

The Prince and the Emperors
The Life and Times of Rabbi Judah the Prince





Dov S. Zakheim

THE PRINCE AND
THE EMPERORS

THE LIFE AND TIMES
OF RABBI JUDAH THE PRINCE

Maggid Books

The Prince and the Emperors
The Life and Times of Rabbi Judah the Prince

First Edition, 2021

Maggid Books
An imprint of Koren Publishers Jerusalem Ltd.

POB 8531, New Milford, CT 06776-8531, USA
& POB 4044, Jerusalem 9104001, Israel
www.maggidbooks.com

© Dov S. Zakheim, 2021

Cover Photo: The Cave of Rabbi Yehuda HaNasi, in the Beit She'arim National Park, Israel, where Rebbe is interred

The publication of this book was made possible
through the generous support of *The Jewish Book Trust*.

All rights reserved. No part of this publication may be reproduced,
stored in a retrieval system or transmitted in any form or by
any means, electronic, mechanical, photocopying, or otherwise,
without the prior permission of the publisher, except in the case
of brief quotations embedded in critical articles or reviews.

ISBN 978-1-59264-540-4, *hardcover*

Printed and bound in the United States

To Deborah

מְצַא אִשָּׁה מְצַא טוֹב
משלי יח, כב

and

To Chaim, Reuven, Saadya, and Ben

הִנֵּה נַחֲלַת ה' בְּנִים
תהלים קכז, ג



Contents

<i>Preface: Torah and Greatness</i>	ix
<i>Acknowledgments</i>	xvii
1. Rabbis, Rulers, and Romans	1
2. The Road to the Top: Rebbe	35
3. The Road to the Top: Septimius Severus	71
4. The Patriarch	87
5. Emperors	183
6. The Prince and the Emperors	201
7. Rebbe, Leader of His People	231
8. Final Days	287
9. Conclusion: A Man of Many Parts	303
Appendix 1: Time Line	307
Appendix 2: A Brief Note on Rabbinic Biography	309
Select Bibliography	317



Preface

Torah and Greatness

Over the course of the centuries, leading rabbis have served as the primary representatives of the Jewish community to the non-Jewish elites of the day. Less frequently, such men – and they were always men – combined the roles of scholar and legal decisor on the one hand, and secular leader on the other. The talmudic figure Rabbi Judah b. Simeon, better known as R. Judah the Prince, R. Yehuda HaNasi, *Rabbeinu HaKadosh* (our Holy Rabbi)¹ or simply Rebbe,² was such a man.

1. See Y. Avoda Zara 3:1; Ecclesiastes Rabba 9:110; and Shabbat 118b, where on being asked why he was called “our Holy Rabbi,” Rebbe explained that it was due to his extraordinary modesty. See, however, E. E. Urbach, “The Rabbinical Laws of Idolatry in the Second and Third Centuries in Light of Archeological and Historical Facts,” *Israel Exploration Journal* 9, no. 3 (1959), 153n13.
2. “Who is Rebbe? He is Rebbe, he is R. Judah the Prince. R. Abahu said, ‘He is Rebbe, he is R. Yudan, he is Rabbeinu HaKadosh’” (Y. Sanhedrin 11:3). Throughout this book I translate the Hebrew honorific for Rabbi Judah as Rebbe, as opposed to Rabi or Rabbi. I believe that Rebbe is the closest approximation to the actual Hebrew or Aramaic. Though “Rebbe” is most closely associated with the English transliteration of the title granted to hasidic leaders, the actual Hebrew (actually Yiddish) pronunciation of that title is “Rebbeh” as in “Lubavitcher Rebbeh.” In fact, there is no clear way to transliterate the Hebrew term, as it appears without

The Prince and the Emperors

Everything that we know about Rebbe, his father R. Simeon b. Gamaliel, or indeed the lives and activities of his fellow *Tanna'im* – the class of rabbis who flourished from the first century BCE through the third century CE – as well as their interlocutors both Jewish and non-Jewish, derives from texts that appeared as much as several centuries after their activities supposedly took place. Moreover, these texts do not offer an organized, coherent, or even consistent picture of the *Tanna'im*. What they offer are anecdotes scattered throughout a literature whose earliest manifestation was the Mishna, edited primarily but perhaps not solely by Judah the Prince around 215 CE, while other texts, notably some of the midrashim, appeared as much as four hundred years later. Not surprisingly, at times these texts offer variations on the same story, or even contradictory accounts; a given anecdote may also be attributed to different rabbis.

