

CURRENT TALMUD PASSAGE

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BH

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Judy Abrams

RABBI AKIBA'S ROLE IN ONE OF THE ACADEMY'S GREATEST CONFLICTS

Our dispute begins with a mishnah which is like so many others: from when and until when can a certain mitzvah be performed:

The morning Tefillah [can be said] until midday. Rabbi Judah says till the fourth hour. The afternoon Tefillah [can be said] till the evening. Rabbi Judah says until the middle of the afternoon. The evening prayer has no fixed limit. The time for the Additional Prayers is the whole of the day. Rabbi Judah says, till the seventh hour. (M. Berachot 4:1)

This mishnah shows that the rabbis who organized the Talmud were using the chronology of a day as one of their organizing factors when they composed this tractate. The discussion of the Shema began with its evening recitation, since this is the first one of the day. Why, then, do we begin our discussion with the morning Amidah, not the evening one? This issue will be addressed more fully below, but suffice it to say that the morning Amidah is the first one of the day that is absolutely required by Jewish law.

The system of counting time in the ancient world was quite different from ours. Each day and night were divided into twelve variable hours, regardless of the season. Therefore, the length of an hour depended on the season of the year. The law followed the opinions of Rabbi Judah, as summarized in the table, below.

Why did Rabbi Judah assign more restrictive time limits for the Tefillot than the majority of rabbis? There is a penchant within the Jewish legal-religious system for exact measurements, and this ruling may simply be part of that proclivity. Rabbi Judah may also have wanted to make "a fence around the Torah (Pirkei Avot 1:1)" and prevent people from feeling that they had so much leeway that they delayed saying the

Tefillah until it was too late. Most importantly, he linked the timing of the Tefillot to the timing of the sacrifices while the anonymous majority did not do so to the same extent.

In this mishnah, one individual holds sway over the anonymous majority. This is unusual. This connection with the chapter's theme is supported by one additional fact. The nature of the evening Tefillah, first broached in this mishnah, was the topic of a famous interaction of personality and prayer: a fight between Rabban Gamaliel and Rabbi Joshua. All the characters in this story are members of the early generations of sages.

Our Rabbis Taught: It is told Gamaliel and said to him, "Is the evening Tefillah optional or obligatory? He replied, "It is obligatory." He said to him [Rabban Gamaliel], "Did not Rabbi Joshua tell me that it is optional?" He said, "Wait till the champions enter the Beit HaMidrash."

When the champions came in, the questioner stood and asked, "Is the evening Tefillah optional or obligatory?" Rabban Gamaliel replied, "It is obligatory." Said Rabban Gamaliel to the Sages, "Is there anyone who disputes this?" Rabbi Joshua said to him, "No." He said to him [Joshua], "Did they not report you to me as saying that it is optional?"

He said to him, "Joshua, stand up and let them testify against you!" Rabbi Joshua stood up and said, "Were I alive and he [the witness] dead, the living could contradict the dead. But now that he is alive and I am alive, how can the living contradict the living?"

Rabban Gamaliel remained sitting and expounding and Rabbi Joshua remained standing, until the whole crowd began shouting and said to Huzpit the turgeman, "Stop!" And he stopped that one student came before Rabbi Joshua and said to him, "Is the evening Tefillah optional or obligatory?" He replied, "It is optional." He then went before Rabban. They then said, "How long is he [Rabban Gamaliel] to go on insulting him [Rabbi Joshua]? On New Year last year he insulted him; he insulted him in the matter of the firstborn in the affair of Rabbi Zadok; now he insults him again! Come, let us depose him!"

Whom shall we appoint instead? Can we appoint Rabbi Joshua? [No] Because he is one of the parties involved. Can we appoint Rabbi Akiba? [No] Because perhaps Rabban Gamaliel will bring a curse on him because he has no ancestral merit. Rather, let us appoint Rabbi Eleazar ben Azariah, for he is wise and he is rich and he is the tenth in descent from Ezra. He is wise, so that if anyone puts a question to him he will be able to answer it. He is rich, so that if occasion arises for paying court to Caesar he will be able to do so. He is tenth in descent from Ezra, so that he has ancestral merit and he [Rabban Gamaliel] cannot bring a curse on him."

They went and said to him, "Will Your Honor consent to become head of the Academy?" He said to them, "I will go and consult the members of my family." He went and consulted his wife. She said to him, (28a) "Perhaps they will depose you [later on]?" He said to her, "[There is a proverb:] Let a man use a cup of honor for one day even if it be broken the next." She said to him, "You have no white hair." He was eighteen years old that day, and a miracle was wrought for him and eighteen rows of his hair turned white

Rabban Gamaliel said, "This being the case, I will go and apologize to Rabbi Joshua." When he reached his house he saw that the walls were black. He said to him, "From the walls of your house it is apparent that you are a charcoal-burner." He replied, "Alas for the generation of which you are the leader seeing that you know nothing of the troubles of the scholars, how they struggle to support and sustain themselves!" He said to him, "I apologize, forgive me." He paid no attention to him. "Do it for my father's honor!" He was appeased.

