

The Most Important Talmudic Passages
Class 6 or 7 – Human Authority and Truth
Melton Gesher at JCC, November 28, 2012
JSI at Beth Torah, November 29, 2012

Babylonian Talmud, Tractate Rosh haShana, pages 24b – 25b

MISHNAH. ON ONE OCCASION TWO WITNESSES CAME AND SAID, WE SAW IT IN THE MORNING IN THE EAST AND IN THE EVENING IN THE WEST. R. JOHANAN B. NURI THEREUPON SAID, THEY ARE FALSE WITNESSES. WHEN, HOWEVER, THEY CAME TO YAVNEH RABBAN GAMALIEL ACCEPTED THEM.

ON ANOTHER OCCASION TWO WITNESSES CAME AND SAID, WE SAW IT AT ITS PROPER TIME, BUT ON THE NIGHT WHICH SHOULD HAVE BEEN NEW MOON IT WAS NOT SEEN, AND RABBAN GAMALIEL [HAD ALREADY] ACCEPTED THEIR EVIDENCE. RABBI DOSA B. HARKINAS SAID: THEY ARE FALSE WITNESSES. HOW CAN MEN TESTIFY THAT A WOMAN HAS BORN A CHILD WHEN ON THE NEXT DAY WE SEE HER BELLY STILL SWOLLEN? SAID R. YEHOSHUA TO HIM: I SEE [THE FORCE OF] YOUR ARGUMENT.

THEREUPON RABBAN GAMALIEL SENT TO HIM TO SAY, I ENJOIN UPON YOU TO APPEAR BEFORE ME WITH YOUR STAFF AND YOUR MONEY ON THE DAY WHICH ACCORDING TO YOUR RECKONING SHOULD BE THE DAY OF ATONEMENT.

R. AKIVA WENT [TO R. JOSHUA] AND FOUND HIM IN GREAT DISTRESS. HE SAID TO HIM: I CAN BRING PROOF [FROM THE SCRIPTURE] THAT WHATEVER RABBAN GAMALIEL HAS DONE IS VALID, BECAUSE IT SAYS, “THESE ARE THE APPOINTED SEASONS OF THE LORD, HOLY CONVOCATIONS, WHICH YE SHALL PROCLAIM IN THEIR APPOINTED SEASONS” (Leviticus 23:4), [WHICH MEANS TO SAY THAT] WHETHER THEY ARE PROCLAIMED AT THEIR PROPER TIME OR NOT AT THEIR PROPER TIME, I HAVE NO APPOINTED SEASONS SAVE THESE.

HE [R. JOSHUA] THEN WENT TO R. DOSA B. HARKINAS, WHO SAID TO HIM: IF WE CALL IN QUESTION [THE DECISIONS OF] THE BETH DIN OF RABBAN GAMALIEL, WE MUST CALL IN QUESTION THE DECISIONS OF EVERY BETH DIN WHICH HAS EXISTED SINCE THE DAYS OF MOSES UP TO THE PRESENT TIME. FOR IT SAYS, “THEN WENT UP MOSES AND AARON, NADAV AND AVIHU AND SEVENTY OF THE ELDERS OF ISRAEL”. WHY WERE NOT THE NAMES OF THE ELDERS MENTIONED? TO SHOW THAT EVERY GROUP OF THREE WHICH HAS ACTED AS A BETH DIN OVER ISRAEL IS ON A LEVEL WITH THE BETH DIN OF MOSES.

HE [R. JOSHUA] THEREUPON TOOK HIS STAFF AND HIS MONEY AND WENT TO YAVNEH TO RABBAN GAMALIEL ON THE DAY ON WHICH THE DAY OF ATONEMENT FELL ACCORDING TO HIS RECKONING. RABBAN GAMALIEL ROSE AND KISSED HIM ON HIS HEAD AND SAID TO HIM: COME IN PEACE, MY TEACHER AND MY DISCIPLE — MY TEACHER IN WISDOM AND MY DISCIPLE BECAUSE YOU HAVE ACCEPTED MY DECISION.

