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## A LIFE OF RABBI TARFON, CA. 50—130 C. E.

By JACOB NEUSNER, Columbia University

Rabbi Tarfon, who lived ca. 50—130 C. E., was one of the Jewish religious teachers called *Tannaim* who gathered at the coastal town of Yavneh (Jamnia) during the years between the destruction of the Second Temple (in 70 C. E.) and the disastrous rebellion of Bar Kokhba (132 C. E.). While he has occasionally been identified with the Trypho of Justin Martyr's dialogue in Ephesus at about 150 C. E., there is little evidence to support such an identification<sup>1</sup>. Tarfon's importance was, rather, as a member of the Yavneh academy, and as teacher or colleague of such men of primary and abiding significance as Akiba, Eliezer ben Hyrcanus, Joshua ben Hananiah, and Judah bar Ilai. A review of some of the major sources about his life may prove illuminating to students of rabbinic Judaism during the Tannaitic period.

### I

Rabbi Tarfon was direct and straightforward, not much given to fantasy and impatient with subtle theorizing. With unambiguous wisdom, he would seize the crucial issue and decide it. He would

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<sup>1</sup> Cf. Alexander H. Goldfahn, *Die Kirchenväter und die Agada. I. Justinus Martyr und die Agada*. Breslau 1877, 3. «Daß der Tryphon des Justin nicht mit dem berühmten Tanaiten R. Tarphon identisch ist, wird jetzt allgemein anerkannt.» Cf. also T. B. Falls, *Saint Justin Martyr*, in L. Schopp, Ed., *The Fathers of the Church*, N. Y. 1948, vol. VI, 12, n. 19, who cites C. Bardehewer, in *Geschichte der altkirchlichen Literatur*, 1913, I, 2, p. 229, denying the historical existence of Trypho, and Th. Zahn, «Dichtung und Wahrheit in Justins Dialog mit dem Juden Tryphon», *Zeitschrift für Kirchengeschichte*, VIII (1885—1886), 37—66, affirming the identity of Trypho with Tarfon. Since, as we shall see, Tarfon certainly lived before the destruction of Jerusalem in 70 C. E., and in fact recalled attending the Temple services during the priestly blessing, one is led to doubt his having survived to

teach «The day is short, the task is great, the workmen sluggish, the reward ample, the master insistent. Thine it may not be to complete the task, neither art thou free to desist from it<sup>2</sup>.» He was not a master of legend-spinning, and was ill at ease when discussion called for free play of imagination. When the rabbis mused “Who is rich?”, some might come to high moral sentiment, but not Rabbi Tarfon. “Who is rich? One who is satisfied with his lot. Rabbi Akiba says, ‘One who has a willing wife.’ Rabbi Tarfon says, ‘One who has a hundred vineyards and a hundred fields and a hundred slaves to work them<sup>3</sup>.’” His colleagues recognized this weakness, and they did not look to him for flights of fancy. He was not adept at seeking hidden meaning, in the words of Scripture<sup>4</sup>. He could indeed pun with the best of a generation that joked through puns<sup>5</sup>, but he would rebuke a colleague for talking ‘nonsense.’ When the noted agadist, Eliezer of Modin, sat before Rabbi Tarfon and the elders, he expounded: “The manna which came down to Israel was sixty cubits high!”

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150 C. E., and his having travelled at what would have been a very advanced age to Ephesus. There is, indeed, no evidence whatever that Tarfon left the land of Israel, or that he engaged in reasoned controversy with Christians. For his manner of dealing with Christians in the land of Israel, cf. below.

<sup>2</sup> Avot 2. 20–21. Cf. Avot de Rabbi Natan, text A, Schechter edition 42b, Goldin trans. (J. Goldin, *The Fathers According to Rabbi Nathan*, N. H. 1955), p. 115. Cf. also Benjamin W. Helfgott, *The Doctrine of Election in Tannaitic Literature* (N. Y. 1954), p. 73, who suggests that this statement is a direct response to Paul’s antinomian statements in Romans 3, 7, and Galatians 3, 5.

<sup>3</sup> Babylonian Talmud (hereafter = TB) Shabbat 25b. Cf. also L. Finkelstein, *The Pharisees* (N. Y. 1946), I, 14.

<sup>4</sup> But see Tarfon’s midrash-agada in the following: Pirke de Rabbi Eliezer ch. 25, 61a, ch. 41, 95b, ch. 10, 25b; Numbers Rabbah 9. 31 (Parallels in Sifre Numbers 8, Palestinian Talmud [hereafter = TP] Sotah 3. 4, and Midrash HaGadol on Numbers, ed. S. Fish, Manchester 1940, p. 262); and Mekilta of R. Simeon b. Yohai (Jerusalem 1955), Ed. Y. N. Epstein and E. Melamed, on Ex. 6. 2, p. 5, 1. 12.