Tales of the rabbis were not biographies in the modern, or even ancient, sense of the term – nor were they meant to be. They were not self-contained portraits akin to those of Roman authors such as Plutarch, Suetonius, or the authors of the *Historia Augusta*. They often involved miraculous doings, akin to tales that supplemented those of Scriptural figures. There are few if any references to these individuals in other contemporary sources, be they non-Jewish histories or archeological finds, at least as of this writing. These tales were meant for Jewish audiences only, and were likely intended for the even-more-limited circles of rabbis and their acolytes who were among the literati of their day.

In the absence of sources to validate these biographical sketches, and because of their very nature, these tales have evoked a variety of reactions on the part of contemporary Jews and modern scholars. *Haredi* (ultra-Orthodox) Jews accept these stories at face value, as did their ancestors, especially prior to the Enlightenment. On the other hand, many academic scholars, as well as many Jews who adhere to the more liberal streams of Judaism, doubt their authenticity. Still other scholars, as well as many Modern Orthodox Jews, consider that these stories contain at least a germ of truth and as such are a source of valuable

vowels in rabbinic literature. Many Sephardic congregations pronounce the word as “Reebie,” but spelling it that way would be no less confusing to the English reader, and perhaps even more so.

information about life in the talmudic era. Appendix 2 discusses these various opinions at somewhat greater length.

This book adopts the last of these views in presenting a biography of R. Judah. Its premise is that the hundreds of anecdotes about R. Judah that address everything from his childhood to his education, his family life and household, his role of leader of the Jewish community, his numerous halakhic rulings and opinions, and his passing, offer a relatively accurate account of his long and successful life. As a general rule, this book treats as accurate those talmudic dicta that attribute to R. Judah specific halakhic (legal) rulings. The Sages were exceedingly careful about ensuring that any given legal ruling was correctly attributed to its actual author. Similarly, talmudic accounts that do not treat R. Judah as the primary actor but rather mentions him in passing, likewise are presumed to be relatively accurate.³ On the other hand, this study is far more tentative about tales that clearly are meant to glorify R. Judah. In such cases, where speculation is in order, these stories will include words such as “possibly,” “may,” or “might.”

It is from this copious and diffuse material that I have sought to construct a biographical account of the man. While the talmudic anecdotes about the rabbis often are mere appendages to serious discussions of law and practice, this study attempts the reverse. It focuses on the individual, as well as on many of his colleagues, students, and interlocutors, while along the way incorporating elements of the debates and halakhic decisions that compose the core of the Talmud. In this way, readers hopefully will not only obtain a holistic picture of Rabbi Judah the Prince, but will also be afforded some insight into the human and historical context that shaped the Mishna, and by extension the Babylonian and Jerusalem Talmuds that were its primary interpretations.⁴

3. Jacob Neusner points out that with respect to talmudic discussions of both political and economic matters, “because the information they provide comes *en passant*, we accept it without question as valid historical evidence.” Jacob Neusner, “Some Aspects of the Economic and Political Life of Babylonian Jewry, Ca. 160–220 CE,” *Proceedings of the American Academy for Jewish Research* 31 (1963), 165–66.
4. Rebbe’s great predecessor, R. Akiba, has also been the subject of full-length biographies, while the rabbi turned heretic, Elisha ben Avuya, was the subject of Milton Steinberg’s novel *As a Driven Leaf* (Milburn, NJ: Behrman House, 2015).

The Prince and the Emperors

In providing that context, I have also devoted considerable attention to the careers of the two emperors who, I argue, were the models for the many stories of Rebbe and “Antoninus” that appear throughout rabbinic literature. An outline of their careers provides a backdrop to several of the talmudic tales of Rebbe’s interaction with these powerful men, who in many ways were a rabbinic vehicle for demonstrating that Rebbe was as important a personage in the secular world as he was among the Jews of both Judaea and the Diaspora.

Many modern scholars perceive discrepancies between the Babylonian and Jerusalem Talmuds’ respective reports on Rebbe’s life and activities. They argue that the Babylonian Talmud, while it recognized his political role as ethnarch (leader of his community), nevertheless emphasized his importance as a scholar and leader of an academy. In contrast, the Jerusalem Talmud, though it similarly reflects “an understanding of the dual nature of the patriarchate...recognizes the political function as primary.”⁵

Actually, the Babylonian Talmud recognized Rebbe’s uniqueness as both a communal leader and scholar. As it states, “From Moses until Rebbe we do not find sacred learning and [secular] greatness combined in the one [person].”⁶ The *Amora’im*, those Babylonian and Judaeen rabbis who flourished after the compiling of the Mishna and Rebbe’s passing, were in awe of someone who could interact freely, and virtually on an equal basis, with leading Romans, including the emperor, and yet at the same time lead an academy and not only compile the Mishna, but issue rulings on a host of Jewish legal matters that became normative halakha.