They said, "Who will go and tell the Rabbis?" A certain fuller said to them, "I will go." Rabbi Joshua sent [a message] to the Beit HaMidrash saying, "Let him who is accustomed to wear the robe wear it. Shall he who is not accustomed to wear the robe say to him who is accustomed to wear it, 'Send me your robe and I will wear it?'" Rabbi Akiba said to the Rabbis, "Lock the doors so that the slaves of Rabban Gamaliel should not come and upset the Rabbis." Said R. Joshua, "I had better get up and go to them myself." Rabbi Akiba said to him, "Rabbi Joshua, are you appeased? We have we done nothing except for the sake of

your honor. Tomorrow you and I will go to his house first thing in the morning [to make amends]."

They said, "[But] how shall we do it? Shall we depose him [Rabbi Eleazar ben Azariah]? We have a tradition that one may raise an object to a higher degree of holiness but one must not degrade it to a lower one. Let one Master preach on one Sabbath and one on the next. [No, because] this will cause jealousy. Rather, let Rabban Gamaliel preach three Sabbaths and Rabbi Eleazar ben Azariah one Sabbath...And that student [who asked the original question] was Rabbi Shimon ben Yochai. (B. Berachot 27b-28a)

Clearly we are dealing with far more than whether the evening Tefillah is compulsory or optional. We are also examining how conflicts are managed, how important maintaining relationships is in Judaism, and what kind of personality is most desirable in a leader of the Jewish people.

What kinds of personalities are displayed in this story? There is the autocratic personality of Rabban Gamaliel II. He succeeded Yochanan ben Zachai as President of the Academy in Yavneh around 80 C.E. His life's goal was to strengthen both Yavneh as the center of Jewish life after Jerusalem was conquered, and the position of the Nasi (President of the Academy). He was so autocratic that he was opposed by the other sages. Rabbi Joshua ben Chananiah, on the other hand, was a peace-loving soul. Generally, he followed the rulings of Beit Hillel. For instance, he was liberal in admitting proselytes, as we see from this story. He was also a Levite which meant he came from an aristocratic family. A modern equivalent would be to belong to the Kennedy or Rockefeller clans. A certain status, (and while the Temple stood) power and economic position went along with membership in a priestly family. Such membership obviously still held some cachet even after the Temple was destroyed. Rabbi Joshua actually served in the Temple as a chorister (B. Arakin, 11b). His economic fortunes seem to have changed once the Temple was destroyed, for in this story he is characterized as a blacksmith or a needle-maker.

The social standing of both Rabban Gamaliel and Rabbi Joshua may have added to the charged atmosphere surrounding this issue of the evening Tefillah. At that point in time the old aristocracy, the priesthood, was giving way to a new one, the aristocracy of the Academy. Gamaliel may have been publicly trying to make this change explicit and consolidate power for his position. Joshua's opinion that the evening Tefillah is optional relates the Tefillot to the Temple sacrifices. Since there was no evening sacrifice, Joshua felt the corresponding Tefillah was not mandatory. Gamaliel did not want to relate the Tefillot to the cult: he wanted Jewish practice to be determined by the scholars, not the priests. Therefore, he rules that the evening Tefillah is obligatory.

Gamaliel may also have been subtly asserting the authority of Tannaim with Babylonian lineages. Gamaliel's great-great-grandfather was Hillel, a Babylonian. Joshua ben Chanania was apparently of purely Palestinian origin. Palestinian sages were the only ones who were ordained, and later, greater authority was ascribed to them than to Babylonian sages. Here, Gamaliel seems to subtly be evening the score. Something akin to this emotional dimension can be seen in America even today. When descendants of Russian Jewish immigrants take positions of leadership that were formerly reserved for descendants of German-Jewish immigrants, they sometimes do so with a particular relish, as if to say, "Look how far our group has come!" However, old loyalties die hard, and Joshua obviously had his supporters.

Rabbi Eleazar ben Azariah was wise, rich and came from the very best of families. Ezra was a priest and a Scribe. He was the first forerunner of the Pharisees, who in turn preceded the Tannaim. (In American terms, it would be equivalent to being a tenth generation descendant of George Washington.) Thus Rabbi Eleazar ben Azariah's family maintained an ancient tradition of learning and connection to the priesthood. This made him the perfect "compromise individual" for this situation: his elevation to Nasi meant recognizing the interests of the priestly families and adhering to the study of Torah as his true base of power.