<sup>5</sup> An example of Tarfon’s pun is Mishnah Oholot 16. 1, “May I bury my sons (ekpakh) if this halakhah is not disorted (mekupakhat); cf. also inter alia Midrash Tehillim on 7. 13.

“O Modite, how long will you rake together words to bring up against us?” Rabbi Tarfon exclaimed.

“But master, I am only expounding Scriptural verse<sup>6</sup>.”

When Rabbi Tarfon himself tried his hand at agada, he proved inept. Once it was asked: “Who is it who ‘does righteousness at all times’ (Psalm 106:3)?”

“Can it be those who teach children Bible and Mishnah?” Rabbi Tarfon answered.

“But do they not eat and drink and sleep? They surely do not do righteousness at all times?”

“Can it,” he countered, “be those who write out tefillin and mezuzot?”

“But,” they objected, “do they too not eat and drink and sleep? Who is it then that does righteousness at all times?”

“You must say that it is he who brings up an orphan in his house, for the orphan is always provided with the clothes that he gave him, and hence the righteousness is, in effect, always being done.”

“But,” they answered, “would you say that he does not sleep naked at night? [It was customary to sleep naked.] We still need the Modite<sup>7</sup>!”

He was therefore a man of plain commonsense; he was not simple, but he probed with simple directness into a complex problem. How did he reason out a moral riddle? A rumor went out that certain Galileans had killed a man. The suspects came to Rabbi Tarfon and said: “Will the master hide us?”

“How should I act? Should I not hide you, those who avenge the blood will see you (and execute vengeance whether you are properly tried or not). Should I hide you, I should be acting contrary to the teaching of the rabbis: As to slander, though one should not believe it, one should take note of it. (Further, if the report is

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<sup>6</sup> TB Yoma 76a. Cf. Mekilta of R. Ishmael, Lauterbach ed., II, 113, Mekilta of R. Simeon b. Yohai p. 110 1. 7, and Mekilta of R. Ishmael to Vayassa IV, lines 70—74.

<sup>7</sup> Esther Rabbah 6. 1. Cf. also Midrash Tehillim on 106. 3. For another example of Tarfon’s literalness, cf. TB Niddah 13b.

true, I have no right to shield you.) Go, he concluded, and hide yourselves<sup>8</sup>!"

In complex legal issues he would reason from an obvious premise to a clear conclusion. He dealt in such a manner with the following parallel cases: if a man betrothed one of five women and does not know which he has betrothed and each states that she is the betrothed, he must give a letter of divorce to each of them and, leaving the marriage-money among them, he withdraws, according to Rabbi Tarfon. Rabbi Akiba objects: This is not a way to lead a man out of the toils of sin; rather, he must give to each of them both a letter of divorce and the marriage-money. Again, if a man robbed one of five persons without knowing which he had robbed and he wishes to return the theft, he may set down the stolen article among the claimants and depart, according to Rabbi Tarfon. Rabbi Akiba objects: This is not a way to lead a man out of the toils of sin; rather he must restore the appropriate article to each claimant<sup>9</sup>.

In each case Rabbi Tarfon follows the path of clear reason: the thief stole one object, he need return but one; the distraught suitor betrothed but one woman, he need pay marriage-money to but one. Let the claimants negotiate their claim; this is, after all, not unreasonable, since the thief did *not* steal from four of the claimants, the suitor did not betroth four of the women, and at least some claimants are in the toils of sin for claiming that he did. Rabbi Akiba reasons more subtly, and more justly: a thief has committed a crime and wants to make recompense. If he returns one object to five claimants, it is likely to be divided among them, since there is no way of substantiating any one claim. Hence the one true claimant would only receive a fifth of his property, and the final result of the theft is not altered. If each claimant receives the full amount of the theft, the true claimant at least will not suffer; but otherwise the honest man still loses to dishonesty. The same reasoning applies to the case of the five affianced: the fiance did, after all, betroth someone; if he was so careless as not

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<sup>8</sup> TB Niddah 61a.

<sup>9</sup> TB Yevamot 118b. Cf. also TB Baba Kama 103b, Tosefta Yevamot 14. 2.

to notice which woman he betrothed, he ought to be penalized five times in order that the real victim suffers no loss.

In abstract and complex issues of legal theory, Rabbi Tarfon had a tendency to avoid unnecessary “theorizing”. For instance, if a man vows to become a Nazir (to take upon himself for a given period certain vows of abstinence), Rabbi Tarfon held that he must do so unconditionally and unequivocally. This avoids scholastic inquiry into situations such as this: if six people were walking along the road, and saw someone coming toward them, and one said: I declare myself a Nazir if it is not so-and-so, and another said: if it is so-and-so, and a third: I declare myself a Nazir if one of you is a Nazir, and a fourth: I declare myself a Nazir if neither of you is a nazir, and a fifth, if both of you are a Nazir, and a sixth, if all of you are a Nazir — if this happened, Beth Shamai declare: all six are Nazirites; Beth Hillel rule: Only those whose words are confirmed become Nazirites; and Rabbi Tarfon rules: Not one of them becomes a Nazir<sup>10</sup>. Tortuous cases such as this are excluded under the simple principle that all vows of this sort must be unconditional and unequivocal.

