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THE LAST LINK: RABBI ISHMAEL THE SON OF RABBI JOSE

A Biographical Essay

By JACOB NEUSNER

Heirs of the Hebrew Bible, the Tannaim (religious teachers), who lived in Jewish Palestine during the first centuries of the common era, established for all time those forms of religious life and thought known as Judaism. For six generations, from before the destruction of the Temple in 70 until after the redaction of the Mishnah in 220, the Tannaim labored to create what became the constitution for the inner life of Israel.

Although they are called rabbis, the Tannaim are not ancestors of the institution known today as the rabbinate. They were neither curates nor pastors, neither teachers in the academic sense, nor, for the most part, preachers. They did not bury or marry or officiate in religious ceremony and prayer except as part of the whole community of Israel. They were the intellectuals of a society governed by intellectuals; they governed Jewish Palestine and their legacy of law and ethics governs all of Jewish history.

Intellectualism for them was not a matter of detached speculation on problems conventionally reserved for the academe, for the philosopher. There were among them, to be sure, philosophers, as well as historians, literary critics, astronomers, physicians, logicians. But these were not the subjects of their labor, but rather the unformed matter in which to find insight into the laws that govern the larger concern of man: his subtle, ever-changing, infinitely quiet relation to God, man, and self.

R. Ishmael the son of R. Jose lived in the sixth and last generation of Tannaim (190—220 C. E.), a generation whose conscious recognition of the passing of an old order of life recalls the mood of autumnal Europe, 1914. R. Ishmael's generation knew that it had come to the end of something very great. It ascribed to the preceding generations extraordinary sanctity; those who preceded

had not only set down incontrovertible precedent in matters of law; they achieved too an extraordinary eminence among men for wisdom, piety, greatness. "If they were gold, then we are dust," R. Ishmael observed¹. The task of this final generation, dwarfed descendants of giants, was to record, preserve, and administer the overwhelming legacy of the past. Others might indeed follow — as they did — to take up the challenge of the law to life, and of life to revelation. For the Tannaim of the sixth generation, that challenge had already been met and mastered.

While it is not an easy matter to be the last in a series of great generations, it is still less easy to be the son of one of the greatest men of the past.

R. Ishmael's father, R. Jose the son of R. Halafta, left him a vast legacy of the intellect: the learning and teaching of a lifetime. This was riches and power in such an age; for the teaching of the past, in thought and in deed, comprehended a mandate for the present and an imperative to the future. A son of great wealth has a conventional alternative: to be profligate or to be ever penitent for paternal success. He may squander his inheritance, if of money by wasting it, and if of wisdom by forgetting it; or he may use it well and wisely. R. Ishmael accepted his inheritance, learning well what his father had to teach, and transmitted it, with what he had to add to it, to his own generation. For this he became a man of patient good humor and good sense, and his charm and wit penetrate the veil of history.

While the Tannaim lived their lives in the shadow of God's Book, R. Ishmael and his family held a particularly intimate nexus in the process of Biblical tradition, for his family claimed descent, according to ancient report², from a biblical figure, Jonadab the son of Rechab. Among the refugees from Nebuchadnezzar who crowded into Jerusalem in the year 587 B. C. E. the prophet Jeremiah discovered the clan descended from Jonadab, loyally keeping the vows to dwell in tents and to abstain from wine to which Jonadab had sworn them. He cited this ancient and pious

¹ Yer. Git. 6: 7.

² Gen. R. 98: 7.

family to Jerusalem: "Thus says the Lord of hosts... Will you not receive instruction and listen to my words? The command which Jonadab the son of Rechab gave to his sons... has been kept... but I have spoken to you, and you have not listened to me... Because you have obeyed the command of Jonadab your father and kept all his precepts and done all that he commanded you... therefore Jonadab the son of Rechab shall never lack a man to stand before Me." (Jeremiah 35:12—19.)

In his generation, that man was R. Halafta.

And in his, R. Jose the son of R. Halafta.

And in his, R. Ishmael the son of R. Jose.

Perched on a Galilean hilltop, the city of Sepphoris (in Hebrew, Tsipori, meaning possibly 'bird-like'), the municipality whose Jewry was governed by R. Ishmael, sheltered the small brood of men who comprised the autonomous government of Palestine Jewry at the turn of the third century. Once exclusively Jewish and zealously nationalist, the city had recovered from its enthusiasms in an unforgotten and bloody devastation at the hands of Herodian armies two centuries earlier. When Herod Antipas rebuilt Sepphoris into the imposing capital of the Galilee, he wisely peopled it with both Hellenes and Jews, and the divided city kept uneasy truce during subsequent Jewish rebellions.

