central authority. He desired to unify the law and eliminate the dread cause and effects of the threatening schism. He worked and labored in his character of ardent Hillelite and zealous Jew, to smooth out the disputes, to maintain unity in Israel, a unity which was fast disappearing, to guard against further attacks and schisms. It is due in great measure to the powerful Gamaliel that the Shammaites were won over after a long and arduous fight and that the struggle was brought to an end. It is because ^{they} have not taken into consideration the situation of the time and the anarchy and danger which had entered through the disputes between the two schools that Gamaliel's life work, importance, and character have been altogether misjudged.

The synod of the vineyard of Jabneh was eminently successful. It was an auspicious attempt to save from the danger of dissolution and disappearance the faith of the fathers which, up to a short time before, had been handed down intact. The loftiest treasures which any people had inherited had to be saved from decay and ruin, and the synod was the result of a conscious national spirit. The sad picture of the decay and confusion caused by the diversion of the Hillelites and the Shammaites, a cry which rang out appealingly in pre-Jabneh times, was changed into a bright picture of hope and trust. The gloom and darkness disappeared. The Hillelites once more obtained the upper hand. The Shammaites were defeated, and a short time later, as a result of the assembly, disappeared entirely, and were merged with the Hillelites. Unity was reestablished. The Malacha was

fixed inviolably according to the house of Hillel, and the Eduyoth collected on that day became the means for the preservation of Judaism, a collection which formed the foundation of all the future law codes of Judaism. (50) Even though future disputes and differences of opinion occurred, they were minor, of individual value, and never succeeded in disrupting the unity of teaching. They were not even regarded as dangerous but only as healthful differences of opinion which every law code had to encounter in order to admit progress and prevent stagnation. Hence these subsequent minor disputes never assumed the proportions of the pre-Jabneh disputes, and remained scarcely noticed, because the enactments of the synod proved to be a bond of relationship between all differences of opinion, a bond of common interest which the two schools had never had, since before the synod they both had been implacable and intolerant. It is for this reason that the rupture had assumed such alarming proportions without being checked until the final limit was reached and the synod was seen to be inevitable. (51)

After the synod no trace of the threatening storm is found. Later rabbis, of Mishnaic and Talmudical times, living in a period of tranquility, when all traces of the schism had disappeared, could no longer understand how it had once been possible for the unity of Israel to have been impaired and for the Torah ever to have been in danger of being forgotten. They could no longer understand the extent of the differences between the two schools, and could not believe that these differences had caused such great danger and fear. They asked themselves how the Torah could ever be forgotten, and therefore tried to explain away the causes leading to the Synod, stating that the Torah never could have been forgotten, but that the real reason was that no pure and clear teaching could be found. (52) At any rate the later rabbis could not understand the fears of their predecessors, and in many cases tried to explain away the real dan-

ger and the real conditions of the preceding times .

The assembly of Jabneh is the most important one in the history of Judaism. Unless it had met and carried on its manifold activities an irreparable breach would have occurred within the ranks of Judaism. It might have resulted in the secession of the Shammaites, even as the Karaites broke away from Judaism in the eighth century, or Christianity in the first century. Or the struggle might have been prolonged and continued until the existence of Judaism itself would have been undermined. All this was prevented by the Synod of Jabneh, and as such it takes its rightful place among the greatest assemblies of Judaism.

CHAPTER III

THE ASSEMBLY IN THE UPPER CHAMBER OF NITZAH IN LYDDA.

Just as the assembly at Jabneh differs from that in the upper chamber of Chananiah in that it was in a time of peace while the latter was in a time of warfare, and revolution, so the assembly of Lydda goes back to the first synod as far as actual conditions, setting, and background are concerned. Revolution, warfare, persecution are rampant as in the days of 66 to 70 C.E., and, as in those days, the Romans were the cause of it all.

Hadrian, upon his accession to the throne in 117, was confronted by a revolution which had broken out in the last year of the reign of Trajan due to excessive taxation and cruel treatment on the part of the Roman officials. This revolution was temporarily stopped, because Hadrian at first was very friendly to the Jews, and even began to rebuild the Temple, by which he hoped to reconcile the Jews to himself and to Rome. But the Jews refused to recognize the Temple, since Hadrian wished to dedicate it to Jupiter Capitolinus. Hadrian, therefore, became provoked, and determined to break the spirit of the weak yet proud people which had been such a thorn in Rome's side for so many years. A revolution broke out around the year 132, due to the persecutions which Hadrian inflicted upon the Jews. The Roman authorities now took the severest steps and adopted the most stringent regulations against the practice of the Jewish religion, to which they rightly ascribed the stubbornness of the revolt. A decree was passed prohibiting circumcision and the observance of the Sabbath, and forbidding the study of the law. It interfered with such Jewish customs as the granting of a bill of divorce to a divorced wife, with the Prozbul of creditors which was

laid down in a court and enabled the one who secured it to collect debts even in the year of release; it forbade marriage on Wednesday and other customs of an especial religious tinge, and thereby extended over all angles of the Jewish religion.

This period is known as the period of the *ḥḥḥ*, or religious force, as the period of the *ḥḥḥ*, danger, and of the *ḥḥḥ*, persecution. Severe punishments were provided for violation of the decree. The Roman inquisitores (quaestores) ⁽⁵⁴⁾ extended the prohibition to include every religious custom which demanded an act, and every violation of the decree was punished by a fine or by death, according to the arbitrariness of the quaestor. Many of the Jewish scholars preferred martyrdom to the sacrifice of their faith; the spies and informers were kept very busy telling the Roman authorities of all the violations of this dread decree.

These severe decrees and their more rigorous interpretation were a hard blow for those who survived the persecutions and for the people in general. It imposed upon them a double fatal blow. They were at a loss as to how they should act at such a critical time; whether they should keep strictly to their customs and thereby run the risk or the almost certain danger of sacrificing their lives, or whether, with regard to the reduced ranks of the Jewish population, ranks diminished and thinned out by fifteen years of persecution, revolt, and warfare, they should spare their lives and surrender themselves to the force of necessity for the time being. At that time there was no legitimate Sanhedral body to determine the matter and to establish a rule, because the Romans had forbidden not only the study of the law, but had also taken away from the Jews all legislative and judiciary powers. Any meeting or assembly of the scholars would have to meet secretly and clandestinely, and would have to exercise extreme caution lest they be apprehended by the Roman of-

officials and dealt with summarily.

Accordingly, the surviving teachers of the law assembled secretly in an out of the way place, no doubt according to a prearranged plan, in the garret or upper chamber of a man named Mitzah, in the city of Lydda (55). This assembly took place around the year 132 C.E. (56). Here they discussed the matter concerning life and death (57).

The assembly took place under the leadership of Rabbi Akiba, Rabbi Tarphon, and Rabbi Jose the Galilean (58), and many other prominent rabbis like Rabbi Ishmael (59) and Rabbi Judah (60) were there likewise. A decided difference of opinion prevailed concerning this so important and portentous question. Those who were of a severer nature and insisted rigorously upon the absolute obeying of the law despite the consequences were of the opinion that each Jew was in duty bound to die the death of a martyr rather than violate the law (61), no distinction being made between essential, and unimportant laws. Rabbi Ishmael represented the more lenient view that, under external and involuntary coercion, one could violate all the religious laws of Judaism in order to have his life spared, because the Torah says "In order that you may live by them" and not die by them (62). But neither the one extreme nor the other proved acceptable to the majority. The first would lead to the extermination of the Jews because of its rigor; the second would weaken Judaism, would require no sacrifice on the part of the people, and would be a sign of Judaism's weakness, inasmuch as it would prove to the world that Judaism possessed no great teachings which were worth fighting for and sacrificing one's life for. Accordingly a vote was taken, and, as usual, the mediating view prevailed. A clear distinction was made between the essential, important, and basic principles of Judaism, and the less important and the less essential. The law was enacted that one may, in order to prevent himself from suffering the death of a martyr, violate all the

laws of the Torah except three, i.e. idolatry, unchastity, and blood-shed. These three principles alone, the prohibition against murder, the worship of the one God, and the observance of the laws of chastity, were regarded as the fundamental doctrines of Judaism. By means of this decision there was emphasized not so much the idea that one should give up his life for the cardinal principles of idol-worship, murder, and incest, as that one should spare himself and not expose himself to death for the sake of the less important teachings of the Torah. (63)

Hand in hand with the question as to which laws of the Torah were the basis of Judaism and were inviolable and which were secondary and could be violated under duress, went another equally important question with which the assembled teachers found themselves confronted and which they had to take up, namely, the question as to which of the two was the more important, the *תורה*, or study of the law, or the *דרכי*, the practice of the law in every day life. It followed logically from the previous decree which had removed many laws from the necessity of practice, and the question naturally came up whether or not after all it were better to practice the law at all cost or to study it only despite the prevailing conditions. The first decree, taking emphasis away from practice and laying it on the theory, would naturally tend to weaken the former, whereas if undue emphasis were to be laid upon the practice, it would result in many useless deaths and would eventually destroy both practice and study. Therefore this question too was taken up at the same assembly in Lydda. (64) As usual, there was a difference of opinion. Rabbi Akiba maintained that the theoretical occupation with the religious laws was important much more than the practical. Rabbi Tarphon insisted as stoutly that the practical exercise of the religion was

the only desideratum.

This was not a dogmatic question as to whether the gnosis, (knowing) or the praxis (ten ergon), the practice of the works, was the more meritorious, but it was a question of conscience thrown up in the time of need, the question whether the study of the law the same as religious practice, should be stopped because of the severe punishments which were imposed upon it, and whether after all the actual practice were not the more important, especially since the study of the law was often being interrupted by hindrances and prohibitions. Nobody denied that the duties of love of men, and the practical application of these and other teachings, stood higher than the mere theoretical study of the laws, but the assembly deemed it inexpedient to insist upon the practice of the law, fraught as it was with danger. Therefore the assembly took a vote, a fact which will illustrate the importance of the question, and decided practically unanimously that the theory and the study have more importance because they are in a position to reanimate and restore the practice, while undue insistence upon the practice in the face of danger might be self-contradictory and result disastrously. The fact that the theory was able to restore the practice when the latter was momentarily interrupted and impeded gave the preponderance to the importance of the theory or the study.