Rabbi Tarfon would likewise accept humanity as an argument in law, while his colleagues insisted that “logic must pierce the mountain.” If a man died, Rabbi Tarfon taught, leaving a wife, a creditor, and heirs, and he left a deposit or loan in possession of others, this deposit should be given to the weakest of them. Rabbi Akiba countered: No pity must be shown in a matter of law, but the deposit is given to the heirs, whose claim is the strongest<sup>11</sup>.

Not only is humanity an argument in law, but Rabbi Tarfon was also willing for the law to recognize the result of an extra-legal device. According to strict law, a *mamzer* might never affect the legalization of his seed. Rabbi Tarfon taught that a *mamzer* might purify his descendants from this taint, so that they might marry legitimately. How? If a *mamzer*-freeman marries a bond-maid (which is, in the first place, not legal), her children will be

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<sup>10</sup> TB Nazir 32b. Cf. also TB Sanhedrin 25a; TP Nazir 5. 4, Nazir 62a.

<sup>11</sup> TB Ketuvot 84a, b; TP Ketuvot 9. 2-3. Cf. L. Finkelstein, *Akiba* (N. Y. 1936), 280.

his slaves, and he may free them. The children of a bondmaid need not show paternity. Hence the children would be both free and legitimate. Rabbi Tarfon suggested that the most felicitous means to carry out the marriage would be for the *mamzer* to marry in a place where he is unknown; the deed, once done, is done and the law will recognize his offspring as legitimate<sup>12</sup>. Rabbi Tarfon accepted the strict demands of logic, on the other hand, when logic would assert the humane, just as he denied logic when a human being would suffer<sup>13</sup>.

## II

“A man is duty-bound to attend upon four scholars, such as Rabbi Eliezer, Rabbi Joshua, Rabbi Tarfon, and Rabbi Akiba<sup>14</sup>. ” The disciple who came to Rabbi Tarfon was fortunate indeed. He was honest and did not conceal impatience; but in his gruff affection for students and colleagues, he dealt openly and honestly with all about him. If a student made a sound comment, he would exclaim, “A knop and a flower” (quoting Exodus 25:33, “It is well ordered like a knop and its flower”) but if a student spoke nonsense, he would exclaim, “My son shall not go down with you” (Genesis 42:38, punning on “b’ni”, my son, and “binah,” understanding, that is to say, “I don’t go along with you<sup>15</sup>”). He could be highly impatient: when his sister’s sons sat in ignorant silence before him, he quoted the verse, “And Abraham took another wife, and her name was Johanni” (Genesis 25:1).

The boys exclaimed, “But it is written ‘Keturah’.”

“That’s just what you are, children of Keturah,” he answered; that is to say, you who cannot discuss law intelligently may be

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<sup>12</sup> TB Kiddushin 69a (Mishnah 3. 13). Cf. also TP Kiddushin 3. 13, TB Yevamot 78a. Cf. also B. Z. Bokser, *Pharisaic Judaism in Transition* (N. Y. 1935) 108.

<sup>13</sup> Cf. for example TB Yevamot 118a, b (Mishnah 15. 6–7).

<sup>14</sup> ARNa ch. 3, Schechter ed. p. 8b, ARNb 20a, Goldin p. 28. But see Schechter’s note *ad loc.*

<sup>15</sup> Genesis Rabbah 91. 9.

children of Abraham, but not of Sarah but of Keturah, an inferior breed<sup>16</sup>!

His impatience was matched by impulsive generosity. Once he said to Rabbi Akiba: "Go and buy for us a field that we may labor in the Torah and support ourselves from that field," and he gave him six hundred silver coins. Since Rabbi Tarfon himself held large estates, he probably wanted Rabbi Akiba to live from the investment himself. Rabbi Akiba however took the money and gave it to the students and teachers who labor in the study of Torah. After some time Rabbi Tarfon asked Rabbi Akiba: "Have you bought that field I told you to get?"

"Yes," he replied.

"Can you show it to me?"

"Yes." And he took him, and showed him schools of children and teachers laboring in the study of Torah. Rabbi Tarfon asked: "But does a man give away anything for nothing? Where is the money's equivalent?"

Rabbi Akiba answered: "It is with David, king of Israel, of whom it is written, 'He has scattered abroad, he hath given to the needy, his righteousness (charity) endures for ever' (Psalms 112:9)<sup>17</sup>."

He had the humility to admit to his students that he did not know the answer to a question. Once the students asked him whether it is permitted to move the carcass of a beast that died during the festival, and whether hallah which became defiled (and which may not even be used as fuel during the festival) may be moved, and he went into the Academy and inquired and found that neither object may be moved. A century later it was pointed out that the sages who had answered Rabbi Tarfon themselves had erred<sup>18</sup>. His dealings with his family also were characterized

<sup>16</sup> TB Zevahim 62b. Cf. also W. Bacher, *Agadot HaTannaim* (Berlin 1922), II, 86.