The profit of two centuries of peace and submission to the authorities at Jerusalem, first Jewish and then Roman, was economic and political dominion over extensive lands in northern Palestine. From Acre on the Mediterranean to Tiberias in the east, from Legio in the south to the upper reaches of the Galilee, Sepphoris dispensed justice and its Roman legions kept order. For its loyalty to the Romans in the revolt of Bar Kochba (132—135 C. E.) the city was given the title, "Diocæsaria, Holy City of Antinonus, City of Refuge, Faithful, Beloved, Covenanted with the Holy Roman Senate and People," an honor as welcome to the Jews as the Roman Temple, theater, and permanent garrison which it received at the same time.

Today Sepphoris is a muddy country lane surrounded by baked-mud huts, but in the days of R. Ishmael the city was the emporium of the north. With its vast lands and power, it became the most

likely site for the re-establishment of the academies of Jewish self-government after the destruction of the Jewry of the plain and the south at the time of Bar Kochba. The refugee rabbis and their disciples fled to the north. They complained of the bitter mountain cold and of the closed hearts of the Sepphorean Jews, a notoriously boisterous lot. (Once a rabbi preached there on the wicked acts of the generation of the flood, depicting the clever tricks by which that generation broke into other people's homes in the dark of night. The sermon was something of a success, for that very night there were three hundred burglaries in Sepphoris.) But in this city the rabbis established what was the capital of the Jewish world for almost a century, and here they arranged the great collections of normative traditions in law and learning which are their legacy; and in Sepphoris R. Ishmael inherited and exercised the powers of self-government that remained in the hands of the Jews³.

The family of R. Ishmael lived at Sepphoris at least a century and a half, and governed the Jews of the city for more than half a century.

The progenitor of the family was R. Halafta, a Tanna who lived at the city at the end of the first century. Sepphoris was then a backwater of Palestinian Jewry; the great decisions were being made at Yavneh, in the plain. A provincial authority, he participated with another Galilean rabbi in the arrangement of certain prayers for fast-days, and conducted a minor academy in the city; but he sent his son R. Jose to the south, the center of real learning and power⁴.

³ On Sepphoris, cf. Schuerer, E., *A History of the Jewish People in the Time of Jesus Christ*, II, i, 138—139; *Jewish Encyclopedia*, art. by S. Kraus, XI, 198—200; Buechler, A., *Social and Political Leaders of the Jewish Community of Sepphoris in the 2nd and 3rd centuries*, 4; Abi-Yonah, M., *Historical Geography of the Land of Israel* (Hebrew), 131—134; B. B. 75b; Yer. Mas. Sh., V; Sanh. 109a.

⁴ For traditions taught by R. Yosi in the name of R. Halafta his father, cf. inter alia, Kil. 26: 6; Tos. M. Sheni 1: 13; Tos. B. B. 2: 10; Tos. Oholot, 5: 6; Bechorot 26a.

On R. Halafta, cf. arts. in *Jewish Encyclopedia*, and Margoliot, M., *Encyclopedia of the Sages of the Talmud and the Geonim* (Hebrew), I, 311.

On R. Yosi b. R. Halafta, cf. inter alia. Avot 4: 8, Yoma 66b; Yeb.

R. Jose, the son of R. Halafta, was born at Sepphoris, and after studying with his father in his early years, he went to Yavneh to study with the sainted R. Akiba. He was ordained with several others in violation of the harsh edicts of the emperor Hadrian, who aimed to pacify Palestine by destroying Jewish national autonomy in law and religion. R. Akiba was martyred, and R. Jose fled to Asia minor. At the death of Hadrian and the abrogation of his decrees (ca. 145 C. E.) he returned to participate in the reconstruction of Jewish life; the rabbis had reassembled in the north, first at Usha, where R. Jose joined them, and later at Sepphoris. R. Jose found in Sepphoris a decayed and decadent Jewry, long divorced from the main currents of Jewish national life and thought.

At Sepphoris R. Jose assumed his father's authority, building a flourishing academy. He opposed controversy and advocated compromise between contending legal opinions. Systematically he arranged the laws and traditions of the Jews (he is credited with the only self-consciously historical work of the period), and he conducted the city's Jewish affairs with humility and good sense. He taught it is the man that honors the office, not the office that honors the man. He knew full well what he was saying: he earned his living by tanning hides, which was equivalent in the ancient city to collecting garbage (hides were tanned with the excrement of dogs, among other things). In the teachings of the sages, these words are quoted in his name: "Whoever honors the Torah will himself be honored by men." Others said of him, "Would you fulfill the commandment, 'Justice, justice shalt thou pursue!?' Then study with R. Jose in Sepphoris⁵."

R. Jose's oldest son⁶, R. Ishmael, honored his father through

63b; B. K. 70a; Meilah 17b; Sanh. 14a, 109a; Shabbat 33b, 48a; B. B. 75b; Yer. A. Z. 3: 1; M. K. 25b. He is mentioned more than three hundred times in the Mishnah alone.

⁵ On the midrash of "Justice, justice shalt thou pursue," cf. Sanh. 32b.