The question whether these two matters were decided at the same assembly or at different assemblies in the garret of Nit-zah is inconsequential. Certainly, since the first led logically to the second, it would follow that both were taken up at the same session. We are entirely in the dark as to the identity of Nit-zah, and as to the question how long the assembly lasted. Expressions in three places (65) lead to the belief that the session was one of some con-

considerable duration. Nitzah probably was a man of some importance who offered the rabbis the protection and shelter of his home, in much the same way as Rashi⁽⁶⁶⁾ states that at about the same time many rabbis found protection and shelter in the home of a certain woman. Whether or not this garret at Lydda was the favorite rendezvous of the rabbis for many meetings⁽⁶⁷⁾ and the length of the above synod cannot be definitely determined because of the meagreness of the sources. The above-mentioned three passages give us rather obscure and fragmentary accounts of little acts which went on at the synod.⁽⁶⁸⁾ One states that at the synod, at Ereb Shabbath, a fact which seems to prove that the synod lasted at least for several days, an egg shell was filled with oil and a hole made in the bottom of it, and the whole thing was then placed on top of the lamp or candle, presumably in order to enable it to burn longer, probably because of the scarcity of candles, or the danger of securing more, or, as is most likely, to obviate the necessity of having to light other candles on the Sabbath. Another passage⁽⁶⁹⁾ tells us that at the synod a pot of lentils was prepared for the assembled rabbis, at which occasion a certain rabbi, seemingly in a jocular mood, made a clever pun on Jacob's purchase of the birthright from Esau for a mess of pottage. But these are only fragmentary stories of the assembly, and many other interesting legends, stories, and anecdotes which no doubt fully described this interesting synod have been lost for us for all times. Other than the foregoing we know nothing about the assembly.

The results of the assembly at Lydda are perfectly obvious and simple. As a result of the two decrees the people felt at liberty to violate the majority of the commands of the Torah, and many people were thus saved from a martyr's death because of the far-sightedness of the sages who called the assembly. No doubt some of the more rigid and unyielding remained true to the law despite the

decree of Lydda and were summarily punished by the Romans, but the majority sensibly conformed to the decree and to the conditions of the times and were content with biding their time and with studying by themselves until the times should be ameliorated and they should once more be enabled to practice their religion openly and without hindrance and restraint. In view of this fact the synod of Lydda was a very important one and contributed very much to the preservation of Judaism in those times of dread persecution and revolt. The decree of the synod, established by the sanction of the assembled rabbis in a negative manner what the Maranos of Spain and Portugal did individually 1340 years later in a positive manner. The Maranos, to save their lives, openly professed Christianity and secretly practiced Judaism, until the time came when they could once more throw off the mask of secrecy and pious dissimulation and proclaim themselves to be real, bona fide Jews. The Jews at the time of the assembly of Lydda, in order to save their lives, neglected the practice of their faith, though they did not have to profess the religion of the Romans in a positive way, and thus enabled Judaism to survive the storm. Without the beneficial effects of this synod there is no telling what would have been the result. Judaism might have disappeared; it might have been materially weakened; but the synod of Lydda prevented all this, and paved the way for the period of reconstruction after the Bar Cochba revolt was over.

CHAPTER FOUR

THE ASSEMBLY AT USHA.

We have seen how two of the three great assemblies which have been thus far discussed took place in the middle of a war, and were caused by a war, i. e. the assembly of Jhamaniah b. Chiskiah b. Aaron, during the war of 66 to 70, and the assembly of Lydda, during the Bar Cochba revolt against Hadrian, 132-135. And to the number of these war synods, as we may call them, we are about to add a third, the Assembly of Usha, which, however, is not a war synod in that it took place during a war, but because its primary cause was the Bar Cochba revolt. The Usha synod was convened as a direct result of the Roman wars of persecution and the revolt of the Jews against Hadrian. It is the second great synod which took place because of the war against Hadrian, and its effects and achievements are more far-reaching than those of the assembly of Lydda.

These persecutions of Hadrian and the resulting revolt of the Jews, under the leadership of Bar Cochba, against the Romans, a revolt which persisted in all its fury from 132 to 135 and was finally crushed with the fall of Bethar, were productive of disastrous results. Jerusalem, the capital, was in ruins. The few remnants of the city left by Titus were destroyed by Hadrian. The population of Judea had been terribly decimated. Thousands upon thousands of Jews had been killed in the wars which had followed closely upon the disaster of 70 and in the constant revolts under Trajan from which the people had scarcely had time to recuperate. Misery and poverty prevailed throughout the country. The restrictions of Hadrian against the study and practice of the law were still in force; the practice

of the law had been temporarily suspended, and the study of the law was being carried on clandestinely and behind the backs of the ever vigilant Roman officials. Jerusalem no longer was the seat of the assembly and of the academy; in fact, during these stormy days the seat of the Sanhedrin, if we can speak of any Sanhedrin as having existed in those days, had changed many times. During this period of storm and warfare and bloodshed, rabbinical sanhedrins and synods such as the assembly of Jabneh were out of the question. One had taken place at Lydda-true; but this was a secret session attended by a limited number of rabbis and held in the garret of a private individual in order to escape the watchful eyes of the Romans. But bona fide general assemblies could not be held while the Bar Kochba war was being waged.

This was the condition of Judea at the time of the death of Hadrian on 136. Marcus Antoninus Pius became emperor in his place, and under his rule the lot of the Jews began to take on a brighter aspect. Under him all persecutions ceased, and a few years after his accession to the throne the religious disabilities and restrictions imposed by Hadrian were removed by Antoninus at the behest of a deputation of prominent Jewish scholars. As a result of this, the prominent leaders of the day, the pupils of Rabbi Akiba, the Tannaim of the third generation, the most important of whom were Rabbi Judah b. Ilai, R. Meir, R. Nehemiah, R. Eliezer, son of R. Jose the Galilean, R. Simeon b. Jochai, R. Eliezer b. Jacob, and R. Jose, determined to convene a synod of all the prominent rabbis and teachers in Israel who had survived the wars, persecutions, and the distress.

The objects of this synod were manifold and very important. In the first place, the Jews were sadly in need of legislation and assistance because of the impoverishment and pauperization

of the large majority of the inhabitants, it was very difficult for a man to support his family and therefore the family ties were in a very strained condition. New laws had to be passed to provide for the changed conditions and old laws which had been neglected throughout the long period of legislative and sanhedrial inactivity had to be reaffirmed. The breach in the house of Israel had to be repaired. Not trivial laws, but very important legislation had to be enacted, laws which would strengthen the life of the nation and of the individual units thereof, laws which would regulate the relation of the father to his family, laws which concerned the guidance of each Jewish household and which would tend to strengthen the position of family life which had been reduced to a pitiful condition of poverty and paucity.

And in addition to this very important reason there was still another equally important cause which led to the assembly at Usha. It was about this time that the heretics or sectarians began to appear, and even before this time they had carried on their destructive work secretly, not as yet daring to revolt openly against the Jewish religion. At the time of Hadrian's decree, however, when Israel was prostrate and humbled under the Roman yoke, the heretics saw their opportunity and took advantage of it. Hence at this time the Christians began to separate openly from the Jews, declaring that they had nothing to do with the Jews, and that there was no reason why they should sacrifice their lives for the fulfillment of the Torah which had already been annulled through the advent of the "Messiah". Christianity began to spread its doctrines broadcast in an attempt to gain converts to its ranks, doctrines which, as we shall see later on in our exposition of the decrees of Usha, were detrimental to all the teachings of Judaism and its status and which, if allowed to go unanswered and unlegislated for, would undoubtedly have

weakened Judaism and have permitted Christianity to gain many followers from its ranks.

For these two valid reasons the surviving rabbis, the disciples of Rabbi Akiba, decided to hold an assembly for the purpose of checking and counteracting these forces. The seven leaders of that generation, whose names have been mentioned above, issued a call to all the elders and scholars to meet in the town of Usha⁽⁷⁰⁾ in Galilee⁽⁷¹⁾

near Shefaram and Liberias, a town which already, according to tradition, had been the seat of the sanhedrin for a short period in the preceding turbulent times⁽⁷²⁾ and in which R. Judah b. Baba had ordained several disciples. The meeting took place approximately in the year 140.⁽⁷³⁾ The question as to why the synod met in Usha is a very disputed one. In my opinion it was partly for the reason that the greater part of Judea was in ruins, partly because the majority of the rabbis, or at least a large number of them, had fled to Galilee and other neighboring places during the time of the persecution, and partly because of the irrepressible fear of the rabbis that, despite the annulment of the decrees of Hadrian, the Roman officials might take offence at the sight of the synod if held in Judea.,⁽⁷⁴⁾ whereas in a practically unknown place like Usha the synod would be less conspicuous⁽⁷⁵⁾.

At any rate, the final settlement of the seat of the academy in Usha (from Jabneh to Usha to Jabneh and finally back to Usha) indicates the ultimate spiritual supremacy of Galilee over Judea, which had become depopulated and devastated by the wars of Hadrian. The rabbis who attended this synod at Usha were called⁽⁷⁶⁾ חשיא דבבא, those who went to Usha, and R. Ishmael is mentioned as one of them.⁽⁷⁷⁾

The decrees which the synod of Usha instituted are known as the חשיא דבבא, the ordinances of Usha. As previously stated,

the majority of these decrees may well have been determined upon in order to counteract the propaganda of growing Christianity. The Christian disciples of those days were making an active bid for new adherents, and were scattering among all peoples, and especially among the Jews, as even in modern times, among the Jews who, in desolation and poverty because of the wars, were more susceptible to their enticements, measures and doctrines which were opposed to family life. The Christians asserted, for example, that it was better for a man to live alone than to have and support a family. The Christians had inherited this doctrine from the Essenes, their predecessors, and this preachment against family life is common to all the four gospels.

(78)

One Evangelist states that the kingdom of God will not come until marriage is abolished from the earth and there is no longer a distinction between man and woman. Likewise Paul wrote in his Epistle to the Corinthians that the Torah permitted marriage and intersexual relationships only as a means of stilling man's evil inclination. This doctrine of the abolition of marriage and family life, concomitant with the belief in asceticism which the Christians had inherited from the Essenes, and which included contempt for property and worldly goods, induced many people to squander and scatter and give away their possessions and property. All the early Christians wasted their wealth, calling themselves Ebionites (עביונים, poor,) declaring, "Happy the poor, for they shall inherit the kingdom of heaven" (79)

many other passages and parables in the New Testament confirm this statement (80)

The rabbis, realizing the danger, therefore instituted the first decree of Usha, to the effect that the one who wished to squander his possessions must not squander more than one fifth.

