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THE STUDY OF TORAH IN THE TANNAITIC PERIOD

Dr. Louis Finkelstein, in his recently revised edition of The Pharisees (3d ed., Philadelphia: Jewish Publication Society of America, 1962) reaffirms the major thesis of his original version of that work, and of his biography of R. Akiba (Akiba: Scholar, Saint and Martyr (New York: Couici-Friede, 1936)), namely the sociological interpretation of the Halakhah in the Tannaitic period. In both books, Finkelstein refers the study of Torah to the socio-economic differences between the Hillelite-plebeian and the Shammaite-patrician groups within Pharisaism.

This thesis, as well as its specific application to the popular study of Torah, has been subjected to exhaustive criticisms by, among others, Gedaliah Allon.⁽¹⁾ The present remarks are meant as an addition to Allon's strictures. Study, according to Prof. Finkelstein, was cherished by the plebeians, such as R. Johanan B. Zakkai and R. Akiba, whereas the provincials, and the aristocrats descended from them, had only contempt for book learning. Finkelstein's arguments are largely based on isolated remarks in Avot which are more in the nature of personal aphorisms --

אומר -- and are not normative and conclusive as are halakhot, and therefore cannot serve as sufficient basis for reconstructing a whole philosophy. The danger of reliance on stray observations is amply illustrated, in this context of the problem

of the Study of Torah, by the assertion of Finkelstein that R. Simeon b. Gamaliel was a defector from the Hillelites to the Shammaites. Finkelstein finds patricianism reflected in such statements by R. Simeon b. Gamaliel as "Not the Study but the Practice of the Law is essential,"⁽²⁾ which he considers consistent with Shammai's negative attitude to Torah study as seen in Shammai's "Say little and do much."⁽³⁾ Referring to R. Simeon, Finkelstein adds:

...this child of the most culturally distinguished family in Judaism tried to assume the manners of the backward provincial and patrician landowners. He acted as though, like them, he found conversation difficult and feigned to despise it as an art. With unparalleled effrontery, he asserted that he had learned this from the experience of his father's house. "All my life have I grown up among the Sages," he said, "and I have found nothing of greater benefit to one's body than silence. Whosoever is profuse in words causes sin."⁽⁴⁾

This position is untenable. It is based upon the assumption that this R. Simeon is the son of R. Gamaliel I, grandson of Hillel the Elder. This is apparently so because this Mishnah follows the one containing a dictum of Rabban Gamaliel (I),⁽⁵⁾ and the statement of R. Simeon begins with שמעון בנו אומר. However, this identification is by no means certain. The most striking evidence against it is the fact that the last Mishnah in this first chapter, the one immediately following, begins with the words, "Rabban Simeon b. Gamaliel said ..." If 1:17 had indeed been Rabban Simeon b. Gamaliel, then 1:18, containing a second dictum by the same master, would have been introduced by הוא היה אומר,

following the pattern, earlier in the same chapter, of the three dicta by Hillel the Elder, where the first is recorded in his name and the last two are prefaced by the formula (6) הוא היה אומר. Furthermore, Rabban Simeon b. Gamaliel was of sufficient importance to be referred to by his title, "Rabban," and not simply as "his son Simeon." In all probability, the proper place of this Mishnah is immediately before, not immediately after, 1:16. Thus the chronological order is: Hillel and Shammai, "his (Hillel's) son Gamaliel," Rabban Gamaliel (I), Rabban Simeon b. Gamaliel. The dictum referred to by Finkelstein must thus be attributed not to Rabban Simeon b. Gamaliel I, whom he considers, on the basis of this Mishnah, as a defector from the House of Hillel, but the relatively unknown Simeon who was the son of Hillel the Elder. (7)

It is even more important to observe that Prof. Finkelstein's fanciful assumption that the "words" and "silence" represent, respectively, positive and negative attitudes towards the study of Torah, is groundless. As Allon has pointed out, it is R. Akiba himself, the great dialectician who suffered martyrdom for the sake of the study of Torah, who said (8) סיג לחכמה שתיקה. Obviously, "words," "silence," and the like refer to ordinary conversation, as the plain sense of the text implies, and not to scholarship.