⁶ On the birth record of R. Yosi's family, cf. Shabbat 118b; Ber. R. (Theodore-Allbeck p. 1039) reports that this was a levirate marriage. Cf. also Yer. Yeb. 1: 1.

On R. Halafta, cf. M. K. 21a, also Midrash Tehillim (ed. Buber) 100: 2.

On Simon b. Halafta (R. Ishmael's nephew), cf. Mishnah Uktzin, 3: 12. Hyman proves that he is not the brother of R. Yosi and the son of R. Halafta the

the ultimate flattery: life-long imitation. For instance, R. Jose was extraordinarily chaste; R. Ishmael taught, "So long as Israel abandon themselves to unchastity, the Divine Presence withdraws from their midst."

R. Ishmael might have achieved greatness and power — even by the standard of his generation — had he never quoted his father. Instead he chose to begin life where his father left off, and to add to his legacy only where the inheritance did not suffice. Could he help himself if his father's wisdom surfeited two generations, his own and his son's? A link in a magnificent chain of breeding for religious life, R. Ishmael felt certain that given good luck and a fair application of the laws of genetics, as he had received, and preserved, and handed on this intangible legacy, so would others, of his family or some other, receive, and preserve, and hand down until the last moment of time what had begun with the words "we shall do and we shall hearken."

While R. Jose never quoted his eldest son, R. Ishmael quoted his father hundreds of times. He loved to tell his father's teachings,

elder by showing his frequent contacts with the patriarch, R. Judah (Hyman, *History of the Tannaim*, III, 1174). He studied with R. Meir and was apparently friendly with the colleagues of his uncle R. Ishmael, R. Hiyya and R. Simon the son of R. Judah. But there is no recorded contact between the two men. He was very poor until the patriarch gave him a portion of food, and later R. Hiyya gave him a field (Ruth R. 5: 21). Cf. also Koh. R., 3: 2; B. M. 86a.

R. Menahem is quoted by his father R. Yosi b. R. Halafta in Tos. B. M. 11: 3, and he quotes a discussion he had with his father in Tos. Tevul Yom 2: 8. R. Yochanan says that R. Judah the patriarch quoted many mishnayot in R. Menahem's name without citing him by name, cf. Meg. 26a, Ket. 101b.

R. Eleazar is quoted by R. Yosi in Sifre Dt. 148, Pes. 117a, Yoma 67a. He quotes his father R. Yosi in Men. 54b, Pesikta de R. Kahana 1, 4a. For his connections with R. Simon b. Yochai, cf. Meilah 17b, Shmot R. 52: 5. W. Bacher (*Dor Dorve-Dorshav*, II, ii, 96—104), suggests that R. Yosi cites his son in order to give the opinion of the school of R. Ishmael, or because R. Eleazar died in his father's lifetime. Reports, on the trip to Rome indicate that R. Eleazar taught there, cf. Tos. Niddah 7; Mikvaot 4: 7, Nidah 48a.

Bacher does not identify R. Menahem with Vardimus but he suggests that R. Avtilas and R. Eurydemos b. R. Yosi are one and the same.

and when he fell ill, the Patriarch R. Judah, his good friend, sent to cheer him up, "Why don't you tell us some of the teachings you have told us in your father's name," which he did, and he was cheered. R. Ishmael speaks far more often in his father's name than in his own; he taught his father's words to his students; he reports his father's tales; in all of rabbinic record, he differs with his father only once; and later generations confuse him, not without reason, with his father. One might suspect that R. Ishmael himself had no capacity to participate in complex and subtle legal discussions except on the strength of his father's great name, but actually the legal teachings of R. Ishmael, few as they are, reveal very real skill in such matters. He began, as noted, where his father left off, which was on the very frontier of legal and literary speculation; his generation, and he with it, went very little further⁷.

Scion of the ruling family in Jewish Palestine, R. Judah the Patriarch was a close friend of R. Ishmael. He had studied with

⁷ For the statement on chastity, cf. ARN ch. 38; cf. also Num. R. 7: 10, Sifre Deut. 254, 258. Buechler (op. cit.) p. 47 says that this indicates that Sepphoris was a center of sexual laxity, but I believe the statement is better understood within the context of the family tradition. For the request of R. Yosi's teachings when R. Ishmael was sick, cf. Shabbat 15a, Pes. 118b; A. Z. 8b.

R. Ishmael quotes his father, in the following places *inter alia.*; Bavli: Yeb. 67a, b; Shabbat 52a, 81a; Eruv. 28b; Pes. 32b; Pes. 103a; Taanit 30a; Sukkah 20a; Ket. 104a; Gittin 7a; Nedarim 21a, 62a; Hullin 25b; Hallah 1: 4 (cf. Pes. 37b); Sukkah 18a.

Yerushalmi Maaser 1: 3; Ter. 2: 3; Shabbat 3:1; Shevi'it 6: 1; Demai 1: 1; Kilaim 1: 1; Shabbat 5: 1, 8: 6; Pes. 2: 6 (cf. Hallah 1: 4, Pes. 37b); Terumot 3: 1.