(81)

וְאֵלֶּיךָ יָשָׁב וְלֹא יֵצֵא מִן הָאָרֶץ (81)

They saw that the indiscriminate dispersing of property would re-

(b) The second ordinance off Usha.

The reason for this law can be easily seen on the hard

...it was to counteract the possible influence this Christian teaching would exercise and probably was actually exercising upon the life of the Jewish home that the rabbis at Jena laid down the

hard and fast rule that a man was in duty bound to support his minor children, it appears that likewise in the case of this law a previous unofficial injunction or mutual agreement ⁽⁸⁶⁾ existed, but at the time of Usha, in view of the more serious situation, it was voted upon and passed as a law.

(c) The Third Ordinance of Usha.

הכנסת כל נכסיו לנכדו
הוא וכל נכסיו לנכדו

This law provided that in case a father deeded his property over to his son during the lifetime of the father both he and his wife were to be supported therefrom by the son. As to the reason why it seems to have become the custom in those days for people to deed their property to their sons we know little, if at all. Perhaps it was in order to avoid the payment of a heavy tax imposed by the Romans. Perhaps it was because parents wished to give over their material property to their sons in order to enable themselves to study and spend the last few years of their life among their books, free from worldly cares, in conformity with the truly inspiring dictum of the rabbis that one should not labor for material things till the very last day of his death. Hence this practice arose, beneficial from two standpoints: i.e. it enabled the aged parents to study Torah, and it assured the transmission of the property of Israelites to Israelites, for one of the pressing needs of the times was the strengthening, not only of Israel's spiritual status, but also of its material basis. Due to the fact that many sons whose parents had deeded over their property took advantage of them the rabbis at the Usha synod passed the decree that the son is obliged to support ⁽⁸⁷⁾ the parents, and, as the later interpretation said, also his younger brothers and sisters, the support of whom would ordinarily have devolved upon the father.

(d) .The Fourth Ordinance of Usha.

האשה שחכרה בנכסי חזון ב"ח" בעלה וקנה הבטל בוציא מיד הל'חזון

This law provides that if a wife sells her marriage portion while her husband is alive, the husband at her death may legally take the property from the purchasers. The most probable idea underlying the decree is to strengthen Israel materially and to prevent the property of Israelites from coming into the possession of non-Jews and sectarians. It seems that this law likewise (88) was known in the days of Hillel and Shammai, both of whom admitted that if the wife sold it the husband could get it back from the purchasers. But, as was the case with two of the preceding laws, this unofficial law was taken up and adopted at Usha and fixed as a legal norm, probably because the danger from, and the fear of, the non-Jews and sectarians was greater in the days of the Synod, and the rabbis wished to take added precautions to prevent Israelitish property from being controlled by non-Jews.

(e) The Fifth Decree Of Usha.

שהא אדם מתגלגל מן ה"ב שנה סבא ואילך יכיר גמול ב"ח"ן

That a man should support and provide for his son till he is twelve years of age, and give him the means to study, and should then, if he wishes, teach him a trade (1"ח 1"ח 1"ח) and provide him with the means of earning a livelihood. The purpose of this measure is manifest, i.e. to make it incumbent upon a father to support his young children, especially in an educational sense, until they arrive at the age when they are capable of supporting themselves. This (89) ת"ח may have been directed against the teaching of Mark, who said, "Suffer thy little children to come to me", and intended to keep the young children away from heresy. The words 1"ח 1"ח 1"ח have been misunderstood by the Talmud, which regards them as meaning that, whereas up to the twelfth year the father must

ש'יוא אדס / א אא א'א

(91)

ששה עשר שנים | את התרומה

(92)

(94)

נחנו באושא ואמרנו אהרן אלהינו בין למקדש בין לשביעית

This law is introduced by the phrase חזקתא דאורייתא
 instead of the usual ההיא דאורייתא, which fact, however, makes no difference, since the method of the ההיא דאורייתא was by a דאורייתא vote. What the purpose of this decree was, whether it was actually passed by the Usha Synod, and the circumstances leading up to it, all this is a matter of conjecture and speculation (95).

(h). Eighth Ordinance of Usha.

אין מנדין אורחין אלא אורחין דאורייתא
אין מנדין אורחין אלא אורחין דאורייתא
 or, according to the jeruschalmi version, אין מנדין אורחין אלא אורחין דאורייתא

This decree may well have been a protest against samaliel's (11) promiscuous use of the ban. It instituted that only a member of the assembly who had given offense at least several times could be pronounced to be under a ban, and it did away with too frequent banning on the part of an arbitrary nasi.

(i). Ninth Ordinance Of Usha.

אין מנדין אורחין אלא אורחין דאורייתא

The reason for this decree, apart from its seemingly manifest one, is likewise obscure. In fact, these last four decrees which are found in different places seem to have a different and less authentic tone than the first five which are all quoted in b. Kesuboth 49b-50a. There is a great deal of doubt in my mind whether these last four were really decreed at the Council of Usha or were added as legendary subsequently as a modification or amplification. At any rate they are all obscure and doubtful, not only to the Gemara, but also to the later commentators and modern writers, and ~~more~~ they differ materially in content and in intelligibility from the first five which were at least the most important of the decrees and those which the assembly took up first, in accordance with the conditions of the times. Probably after they had finished discussing (and we may be sure that these discussions took no little time) the vital ques-

tions, they turned their attention to less important subjects. No doubt, too, many other decrees were made at Usha, but they have not been transmitted to us.

In due course of time, after a rather lengthy session, as must have been the case for the completion of such important business, the assembled rabbis expressed their appreciation of the hospitality of the people of Usha. Rabbi Judah b. Ilai, whose home was in Usha, spoke concerning the glory of the Torah. The rest of the inaugurators of the assembly delivered short sermons in which they thanked and blessed the Ushaite warmly for the kind treatment and for the hospitality which they had shown to them. The fact that Judah b. Ilai alone did not thank the people for their hospitality but thanked the various rabbis for the trouble they had taken in coming to the assembly from a distance of between ten and forty miles indicates that he was a native of the town. It was on the last day of the synod, after the work was over, that the people of Usha were admitted to the assembly place and that the assembled rabbis expressed their gratitude for their hospitality. Several sources (97) state that four and three teachers respectively delivered the sermons preached at Usha in the vineyard at Jabneh. The similarity and identity of the names prove that both sources describe the session at Usha, and that the words *בבית* *בבית* are a mistake, due to lapsus linguae, for *בבית* Usha, since in Jabneh, the regular seat of the assembly, no vote of thanks to the people for their hospitality would be necessary, whereas in Usha, a strange city, these sermons of thanks and appreciation were very apropos. We may call this custom the predecessor of our modern custom of giving a vote of thanks to the people of the town where assemblies are held, as do the Union of American Hebrew Congregations and the Central Conference of American Rabbis.

The Nasi at the time of the synod of Usha was Rabban

Simeon b. Gamaliel II of Jabneh. He however took no active part in the assembly, but kept himself aloof, the reasons for which act are not precisely known. It is quite likely that Simeon was too young at this time to officiate, or the probable reason was that he refused to represent Judaism officially at the synod, fearing that his connection with it might be misconstrued (by the Roman government). Rabbi Meir, according to one authority, who was the real head of the Usha Council, had had a quarrel with Rabban Simeon b. Gamaliel II at the time, and for this reason Simeon did not come to the assembly. Be it as it may, he was not present at Usha, the reason for which is to be selected from and sought in the three above-mentioned possibilities.

These are the most important facts concerning the place of the assembly, date, cause, and enactments. The assembly at Usha was of great benefit to the future development of Judaism. Through its decrees Judaism, which had been almost disrupted and dissolved during the period of the Hadrianic persecutions and the Bar Cochba revolt, took a new lease upon life. The assembly was the greatest thing which could have happened and which could possibly have been done for instilling new life blood into the body of the religion. The synod, where so many scholars met once again after the harrowing period of abuse and persecution and prohibition, inspired them with a zeal for the law which persisted down through the centuries. The law was the remedy which brought our faith health and strength in those days. The legislation which was enacted at Usha, though mostly concerned with the civil life of the people, yet strengthened the bonds of the family, the home and of the heart. Many were deterred from deserting to Christianity, many were made better and more devout Jews, and though we search the sources in vain for some inkling as to the exact results of the council, we can easily surmise the effects these decrees had. The decrees of Usha may have been fairly

well observed during the times when they were enacted, but they no doubt soon outgrew their usefulness and became unnecessary. Certain sources (98) seem to indicate that the institutions of Usha were not binding, that at least certain ones of them had no legal force, and that it was next to impossible to attempt to enforce their observation but I believe that all these reports refer to the days before the synod of Usha when they existed as semi-official laws with no legal force. There is no reason in my mind for doubting that the decrees of Usha, at least in the majority of cases, were scrupulously observed by rabbis and laymen alike. This, however, is not a very important matter. Little difficulties are bound to crop out here and there in any Talmudic dissertation, without, however, impairing or obscuring the main events and occurrences.

The synod of Usha enabled panting and exhausted Israel to recuperate from the terrible effects of the preceding days. It successfully resisted the advances of Christianity, succeeded in improving family conditions, settled many doubtful points of law, and gave the faith a religious momentum which carried it along for many years. Therefore the place which the synod of Usha has in the history of Judaism cannot be gainsaid.

CHAPTER FIVE

THE ASSEMBLY IN THE VALLEY OF RIMMON.

(99)

An interesting passage in the Talmud Jeruschalmi recounts to us a very interesting story concerning a very unusual and romantic assembly which took place in the Valley Of Rimmon and the unusual circumstances which attended it. It states that at one time seven rabbis, namely, R. Meir, R. Judah ben Ilai, R. Jose b. Chalaftah, R. Simeon b. Jochai, R. Nehemiah, R. Eliezer b. Jacob, and R. Jochanan Masandler, entered the valley of Rimmon in order to intercalate the year. The intercalation of the year was seemingly agreed upon without dispute, but a violent discussion arose between R. Meir and R. Jochanan Masandler with reference to the degrees of holiness and to the Jerumah. Despite this they later became reconciled and kissed each other at parting, and the one who had a whole garment tore it in halves and gave one half to his friend who had none. In order to commemorate the synod each rabbi drove a nail into a block of marble which lay near by and this block was henceforth called the "nailstone".