For the past two centuries, a trend has taken shape among certain circles of traditional Jews to shy away from matters secular, unless absolutely compelled to do so in order to earn a living. However commendable their commitment to study might be, Rebbe’s life demonstrates not only that one can excel in matters both religious and secular, but that

5. Devora Steinmetz, “Must the Patriarch Know ‘Uqztin? The Nasi as Scholar in Babylonian Aggada,” *ATJ Review* 23, no. 2 (1998), 187.

6. Sanhedrin 36a and see Rashi, ad loc., s.v. *bemakom*. The author of the talmudic statement is variously given as R. Hillel the son of R. Wallas or Rabba the son of Rava.

only one who does so can aspire to emulate the greatest statesman and scholar of them all, Moses our Teacher.

Rebbe's life, activities, and scholarship have been an implicit if not explicit model for many of the greatest rabbinic leaders throughout the ages. Samuel ibn Naghrillah, who flourished in Spain in the eleventh century, was a successful general and vizier. In addition, however, as Rabbi Shmuel HaLevi HaNagid, he wrote an important introduction to the Talmud (*Mevo HaTalmud*) that has been incorporated into virtually all editions of the Babylonian Talmud since the publication of the seminal Vilna *Shas* in the latter part of the nineteenth century.

A century after Rabbi Shmuel, Rabbi Moshe ben Maimon – Maimonides, the Rambam – was not only an important physician and leader of his community, and indeed of all non-European Jewry, but also perhaps the greatest codifier in Jewish history, as well as the author of commentaries, responsa, and philosophical works. He studied Greek as well as Jewish philosophy and even cited Greek philosophers in his halakhic responsa.⁷ The cornice atop the Butler Library of my *alma mater* Columbia University includes his name among those of the greatest ancient and medieval thinkers.

Don Isaac Abrabanel was finance minister and advisor to the fifteenth-century and early sixteenth-century rulers of Portugal, Spain, and the Kingdom of Naples. Yet he was also the leader of Spanish and Portuguese Jewry, and the author of lengthy and detailed commentaries on virtually every book of Tanakh, the entire Holy Scriptures. Rabbi Obadiah Sforno, the great biblical commentator, was a graduate of the papal university La Sapienza, better known as the University of Rome.

Rabbi Jacob Ettlinger of Altona (now part of Hamburg) was Germany's foremost rabbinic leader in the first half of the nineteenth century. The author of *Binyan Tzion* and *Arukh LaNer*, he attended the University of Würzburg and as leader of his community also served as a civil judge. Rabbi Ettlinger's great student, Rabbi Samson Raphael Hirsch, was the most famous leader of German Jewry

7. See R. Moshe ben Maimon (henceforth cited as Maimonides), *She'elot UTeshuvot Pe'er HaDor*, ed. David Yosef, 2nd ed. (Jerusalem: Makhon Or Hamizrah, 1994/5754), no. 143.

The Prince and the Emperors

in the nineteenth century. He studied at the University of Bonn and later served as a member of the Moravian parliament. Rabbi Hirsch's contemporary, Rabbi Esriel Hildesheimer, founder of the rabbinical seminary in Berlin and a leading halakhic decisor, earned his doctorate at the University of Halle. He worked closely with secular Jewish organizations, notably the Alliance Israelite.

Rabbi Isaac Halevi Herzog, chief rabbi of Ireland and the first chief rabbi of the State of Israel, earned his doctorate at the University of Leeds. His thesis addressed the question of the source of *tekhelet*, the blue wool that was meant to be part of the *tzitzit* (ritual fringes) attached to the corners of clothing. Rabbi Joseph Ber Soloveitchik and Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, studied at the University of Berlin; Rabbi Soloveitchik earned his doctorate in philosophy there. All of these men were respected, indeed, remarkable communal leaders; Rabbi Herzog became the first chief rabbi of the State of Israel after having worked with both religious and secular Jews to represent the interests of the *Yishuv* to the British Government during the mandatory era.