<sup>17</sup> Leviticus Rabbah 34. 16. Cf. also Pesikta Rabbati 125. Compare Masekhet Kallah (ed. M. Higger, N. Y. 1936), ch. 1, p. 21, and Masekhet Kallah Rabbati, ed. M. Higger ch. 2, p. 209.

<sup>18</sup> TB Bezah 27b (Mishnah 3. 5). For other indications of his modesty, cf. TB Nedarim 62a, TP Shevi-it 4. 2. For the later comment, cf. TP Bezah 3. 6.

by humility and kindness, and he was gallant to the weaker sex. Once, it is told, when he sat teaching his students a bride passed by. He told the students to bring her into his house and to have his mother and wife anoint and wash the bride, and to arrange the customary dances before her to make her rejoice until she was to go to her husband's house<sup>19</sup>. (That is not to say that he was a feminist; on the contrary, he taught that a termagant may be divorced without paying the marriage-money to her. And who is a termagant? A woman whose voice can be heard by her neighbors when she speaks inside her own house<sup>20</sup>.) In days of famine he betrothed three hundred women (some think it was only three) so that they could eat the priestly tithes reserved for priests and their families<sup>21</sup>. Fables were told of his humility toward his mother. It is said that Rabbi Tarfon, a man who held many servants, would bend down to let his mother ascend to her bed by stepping on his back. When she would take a walk in the courtyard on Sabbath, he would place his hands under her feet to protect her until she reached her couch. Once when he was sick, the scholars came to visit him, and his mother said to them: "Pray for my son Tarfon, for he is wont to honor me, even too much!"

"And what does he do for you?"

She told them the story of his kindness on the Sabbath. They answered: "Even if he had done so a thousand thousand times, still the honor for parents of which the Torah spoke would not yet be fulfilled<sup>22</sup>!"

He was a loving father to his wife and children. It is written: "A man ought to make his wife and children merry on the festival of Passover. And with what ought he make them merry? With wine." To this Rabbi Judah bar Ilai. Rabbi Tarfon's faithful student, objected: "A man ought to make women happy with what is fitting for them, for example, roasted ears of corn and doves,

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<sup>19</sup> ARNa ch. 41, Schechter 67a, Goldin p. 173.

<sup>20</sup> TB Ketuvot 72a.

<sup>21</sup> Tosefta Ketuvot 5. 1. Cf. also TP Yevamot 4. 12. Compare Bacher, *Agadot*, I, ii, 81, n. 5.

<sup>22</sup> TB Kiddushin 31b, TP Pesahim 1. 1, TP Kiddushin 1. 7.

and children with what is fitting for them, for example, nuts and almonds. For this is just what Rabbi Tarfon used to do<sup>23</sup>."

This then was his way of dealing with abstract problems and with everyday associates: direct and commonsensical with the one, gruff and kind with the other.

### III

The saddest men in history are those whose names are joined in the mind of the future with those of men greater than themselves. Rabbi Tarfon is known to the ages as Rabbi Akiba's sometime teacher and colleague. The personalities of the two men differed very profoundly. Rabbi Akiba was subtle and complex, both in matters of law and in human relationships. For example, both men would, as leading figures in the academy, visit the sick and dying in their midst. In these visits, the contrast between the two men becomes clear: Rabbi Tarfon brought sweet, simple, and direct good wishes, while Rabbi Akiba delivered a complex and stern message of strength.

When Rabbi Eliezer ben Hyrcanos fell ill, Rabbi Tarfon told him: "You are more precious to Israel than the rain, for rain is precious in this world while you are precious for us in this world and in the world to come." [As a result of Rabbi Eliezer's teaching, Israel would enjoy this world and the next.] Rabbi Akiba continued: "Suffering is precious, because it makes atonement for the sufferer." The sick man answered: "Help me up so that I may hear the words of my disciple Akiba, who has said 'Suffering is precious.'<sup>24</sup>"

Rabbi Tarfon did not possess Rabbi Akiba's acumen and intellect. He would err, he would hear and forget what he heard; he would see an event and forget the details from which law could be determined. Not so Rabbi Akiba; his logical and powerful

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<sup>23</sup> TP Pesahim 10. 1. Cf. also M. Jastrow, *Dictionary of Talmud Babli etc.* N. Y. 1950, II, 1270.