This synod may well have been incorporated into the chapter concerning the synod of Usha, because in reality this synod is a forerunner or predecessor to the Usha Synod, but since the Council of Usha is complete in itself we have chosen to describe it as a special synod despite the fact that only seven rabbis are mentioned as having participated in it. With the exception of one man the names of those who were present at this Rimmon Assembly are identical with the seven inaugurators of the synod at Usha. At the time of the Hadrianic persecutions and the decree against the study and practice of the law, many rabbis fled to various places in order to protect themselves and to escape the wrath of the Roman government, when the Had-

rianic edict was revoked in 138, these seven rabbis, who seem to have exiled themselves to approximately the same district, set out themselves back to their homes. On the way back they passed through the Rimmon valley, wherein they most likely met according to previous agreement (100) in order to decide the fixing of a leap year since, as a result of the years of warfare and persecution, the proper fixing of the calendar was interfered with and the calendar had consequently gotten into disorder. This matter was arranged to the satisfaction of all concerned, and the year was interpolated, but in the course of the discussion a dispute arose as to how Akiba had taught a certain law. Jochanan Hasandler, in contradicting Meir, asserted that he had listened to Akiba longer standing than Meir had sitting. Meir retorted that, since Jochanan was an Alexandrian, he consequently was not an expert in traditions. A reconciliation took place and the nailstone was erected, as has been stated above.

(101)

From Rimmon the seven scholars proceeded to Usha, the home town of Judah b. Ilai. Upon their arrival in Usha they determined to hold a synod of all the prominent rabbis of the time, and for this purpose they issued a call to all the rabbis to convene. The calling of the synod may well have been determined upon before the arrival at Usha. The results of the Usha synod are already known to us. Hence, the assembly in the valley of Rimmon, though different from the Usha synod, was the forerunner to it. The argument, the reconciliation, the dividing of the garment, and the setting up of the nailstudded rock as a memorial give us a graphic picture of the ceremonies attending an ancient synod, just as the speeches and sermons of thanks present to us a fine picture of the Usha Synod. Aside from its significance in leading up to the council of Usha and throwing light upon it and its unique portrayal of the characteristics of an ancient synod, the assembly in the valley of Rimmon has no great importance for us.

CHAPTER SIX

MINOR TANNAITIC ASSEMBLIES.

In the preceding chapters we have taken up the five great assemblies of Tannaitic times. In the following chapter we shall endeavor to explain various minor assemblies. The difficulty lies in the fact that the sources in these cases, far from being heterogeneous, superabundant, and confused, are too meagre and scanty. Some of the minor synods quoted under this head seem not to have been synods; others seem to have been but lack some of the fundamental characteristics of synods. At any rate, in view of the fragmentary nature of the evidence, the description of the assemblies themselves will be fragmentary.

(a). The Assembly in the upper chamber of Jechanan b. Besayra.

We read in D., Menachoth 41b that the elders of the Shammites and the most influential of the Hillelites entered the upper chamber or garret of a certain Jechanan b. Besayra and issued a statement that the Zizith had no fixed limit or measure as to the number of threads. This matter, the same as the question of the length of the Lulav, seems to have been a mooted question between the Shammites and the Hillelites for quite a long time. It must not be considered that it was a matter of idle speculation, when we realize that every Jew in those days, whether they were Shammites or Hillelites, wore a Zizith every day of his life, it can readily be seen that it was a matter of great importance for the people to know the exact provision with regard to the number of threads in a Zizith, since each person wished to fulfill the requirements of the law as scrupulously as he could. If one followed the Shammites, the Hillel-

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assemblies or meetings of the rabbis, and the rabbis could therefore have met in open session without the slightest fear or molestation or danger. Hence, as far as we are able to judge, the approximate date of this assembly is around 50, leaving a period of about thirty five or forty years after the death of Hillel for the development of the two schools and the milder forms of disputes. Nothing is known regarding the personality of Jochanan b. Besayra, not even to which school he belonged. Nothing is known concerning the result of the assembly other than that it represented a compromise between the two schools, a fact which would tend to prove that the assembly must have taken place before the disputes between the two schools grew so serious as to preclude all chances for compromise. The assembly was no doubt welcomed by the people, inasmuch as it gave them the freedom to choose between the two schools or to follow, without the least pangs of conscience, the teacher to whom they felt inclined, at least in the matter of the Zâzith.

(b) The Meeting in the house of Jochanan b. Nachuranis.

We are told in the Mishna that, at one time, the Hillelites and the Shammaites had a dispute concerning the Succah. The Shammaite party maintained that if one had his head and the major part of his body inside the Succah while the table was ^{the table} inside, it was unfit, while the Hillelites averred that it was fit. The Hillelites therefore pointed out to the Shammaites that, some time previously, the most prominent members of both schools had gone to visit a certain man named Jochanan b. Nachuranis (son of the Churanite woman), and had found him sitting in his Succah in the position which the Hillelites had stated was permissible, and that none of the Hillelites or

Shammaites had said anything to him concerning it. Whereupon the Shammaites retorted that such was not the case, but that the assembled members had told him that he had never properly fulfilled the commandment concerning the Succah if he had always sat in that position

Nothing is known of this assembly, for such it seems to me to have been, except what we have stated above. The word ^{7,25} seem to imply that it was just an informal visit, but this word was used likewise in the case of the assembly of Chananiah. On the other hand, the fact that the elders (i.e. the most prominent members) of the two schools came to visit him indicates that some important reason led them to convene. Nothing is told us concerning the results of this meeting although there probably were some. Probably a few points of difference were adjusted, as was the case at the preceding minor assembly. The date of this session may have been any time from 15 to 50 C.E., the reasons being the same as those which induced me to place the preceding assembly between 50 to 64, namely, the fact that the terminus a quo is the year 15, a few years after the death of Hillel, and the terminus ad quem is about 40 or 50, the time when the rule of the procurators began to weigh heavy upon the people and frequent trouble and clashes broke out, at which period open assemblies such as this one seems to have been were forbidden and secret assemblies in garrets took their places ⁽¹⁰³⁾.

(c) The Baba ben Buta Assembly.

For many years there was constant friction between the Hillelites and the Shammaites, which began even in the days when Hillel was alive. The Talmud Jeruschalmi ⁽¹⁰⁴⁾ tells us that at a certain time, Hillel had a dispute with the Shammaites concerning an act which he had done with an animal he had brought to the Temple for

a sacrifice. he managed, however, to put them off (D'7272 / 1507)
and they departed. A few days later, however, the Shammaites gained the upper hand and sought to fix the halacha in accordance with their opinion, but due to the presence of Baba ben Butah, one of the more moderate of the Shammaites, who acknowledged that the law was in accordance with the opinion of Hillel, the Shammaites were prevented from carrying out their intention and it was made a law in conformity with the view of the Hillelites.

This assembly took place in the days when Hillel was still alive (born around 70 B.C.E.) and was an old man (177 SS7,) therefore within the two decades preceding the birth of Christ. A date of 15 to 10 B.C.E. would make Hillel an old man of 65 or 60 and this date is the most probable one. The date is further determined by the fact that Baba b. Butah, a disciple of Shammai (105) was blinded by Herod, who died 4 B.C.E., and must therefore have attended the assembly before that time. The foregoing dispute may have taken place in the regular school-house or assembly hall, but this is nowhere stated as having been the case, while on the other hand, the expression X612 / 2 X22 OW 7771, "and Baba b. Butah was there", itself an unusual expression, may be taken to indicate an extra-San-hedral location, but where it was is unknown. At any rate the Shamma-ites, a few days after they had been put off by Hillel, found themselves to be in the majority (7' 772A) at a certain^{sition} with the result mentioned above. This is only another of the series of conflicts between the two opposing schools, and it is not unlikely that many of the details concerning this assembly as well as others were intentionally omitted and disregarded.

(d).A Minor Assembly Of the Hillelites and Shammaites.

We have seen from the preceding that the disputes and differences between the hillelites and the shammaites provided the motive and incitement to the two great assemblies of Chananiah and Jabneh, but that they also were the background of the three minor assemblies which we have just discussed. These disputes led to the convening of the leaders of the two schools whenever a disputed matter of great importance had to be settled, and it seems very probable that many more such assemblies than are reported in the Talmudic sources actually occurred. And herewith the Talmud reports about a fourth assembly of this kind.

(106)

We read in a passage which, strangely enough, contains a variegated report of the Chananiah synod, that the two schools were involved in a dispute regarding persons who had placed vessels under a water-spout in order to gather up the rain-water. The Shammaites, without reservation, due to their fear that the vessels might have been contaminated by the non-Jews, declared such vessels as rendering the bath unfit, while the Hillelites, making a distinction between one who forgot it there and one who placed it there, declared that only in the latter case would the bath be rendered unfit. A split between the two schools was thus created, until, as our passage informs us, a vote was taken; the Shammaites proved to be in the majority, and therefore fixed the law according to their way, but granted the hillelites the concession that if one forgot a vessel under a spout in a private court, the bath was not rendered unfit.

(107)

Many scholars regard this as being a part of the assembly of Chananiah and state that this law was one of the eighteen or thirty six decrees passed by the Shammaites over the Hillelites. But, as it seems to us, this view cannot be maintained in the

place of the following facts:

(1).The law *לֹא יִשְׁתַּחֲוֶה אִישׁ לִבְרֹתָיו* was not a subject calculated to have been taken up by that zealot Shammaite assembly who were bent on setting through their anti-heathen legislation despite all obstacles.

(2).it is not included in the original list and therefore must be a special point of difference at a different time.

(3).In connection with this law the Shammaites granted the Hillelites a concession,whereas at the assembly of Chananiah no concession or agreement was possible.Hence I choose to regard this as a special minor assembly which took place most probably a short time before the Chananiah assembly and formed one of a series of several minor assemblies at which the prominent Hillelites and Shammaites got together and decided certain disputed points for the guidance of the people,as we have explained at greater length in connection with a preceding assembly.All details concerning the time, place,and inner circumstances of this meeting are lacking,and we are left in the dark as to whether or not other matters besides the one at issue were discussed at this session.All this,however,is a subject of speculation.