My own father, Rabbi Zvi Hirsh Zakheim, of blessed memory, was in this tradition. A university graduate, he served the Jewish community of pre-war Vilna as its legal counsel. In that role, especially after September 1939, he had to grapple with many sensitive issues, notably negotiating with Nazi officials to save Lithuanian Jewish soldiers from concentration camps after they had been drafted by the Polish military and then captured by the Germans. As an attorney in Shanghai, China, having escaped from the Communist authorities in Lithuania, he engaged the Japanese authorities to ensure the subsistence of refugee yeshiva students and their teachers. In addition to playing a vital role in Jewish communal affairs, however, he was also not only a rabbi – having been ordained in the famed Ramailes yeshiva of Vilna – but also a talmudic scholar. His collation of commentaries on Tractate Sanhedrin, entitled *Zvi HaSanhedrin*, can be found on the shelves on many major yeshivas both in the United States and in Israel.

These men followed in Rebbe's footsteps. He remains a model for contemporary Jews.

Torah and Greatness

Modern scholarship and, ironically, many leaders of yeshivas who abhor such scholarship, both may posit that a Jew must choose among communal leadership, secular statesmanship, and Torah study. But a careful look at Rebbe's life and activities demonstrates that one can and should aspire to all three.



Acknowledgments

The relationship between rabbis and the secular rulers of the lands in which they lived has been for me a source of deep and lifelong interest. For some years I have lectured on this theme in my synagogue, the Kemp Mill Synagogue of Silver Spring, Maryland. Rebbe was a subject of a number of those lectures. I especially enjoyed researching for them, not only because Rebbe is a role model for Jews who wish to be immersed both in their religion and in the world around them, but also because it required me to go back to many original sources of another of my long-standing interests, Roman history. One of my fellow congregants, the renowned expert on Middle East politics David Makovsky, urged me to expand the lectures into a book. What follows is the result of his advice, though any errors, omissions, or mischaracterizations that the reader might encounter are solely my responsibility.

I owe much to those who took the time to read and comment upon my manuscript as it went through several revisions. David Makovsky, diplomat and scholar at the Washington Institute for Near East Policy; Professor Rob Eisen of George Washington University; my brother-in-law, Professor Bernard Firestone of Hofstra University; and Adam Garfinkle, editor of the *American Interest*, read the entire manuscript (Adam offered to read it a second time!). My sons Keith (Chaim) and Roger (Reuven), as well as Roger's close friend Rabbi Yosie Levine, rabbi of the Jewish Center in New York, read several chapters and offered

The Prince and the Emperors

extremely helpful comments and suggestions. I also wish to thank Matthew Miller, publisher of Koren and its imprint Maggid Books, for his encouragement; and Rabbi Reuven Ziegler, Ita Olesker, my editor Esther Cameron, and Nechama Unterman, of the Koren staff. I am grateful to them all, and especially to my wife, Deborah, who kept pushing me to complete this effort.

Chapter 1

Rabbis, Rulers, and Romans

“And the Lord said to her: Two nations are in your womb” (Gen. 25:23). Said R. Judah in the name of Rav: Do not read “nations” (*goyim*), rather “proud ones” (*ge'im*). These refer to Antoninus and Rebbe, upon whose tables were not missing lettuce, cucumbers, and radish, neither during the summer nor during the winter.

Avoda Zara 11a

INTRODUCTION

Ever since the days of the Second Temple, rabbis have acted not only as religious guides, educators, and halakhic decisors, but also as communal leaders. In the latter capacity, they have often represented the views and interests of their communities to the governments of the lands in which they lived. For the better part of two millennia, those governments were either monarchies ruled by emperors, kings, sultans, or emirs, or subdivisions within the imperial or royal realms, such as dukedoms, provinces, or satrapies, ruled by high-ranking officials. In addition, in Europe there were many lands under the direct control of the highest officials of the Catholic church – popes, archbishops, and bishops, who had the power

The Prince and the Emperors

to determine the fate of Jewish communities within their jurisdictions and to whom Jews at times looked for protection from attacks by townspeople, peasants, and crusaders. When acting as community representatives to non-Jewish rulers and governments, rabbis were in the capacity of what came to be termed in the Middle Ages as the *shtadlan*, which literally means “intercessor” or “representative.”¹

The Talmud (actually the Gemara, as opposed to the Mishna) is replete with stories about rabbis who interacted with the Roman and later Parthian rulers of the day. In some cases, they pleaded for the easing of restrictions on Jewish practices, whether by meeting individually with the ruling authorities, or by forming delegations such as those that traveled to Rome to make representations to the Senate and to the emperor. At other times they advocated resistance against the authorities; before and during the Bar Kokhba revolt, many of them, most notably R. Akiba, supported outright rebellion. Still other talmudic and midrashic accounts speak of friendly relations between the rabbis and rulers, such as Mar Samuel’s close ties to the Parthian emperor Sappur II.