What requirements did the Tannaim deem necessary for a leader of the Jewish people? Like Eleazar ben Azariah, he should be wise, rich and from a good family. Notice that age is not a determining factor. In addition, he should not be autocratic as was Gamaliel, but rather, able to draw people together. In the end, it is this personality type which prevails. Joshua's view was adopted as the halacha over Gamaliel's: the evening Tefillah is optional.

Before the story even begins, we learn that Gamaliel has already insulted Joshua twice before. On one occasion, he and Joshua disagreed about the determination of the Jewish calendar. To demonstrate his authority, Gamaliel made Joshua

appear in the Beit HaMidrash carrying his staff and his wallet on the day that Joshua had determined was Yom Kippur, when such activities are strictly forbidden. Gamaliel had his reasons, of course. The Jewish people and religion would have disintegrated without a single calendar to follow. Just imagine the confusion it would cause if different groups observed Labor Day on different dates, and the problem will quickly become clear.

The other instance, reported in Tractate B. Bechorot 36a, bears a striking similarity to our present story. In this case, too, Rabban Gamaliel shames Rabbi Joshua in the Academy. The case in Bechorot also touches on the subtle conflict between the scholarly and priestly classes. It involves the consecration of the first born of animals and people to God. Deuteronomy 15:19-23 outlines this law, including the stipulation that the first-born must have no blemish on it. If there is a blemish on it, the animal may be eaten by the priest rather than sacrificed. The rabbis determined that the priest could eat the beast only if the blemish came about naturally or by accident. If, however, the blemish was inflicted intentionally so that the priest might eat it or sell it, then it may neither be sacrificed nor eaten nor sold. A non-priestly Jew would never be able to keep his or her first-born animals, so it made no difference to him or her who received it: the Temple cult or a priest. However, priests would be tempted to inflict injuries on their animals so that they might eat them or sell them instead of sacrificing them to the Temple cult. Therefore, Gamaliel ruled that we do not accept the testimony of a priest regarding the origin of a blemish on a first-born animal, even if that priest is a chaver, a person deeply committed to observing the mitzvot. Rabbi Zadok was such a priest and one of his first-born animals accidentally cut its lip. Rabbi Joshua accepted his testimony, allowing him to eat or sell the beast, while Rabban Gamaliel forbid it. Gamaliel confronted Joshua and shamed him in front of the academy, just as he did in the sugya, above.

A question about the evening Tefillah sets the story in motion. Gamaliel and Joshua disagree and Gamaliel forces the issue in public. Joshua attempts to avoid the conflict but Gamaliel presses him until he must stand up for his point of view. After Gamaliel has dispensed with Joshua, he lets Joshua continue to stand, publicly shamed. At this, the people in the academy erupt. They call on Chuzpit, the Turgeman or Announcer, to stop. In the Academy, Gamaliel would speak in low tones and Chuzpit would then amplify his message and transmit it to those present. Gamaliel, who denied students access to the Beit HaMidrash because they did not live up to his letter of the law, publicly shames another scholar, which is as serious as killing someone in the Jewish tradition. In Judaism, one's words and one's deeds cannot be separated: we must live what we speak. Gamaliel did not live up to that ideal and he therefore lost his power.

The rabbis then ask Eleazar ben Azariah to become the Nasi and he, in turn, consults his wife before giving an answer: this is true wisdom! The motion of this story is towards ever greater disintegration of relationships until the turning point when God miraculously intervenes. And the intervention is subtle: supplying Eleazar ben Azariah with eighteen rows of white hair. This is one of the hidden messages of this story: God's hand may be felt in history, and our own lives, through small miracles as well as large ones. Now, the conflicts created in the first part of the story will all be resolved.

Joshua shows his humanity when Rabban Gamaliel apologizes to him. If he were very righteous, he would have accepted Rabban Gamaliel's apology immediately. Instead, he makes Gamaliel apologize twice before accepting his plea. In addition, he takes the opportunity to make Gamaliel more sensitive. Coming from an aristocratic family, Gamaliel seemed to have no idea how hard some of the rabbis had to work to maintain themselves. In other words, a leader must understand the lives of his or her people. (For a fascinating discussion of charcoal and the professions related to it, see the El Am Talmud, pp.576-577.) Once he has accepted the apology, Joshua continues the healing process. Now that he is confident that Gamaliel has become more sensitive to the conditions the other rabbis labor under, and is more open to other interpretations of the law, he helps Gamaliel regain his position.

Gamaliel is finally restored to his position, but what of Eliezer ben Azariah? Need he suffer because of this change of events? No, he maintains his elevated status, even though Gamaliel is made his superior.

Thus, all the relationships are brought into harmony. Gamaliel is reinstated after he repents of his dictatorial ways. Rabbi Joshua is appeased. The value of both the scholarly and priestly lineages is recognized.

Discussion Questions:

1. This passage holds many lessons about those who hold power. According to the passage, what are the qualifications of a leader for the Jewish people? What are causes for dismissal from leadership of the Jewish people?