(e) The Assemblies in the Shadow of the Dove-cote in Jabneh.

(108)

Rabbi Tarphon,so two passages of Talmudic literature

inform us,was seated on Sabbath afternoon in the shadow of a pigeon-house or dove-cote in Jabneh,surrounded by a group of his pupils or of the elders of the times (109).Here various questions were asked of Tarphon and answered,but they are of such a trivial nature that it is unnecessary to state them.

To my mind it appears that it was not a regular assembly, but just a friendly round-table Shabbas-nachmittag discussion such as the Orthodox are wont to have in the Schul today, every Sabbath at minchan. Tarphon, the teacher, would give his pupils a little מדרש or embryonic Midrash. This custom no doubt extended throughout many a year, and must have taken place between 116, after the assembly of Jabneh, and 125, the beginnings of the revolt against Trajan which led up to the Hadrianic persecutions a few years later and to the consequent prohibition of the study of the law. Tarphon, as we have already seen, took a prominent part in the assembly of Lydda several years later. What the $\text{בית$ was cannot be determined with absolute definiteness. It most probably was a large building in a garden and the rabbis sat in its cool shade on the hot Sabbath afternoons. It may likewise have been the name of a person who accorded the rabbis the privilege of using his grounds for the meetings. At any rate this meeting has no importance, for nothing serious was discussed, there were no problems to settle, no conditions to legislate for, and no results to be obtained.

FINIS

PART II.
APPENDIX-NOTES AND BIBLIOGRAPHY.

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NOTE 2. $\text{לָרָא} \text{לְרִיבָה} \text{לְרִיבָה} \text{לְרִיבָה}$. frequently $\text{לָרָא} \text{לְרִיבָה}$ in later sources. M. Sabb. I, 4 reads $\text{לָרָא} \text{לְרִיבָה}$.

NOTE 4. b.Sanh.41a.

This report, though fairly accurate as to the actual state of affairs yet gives the impression that the assembly took place during the lifetime of Millel and Shammai and that they set up the swords in the school house. This, however, cannot be the case, since the whole scene is enacted in and before the garret of Chananiah. If we understand by ^{ל'א} ^{ל'א} the ^{ל'א} ^{ל'א} and by ^{ל'א} the ^{ל'א} and take the words ^{ל'א} as referring to the armed guards set up by the Shammaites before the house of Chananiah, the difficulty will be removed and the otherwise unintelligible verse will be clear. This zealot assembly is the only one in which swords and armed troops played an important part, and at no other time, either before or after, did conditions warrant the introduction of armed force in order to establish certain decrees. Certain scholars, probably misled by the above difficult passage, place the enactment of the eighteen decrees in the oldest times of Beth Shammai and Beth Hillel, i.e. long before 66; so, e.g. D. Hoffman (Der Oberste Gerichtshof). See Note 7. One scholar (S. Zeitlin) holds to the view that the Shammaites forcibly prevented more Hillelites from entering the garret so as to be able to keep their majority. However likely this may be, the verse ^{ל'א} ^{ל'א} ^{ל'א} seems to argue against it.

NOTE 7. בתשעה באדר גדלו תענית שנחלקו ב' שב'ה

This can refer, if it is at all reliable, ~~only~~ to the frequent dis-

cussions of the two schools but to a definite day on which an irreparable, as it seemed, breach between the two schools occurred and which was considered unlucky. Hence it may refer to the Chananiah assembly. However, the date 9th of Adar is nowhere confirmed and is immaterial, and it seems to be only one of the legends or traditions which later arose as embellishments of the unique assembly. Whether or not a fast day was actually decreed and if it was observed if decreed is problematical.

Klueger (Genesis und Composition der Halachasammlung) places the assembly a few years before 66, in the time of comparative peace and before the actual revolution had broken out. Weiss (I, 186) places the assembly a little after the death of Agrippa I. (44). Neither assumption, however, seems to be justified in the face of the above-mentioned facts. Klueger himself states that the assembly must have taken place in the first presidential year of Simeon II, when procurator Felix provoked the people to desperation, when the Syrians in Caesarea declared the Jews to be without rights, and when the Jews in Alexandria were made to suffer terribly from the hatred of the Greeks. At any rate, Klueger admits that it is difficult to ascertain the exact date of the synod with certainty, but the condition of the times and the excitement prevailing about which he speaks indicate a date around 66 for the adoption of these harsh anti-heathen measures in the face of the fact that they probably caused a lot of harm to the Jews. The presupposes a time of deepest pressure from without and the breaking out of the bright and unquenchable flame of hatred against the foreigners in the hearts of the Jewish people.

NOTE 8. b. Sabb. 17b.

NOTE 9. b. Sabb. 17a. The passage from דמא דא - דמא דא has reference to the Chananiah assembly, but it was taken out of its original place probably accidentally, and put in a place in which it does not belong.

NOTE 10. b. Sabb. 153b and Hashi to the verse.

NOTE 11. j. Sabb. I, 7.

NOTE 12. One of these is in b. Sabb. 13b-17b, a very involved and long drawn out account. The second is in j. Sabb. I, 7, quoted under the name of the rabbis of Caesarea who were quoting an anonymous Beraytha. The third is in the same passage, quoted as an anonymous Beraytha, while the fourth is the authentic account quoted under the name of Simeon ben Jochai. The simplicity and straightforwardness of Simeon b. Jochai's narrative as compared with the other three is very striking. The other three bear all the earmarks of traditional amplification and embellishment and can hardly be taken seriously (see Note 13). That the above-enumerated eighteen are the original ones is confirmed by the fact that bread, cheese, oil, and daughters are common to all the four accounts, while such laws as דמא דא - דמא דא and other impertinent things are absolutely omitted from Simeon b. Jochai's report. b. Sabb. 17b states unequivocally that bread, oil, wine, and daughters were of the eighteen decrees.

NOTE 13. It is not difficult to understand, once the original decrees have been ascertained, how and why such confusion in the sources and such a heaping up and amplification of the eighteen decrees came about. The recollection of the synodal day which marked the triumph of the Shammaites naturally was not a very pleasant one to the Hillelites. This can easily be seen from the evasive answer given in b. Aboda Zarah 29b by R. Joshua to R. Ishmael who was inquiring as to the reason for the prohibition of cheese, and from the fact that he finally avoided an answer altogether and led him over to another topic as though loathe to discuss the circumstances leading up to the prohibition. This is the same R. Joshua who, in b. Sabbath 153b protested against the eighteen decrees, stating that on that day the Shammaites had overstepped the bounds and had blotted out the proper measure. Hence, what was more natural than that, when the Hillelites later regained the upper hand, they should try to obscure the original eighteen and the attendant circumstances, should introduce other, fictitious decrees to make it appear that the Hillelites had taken a part in the proceedings of the synod, and had agreed to the passage of a second set of eighteen laws directed against the heathens without a quarrel. But the same reason which made the Hillelites so loathe to pass the original eighteen decrees against the heathens, except under compulsion, would have prevented them from passing the second set which tertiary sources speak of as having been passed unanimously. Add to this the fact that the original 18 as quoted by Simeon b. Jechai were lost track of because of the additional spurious decrees. D. Sabb. 15a speaks of 36 decrees, or two sets of 18, stating that one set was passed unanimously, and that the other set was passed on the second day after an all-day dispute. The absurdity of this legendary story, aside from the fact that it represents the synod as having lasted two days, is manifest. J. Sabb. I, 7 states that there were three sets of decrees; one set was decreed without discussion; one set was disagreed upon, but an adjustment took place; and the third set was absolutely disagreed upon. This third set is indicative of the attempt of subsequent Talmudical scholars to explain away the whole victory of the Shammaites by stating that the Hillelites had had an equal share in the passage of 36 of the laws. The statement concerning the two sets, one which they decreed with the consent of all and one about which they differed at first but subsequently agreed upon seems to be the last link in the chain of propaganda, the object of which was to deprive the Shammaite party of the last vestige of glory and victory and to make the facts of the assembly more and more obscure. Even Klueger and Zeitlin admit that the eighteen which they decreed and the eighteen upon which they at first differed and then later reached an agreement are the same and that there were therefore only two sets of decrees at the most.

As further proof of the tendency to harmonize the difficulties or to explain them away entirely, cf. the verse אֵלֶּיךָ יָשָׁב וְלֹא יִשָּׁבְרוּ
וְלֹא יִשָּׁבְרוּ וְלֹא יִשָּׁבְרוּ
Both this statement and the וְלֹא יִשָּׁבְרוּ וְלֹא יִשָּׁבְרוּ are impossible and authentic because of the verse וְלֹא יִשָּׁבְרוּ וְלֹא יִשָּׁבְרוּ
וְלֹא יִשָּׁבְרוּ וְלֹא יִשָּׁבְרוּ, which proves that the whole assembly took place on one day. Still further proof of this tendency is Rashi's explanation of the וְלֹא יִשָּׁבְרוּ וְלֹא יִשָּׁבְרוּ to mean וְלֹא יִשָּׁבְרוּ וְלֹא יִשָּׁבְרוּ i.e. to prevent any one from leaving because they wished to take a vote or all the members. The later rabbis tried to smooth it out by saying that only Hillel was involved and not the school of Hillel, in the defeat (cf. Rashi too took it in this sense. b. Sabb. 17a).

perhaps this same desire for clouding the events and minimizing the importance of the Shammaites' victory led those who wrote up the meeting (Hillelites) to refer to the eighteen decrees in a semi-contemptuous manner as the "18 things", the 18 things, i.e. without the legal force and authority that regularly enacted laws have, and that for this reason another authority stated that, although all the other laws could be annulled under certain conditions, nobody could annul the "18 things", because they were passed at the risk of people's lives even after actual bloodshed. Some scholars, e.g. Klueger, take the passage in b. Sabb. 15a which speaks of two sets of decrees, as an attempt at compromise on the part of the schools on that very day, but it is better taken as explained above, since the authentic eighteen decrees passed by the Shammaites were sufficient and they accomplished thereby their complete objective.