Later generations saw similar interactions, again varying from close friendship to outright hostility and, as with R. Akiba and his colleagues, imprisonment and execution. A tenth-century rabbi, Hasdai ibn Shaprut, doubled as the foreign minister of Cordoba, ably representing Caliph Abd al-Rahman III in negotiations with various Christian rulers, including Holy Roman Emperor Otto I (912–973). And in the following century, as already noted, Samuel the Prince (Shmuel HaNagid) served in his “day job” as both vizier and victorious army commander-in-chief under Badis, caliph of Grenada.

Other rabbis were courted by popes and cardinals who sought their support in the political and philosophical disputes of the day. Such was the case with the sixteenth-century Italian rabbis Elijah Halfan and Jacob Mantino, who took opposite sides in the debate over whether Henry VIII could annul his marriage to Catherine of Aragon. Rabbi Mantino supported the papal stance that an annulment was not possible; Rabbi Halfan supported

1. For an examination of the *shtadlan*’s role and activities in early modern Europe, see Selma Stern, *The Court Jew: A Contribution to the History of Absolutism in Europe*, 2nd ed., trans. Ralph Weiman (New Brunswick, NJ and Oxford: Transaction, 1985).

Henry's position. Needless to say, Mantino received papal preferment: Pope Clement VII initially appointed him to a lectureship in Bologna and later to a professorship at Rome's La Sapienza, the papal university.

On the other hand, many rabbis suffered at the hands of non-Jewish authorities precisely because of their leadership roles in the Jewish community. Such was the fate of the thirteenth-century Rabbi Meir of Rothenberg (known as Maharam Rotenberg), who, while attempting to flee Germany, was imprisoned by Emperor Rudolf at the instigation of the Archbishop of Mainz. He died in prison after refusing to be ransomed by the Jewish community, lest that act establish a precedent that would plague future generations.²

Rabbi Don Isaac Abrabanel, son of a Portuguese financier, acknowledged leader of the Spanish Jewish community, biblical commentator par excellence, and unofficial finance minister to the Spanish, Portuguese, and Neapolitan courts, was twice exiled – once by choice, once under compulsion. The rulers of united Spain, Ferdinand and Isabella, offered Abrabanel the opportunity to convert to Christianity in order to avoid exile under the 1492 Edict of Alhambra that expelled the Jews (and Moors). Abrabanel chose exile.

One of the earliest and most prominent rabbis to interact on a regular basis with those who ruled was R. Judah the Prince (135–217 CE). He was based in Judaea, the land of his patrimony, which once was ruled by the House of David, from which he claimed descent. As leader of the Jewish community, he was a ruler in his own right; and he was recognized as a prince both by his own people and by the Romans.

However, R. Judah's position differed from that of many of the aforementioned rabbis. He was not a government functionary. Nor was he merely a proto-*shtadlan*, that is, a forerunner of those Jews who from late medieval times until well into the eighteenth century and even in contemporary times, represented the community as “court Jews.” These men – they were only men – were generally quite wealthy, but they could

2. “Meir of Rothenburg: Jewish Rabbi and Scholar,” *Encyclopedia Britannica*, www.britannica.com/biography/Meir-of-Rothenburg; see also Solomon Schechter and Louis Ginzberg, “Meir of Rothenberg,” *Jewish Encyclopedia*, <http://www.jewishencyclopedia.com/articles/10581-meir-of-rothenburg-meir-b-baruch>.

The Prince and the Emperors

not impose their will on the Jewish community. On the other hand, they could be and often were dismissed by the ruler to whom they answered, sometimes at the cost of their lives.

R. Judah's authority no doubt derived in part from Roman recognition of his unique position as leader of the Jewish community. He was certainly a wealthy man. But his status was not a function of his wealth but of his royal heredity. In addition, unlike the later court Jews, he had the power to impose his will on the community in religious matters. Again, this was in part because the Romans recognized his authority; but it was also because he was also a scholar of the first order. Moreover, again unlike later court Jews, his authority extended beyond the boundaries of Palestine, ranging across the vastness of the Roman Empire. In that respect, he was a forerunner of the many leading rabbis who ruled on matters put to them from all parts of the Jewish world.

Despite his prestige and authority, R. Judah did not wield his power arbitrarily. Like any of the rabbis who were his colleagues and contemporaries, as well as those who preceded and succeeded him, his legal opinions did not go unchallenged. Many were not incorporated into that corpus of Jewish law which is known as halakha. Yet a considerable number did become law, and his views were never dismissed out of hand.