<sup>24</sup> TB Sanhedrin 101a. Cf. also Sifre Deut. 32, Mekilta de R. Ishmael, Lauterbach ed., II, 280, Bahodesh X, 1. 60—61.

mind never failed him; he would make straight the crooked and clarify the unclear. Indeed few men could have provided more than a foil to such genius. Very often Rabbi Tarfon would say, "May I bury my children if this is not a perverted teaching, which the hearer heard wrongly . . ." and Rabbi Akiba would answer, "I shall amend this teaching so that the words of the sages remain valid<sup>25</sup>;" or he would exclaim, "May I bury my children if I have not heard a distinction in this matter, yet I cannot explain what it is," and Rabbi Akiba would answer without boast, "I shall explain the distinction," and he did so many times. Rabbi Tarfon would acknowledge: "By the service of the Temple, you have not deviated right or left. I heard and yet could not explain, while you reason the matter out and agree with my hearsay. O Akiba, who parts from you parts from life itself<sup>26</sup>!" Rabbi Tarfon did not simply tender a graceful compliment when he said to Rabbi Akiba: "Of thee, Akiba, Scripture says, 'He bindeth the streams that they trickle not, and brings forth the thing hid to light' (Job 28:11). Things concealed from men Rabbi Akiba brings forth to light<sup>27</sup>."

The two men differed in economic status as well, and a few disagreements may be traced to a difference in perspective. In the face of the internal dialectic of Scriptural exegesis, it is difficult to construct a comprehensive economic interpretation of their differences, however. For example, Rabbi Tarfon held a more liberal view of the manumission of slaves than Rabbi Akiba. If the master of a servant destroys any limb, the slave may be free without a deed of emancipation, according to Rabbi Tarfon. Rabbi Akiba holds that a deed of emancipation must first be obtained. Shall it be said here that Rabbi Tarfon, an enlightened patrician, wishes to ease the plight of injured slaves, while Rabbi Akiba expresses the ancient plebian hostility toward the institution of slavery, the one by facilitating manumission, the other by obstructing it? This would not be unreasonable, were it not written in the

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<sup>25</sup> TB Shabbat 16b, 17a. Cf. Oholot 16 a.

<sup>26</sup> Tosefta Oholot 15. 12, cf. also TB Zevahim 13a.

<sup>27</sup> ARNa ch. 6, Schechter 15a, Goldin 42.

Torah (Exodus 21:26): “If a man smite the eye of his servant or the eye of his maid that it perish, he shall let him go free for his eye’s sake; and if he smite out his manservant’s tooth... he shall let him go free for his tooth’s sake.” Rabbi Tarfon interprets *tooth* or *eye* to be the Biblical idiom for all limbs, while Rabbi Akiba interprets the terms more literally: while a man may indeed go free for the loss of any limb, the Torah specifies only tooth or eye, and therefore for other limbs a deed of emancipation is needed to secure and confirm freedom. Here the dialectic of exegesis is apparently at issue<sup>28</sup>.

Reference to the economic antecedents of the two teachers may shed light on the issue at hand in one case. Rabbi Tarfon, a country squire, was not unused to some kind of luxury while Rabbi Akiba, who had risen from poverty, had little patience with those who would lighten the yoke of the Torah. A certain man named Diskos, at Yavneh, built himself a private *mikveh* (ritual bath). When the pool was found to contain less than the required quantity of water, the question arose: what is the state of the objects purified in the pool up to that time? Rabbi Tarfon argued that the pool is regarded as acceptable until found wanting, and Rabbi Akiba argued that every object dipped in the pool was unclean, as if it had never been dipped<sup>29</sup>.

Rabbi Akiba argued in Rabbi Tarfon’s behalf. Once, for instance, Rabbi Tarfon made an error in declaring the law. A man brought to him an Alexandrian cow; these cows were world-renowned, and it was said of them “Neither cow or sow leaves Egyptian Alexandria until its womb is cut out” [so that it could not breed]. Rabbi Tarfon declared the animal unfit for human consumption under the law prohibiting an animal from which a limb had been chopped off. The man threw the cow to the dogs; and later inquired of the sages at Javneh, who advised him that the animal could have been eaten since it is explicitly taught that an animal whose womb is cut out may be eaten.

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<sup>28</sup> TB Kiddushin 24b. Cf. TB Gittin 42b.

<sup>29</sup> TB Kiddushin 66b, cf. also Terumot 8. 1, Tosefta Mikvaot 1. 17, 1. 18, 1. 19. Cf. Finkelstein, Akiba, 109.

Rabbi Tarfon exclaimed, "There goes your ass, Tarfon!" for he thought that he would have to sell an ass to compensate for the cow.

Rabbi Akiba reminded him: "You are absolved of all costs, for you are an expert in judgment, and whoever is a recognized expert is absolved from reparation<sup>30</sup>."

On another occasion, Rabbi Tarfon was refuted by a student, Judah ben Nehemiah. Judah's face brightened with joy, whereupon Rabbi Akiba turned to him and said: «Judah, your face has lit up because you have refuted the sage. I wonder whether you will live long!» The student passed away a few months later<sup>31</sup>.

In one area of the law, the two teachers differ in a wholly explicable pattern. In the area of laws on the priesthood and Temple service, Rabbi Akiba stands for humanity as a factor in law, while Rabbi Tarfon seeks to establish the full measure of priestly advantage granted by tradition, law, and logic. The reason is not far to be found: Rabbi Tarfon was a priest.