NOTE 14. S. Zeitlin in his excellent essay "Dix-huit mesures" (Revue des Etudes Juives) speaks of two sets of eighteen, the first set consisting of laws against the pagan food articles, social relationships with the pagans, against accepting pagan gifts, a law against emigration from Palestine by declaring the pagan land unclean, and two or three ritual laws, e.g. *לֹא יִשְׂרָאֵלִי יִשְׁאָל בְּרֵיכָהּ*, in all, thirteen of the eighteen being identical with thirteen of the authentic laws, the other five being culled from among the great mass of laws quoted in the amplified subsidiary sources. The second set of eighteen, he says, consists of laws passed against the Saducees, who were a disturbing element from within. The purpose of the measures against the priests, states Zeitlin, was to deprive them of their income of Terumah, and by the decrees of this session the Pharisees made it almost impossible for the Saduceean priests to eat Terumah, and there was no opposition from the Hillelites in the passage of these anti-Saduceean laws, since the Hillelites hated them as much as did the Shammarites. For examples of these anti-Saduceean laws cf. M. Zabim V, 2 12, M. Tah. IV, 5. What we stated above about the nature and purpose of the assembly will suffice to reject this view. That the Shammarites at a session in a time of religious and political persecutions by the heathens, a session held primarily to enact retaliatory laws against the heathens and to forbid all intercourse and interrelation with them should have concerned themselves with anti-Saduceean legislation seems altogether incomprehensible. whereas *almud jeruschalmi* states *אין נאמר שם שם ה' וכו' אין נאמר שם שם ה' וכו'*, it is nowhere stated that decrees against the Saducees were passed. These so-called Saduceean decrees must therefore be relegated to the category of legendary decrees, which originated later and which had no place among the original eighteen.

NOTE 15. The words *DP 2 12* usually are taken to refer to the day when R. Elazar b. Azariah was appointed in place of the deposed Gamaliel II of Jabneh, but here in j. Sabb. 1, 7 the context clearly indicates that they refer to the assembly of Chananiah, as in m. Sabb. 1, 4, b. Sabb. 15a, 17b, and elsewhere. In other words, *DP 2 12* and *DP 1 111* must be taken with reference to the context and can refer to any great event or to any great day which is under discussion, although in general it is true that in the majority of cases, cf. m. Ma'adim, the words *DP 2 12* refer to the day of Gamaliel's deposition.

were not discovered long before or were not taken into consideration previously, or whether or not the whole question of the Canon came up around this time, cannot be answered definitely. At all hazards, from M. Jadaim III, 5 and Eduyoth V, 3, the products of later times, where a controversy is mentioned regarding Kehleth and the Song of Songs, and where it is stated that an attempt was made to reject them from the Canon, it seems that at Chananiah's time the Canon had not yet been determined and the statement in Tosefta Jadaim that Ben Sirach etc., have no canonicity no doubt was made about this time as the result of this activity. At any rate, it seems that a certain group at that time was in favor of removing Ezekiel from the Canon. Hence Chananiah (or Chananiah and his school or band (*חנניה ופלו*) set about the task of harmonizing the book and the Bible, and succeeded, as witness the extravagant praise bestowed upon him by his admiring followers. There seems to be no reason for doubting the authenticity of the statement of Jehudah in the name of Rav, concerning Chananiah's part in the preservation of Ezekiel, and of the statement of the Rabbanim that Chananiah and his band wrote the Megillath Taanith, because they liked to endear their suffering. All the foregoing is evidence that at the time of Chananiah a canonization movement took place.

NOTE 22. The Megillath Taanith which was collected and written down at the time of Chananiah and by Chananiah must have been different from the one extant today. (See Graetz, vol. III-3rd Ed. Note 1.) The notices about Trajan and Hadrian (XII, 2 and 8) must have been added later. The book itself indicates compositeness and development.

NOTE 23. Graetz (Geschichte vol. III, note 26), (cf. too pp. 369-389 and passim) believes that Chananiah's son Eliezer should be credited with all the above-mentioned activities. In brief, he bases his argument on a passage in Seder Nadoroth which ascribes the writing of the Megillath Taanith to Eleazar b. Chanania b. Chizkiah b. Garon, likewise upon a corrupt passage in Ebel Rabbati (c6) which he makes read according to his way by amending the text, and also upon two equivocal passages in Mechilta Parasha Jethro 7 and Salkut to the Pentateuch 295, where the name of Eliezer b. Chananiah b. Chizkiah b. Garon is mentioned in very unimportant connections, and likewise upon the statement of Josephus in Wars, vol. II, 17, 2 that Eleazar the son of Ananias the high priest persuaded those who officiated at the divine service not to accept gifts. Graetz says that this Eleazar, the leader of the zealots, is identical with Eliezer, the son of Chananiah b. Chizkiah b. Garon; that he gained several victories over the Roman troops; that Chanania (Ananias) belonged to the peace party, that his house was burned down by the sicarii, the ultra-zealot murderers, and that he was finally killed by the zealots in a sewer in which he had tried to hide; that Eleazar himself gave the impulse to the passage of the anti-heathen laws and to the collection and writing down of the calendar of victory, and that, as an indirect result of the whole affair, the question of the Canon was discussed and Eliezer himself saved the book of Ezekiel from being placed among the Apocryphal writings.

Mirsch, in Jeshurun, II Jhrg, 5616, p. 424sq., and Weiss, Geschichte der Juedischen Tradition, I, 187, give excellent material in refutation of Graetz's view, which Graetz himself admits is full of lacunae and unproven assumptions. It is not our purpose to refute

Graetz. We merely mentioned him in order to acquaint the reader with his improbable yet interesting theory, as further proof of the obscurity of this subject and the great differences of opinion and diverging views prevailing among the scholars. Bacher, too, as is evident from his statement in *Maggada der Tannaiten*, p. 22, is inclined to agree with Graetz in many respects, though he states that Graetz's position has not been firmly proved. We wish here merely to suggest a few additional arguments in refutation of Graetz's view. In the first place, our source nowhere states that Chananiah was a high priest or even a priest, hence Graetz's identification of Eleazar the son of Chananiah with Josephus' Eleizer the son of Anania the high priest seems arbitrary and unjustifiable. The passage in *Seder Haderoth* is the only one which states that Eleizer b. Chananiah wrote the *Megillath Taanith*, and this may be due to a mistake in copying. All the other passages quoted by Graetz state minor and unimportant things in connection with Eleizer, but none of them mentions the assembly or the other activities in connection with him. On the other hand, the *Mishna* and the two *Talmuds* in all cases and unanimously ascribe these three great activities to Chananiah, and do not mention his son even once, all of which illustrates his unimportance.

NOTE 24. j. Sabb. I, 7.

NOTE 25. The sources state that before Millel and Shammai one Halachic question was the subject of contention (*ה'סנהדרין*) i. e. the question of the laying on of the hands (*ה'סנהדרין*) on the whole offering on holidays (j. Sanh. 19a, b. Chag. 16a). This strife about this matter persisted till after the time of Millel and Shammai, and was then decided and made a law. No doubt other Halachic questions were disputed in the pre-Millelitic period and were doubtful then, but the disputes must have been limited in number and were not and could not have been considered dangerous.

NOTE 26. b. Sanh. 88b; j. Sanh. 19c; Tosefta Chag. 2, 9. All these sources give a clear and concise and graphic picture of the conditions which permitted of no disputes. In all the large cities and in Jerusalem there were Beth Dins of twenty three members with the power to decide all doubtful religious questions. The Sanhedrin of seventy one on the Temple Mount was the court of final appeal and authority. If information was desired about a law, or if a difference of opinion existed, the parties concerned came to the nearest Beth Din. The court decided the matter on the ground of its traditions. If they were unable to settle it, the case was brought to a higher court, and eventually to the Great Sanhedrin. If it itself had no traditions on the basis of which to decide the matter, the members rose to a vote and according to the vote the law was decided and declared binding on all Israel. No disputes were possible because the Sanhedrin had the power to suppress all refractoriness of the individual against the majority. This method continued till the time of Millel and Shammai, when great religious disputes broke out in Israel and could not be settled, because of the disappearance of the Beth Din.

NOTE 27. b. Sanh. 41a.

NOTE 28. b. Sabb. 14b-15a.

NOTE 29. j. Chag. II, 2; j. Sanh. 19a.

שטאָ שמושו אָג 27 / כל צורכ/

NOTE 31. M. Beracoth I. 3.

NOTE 32. Cf. j.Jebam.15b, where H.Joshua was afraid to give an answer to a question disputed by the two schools because the two great mountains might crush his skull. I am inclined to regard this as a relic of the time when the disputes were not so serious, and to construe this remark as more or less humorous or sarcastic.

NOTE 33.b.Beracoth 27b.

NOTE 34. Later authorities (cf. Tos. Eduj. 2:4, j. Ber. 1V, 1) explain the vineyard in a figurative manner, i.e. that the assembly was held in the regular place of meeting and was called vineyard because the scholars were arranged therein in rows, like the rows of a vine in a vineyard, but this is openly a later midrashic explanation and there is no reason to doubt the literalness of the word vineyard. If the D70 is to be taken figuratively, there is no reason why the same simile should not have been applied to all the other assemblies in the Beth Din and only to the assembly of Jabneh.

NOTE 35. Tos.Eduj.I,1;b.Sabb.138b.The reading in b.Sabb. 138b is שְׁמַחַת מִיִּשְׂרָאֵל שְׁמַחַת תּוֹרָה whereas the Tosefta has מְתִירָה שְׁמַחַת שִׁירָה the difference in meaning,however, is slight,and both mean essentially the same thing.

NOTE 36.b. Beracoth 28a.