If there was anyone whose position was truly similar to R. Judah's, it was the *Resh Galuta*, the exilarch, who led the Babylonian Jewish community. As a patrilineal descendant of King David, he could claim more blue blood than R. Judah, whose Davidic ancestry was matrilineal.³ He too commanded the respect of the ruling Persian authorities. He too had the authority and ability to impose his will on the community; and at least during R. Judah's tenure, he was also a talmudic scholar.

Rabbi Judah the Prince has not been the subject of many biographies. In part this is due to the traditionalist view that the personal biographies of religious heroes if they may be so termed is irrelevant to the pursuit of Jewish knowledge, which should be limited to their

3. Y. Kilayim 9:3; see also R. Moshe Margolies, *Pnei Moshe*, s.v. *Rebbe hava anvan sagin*. The nature of their comparative ancestry was not a trivial matter; as Rebbe acknowledged, if the exilarch had come to Judaea, protocol would have demanded that Rebbe defer to him. See below, pp. 154–55.

contributions to law and ethics as articulated in the Talmud and commentaries. Equally, it is due to the fact that, as noted above, modern scholars are skeptical of biographical details of rabbinic lives that are only found in the Talmud and related sources.

As one of the greatest leaders Jewry has ever known, R. Judah the Prince deserves better. He was a brilliant Torah scholar, yet educated in the Greek fashion. He was a first-rate jurist, a talented administrator, and an accomplished statesman. He sought, with some success, to reverse the hostility that had colored relations between Jews and Romans since before the destruction of the Temple. He was not only a Jewish nationalist, but also an advocate of Hebrew. He was an out-of-the box thinker, suggesting reforms that would surprise contemporary Jews and that certainly surprised his contemporaries. And his greatest and longest-lasting accomplishment, his compilation of the Mishna, which preserved the Oral Law from being lost in a collective national amnesia, was effected in the purest Hebrew.

REBBE'S PEDIGREE

The Jews were able to practice their religion freely both before and after the Great Rebellion of 68–70 CE.⁴ However, what that religion was to look like after the destruction of the Temple was very much an open question. The Temple had been the center of Jewish ritual, though synagogues had been established throughout Judaea while it yet stood. The priestly class had been in charge of that ritual; but their authority was increasingly challenged by the rabbis, who appear to have commanded considerably more popularity than the corruption-riddled priesthood. In the aftermath of Titus' victory, it was the Sages who stepped in to fill the void left by the ruin of the Temple and the priesthood's loss of its *raison d'être*.

The rabbis asserted that their authority derived directly from Moses himself.⁵ They viewed the collection of ancient, unwritten laws and traditions that they and their followers practiced as having been transmitted by God to Moses on Mount Sinai in parallel with, and as

4. See Martin Goodman, "Trajan and the Origins of Roman Hostility to the Jews," *Past & Present* 182 (February 2004), 11–12.

5. Mishna Avot 1:1.

The Prince and the Emperors

an explanation and expansion of, the written Torah. They stated that these laws and traditions had been passed on orally from generation to generation, hence the term “Oral Law.” Although the rabbis had taught the Oral Law while the Temple still stood, it was only in the Temple’s absence that the Oral Law became the basis for widespread Jewish religious practice; in effect the Sages structured what many now call “rabbinic Judaism.” Nevertheless, despite its centrality in Jewish life, the Oral Law remained oral and somewhat inchoate; it was not for another half century that R. Akiba would begin to structure the laws, and not for over another half century that Rebbe would at last put them in writing.

Even as they promulgated the Oral Law, the rabbis also identified the first patriarch as one of their own, Rebbe’s ancestor Hillel the Elder, who flourished while the Temple still stood. Although the patriarchate later became a dynastic office, it was talmudic tradition that leadership of the Jewish community had originally been bestowed upon a group – the sons of Beteira – rather than an individual. However, the sons of Beteira had abdicated to Hillel, when he was able to resolve legal issues that the people of Beteira could not.⁶ Hillel, a Babylonian, was a student of Shemaya and Avtalion, the joint leaders of the Pharisees; some four centuries later the rabbis of the Talmud asserted that Hillel was descended from King David through his maternal side;⁷ but it is not clear whether that claim achieved widespread acceptance during Hillel’s lifetime or only later, perhaps not until the second century CE when Rabban Simeon b. Gamaliel II and his son, R. Judah the Prince, served as patriarchs.⁸

Hillel’s son Rabban Simeon succeeded him as patriarch, but little is known about him. He may have held the position for only a brief period. Far more is known about Rabban Gamaliel the Elder, who became patriarch upon R. Simeon’s passing.