GEMARA....R. AKIVA WENT AND FOUND HIM IN GREAT DISTRESS. The question was asked, Who was in distress? Was R. Akiva in distress or was R. Yehoshua in distress? — Come and hear, since it has been taught: ‘R. Akiva went and found R. Yehoshua while he was in great distress. He said to him, Master, why are you in distress? He replied: Akiva, it were better for a man to be on a sick-bed for twelve months than that such an injunction should be laid on him. He said to him, [Master,] will you allow me to tell you something which you yourself have taught me? He said to him, Speak. He then said to him: The text says, ‘you’, ‘you’, ‘you’, three times, Lev. XXII, 31, XXIII, 2 and XXIII, 4 to indicate that ‘you’ [fix the festivals] even if you err inadvertently, ‘you’, even if you err deliberately, ‘you’, even if you are misled. He replied to him in these words: ‘Akiva, you have comforted me, you have comforted me’.

HE THEN WENT TO R. DOSA B. HARKINAS etc. Our Rabbis taught: Why were not the names of these elders mentioned? So that a man should not say, Is So-and-so like Moses and Aaron? Is So-and-so like Nadav and Avihu? Is So-and-so like Eldad and Medad? Scripture also says, “And Shmuel said to the people, It is the Lord that made Moses and Aaron”, (1 Sam. XII, 6) and it says [in the same passage], “And the Lord sent Yerubaal and Bedan and Yiftach and Shmuel”. (Ibid.11) ... It says also: “Moses and Aaron among his priests and Samuel among them that call on his name”. (Ps. XCIX, 6) [We see therefore that] the Scripture places three of the most dubious characters on the same level as three of the most exalted characters, to show that Yerubaal in his generation is like Moses in his generation, Bedan in his generation is like Aaron in his generation, Yiftach in his generation is like Shmuel in his generation, [and] to teach you that the most worthless, once he has been appointed a leader of the community, is to be accounted like the mightiest of the mighty. Scripture says also: “And thou shalt come unto the priests the Levites and to the judge thou shall be in those days”. (Deut. XVII, 9) Can we then imagine that a man should go to a judge who is not in his days? Rather this shows that you must be content to go to the judge who is in your days. It also says; Say not, “How the former days were better than these”. (Eccl. VII, 10)

HE TOOK HIS STAFF AND HIS MONEY IN HIS HAND. Our Rabbis taught: When he [Rabban Gamaliel] saw him, he rose from his seat and kissed him on his head, saying, Peace to thee my teacher and my disciple — my teacher, because thou hast taught me Torah publicly, my disciple because I lay an injunction on thee and thou dost carry it out like a disciple. Happy is the generation in which the greater defer to the lesser, and all the more so the lesser to the greater! [You say] ‘All the more so’! It is their duty! — What it means is that because the greater defer to the lesser, the lesser apply the lesson to themselves with all the more force.

Babylonian Talmud, Tractate Brachot, pages 27b – 28a

For Rav Yehudah said in the name of Shmuel: With regard to the evening Tefillah, Rabban Gamaliel says it is compulsory, whereas R. Yehoshua says it is optional. Abaye says: The halachah is as stated by the one who says it is compulsory; Rava says the halachah follows the one who says it is optional.

It is related that a certain disciple came before R. Yehoshua and asked him, Is the evening Tefillah compulsory or optional? He replied: It is optional. He then presented himself before Rabban Gamaliel and asked him: Is the evening Tefillah compulsory or optional? He replied: It is compulsory. But, he said, did not R. Yehoshua tell me that it is optional? He said: Wait till the shield-bearers enter the Beth ha-Midrash.

When the shield-bearers came in, someone rose and inquired, Is the evening Tefillah compulsory or optional? Rabban Gamaliel replied: It is compulsory. Said Rabban Gamaliel to the Sages: Is there anyone who disputes this? R. Yehoshua replied to him: No. He said to him: Did they not report you to me as saying that it is optional? He then went on: Yehoshua, stand up and let them testify against you! R. Yehoshua 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 R. Joshua remained standing, until all the people there began to shout and say to Huzpith the announcer, Stop! and he stopped.

They then said: How long is he [Rabban Gamaliel] to go on insulting him [R. Yehoshua]? Concerning the New Year last year he insulted him; he insulted him in the matter of the firstborn in the affair of R. Zadok;* now he insults him again! Come, let us depose him!