מגילת 12 ב' 2' 5

D'12 12, though, as stated in note 15, generally, referring once to the assembly in the upper chamber of Chananiah, in the majority of cases refers to the day of the deposition of Gamaliel 11 and the appointment of Elazar b. Azariah, and therefore refers to the day of the assembly in the vineyard of Jabneh, the nature of which directly implies that a collection of the then-existing laws was made at that assembly. D'12 12 is not to be taken literally, i.e. on one day, but refers generally to the events of that day and the assembly that grew out of it, and this assembly extended over a long period of time. Alueger took the word לללל to mean "repeated" instead of "taught", and states that on the day of Gamaliel's deposition לללל the Eduyoth collection, which had been gathered in and redacted in successive stages for some fifty or sixty years previously and on the day of the deposition already existed as a complete, לל separate book or law code, was repeated. This view, however, is untenable in my opinion (1). Because Alueger is at a loss to explain the reason why the collection should have been repeated on that day. (2). The word לללל generally means "teach" in the Mishnaic literature, and not "repeat". (3). The nature of the assembly demanded that some collection of laws be made as a future norm and all sources and scholars state that Eduyoth is that collection. (4). According to Alueger, the Eduyoth collection would extend over a period of fifty or sixty years, whereas the Jabneh assembly lasted, at the longest, for about three years. According to Klueger, there would have been no need for the assembly of Jabneh, and for the collection of laws if they had already been collected before then and set up as a

standard. (5). The different stages in the collection of the *Eduyoth* mentioned by Klueger are correct, in a general way, but instead, various additions were made to the collection after the synod, and not before the synod, such is the consensus of opinion among the scholars.

NOTE 37. D. Hoffman firmly believes in the *Mishna Rishonah*, the arranging of which took place in the days before 70. Adolph Schwarz as firmly doubts the existence of such a collection. Dunner, too, states that the *Eduyoth* collection was the first collection of the *Halacoth*. However, we may pass over this dispute hastily, because it concerns our main theme very little.

NOTE 38. D. Hoffman points out (המשנה הראשונה) that the number of all the laws in the *אין* is forty, and since it is hardly likely that this number is the result of an accident, it would prove that the *אין* which we have gives us only a part of the old collection from which they selected a definite number of chosen laws (בין).

NOTE 39. b. *Deracoth* 27a.

NOTE 40. b. *Erubin* 13b.

NOTE 41. *ibid*; j. *Deracoth* 1, 3b; j. *Setah* 19a.

NOTE 42. b. *Chullin* 44a.

NOTE 43. b. *Erubin* 13b.

NOTE 44. b. *Rosh Hash.* 14b.

NOTE 45. cf. b. *Jebam*. 15b; Elazar b. Zadok, though a *Shammaite*, followed *Hillel* in all respects in practice, it was *Shammaites* of this type who decided to abandon the dangerous struggle and assist in fixing the law according to the *millelites*.

NOTE 46. The passage "אין כדברי דה ואין כדברי דה" is a later interpretation from the standpoint of the later scholars after the *Millelites* and *Shammaites* were no more and only the *אין* were known. Naturally only two parties were at the synod of Jabneh, the *millelites* and the *shammaites*, and the *אין* were not known at this time. We are given to understand that the whole *Halacha* was fixed according to *Millel*. Accordingly even had the *אין* existed, this would be a contradiction if we really believe that certain of the laws were fixed according to the *אין*, as we are told in this later passage. Only later, when the *shammaite* party had disappeared, did the *millelites* become the *אין*, and only then could the *אין* be spoken of. Dunner likewise thinks that this passage is a later interpolation, although for a different reason.

NOTE 47. G. Deutsch "History of the Jews", p. 24.

NOTE 48. j. *Taanith* 67d.

NOTE 49. b. *Bera.* 28a:

בין אגמ'אין לא חגמ'אין חב'ת
הבדרש אכילו שמה אחת דתן
ו'אין 12

NOTE 50. Many other important questions were decided at the synod, according to tradition, on that day, e.g. the question whether or not a heathen of Ammonite descent could become a proselyte, which question was answered in the affirmative (M. Jadaim, IV, 1-4); and likewise the question whether or not Kehelath and Shir Hashirim were to be admitted to the canon, and this question too seems to have been answered in the affirmative. At any rate, we may be sure that any important question about which a dispute existed (*היה שם דבר*) was discussed at that assembly.

NOTE 51. Dr. Jacob Z. Lauterbach, in his excellent Jewish encyclopedia article on "The Mishna", states that as a result of the development of the Mishna of R. Meir and of that of R. Akiba on the basis of the Eduyoth collection every Tanna at the head of a school had his own Mishna collection in which the Halacoth of the preceding teachers as well as their controversies were differently expounded. As a result of this, the author states, the uniformity of teaching which the redactors of the collection had desired and had almost attained was lost again because there were as many teachings all different one from the other, as there were Mishna collections. In order to restore the uniformity of teaching, Judah Hanasi collected the present Mishna, yet this danger can in no wise be compared to the great pre-Jabneh synod danger. It was checked through the foresight of Judah Hanasi and never led to a synod, although it might have if it had been given a chance to develop further. At any rate it illustrates the fact that the work of the synod of Jabneh needed constant cementing and reinforcing in the future.

NOTE 52. b. Sabb. 138b; cf. Tosefta Eduyoth I, 1. The original words *אין אדם יכול לומר* was mitigated by the following rabbis into *אין אדם יכול לומר* j. Chag. II, 2.

NOTE 53. cf. b. Erubin 6b; b. Chullin 43b-44a; m. Eduy. VIII, 7; b. Krubin 13b, and elsewhere. The latter passage, which asks why the law was fixed according to Hillel if both were the words of the living God gives the naive answer that it was because the Hillelites were always willing to take insults and would quote the Shammaites' words first and then their own words. It is plainly an attempt on the part of some later rabbi who misunderstood the whole situation to explain the hard problem of how the Hillelites became preponderant. In M. Eduy. VIII, 7 the additional naive statement is made that Elijah would come to settle the differences of opinion regarding religious questions.

NOTE 54. Tos. Beracoth II, 14.

NOTE 55. b. Sanh. 74a; j. Sanh. 21b; j. Shebiith iv, 35a.

NOTE 56. That the assembly was held before 135 is proven by the passage in b. Kiddushin 40b, which states that Akiba participated in the discussion one of the two most important questions at the assembly of Lydda. Akiba suffered a martyr's death in 135, hence the date of 132 (the revolution and persecution began in this year) or the early part of 133 is practically certain. With reference to the part played by Akiba in the assembly, c.f. the notice in Tos. Pera. II, 14 that he was hindered at the time of danger from reciting the Shema because of a quaestor who was lurking around him and his disciples.

NOTE 57. That this assembly was held and the decree passed in a critical time of persecution is illuminated by a corrupt and yet productive passage in the Pesikta(c.13):

מהו גאססו מלי נכים בעלי יא נאמר בלור וארו כשחני אצל א

It is the complaint of Israel reached in the strident voice of the assembly protesting against the injustice of it all, that the Jews must suffer while the others are at ease. Despite its difficulty, the verse may be freely translated as follows: "Why are the persecutors (assassins (probably נכים is a corruption of נכים)) gathered against me. In the garret of the house of Mitzah in Lydda they said, 'When I (Israel) am suffering pain and persecution, they (the nations) rejoice and gather together to war against me' ".
דמ (אומר גמול) שמתי ונאספי ס נאמר ו

NOTE 58. Mid. Shir Rabah to 2,14; Middushin 40 b.

NOTE 59. b. Sanh. 74a.

NOTE 60. b. Sabb. 29b.

NOTE 61. b. Sanh. 74a.

NOTE 62. Ibid.; Sifra 'חא, c.13. The phrase א'ל' 2. 0'172 is a later amplification.

NOTE 63. The various clauses in b. Sanh. 74a; j. Sanh. III, 21b j. Shebiith IV, 38a, which impose more restrictions and differences upon this tolerant decree, i.e. the difference between openly and secretly, between force on the part of the state and on the part of the individual, the difference between after the decree of persecution and before or at the time of the decree, all these are amplifications and explanations from secondary sources and were added much later.

NOTE 64. b. Middushin 40 b; j. Chagiga I, 76c; j. Pesachim III, 30b; Mid. Shir Rabah to 2,14. The reading of j. Chag. I, 76c א'ל and that of the Sifri חא and of j. Pesa. III, 30b א'ל as well as of j. Shebiith IV, 38a א'ל and of Mid. to Cant. to 2,14; א'ל (א'ל א'ל) א'ל; all these are unquestionably corruptions of the original א'ל, as we have it in so many places, i.e. b. Kidd. 40b; b. Sanh. 74a; b. Sabb. 29b; j. Sanh. III, 21b; Tos. Sabb. II, 5; Pesikta c.13. Now א'ל was corrupted to א'ל as in j. Sheb. IV, 38a, can be easily seen; the others are more difficult to explain, but they undoubtedly refer to the same assembly.

NOTE 65. b. Sabb. 29b; Tos. Sabb. II, 5; Tos. Erubin 9(6)2. שר:

NOTE 66. Comm. to b. R.M. 19a.

NOTE 67. Jost (Geschichte des Judentums und seiner Secten) states that Lydda was the place of secret meetings where no doubt new teachers were appointed thro the קמ'ס to take the place of those who had suffered a martyr's death.

NOTE 68. b. Sabb. 29b. This anecdote is repeated in a rather corrupt reading in Tos. Sabb. 2, 5.

NOTE 69. Tos. Erub. 9, 2. א'ל א'ל is undoubtedly a corruption of א'ל א'ל:

NOTE 70. Shir Rabah to 2,5. The words תאמר תשובה, at the end of the Hadrianic persecution, definitely determine the time of the assembly (see Note 73. and see Note 74a below.)

NOTE 71. Many scholars doubt that Usha was in Galilee. See the refutation of this claim in Neubauer "Geographie du Talmud" pp. 199-200. Neubauer places Usha in Lower Galilee, a view which is eminently correct.

NOTE 72. b.R.M. 31; b. Sanh. 31b.

NOTE 73. The date of this assembly can be determined definitely, a fact which is not the case with the majority of the other assemblies. The terminus a quo is the Hadrianic persecution, which resulted in the frequent change of the seat of the Sanhedrin (b. R.M. 31). The terminus ad quem is indicated by the fact that Shefaram, the later residence of Judah I, is mentioned as the next seat of the Sanhedrin after Usha. Hence, in the reign of Antoninus Pius, after the repeal of the anti-Jewish laws, the Galilean council took place. That the assembly absolutely presupposes the repeal of Hadrian's decree is proven by the fact that, whereas Judah b. Baba had to suffer a martyr's death for his ordination, undoubtedly in the reign of Hadrian, and whereas the Lydda assembly, which took place during the reign of Hadrian, had to meet secretly, the Usha assembly was attended by large numbers of people and was marked by special ceremonies and met unhindered.