Tosefta Terumot 4: 6, Maaser Rishon 1: 1, Hallah 1: 1, Shabbat 4: 1, Sukkah 1: 10, Taanit 4: 11, Yebamot 9: 1, Kelim 4: 18, Niddah 4: 12, Taharot 11: 12. Cf. Alon G., *History of the Jews in Palestine in the Time of the Mishnah and the Talmud* (Hebrew) I, 77.

He taught his students what his father had taught him cf. Shab. 49a. He reports his father's deeds as a legal precedent in Yer. Berachot 4: 1, Yer. Taanit 4: 1, Bavli Berachot 27b; Genesis R. 10: 2; Tos. Terumot 4: 2; Yer. Terumot 2: 2. He tells stories he heard from his father in Kid. 71a, Sifra 78. He differs with his father only in Yer. Ket. 1: 10. He is confused with R. Yosi in Eruv. 86b. He defends his father's honor in B. M. 85b, cf. Niddah 14b.

R. Jose; his father, R. Simon the son of Gamaliel, II, had founded the academy at Usha to which R. Jose returned from exile; and the two men were life-long friends. R. Judah felt special reverence for R. Jose, and once remarked, "We poor men undertake to attack R. Jose, although our generation compares with his as the profane to the holy." When he became patriarch at the death of his father, R. Judah established the seat of the patriarchate and regnant academy at Beth Shearim, and in the last two decades of his life, he lived at Sepphoris to gain the benefit of the healthy mountain air.

R. Judah's friendship with R. Ishmael began with self-interest. R. Ishmael was the hereditary authority of Sepphoris, a powerful community and home of the patriarch, and his submission was vital to the maintenance of the quasi-voluntary system of self-government of Jewish Palestine. This friendship, however, rested also on the profound respect the patriarch held for R. Jose. For instance, two contradictory rulings are recorded in his name on a certain law, one strict and the other lenient. A later generation harmonized the rulings by explaining that one preceded R. Ishmael's informing the patriarch of R. Jose's teaching in the matter, and the other followed. Once he heard R. Ishmael's teaching in his father's name, and exclaimed, "The elder (R. Jose) has already ruled in this matter (and I accept his judgment)." A later teacher noted, "Behold how the great men of this generation loved on another, for if R. Jose had been alive, he would have sat submissively before R. Judah (although he was R. Judah's teacher, R. Judah *was* the patriarch), and although his son, R. Ishmael, who fills his father's place, does sit submissively before Rabbi, yet Rabbi accepts the ruling of the elder."

While the friendship between the two men may well have begun in R. Judah's cultivation of those who might best carry out his program for Jewish Palestine, the relationship deepened to affection and genuine concern out of the experience of common study of the Torah, which R. Judah shared with his intimate friends. Out of the intellectual encounter of these highly-trained minds in common problems came profound mutual respect, a sense for the partnership in a common quest of knowledge which is the prerequisite of true communication.

There was, indeed, constant interchange of ideas and information between the two men. The later sources actually confuse them and their opinions; they argue and differ; they learn from one another's words and deeds; and just as R. Ishmael asked information of R. Judah, so R. Judah asked information of R. Ishmael, not only concerning his father's teachings but concerning his own opinions as well. For example, R. Judah inquired, "Is it permitted to take long, proud steps on the Sabbath?"

"And is it permitted on weekdays?" R. Ishmael answered. "I maintain that long strides take away one five-hundredths of a man's eyesight, and it is only restored to him by the evening Sanctification of Wine on the Sabbath."

"For what," asked R. Judah, "do the wealthy men of Palestine merit their wealth?"

"Because they give tithes, as it is said (Dt. 14: 22), 'If you give tithes, then you will grow rich' (the Hebrew, 'aser titaser' is punned by R. Ishmael to 'aser Titasher', tithe and you will grow rich).

"And for what do the wealthy men of Babylon merit their wealth?"

"Because they honor the Torah and its students."

"And for what do the wealthy men of other lands merit their wealth?"

"Because they keep and honor the Sabbath day."

Besides his friendship with R. Judah, R. Ishmael enjoyed the friendship of several others, teachers, colleagues, and students. He was as proud of the honor of his students as he was of his own honor. He instructed them at any opportunity. Once when he was in Jerusalem, he noticed one of his students trembling violently. He said to him, "You are a sinner, for it is written, 'In Zion the sinners are afraid'" (Isaiah 33: 14).

"But," the student replied, "it is also written, 'Happy is the man that feareth always'" (Proverbs 28: 14).

"That verse refers to words of Torah. A man ought always to be afraid lest he forget his learning."

With his colleagues he followed the rule of strict consistency. At a consistory in the south, he abstained from voting on a question

in which he had previously cast a ballot, saying, "After having declared clean something which has been hitherto reckoned unclean, shall I now do the same in . . . another matter? I fear lest the Highest Tribunal break my skull into pieces⁸!"