Finkelstein implies that the requirement to study Torah is related to the democratic tendency of the plebeian Hillelites.

Thus the aristocratic and aloof patricians displayed an antagonism to book learning, and especially its democratization, which is deeply reminiscent of the earlier aristocrats and the Sadducees. They would have limited instruction to the children of the wealthy; and even for this class they established the principle that "not study is important but practice."⁽⁹⁾ This view removes the Study of Torah from its position of eminence in Judaism as such, confining it to one socio-economic group, and maintains that the cherishing of Study is directly proportional to the democratic nature of one's interpretation of Judaism. But this relationship, as a historical principle, fails when we move from the Second Commonwealth to later periods, such as the Hasidic era; here the Beshtian Hasidim, who constituted a mass movement and embodied a democratizing tendency, ascribed less value to Study than did the more esoteric Mitnagdim, such as R. Hayyim of Volozhin.⁽¹⁰⁾

In addition, exception can be taken to several unsupported conclusions of Prof. Finkelstein in his analysis of Study and Practice, the problem discussed by the Rabbis in Ludd.⁽¹¹⁾ Amongst these: Akiba and his party "would even yield to restrictions on the observance of the Law, provided their schools were not closed."⁽¹²⁾ Or, "It was well to forego the observance of the Law for the moment, in order to preserve the academies which were needed to guide future generations."⁽¹³⁾ What warrant is there for assuming that

R. Akiba's restriction of martyrdom to the three major transgressions and his preference for Study over Practice are related in a form of negotiation or trade? Finkelstein cites no sources for this. In general, it has not been established that the problem of Study vs. Practice necessarily represented a historical choice of one at the immediate expense of the violation of the other.

Another inaccuracy that deserves mention is Finkelstein's placing R. Jose the Galilean on the side of R. Tarphon in favoring Practice over Study.⁽¹⁴⁾ All our texts have R. Jose the Galilean declare himself in favor of Study over Practice. The fact that some texts read only "R. Jose" and not "R. Jose the Galilean" does not alter the situation; quite often R. Jose the Galilean is referred to simply as R. Jose.⁽¹⁵⁾ Although the statement by R. Jose (the Galilean) shows the chronological bent peculiar to R. Jose b. Halafta, the latter was a student of R. Akiba (and also R. Tarphon)⁽¹⁶⁾ and would probably not have participated in the discussion with them as equals. R. Jose the Galilean, however, while somewhat younger than R. Akiba and R. Tarphon, was later accepted by them as a colleague and an equal.⁽¹⁷⁾ Moreover, the text of the Sifre in Prof. Finkelstein's own edition clearly mentions R. Jose the Galilean as joining in the discussion between R. Akiba and R. Tarphon and deciding in favor of Study over Practice.⁽¹⁸⁾

Footnotes.

1. גדליהו אלון, "השיטה הסוציולוגית בחקר ההלכה", תרביץ (תרצ"ט), 82-241.
2. Avot 1:17.
3. Ib., 1:15.
4. Akiba, pp. 47-49.
5. Avot 1:16.
6. Ib., 12, 13, 14.
7. The content of this Mishnah is more appropriate to Simeon the son of Hillel than to the son of Gamaliel I; cf. R.Travers Herford, Pirke Aboth (New York: Schocken Books, 1962), pp.36,7.
8. Avot 3:17.
9. The Pharisees, (3d ed.) p. 96.
10. See, in detail, Norman Lamm, The Study of Torah Mishnah in the Works of Rabbi Hayyim of Volozhin (unpublished doctoral dissertation, Yeshiva University, New York, 1966).
11. Sifre, Dt. No. 41 (ed. Louis Finkelstein); Mekhilta of R. Simeon b. Yohai (ed. Hoffman), 19:17, p. 100; B.T.Kid. 40b.
12. Akiba, p. 257.
13. Ibid., p. 260.
14. Ibid., p. 280; The Pharisees, p. 96.
15. Bacher, "אודות התנאים", Vol. I, Part II, p. 90, nn. 2-4, and p. 92, n.3.
16. Ibid., p. 102.
17. Ibid., p. 88, n. 4.
18. Supra, n. 12.