NOTE 74. Cf. Luncz, תאמר, where it states that even after the death of Hadrian the rabbis feared the guards set up in the various places, and for this reason the rabbis changed places so often in order to conceal it from them. Usha, the nearest town to the northern border of Palestine, and the furthest from the center of Palestine, the seat of the Roman prefect, was therefore chosen as the meeting place of the assembly. Luncz and Neubauer place Usha in Lower Galilee; Graetz and the Jewish Encyclopedia place it in Upper Galilee.

NOTE 74a. Of too midrash ל'ז, Perashah ל'ז. Here six names are mentioned, the name of R. Eleazar b. Jacob having been omitted, probably through an oversight. Another member of the Usha assembly was R. Ishmael, the omission of whose name is probably due to an oversight; see note 77.

NOTE 75. Notice that all the meeting-places of the Sanhedrin mentioned in b. R.M. 31a, after Usha, were in Galilee, i.e. Shefaram, Beth Shearim, Sephoris, and Tiberias, a fact which proves that even for many a year after Usha Palestine was avoided as a seat of the assembly or the Sanhedrin, and that the abode of a great majority of rabbis was outside of Palestine proper, in Galilee, cf. Judah I at Shefaram.

NOTE 76. Some, e.g. Atlas (תאמר, Warsaw, 1887, p. 285sq.) take the view that the words היו הולכים mean, not those who went to the assembly, but those who went with the Sanhedrin from Jabneh to Usha and thence to Shefaram and the other places. But if this is so, why are not those who went with the Sanhedrin to Jabneh and to Shefaram called היו הולכים - הולכים שפרגם, etc. It is evident that היו הולכים refers to a definite time and to an important event,

and this statement is born out by Shir Rabah, 2,5, where it states expressly the number of miles traveled by each member in coming to Usha, a distance of from ten to forty miles:

ואתם אחינו רבותינו גדולי התורה כי שנסענו ברכי גשרה קני ארבעים
או ששים או ערבעים כדי לשקוע דברי תורה.

NOTE 77. b.Baba Basra 28a.

NOTE 78. Egyptians.

NOTE 79. Mark X, 23.

NOTE 80. cf. Matthew XIX, 21; Luke X, 35, and b.Erubin 86a
ג' עניבך ור' יוחנן ונשיא גוי סכרדיס גשירי
a passage which seems to be directly in opposition to the Christian doctrine that the rich man is a sinner and will never inherit the future world.

NOTE 81. This decree has been misunderstood by certain scholars. It is evident that it was intended to check the indiscriminate wasting of property. And yet some authorities state that the law means that one is obliged to give one fifth of his income to charity, a statement which can not be derived from the text of b.Babli. As another illustration of how the real meaning of the law was misunderstood, cf. j. Peah, 15b, where it is taken to mean that one should use one fifth of his fortune for Challah and tithes, but no more than one fifth. Because of this wrong interpretation, the Ral-mud Yerushalmi was forced to harmonize, in view of the fact that within five years the whole of the property would have been given away. It therefore stated that the first year, one fifth of the principal should be given, and that thereafter only one fifth of the interest on the principal: .
מתחלה נקרא; מכאן ואילך לשכר.

NOTE 82. Cf. the story of R. Yishbay in b. Kesuboth 50a, who tried to squander all his property but was prevented by other rabbis. This story illustrates Note 84, for R. Akiba was not alive at the time of Usha. It indicates that before Usha there was a general agreement against it on the part of the individual rabbis. The words
ולא קנינו לו חבירין are proof of this.

NOTE 83. cf. b. Baba Basra 11a, the story of Mumbaz, the son of Queen Helen.

NOTE 84. j. Peah, perek 1, a. In my opinion there is no reason for rejecting this belief in an unofficial earlier decree against ד'קד' as unhistorical. It indicates a natural process. With the first advent of Christianity and its doctrine of ג'ו'ג' the several rabbis unofficially countered it with a law against it, which law, however, was disregarded or did not have legal force or which the rabbis could not force the people to obey. In Usha, when the danger had assumed alarming proportions, due to the constantly increasing power of Christianity, it was confirmed and invested with absolute legal authority.

NOTE 85. Matthew XIX, 30. cf. too Mark X, 29-30. Luke XVIII, 29.

NOTE 86. b. Mesub. 49a.

NOTE 87. j. Beracoth 28d.

NOTE 88. b. Kesub. 78b.

NOTE 89. Mark X, 14.

NOTE 90. Cf. Rashi, ad locum, who interprets *ל"ס וקדן 777* to mean that the father can, if he wishes, subdue his son with the strap and by starving him.

NOTE 91. These five decrees are all found in b. Mesub-oth 49b-50a. The other four are found in different places, i. e. b. Moed Katon 17a; b. R. H. 15a; b. Sabb. 15b; j. Beracoth 28d.

NOTE 92. As a matter of fact, this decree was the sub-ject of dispute in temple times, since various sources state that this law had been decreed before unofficially, forgotten, and then established at the synod of Usha. All this, however, throws no light on the puzzling question why the decree should have been passed at Usha in the year 140. *Correct, of course 7 p. 52.*

NOTE 93. b. Sabb. 15b.

NOTE 94. b. R. H. 15a.

NOTE 95. The exact number of the decrees of Usha cannot be determined with accuracy. I have accepted all nine as authentic, since I see a justification for all of them with the possible ex-ception of two. And yet in b. Mesuboth 50a we are confronted with a passage which seems to imply that the original laws of Usha num-bered, not nine, but three. i. e. after quoting the first three laws about *ושמועו ה' ואלו ממצוות ודברים*, the Talmud states *ושמועו ה' ואלו ממצוות ודברים*. "And these reports are diminishing, and their mnemonic sign is *ושמועו ה' ואלו ממצוות ודברים*". i. e. it implies that all the laws of Usha had al-ready been quoted, for the mnemonic sign quoted only three, and yet more laws were quoted. Despite this difficulty which I am unable to solve, I believe that the laws of Usha numbered at least seven, with the possible exception of the laws *ושמועו ה' ואלו ממצוות ודברים* and *ושמועו ה' ואלו ממצוות ודברים*. And even these laws I have accepted at face value, since I do not know the reason for their enactment. They may have been very essential according to the conditions of the times; their meaning may have become obscured in the course of time. They may have been traditional amplifications such as we have seen in the case of the eighteen measures of Chananiah. The likelihood is that not only were all these nine bona fide Usha laws, but that also many minor and less important laws were enacted at Usha and have failed to come down to us. But this is an immaterial point which is not very vital to the proper understanding of the assembly. What is strange is that the Midrash to Shir Rabah does not mention a single enactment but concerns itself solely with the sermons and speeches delivered at the synod on the last day.

NOTE 96. j. Moed Katon 111, 1. This decree has been am-plified and embellished in this place.

NOTE 97. b. Sera. 63b; Sabb. 33b. On the ground of these passages which quote Jabneh as the seat of the assembly, of the sermons, and the attendant circumstances, due to a transmitter's mistake ($\chi\omega\upsilon\varsigma \chi\gamma\lambda\omega$) in quoting Jabneh instead of Usha, since Jabneh is the place most frequently quoted, Zacharias Frankel advances his view that there may have been two different assemblies at which the same rabbis were present, one at Jabneh and one at Usha. Graetz too, on these same passages, bases his view that the enactments of Usha belong to the (beginning of the) reign of Hadrian while the synod itself took place in the reign of Antoninus Pius. But the revolt and the turbulent conditions would have prevented the holding of the synod before the death of Hadrian, and Graetz himself states that not till after the death of Gamaliel (130-) did the Sanhedrin move to Usha. Most authorities agree that the two above-mentioned passages erroneously read Jabneh in place of Usha, and that the institutions must have been enacted at the council of Usha, not before or elsewhere. Other authorities besides Graetz state that the indications seem to point to more than one synod or assembly at Usha, but this does not concern us now. The sources are meagre and I regard the report or assumption that more than one assembly was held at Usha as an amplification of the authentic record.

NOTE 98. e.g. b. Kesub. 49b: $\chi\omega\upsilon\varsigma \chi\gamma\lambda\omega$ - $\chi\omega\upsilon\varsigma \chi\gamma\lambda\omega$ / $\chi\omega\upsilon\varsigma \chi\gamma\lambda\omega$ / $\chi\omega\upsilon\varsigma \chi\gamma\lambda\omega$

$\chi\omega\upsilon\varsigma \chi\gamma\lambda\omega$ $\chi\omega\upsilon\varsigma \chi\gamma\lambda\omega$, i.e. no legal authority to force him, only a reprimand.

NOTE 99. j. Chag. 78d.

NOTE 100. It cannot be determined whether they all were living in the same place in exile and traveled homeward together or whether they were dwelling in different places and met by appointment in the valley of Rimmon.

NOTE 101. Six of these scholars mentioned in j. Chag. 78d correspond to six of the Usha synod mentioned in Shir Rabah to 2, 5. The seventh differs, for j. reads Jehanan Hasandler while Shir Rabah reads R. Eliezer the son of Jose Hagelilee. It is quite possible that the former proceeded to Usha with the others but his name was inadvertently omitted from the list. However, the discrepancy in the one name is immaterial.

NOTE 102. Succah 2, 7.

NOTE 103. It is interesting to note that only this assembly and that of Chananiah are mentioned in the Mishna.

NOTE 104. j. Chag. II, 78a.

NOTE 105. Jewish Encyclopedia sub voce.

NOTE 106. b. Sabb. 16b-17b.

NOTE 107. e.g. S. Zeitlin, M. Lerner, and others.

NOTE 108. (a). Mechilta, Parashah $\chi\omega\upsilon\varsigma$ 1, Chap. 5; (b). Tosefta Beracoth, Perek IV, 14-18.

NOTE 109. There are essential differences between these two reports: (a) alone mentions Jabneh; (a) does not tell the day and the time of the day at which the meeting took place, while (b) does. (a) states that Tarphon and the elders were there while (b) states that the pupils of Tarphon were there. Both passages refer to practically the same discussions, but the Tosefta contains the complete account. (a) is indefinite as to the order of procedure of question-asking, while (b) states explicitly that the order was as follows: Tarphon asked : *יחש*, (I wish to ask a question; i.e. the introduction of a story). The pupils answered: *וי'27 וי'7א*, and forthwith Rabbi Tarphon proceeded with his narration. Both passages refer to the same occurrences because of the almost absolute identity of the matters treated.

FINIS.

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