⁸ R. Judah's attitude to R. Yosi is reflected in Yer. Gittin 48b, Sanh. 24a, Shab. 51a. R. Judah transmits R. Yosi's teachings in Men. 14a, but differs from him very frequently in the Mishnah. Cf. Ket. 72b.

Alon (op. cit. II, 131, 145) explains that it was to the self-interest of the patriarch to maintain good relations with his several intimates.

Tosafot Shabbat 51a, b, prove that actually R. Yosi is considered a greater figure in the law than R. Judah, citing Niddah 14b.

On creation cf. Gen. R. 10: 9.

Other sources quoted are found as follows:

Niddah 14b, Yer. Kil. 9: 3; Yer. Ket. 12: 3, also Kid. 33a; Yer. B. M. 5: 2 (cf. the commentary called *Korban Adah*, whose remarks I have interpolated for clarity; cf. also Yer. Meg. 4: 1).

Eccl. R. 1. 7. 9. Eruv. 86b, 86a. Alon (op. cit. II, 145) states that R. Judah was not particularly friendly toward other teachers in his generation, accepting a few favorites; Buechler (op. cit. 226) states that R. Judah commonly used colleagues of his court for official missions.

R. Judah and R. Ishmael study together, cf. Lev. R. 15; Yer. Shabbat 16: 1; Lam. R. 4: 20, and parallel in Yer. Shab. 16: 1.

On the interchange of information and ideas, cf. *inter alia.*, B. M. 73a, Yer. Orlah 2: 3, Yer. Yeb. 12: 4, Shabbat 113b, 119a; cf. Gen. R. 11: 2 for another text.

On his interchange with R. Judah in matters of proper conduct, cf. Pes. 112b.

R. Ishmael studied with R. Judah b. Ilai, before whom he recited his father's teachings (Sukkah 18a). He taught R. Hanina b. Hama, cf. Kid. 71a, Yer. Ket. 5: 8; and R. Hanina cf. Niddah 20a; R. Kahana, cf. Pes. 119a, Shabbat 15a, and R. Anani b. Sason, cf. Shabat 64b; and R. Simon the son of R. Judah, cf. Zeb. 59a; and R. Huna, cf. Hullin 124a. All these quote his teachings.

For the incident with the student cf. Ber. 60a.

The difficult matter of the consistory in the South is thoroughly analyzed in Buechler, 188—192, and is found in the following sources, Tos. Oholot 18: 18, Yer. Shev. 6: 1; Yer. Shavuot 7: 2.

For differences with R. Hiyya, cf. Yer. Erub. 7: 1, Sanh. 29b; R. Hiyya accepts R. Ishmael's opinion, cf. Sanh. 29b.

I doubt the text of the source (Yoma 84a) which has R. Ishmael quoting R. Mattiah b. Heresh, since R. Mattiah lived in Rome and studied with R. Ishmael b. Elisha, and hence, considering his association with R. Simon b. Yochai and R. Eleazar b. Yosi, these quotations probably are from R.

R. Ishmael was very fat, and when he and his remove colleague R. Eleazar b. Simon stood belly to belly, you could drive a cart and horse between them and not touch, someone said. A certain matron once remarked, "Your children couldn't possibly be your own," to which he and R. Eleazar replied, "Oh, but our wives' stomachs are even bigger than our own."

"All the more so," she retorted.

(Some say they answered her, "As is a man, so is his strength," and some say they answered, "But Madam, love overcomes the flesh." But, it was asked later on, ought they to have answered at all, seeing that it is written, "Answer not a fool according to his folly, lest you be like him yourself" (Proverbs 26: 4). But, it was answered, they did not want her to bring suspicion on their children.)

His corpulence caused him more than a little trouble, and it was well that he could bear it lightly. Once two students, R. Hiyya and R. Simon, the son of R. Judah the Patriarch, were sitting and discussing prayer. One remarked, "He who prays ought to direct his eyes downward, as it is said, 'And my eyes and my heart were there all the days'" (I Kings 9: 3), and one said, "He should direct his eyes upward, as it is said, 'Raise up your hearts...'" (Lam. 3: 41).

While they were talking, R. Ishmael happened along and asked what they were talking about.

"Praying," they answered.

"This is what father taught, 'He who prays ought to direct his eyes downward and his heart upward, to fulfill these two Scriptures'."

In the meantime R. Judah came along to the academy. The two students, being light and nimble, quickly took their places, while R. Ishmael could only move to his place with slow, clumsy plodding. Abba Judah, the student prefect, exclaimed, "And who is this who treads over the heads of the holy people?" for all the students had taken their places on the ground around the teacher, while R. Ishmael still stood.

Eleazar b. Yosi, R. Ishmael's brother, who did spend time in Rome and who did know R. Simon b. Yochai, and not from R. Ishmael.