Whom shall we appoint instead? We can hardly appoint R. Yehoshua, because he is one of the parties involved. We can hardly appoint R. Akiba because perhaps Rabban Gamaliel will bring a curse on him because he has no ancestral merit. Let us then appoint R. Elazar b. Azariah, who is wise and rich and 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 honour consent to become head of the Academy? He replied: I will go and consult the members of my family. He went and consulted his wife. She said to him: Perhaps they will depose you later on. He replied to her: [There is a proverb:] Let a man use a cup of honour 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 hair [on his beard] turned white. That is why R. Eleazar b. Azariah said: Behold I am like seventy years old, and he did not say [simply] seventy years old.

A Tanna taught: On that day the doorkeeper was removed and permission was given to the disciples to enter. For Rabban Gamaliel had issued a proclamation [saying]. No disciple whose character does not correspond to his exterior may enter the Beth ha-Midrash. On that day many stools were added. R. Yohanan said: There is a difference of opinion on this matter between Abba Joseph b. Dostai and the Rabbis: one [authority] says that four hundred stools were added, and the other says seven hundred. Rabban Gamaliel became alarmed and said: Perhaps, God forbid, I withheld Torah from Israel! He was shown in his dream white casks full of ashes. This, however, really meant nothing; he was only shown this to appease him.

A Tanna taught: Eduyyoth was formulated on that day — and wherever the expression 'on that day' is used, it refers to that day — and there was no halachah about which any doubt existed in the Beth ha-Midrash which was not fully elucidated.

Rabban Gamaliel also did not absent himself from the Beth ha-Midrash a single hour, as we have learnt: On that day Yehudah, an Ammonite proselyte, came before them in the Beth ha-Midrash. He said to them: Am I permitted to enter the assembly? R. Yehoshua said to him: You are permitted to enter the congregation. Said Rabban Gamaliel to him: Is it not already laid down, "At Ammonite or a Moabite shall not enter into the assembly of the Lord"? (Deut. XXIII, 4) R. Yehoshua replied to him: Do Ammon and Moav still reside in their original homes? Sennacheriv king of Assyria long ago went up and mixed up all the nations, as it says, "I have removed the bounds of the peoples and have robbed their treasures and have brought down as one mighty their inhabitants" (Isa. X, 13); and whatever is separated [from a group] is assumed to belong to the larger section of the group. Said Rabban Gamaliel to him: But has it not been said: "But afterward I will bring back the captivity of the children of Ammon, saith the Lord" (Jer. XLIX, 6), so that they have already returned? To which R. Yehoshua replied: And has it not been said, "And I will turn the captivity of My people Israel", (Amos IX, 24) and they have not yet returned? Forthwith they permitted him to enter the congregation.

Rabban Gamaliel thereupon said: This being the case, I will go and apologize to R. Yehoshua. 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, their struggles to support and sustain themselves! He said to him: I apologize, forgive me. He paid no attention to him. Do it, he said, out of respect for my father. He then became reconciled to him. They said: Who will go and tell the Rabbis? A certain launderer said to them: I will go.

R. Yehoshua sent a message to the Beth 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, Take off your robe and I will put it on? Said R. Akiva to the Rabbis: Lock the doors so that the servants of Rabban Gamaliel should not come and upset the Rabbis. Said R. Yehoshua: I had better get up and go to them. He came and knocked at the door. He said to them: Let the sprinkler son of a sprinkler sprinkle; shall he who is neither a sprinkler nor the son of a sprinkler say to a sprinkler son of a sprinkler, Your water is cave water and your ashes are oven ashes? Said R. Akiva to him: R. Yehoshua, you have received your apology, have we done anything except out of regard for your honour? Tomorrow morning you and I will rise early to his door. They said: How shall we do? Shall we depose him [R. Eleazar b. Azariah]? We have a rule that we may raise an object to a higher grade of sanctity but must not degrade it to a lower. If we let one Master preach on one Sabbath and one on the next, this will cause jealousy. Let therefore Rabban Gamaliel preach three Sabbaths and R. Eleazar b. Azariah one Sabbath.