Rabban Gamaliel the Elder issued numerous rulings that became normative halakha, among them the granting of permission for a woman to remarry on the basis of a single witness’s testimony that her husband

6. Pesahim 66a.

7. Genesis Rabba 98:8; Y. Taanit 4:2.

8. For a discussion, see Yitzhak Buxbaum, *The Life and Teachings of Hillel* (Lanham, MD and Boulder, CO: Rowan and Littlefield, 1973), 304n10.

was dead.⁹ The Talmud reports that while seated on the steps of the Temple Mount he transmitted decisions to Jews both in the Galilee and the south, as well as to communities in Babylonia and Media.¹⁰ He appears to have had ties to the family of King Agrippa I.¹¹

Upon Rabban Gamaliel's passing, Rabban Simeon b. Gamaliel I succeeded him as patriarch. Not much is known about him, other than his dicta as recorded in various places in the Talmud. Josephus records that he was a leading opponent of the Zealots who initiated the civil war that raged during the Roman siege of Jerusalem that began in 68 CE.¹² He died during the siege, though it is unclear whether he was killed by the Zealots or by the Romans during the final stages of the fall of Jerusalem.

In the aftermath of the rebellion, it was Rabban Yohanan b. Zakkai and not a scion of Hillel whom the Talmud recognized as the man who saved rabbinic Judaism when the Temple was burned. The Talmud records that Rabban Yohanan convinced the then-general and future emperor Vespasian to permit him to maintain a Torah academy in Yavneh. The Talmud is somewhat critical of Rabban Yohanan for not seeking reprieve for the Jews, but it admits that Rabban Yohanan may have felt that this was more than Vespasian was prepared to give and that such a request would have resulted in none of his requests being granted.¹³ In any event, it was as a result of this request, or at least of Rabban Yohanan's leadership, that the center of rabbinic authority moved from Jerusalem to the north of the province and ultimately to the Galilee.

Rabban Yohanan also asked Vespasian to preserve the family of Rabban Gamaliel, who claimed royal lineage from the House of King David. This particular request of Rabban Yohanan was of critical importance to the Sages, since Rabban Simeon b. Gamaliel was no

9. Mishna Yevamot 16:7.

10. Sanhedrin 11b; Mishna Sanhedrin 2:6; Y. Sanhedrin 1:2.

11. Rabban Gamaliel is mentioned in Acts 5:34–40 and in 22:3 where Paul is called his student.

12. Josephus, *The Jewish War* 3:9:158, ed. Gaalya Cornfeld (Grand Rapids, MI: Zondervan, 1982), 267n159c.

13. Gittin 56b. Presumably that is also why Rabban Yohanan did not ask that the center of rabbinical authority remain in Jerusalem, which had been a key center of rebellion.

The Prince and the Emperors

longer alive. Indeed, upon Rabban Simeon's death, Rabban Yohanan effectively served as patriarch for the remainder of his life. Nevertheless, despite Rabban Yohanan's request on behalf of Rabban Gamaliel's family, the very fact that it was he who served as patriarch created a degree of ambiguity as to whether the patriarchate was fully dynastic, or whether it required mastery of all facets of the law.¹⁴

The relative freedom that Rabban Yohanan had obtained for the Jews permitted the rise of a new postwar generation of sages, known as the *Tanna'im*, whose names populate the Mishna. Rabban Gamaliel II, son of Rabban Simeon, succeeded Rabban Yohanan, thereby restoring the patriarchate to the descendants of Hillel. R. Gamaliel appears to have needed formal Roman approval to take office; he traveled to Syria, the provincial headquarters for Judaea, where the governor is reported to have confirmed him officially as patriarch.¹⁵

One of Rabban Gamaliel's main objectives was to maintain Yavneh as the center of religious authority for the Jewish community. Perhaps it was in order to do so that, in the manner of ancient and medieval kings, he would be accompanied by a retinue of students and others in a series of extensive travels throughout northern Judaea, visiting towns like Tiberias and Acre (Akko) among others.¹⁶ At the same time, he was a vociferous opponent of both Roman philosophers and Jewish Christians. The prayer against blasphemers (*LaMalshinim*) that is considered to be the nineteenth blessing of the daily *Amida* has been attributed to him.¹⁷

Rabban Gamaliel II appears to have been a wealthy man; he was also quite arrogant and was prone to belittling others, especially his impoverished colleague, R. Joshua. His behavior so outraged his

14. For a discussion, see Jeffrey L. Rubenstein, *The Culture of the Babylonian Talmud* (Baltimore, MD: The Johns Hopkins University Press, 2003), 90–92. See also Pesahim 66a; Y. Pesahim 6:1.