"It is I, Ishmael, the son of R. Jose, for I have come to study Torah with Rabbi."

"And are you fit to study Torah with Rabbi?"

"And was Moses fit to study Torah from the mouth of God?"

"And are you Moses?"

"And is your master God?"

R. Ishmael bore the mark of the well-born: arbitrariness and contrariety. Once he met a man loaded with faggots as he was walking along the road. The man stopped, put down his load, rested, and then turned to R. Ishmael, "Help me take them up!"

"And how much are they worth?"

"Half a zuz."

R. Ishmael gave the man half a zuz, and declared the faggots free and ownerless property, thinking that if another were to happen along, he might take them and not be guilty of misappropriating the property of another.

The man went back and declared his possession of the now ownerless property. R. Ishmael thereupon gave him another half-zuz and declared the bundle free to all the world. The man made a gesture toward the bundle, to reacquire it. R. Ishmael then said, "To all the world, these faggots are a gift, but to you they remain my property."

R. Ishmael was by nature kind and undisputative. He provided food for a woman whose husband had deserted her; in arguments among the rabbis he would offer compromise between uncompromising disputants. As it happened, his compromise was rejected out of hand by both sides.

Above all, he was unwavering in honesty. He lived by the honesty of the noble and well-born: to live otherwise is unthinkable. He had a tenant who made it a practice to bring him his share of the produce on a fixed weekday. One week he came a few days in advance, at which R. Ishmael inquired, "What is the difference, that you come earlier this week?"

"I have a case to be tried, and I thought that I'd bring the master his produce on the way."

At this R. Ishmael refused to accept the basket, and declared himself unfit to judge any case in which the tenant was a party.

He commented on this incident, "Woe unto those who take bribes. For behold, I was suspect of favoring a tenant from whom I received but my own goods — how much the more so would a judge be swayed even by the most innocent bribe!"

Recalling this incident, a later generation commented, "'...and who has not taken a bribe concerning the innocent' (Ps. 15: 15) — this is R. Ishmael, who would not even take what was his own⁹!"

It was well for his generation that R. Ishmael was scrupulously honest, for in inheriting his father's position in Sepphoris, he became magistrate of Sepphoris Jewry. Even when judging in his own right, he was never free of his father's influence, for even a humble woman reminded him in court, "This is what I heard from your father: 'Whenever it is possible to judge leniently in such a matter, one does so...'" He himself almost always followed his father's precedents.

His freedom of decision was limited not only by his father's precedents, but also by the presence in the city of the patriarch and his academy. Before R. Judah came to Sepphoris, R. Ishmael judged a case contrary to the patriarch's opinion, for which R. Judah criticized him; but after his coming, about the year 200, R. Ishmael accepted his authority without apparent question or complaint. In his care for scrupulously honest juridical procedure, R. Ishmael warned, "Never judge alone, for none judges alone but One." He consistently bespoke the participation of other judges, and taught, "Do not say to your fellow judges, 'Accept my opinion,' for only the majority, and not the individual, have such a right."

He bore a heavy burden of justice and kept court for a busy city. This was the substance of his career, and he was a humane and intelligent judge. He judged cases touching every aspect of Jewish life: ritual, commercial, social. He legislated in favor of slaves, of slandered virgins; judged matters relating to the Sabbath, female purity, ritual cleanliness, property rights. He unknotted snarled questions such as this: "If a man sold a sycamore tree in the land of his neighbor, does the land accompany the tree?" R. Ishmael held that it does; his associates held it does not. He

⁹ For sources quoted cf. B. M. 86a, Pes. 86b; Yeb. 105b; B. M. 30b; Yer. Ket. 13: 1; Pes. 20b; B. K. 116a, Hullin 137a, Ket. 105b, Makkot 24a.

ruled that if a man broke through a new window into a courtyard on which he is a partner, he is permitted to retain it. "You have proven stronger, for the opposing litigants did not challenge your action effectively at the start." R. Hiyya ruled somewhat laconically, "You have worked to open up the window, now work to stop it up."

R. Ishmael was particularly interested to facilitate the annulment of foolish vows. He lived in a world which took very seriously the sanctity of speech, and if a person vowed in anger, he must fulfill his vow in sorrow, or seek to have the vow annulled by act of rabbinical court. The court would annul a vow if the judges could find extenuating circumstance to show that the man never really meant the vow in the first place.

In his youth, R. Ishmael made a vow, and came before the rabbis to have it annulled. The rabbis asked him, "Did you vow with this contingency in mind?"

"Yes."

"And with that in mind?"

"Yes."

A number of times they asked, and he, in his simplicity, admitted that he had vowed with every conceivable extenuation in mind. Finally a gruff fuller, seeing how he troubled the rabbis, slapped him with a fuller's-basket, at which R. Ishmael exclaimed, "I certainly did not vow to be smitten by a fuller"; and the rabbis thereupon annulled the vow¹⁰.