#### IV

Rabbi Tarfon's life-long concern for the priesthood, the Temple rites and dues, hovered in unreality, for the Temple had been destroyed in his youth, and most of the proper and necessary functions of the priesthood could no longer be performed. But maintenance of priestly tradition had a larger meaning for Rabbi Tarfon and his generation. It meant that a link persisted between the age when Jews lived without the Temple and in exile, and the age when the Temple would once again stand as a bond between Israel and God. If the hope for the rebuilding of the Temple was to be sustained as a symbol of the messianic faith, then the continued study and practice, so far as possible, of priestly functions were assurance<sup>32</sup> that the Jews kept the hope for coming redemption.

Rabbi Tarfon therefore continued to collect and consume the priestly offerings, and considered the act of eating the offerings

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<sup>30</sup> TB Bekorot 28b, cf. also TB Sanhedrin 33a.

<sup>31</sup> TB Menahot 68b. Cf. the text in Sifre Numbers 148, however.

the equivalent of the service of his forefathers in the Temple. It was told that he would eat the offerings in the morning and say, "So have I offered the morning perpetual-offering," and that he would do the same at twilight<sup>32</sup>. Once he tarried in coming to the academy, and Rabban Gamaliel questioned him. "I was making an offering," he explained.

"All your words are nought but foolishness! Is there any sacrifice nowadays?"

"Behold," Rabbi Tarfon answered, "The Scripture says, 'I give you the priesthood as a gift' (Numbers 18:7). The gift refers to the priestly dues, therefore even including the heave-offerings. Thus eating the heave-offerings in the whole of the land of Israel is made equivalent to offering the sanctified offerings in the Temple itself<sup>33</sup>," for both are part of the gift to the priests.

Rabbi Tarfon's priestly career began in childhood, when he went up to the Temple at Jerusalem with his uncle. During the chanting of the three-fold blessing, he strained his ears to hear the manner in which God's Ineffable Name was pronounced, but, as he reported, "The High Priest muffled it in the midst of the chanting." When he came of age, he did hear the Name and fell upon his face in awe, as those nearby shouted, "Blessed be the Name of His glorious kingdom for ever and ever<sup>34</sup>."

Later in his life, he recalled a Temple service, and taught from this memory that a priest might stand in the Temple court and blast on a trumpet even though he might be lame. Rabbi Akiba contradicted him, and showed from Scripture that only priests who are without physical blemish might do so. Rabbi Tarfon answered impatiently: "O Akiba, how long will you rake up words to bring against us! This is unbearable! May I bury my children if I did not see my Uncle Simon, the lame one, standing in the court of the Temple and blasting on his trumpet!"

"Perhaps," Rabbi Akiba answered, "this was on Rosh Hashanah or on Yom Kippur or on the Jubilee that you saw it?" (On these

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<sup>32</sup> Sifre Zuta 293.

<sup>33</sup> TB Pesahim 72b, cf. also Sifre Number 116. Compare J. Derenbourg, *Essai sur l'histoire et la géographie de la Palestine* (Paris 1867), 377.

<sup>34</sup> Kohelet Rabbah 3. 11. Cf. also TB Kiddushin 71a, TP Yoma 3. 7.

days even priests who were physically blemished might participate in the service.)

“By the Temple service, you have not erred! Happy are you, o Abraham our father, that there has come from thy loins such as Akiba! Tarfon saw and forgot, Akiba reasons and conciliates memory with law! All who part from you, Akiba, part from life itself<sup>35</sup>!”

There were times when the two men argued at great length concerning the privileges and prerogatives of the priesthood. Rabbi Akiba was not so sympathetic to these claims; many of the priests were wealthy and Rabbi Akiba opposed what he considered the extravagance of their claims. For example, the priest may claim the first-born male of an animal. What happens if an ewe who had never before given birth bore two males and both heads came forth simultaneously? Rabbi Tarfon rules: The priest chooses the better animal. Rabbi Akiba taught: We compromise between them. Whoever takes the fatter must pay to the other half its excess value. If one of the animals should die, Rabbi Tarfon says: the priest and the farmer divide the living animal, while Rabbi Akiba says that the priest who lays claim must produce evidence that it was his, and not the farmer's animal that lived. In a number of such cases, Rabbi Tarfon consistently maintains that the priest receives the stronger animal, while Rabbi Akiba consistently urges the claim of the layman<sup>36</sup>. It is not that Rabbi Akiba opposed legitimate priestly claims, but he argued that only what is positively bestowed on the priest by the Torah ought to be his; in areas of doubt the layman's claim ought to be accepted. The two men argued also concerning the rights of the destroyed Temple, and even in such abstract cases, Rabbi Tarfon argued the maximum claims of the sanctuary and Rabbi Akiba favored the lay worshipper<sup>37</sup>.