15. Sanhedrin 11b; Mishna Eduyot 7:7. None of Rabban Gamaliel's successors is reported to have sought such approval; perhaps it was because the position was dynastic. Alternately, having mentioned such approval once in the case of Rabban Gamaliel, the Talmud saw no need to mention it again.

16. Tosefta Terumot 2:13; Tosefta Pesahim 2:11; Tosefta Shabbat 13:2; Mishna Avoda Zara 3:4.

17. Megilla 17b; Berakhot 28b.

colleagues that they unseated him and temporarily replaced him with the considerably younger R. Eleazar b. Azariah. He never fully regained his position, even after mending fences with R. Joshua, and was forced to share his leadership of the academy with R. Eleazar.¹⁸

On the other hand, Rabban Gamaliel was able to recover – or perhaps never lost – his secular authority; according to the Talmud, he traveled to Rome with R. Eleazar and R. Akiba to obtain the rescission of an anti-Jewish decree. At one point, however, he appears to have run afoul of the Romans and was sentenced to death. He was able to escape, and eventually the sentence was rescinded.¹⁹

Rabban Gamaliel's son, Rabban Simeon II, was at first less fortunate in his dealings with the Romans. The freedom of religious practice and teaching that Rabban Yohanan had obtained for the Jews came to an abrupt end in the aftermath of the rebellion of 132–35. The victorious emperor Hadrian imposed a series of crushing decrees after he had defeated Bar Kokhba, laid waste to Jerusalem, renamed it Aelia Capitolina, and expelled the Jews from the city. Hadrian's additional punitive measures included a ban on Jewish religious practices, notably circumcision, Shabbat, and the laws of family purity.²⁰ He dismantled the Jews' communal institutions, particularly the Sanhedrin, the lesser courts, and the patriarchate. He also ordered the closure of synagogues and banned the study of Torah, the latter decree presumably due to his not incorrect perception that the rabbis had provided the spiritual underpinnings for the rebellion.²¹ In many ways he recreated the environment under which the Jews had suffered when Antiochus Epiphanes ruled the land,²² but this time the Jews were exhausted and in no position to revolt once again. As will be shown below, it took several decades for

18. Berakhot 27b–28a.

19. Taanit 29a.

20. Me'ila 17a.

21. Gedaliah Alon, *The Jews in Their Land in the Talmudic Age (70–640 CE)*, trans. and ed. Gershon Levi (Cambridge, MA and London: Harvard University Press, 1980), 634–37, makes a strong case for the historicity of these decrees as the talmudic literature reports them.

22. *Ibid.*, 646.

The Prince and the Emperors

Jews and Romans to develop a *modus vivendi*, which reached its apogee under Rabbi Judah the Prince.

MUTUAL ANTIPATHY AMONG JEWS, ROMANS, AND CHRISTIANS

When Judah succeeded his father R. Simeon b. Gamaliel II as patriarch of the Jewish community of Palestine sometime after 165 CE, just over thirty years had passed since the Roman Emperor Hadrian had finally crushed the three-year rebellion led by Simeon Bar Kokhba. The rebellion had followed on the heels of a major uprising in 117 by the Jews of the Diaspora, particularly those in Cyprus, Mesopotamia, and Egypt, against Hadrian's immediate predecessor, Trajan. And that revolt took place less than a half century after the great rebellion of 68–70 that had led to the destruction of the Temple in Jerusalem.

Initially after their defeat in what Josephus termed “the Jewish War,” the Jews had plausibly expected to rebuild the Temple in the near future. After all, they had done so after the First Temple was destroyed. Jeremiah had prophesied²³ that after seventy years the Jews would return from their exile. Indeed, exactly seventy years had passed between the destruction of the First Temple by the Babylonian king Nebuchadnezzar in 586 BCE, and the completion of the Second Temple under Darius in 516.

Moreover, whereas Nebuchadnezzar had not only burnt the Temple but also exiled the leading Judaeans together with King Zedekiah, whom he blinded as well, the Romans had not relocated the Jews to another land. As a consequence, there was some logic to what seemed to be the Jews' expectation, vis-à-vis the Temple's destruction and the outcome of their war with Rome, that “this too shall pass.”

The Jews also may have taken heart from the fact that neither Vespasian, who commanded Roman forces in Judaea until he was crowned emperor in 68 CE, nor his son and successor Titus, who presided over the rape of Jerusalem two years later, revoked the status of Judaism as a *religio licita* (recognized religion); “Jews enjoyed the same religious

23. Jer. 29:10.