¹⁰ Yer. Erub. 7: 10, Babli Erub. 80b, 86b, Sukkah 16b. Yer. Ket. 13: 1 presents the conflicting opinion.

Yer. B. M. 5: 6. For cases R. Ishmael judged, cf. above, and *inter alia* Sanh. 24a, Eccl. R. 1. 7. 9.

Alon (*op. cit.* I 141) explains that there was a tendency for unauthorized experts to judge by themselves in matters in which they had special competence. Gulak, *Foundations of Hebrew Jurisprudence* (Hebrew) IV, 86, suggests that this was true only later in the early Amoraic period, but beside this incident, there are cases as early as in the generation of Javneh (cf. *inter alia*. R. Tarfon's judgement, Sanh. 32a etc..) For other cases R. Ishmael judged as the regnant authority in Sepphoris, cf. *inter alia*., Shab. 64b, Pes. 20b; B. B. 59b, 109a, Sanh. 29b; Zeb. 59a; B. B. 59b; Yer. B. B. 4: 8; B. B. 109a. Sifre Num 134. For slave-law, cf. Yer. Gittin 4: 4; Gittin 39a;

As magistrate of Sepphoris Jewry, R. Ishmael was inclined to co-operate with the Roman authorities of the town. The times were peaceful, though the Jews were not; indeed they would never fully submit to Rome's rule in their homeland, but they could not forget the disastrous results of the preceding revolts (70, 132—135) in which Jewish Palestine met calamity upon calamity. R. Ishmael determined that his years would be years of peace and prosperity for Jewish Palestine. When, for instance, a Roman general came to town, R. Ishmael permitted Jews to help provender his forces even on the Sabbath.

His co-operation extended, however, to actions which some thought treasonable. He handed Jews over to the Roman authorities. These were years in which Jewish brigands roamed the Galilean hills, the remnants of a local insurrection brought on by an imperial war of succession. It was such Jewish brigands that R. Ishmael gave up to Rome, and it is, unhappily, this action which comes first to the mind of those who remember the name of R. Ishmael, the son of R. Jose, to this day.

Sepphoris Jewry took the side of Lucius Septimius Severus in his war against the legions of Pescennius Niger in 193—194. Niger had ruled the Levant, and had distinguished his administration by voicing regret that he could not tax the air Jews breathed. Septimius decisively defeated Niger, and in his victory burned Neapolis (Shechem, the Samaritan sanctuary) an act hardly unpopular with his Jewish allies. He followed this with harsh anti-Samaritan edicts. In his hour of triumph, however, Septimius saw his Jewish allies revolt, particularly in the neighborhood of Sepphoris. This was not a national rebellion, and was mainly a guerilla action by youths who ignored the cautious leadership of the rabbis.

for cases on ritual purity, cf. Yer. Oholot 5: 1; Tos. Shabbat 13: 17; female purity, cf. Midrash Shmuel 2: 3; Niddah 20a. On the accused bride, cf. Yer. Ket. 1: 1. On oaths, cf. Nedarim 23a, 66b. On interpretation of dreams cf. Ber. 56b, Yer. Maas. Sh. 4: 6, Lam. R. 1. 1. 14. The text in Ber. states only R. Ishmael, but S. Rabinowitz ad loc. p. 156, Dikduke Soferim, determines the proper reading, along with the parallels, as R. Ishmael b. R. Yosi. Buechler, op. cit. 249—250, states that the questioner in the interpretation of dreams was a *Min*; cf. also Goldfahn, in *Graetz Monatschrift* 1870, XIX 69f. who thinks he is a gnostic.

But the rebels succeeded in winning the sympathy of the Jewish masses, particularly since they imparted a messianic character to their rebellion by hinting at the reconstruction of the sanctuary in Jerusalem. R. Ishmael's friend, R. Eleazar, commented on this, "When the children advise you to build the temple, do not listen to them." If the rabbis thought the revolt could succeed, they would have led it. Since they did not, they opposed it, led by R. Judah and his functionaries, including R. Ishmael.

It was in this situation that an old man — some say it was the prophet Elijah — met R. Ishmael walking down the road. He asked him, "How long are you going to hand over to the slaughterer the people of God?"

"And what shall I do? It is a royal appointment which I cannot avoid."

"Your father fled to Asia. You could flee to Laodicea."

This is a classic encounter. The zealot claims undeviating loyalty to people, land, and nation; the collaborator claims wise and supple loyalty to the best interest of people, land, and nation. Like R. Judah, in whose service many rabbis co-operated with Rome, R. Ishmael held that the national interest was peaceful co-operation with the imperial power, whose dominion extended back three centuries and forward for two, whose invincible power had utterly destroyed the national sanctuary in 70 and internal government in 135. Co-operation meant at least limited self-government. To R. Ishmael and his colleagues loyalty to the nation did not demand undeviating rebellion against all things Roman, foreign, and imperial. He and his colleagues, particularly R. Eleazar, who was, after all, the son of a fiery zealot of the earlier revolt, were not at all prepared to risk all that is for what might never come to pass¹¹.