In one instant, it is possible to offer an economic interpretation of a ritual dispute. Rabbi Akiba taught that wine, but not olive

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<sup>35</sup> Sifre Numbers 75, TP Yoma 1. 1, TP Megillot 1. 17, Tosefta Sotah 7. 16, TP Horayot 3. 2. Cf. also Finkelstein, *Akiba*, 82.

<sup>36</sup> Cf. TB Bekhorot 17a—18b.

<sup>37</sup> Cf. for example Terumot 7. 1, TP Terumot 9. 1-2.

oil, may be offered in the Temple as a freewill offering. Rabbi Tarfon taught that oil also is acceptable. Why was Rabbi Akiba averse to olive oil? It has been suggested that while the vine may be cultivated in a small area, by rich and poor alike, the olive tree required large landholdings for its outstretched roots. A poor man would be impatient at the sight of a rich man's miserly gift: if a farmer was rich enough to raise olive trees, he was rich enough to donate something more fitting to his wealth than a little olive oil. Rabbi Tarfon on the other hand could see nothing disgraceful in a plain offering of olive oil. He went so far as to teach that the only suitable oil for the Sabbath lamp was olive oil. At this a colleague demanded: "What then will the men of Babylon do, who have only sesame oil? and those of Media, who have only nut oil? and those of Alexandria, who have only colycynth oil? and those of Cappadocia, who have only naphtha<sup>38</sup>!"

## V

Besides his studies with Rabbi Akiba, Rabbi Tarfon left his mark on the education of other noted teachers, particularly Rabbi Judah bar Ilai and Rabbi Yosi the Galilean.

Rabbi Judah came to study with Rabbi Tarfon when he was a child, and enjoyed the patronage of the older man. When he matured, he himself became a prominent teacher and judge, and cited Rabbi Tarfon's precedents very frequently, and the law-in-action that he had witnessed at his home and court. When someone asked whether it was a good thing to have six fingers on each hand and six toes on each foot, he reported that one such man came to Rabbi Tarfon and he had said: "May the like of you increase in Israel." Rabbi Jose challenged this report: "Does this really prove that additional fingers and toes are a sign of strength? This is

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<sup>38</sup> TB Shabbat 24b, TP Shabbat 2. 2. Cf. Finkelstein, *Akiba*, 85—86. Compare TB Menahot 104b (Mishnah 12. 5), Zevahim 91a, Sifra Vayikro 8. 7, Tosefta Menahot 12. 10.

what Rabbi Tarfon really said: “May through people like you bastards diminish in Israel<sup>39</sup>. ”

Once Rabbi Tarfon was sitting with his colleagues and students at the vineyard in Javneh. Rabbi Tarfon raised a question and answered it. “Now” as the Talmud reports, “a certain disciple from Galilee by the name of Yosi had come for the first time to study with the masters, and he asked Rabbi Tarfon: ‘How do you know this, Rabbi?’ ”

Rabbi Tarfon answered, and to the amazement of all present, Rabbi Yosi successfully refuted him. Rabbi Tarfon kept his silence, and Rabbi Akiba lept into the argument, introduced a third category of judgment, and settled the dispute.

Later another question arose, on the ritual acceptability of a certain object. Rabbi Yosi declared the object pure, and Rabbi Akiba declared it impure. Rabbi Tarfon supported Rabbi Yosi, and Rabbi Simon ben Nanos supported Rabbi Akiba. Rabbi Simon bested Rabbi Tarfon, and Rabbi Yosi bested Rabbi Simon, and Rabbi Akiba bested Rabbi Yosi. After some time, however, Rabbi Yosi found an argument and successfully refuted Rabbi Akiba, and the assembled sages voted to support Rabbi Yosi’s opinion.

On the day that Rabbi Yosi refuted Rabbi Akiba for the first time, Rabbi Tarfon viewed his colleagues and commented: “I saw the ram charging westward and northward and southward; no beast could stand before him and there was none who could rescue from his power; he did as he pleased and magnified himself” (Daniel 8:4). “This,” said Rabbi Tarfon, “is Rabbi Akiba. ‘As I was considering, behold a he-goat came from the west across the face of the whole earth, without touching the ground, and the

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<sup>39</sup> TB Bekorot 45b, Tosefta Bekhorot 5. 7. Cf. also TB Megillah 20a, TP Megillah 2. 5, TB Nedarim 49b. Tarfon also taught Haninah ben Gamaliel, cf. TB Niddah 62a, Kiddushin 81b. Cf. also TP Sotah 2. 2, Tosefta Negaim 8. 2, TB Nedarim 52a, b (Mishnah 6. 6), Kiddushin 14a, Tosefta Yevamot 12. 15, Yevamot 101b, Sifre Deut. 291, Nedarim 19b, Niddah 38a, TP Kiddushin 3. 13, Tosefta Mikvaot 7. 3, TP Baba Meziah 2. 8, Sheviit 5. 2, Tosefta Shevi-it 4. 4, for other references of Judah bar Ilai to Tarfon. Tarfon is also quoted by Rabbi Oshaiah son of Judah the Spice-dealer in TB Hullin 55b, Tosefta Hullin 3. 7; and by Eliezer in Tosefta Parah 11. 5.