¹¹ On his cooperation with the Romans, cf. Yer. Erub. 8: 8, B. M. 83b; Buechler, op. cit., 226, explains that this was in the service of the patriarch. On conditions in Jewish Palestine at this time, cf. Alon, op. cit. I, 1337, II 120—121. The Rabbis co-operated with Rome in times of administrative leniency, but only against their will. For details of this war, cf. H. Graetz, *Graetz Monatschrift*, XXXIII (1884), 481—496. On R. Eleazar cf. Tos. A. Z. 1: 19. cf. especially S. Lieberman, «Palestine in the Third and Fourth Centuries C. E.», *Jewish Quarterly Review*, n. s., xxxvi, 4, 329—370, and

R. Ishmael was more than a municipal judge and magistrate. He was also a student, like his colleagues, of the Bible, the text from which law was derived. In the text of the Bible he and his colleagues found infinite wisdom. In it they immersed themselves and from it they took insight for the ages. For them the Bible was the ultimate source of information on morality, religion, and theology; but also on geography, history, wisdom. Through skillful literary criticism all this could be found out.

In the text of the Bible, R. Ishmael discovered the secret of growing old: "When men of wisdom grow old, they gain greater wisdom, as it is said, 'Wisdom is with the aged and understanding in length of days' (Job 12: 12), and when men of ignorance grow old, they gain in foolishness, as it is said, 'He deprives of speech those who are trusted, and takes away the discernment of the elders'."

In its text he discovered new dimensions of theology: R. Kahana taught in his name, "What is the meaning of the verse 'To the choirmaster (lam'mi'naatseach)' (Ps. 4: 13)? Sing to Him who rejoices when he is conquered (when they conquer him, 'm'na-tsechim). For behold, man's attribute is not like God's attribute. When man is conquered, he is sad, but when God is conquered, he rejoices, as it is said, 'Therefore He said he would destroy them, had not Moses his chosen one stood in the breach before him to turn his wrath from destroying them' (Ps. 102: 23), that is, Moses was his chosen one because he turned away his anger from destroying, and he rejoiced in Moses' success."

But the Bible was foremost a battleground for contending sects and religions, and the interpretation of Scripture was a mortal issue. The sectarians, who were numerous abounded in Sepphoris, sought to foist on the biblical text the doctrine of plural deity. A sectarian said to R. Ishmael, "It says (Gen. 19: 24), 'God rained down on Sodom and Gomorrah brimstone and fire, from the Lord, from heaven.' Should it not have said 'From himself'?" Perhaps the repetition of 'From the Lord' implies a second deity.

A fuller thereupon said, "Rabbi, permit me to answer him. It xxxvii, 1, 31—54; and J. Juster, *Les Juifs dans l'Empire Romain*, (Paris, 1914), II, 195.

says 'Lamech said to his wives Ada and Zillah, Hear my voice oh wives of Lamech' (Gen. 4: 23). It should have said, 'My wives,' but this is simply the biblical idiom."

R. Ishmael went up to pray in Jerusalem, and on the way he passed by the Samaritan sanctuary (before its destruction in 193/194). He was accosted by a Samaritan who asked where he was going.

"To pray in Jerusalem."

"Would it not be better to pray at this holy mountain rather than at that dunghill in Jerusalem?"

"I'll tell you what you're like: you're like a dog panting after carrion. You know idols are hidden under your mountain, as it is written, 'And Jacob hid them' (Gen. 35: 4), and therefore you are anxious to pray there. You are really idolators at heart."

"This man," the Samaritan told his friends, "wants to take away our idols."

When R. Ishmael heard this, he rose up and fled into the night¹².

«DIESE FROMME NACHTIGALL...» SALOMO IBN GABIROL

Von GERHARD KRAUSE, Hamburg

Aus dem Munde eines großen Rabbiners, des in Lemberg geborenen, in Stockholm verstorbenen Jacob Ehrenpreis, der in sieben Sprachen seine Bücher schrieb, hörte ich von der genialischen Erkennerkraft Bialiks und seinem inneren Verhältnis zu Salomo ibn

¹² Shabbat 152a, Pes. 119a, Gen. R. 26: 3, Cant. R. 4. 4. 8. Historical speculations cf. Sifra Behar 84a; Tos. Arechin 5: 16, and parallels Meg. 10a, Shavuot 16a, Arechin, 32b. Cf. also Sanh. 38b, Yer. A. Z. 5: 4. Alon, op. cit., II 116, suggests that there was a permanent settlement of Jews in Jerusalem at this time, cf. also II, 245, note 7. For other sources on R. Ishmael's attitude toward Samaritans, cf. Yer. A. Z. 2: 1; Tos. A. Z. 3: 4.