goat had a conspicuous horn between his eyes.' This is Rabbi Yosi the Galilean. 'He came to the ram with the two horns, which I had seen standing on the bank of the river, and he ran at him in his mighty wrath. I saw him come close to the ram and he was enraged against him and struck the ram and broke his two horns.' The two horns," Rabbi Tarfon continued, "are Rabbi Akiba and Rabbi Simon ben Nanos. 'And the ram had no power to stand before him, but he cast him down to the ground and trampled upon him.' This, again, is Rabbi Yosi. 'And there was no one who could rescue the ram from his power.' This refers to the thirty-two sages... that declared the object clean, according to the opinion of Rabbi Yosi<sup>40</sup>."

## VI

In Rabbi Tarfon's day, the career of the intellect offered extraordinary satisfaction to a man of action. It was as if the slogan of society were all power to the intellectuals, for the academies ruled the body politic, legislating, judging, and determining national policy. Rabbi Tarfon spent his life in the academy as student, teacher, and judge. He was vigorous and passionate, yet through the medium of ideas and debate, he could express the full force of his personality.

Rabbi Tarfon lived in the great age of the development of Jewish law, when the cataclysmic challenge of Jerusalem's destruction brought about a brilliantly creative period in Jewish jurisprudence. The following generations continued for centuries to refine and to harmonize the great seminal ideas of these years. To list the great men of this generation, Rabbi Akiba, Ishmael, Yosi the Galilean, Judah bar Ilai, Eliezer ben Hyrkanos, Eleazar ben Azariah, Joshua ben Hananya, Rabban Gamaliel, is to list the great legislators in Jewish history.

Rabbi Tarfon joined in this work. Some speculate that he was part of the remnant of the school of Shammai, and that in the

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<sup>40</sup> Sifre Numbers 118. Cf. TB Zevahim 57a. Cf. also Finkelstein, *Akiba*, 165. Tosefta Mikvaot 7. 11, Sifre Numbers 124.

debates he fostered the views of this school of thought. Had he lived half a century earlier, this might not have been unreasonable to assume, for he was a rural squire and a priest, to whom the appeal of the Shammaites' wing of Pharaism is supposed to have been very great. But the destruction of Jerusalem weakened the Shammaites, and Rabbi Tarfon was at the time too young to have assimilated many of their teachings. He had on the other hand received some training in their traditions. In the matter of the proper stance for reciting the Shema, the earliest teaching given to a Jewish child, the school of Shamai held that the words, "When you lie down" are to be interpreted quite literally, and that one ought to lie down. The school of Hillel held that this indicated simply the proper time to recite the Shema, that is at the time "when you lie down," in the evening. Rabbi Tarfon nonetheless followed the teaching of the school of Shammai. He once reported: "I was walking on the road and lay down on my side to recite the Shema (according to the teaching of the school of Shammai) and I was endangered on account of thieves."

The sages answered: "It served you right because you transgressed the teaching of the school of Hillel." The later sages cited this incident to show that the words of the scribes are more precious even than the words of the Torah, for while Rabbi Tarfon was fulfilling the commandment of the Torah to read the Shema in the evening, he came into danger because he disobeyed the interpretation of the Hillelites by delaying his journey to lie down<sup>41</sup>.

Despite such deviation, Rabbi Tarfon rose to very great eminence in the academy at Javneh. He conducted classes there<sup>42</sup>,

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<sup>41</sup> Mishnah Berakhot 1. 3. TB Berakhot 10b, TP Berakhot 1. 4. Cf. TP Sanhedrin 11. 4. But Tarfon apparently studied with Yohanan ben Zakkai, cf. TB Pesahim 72b. Cf. also L. Ginzberg, *Perushim veHiddushim BaYerushalmi* (N. Y. 1900) I, 150. Cf. also J. H. Weiss, *Dor Dor veDorshav*, Vilna 1904, II, 72, and TB Yevamot 15a, TP Yevamot 1. 6, Tosefta Yevamot 1. 10. Also compare Mishnah Maaser Sheni 2. 9, Eduyot 1. 10.

<sup>42</sup> Cf. TB Zevahim 57a, Sifre Number 118, TP Yoma 1. 1, TP Yevamot 4. 12, D. Hoffman ed., *Midrash Tannaim* (Berlin 1909), p. 88, line 18, on Deut. 16. 19–21.

and on a number of occasions acted as spokesman for the rabbis<sup>43</sup>. At Javneh sometime after the year 80, Rabban Gamaliel succeeded to the presidency and to the great task of Rabban Yohanan ben Zakkai: to reconstruct the institutions of Jewish autonomous government after Rome's victory over Jerusalem. Rabban Gamaliel sought to prevent factionalism that would shatter the Torah into a thousand fragments. In his quest for unity and conformity to one tradition, he used the ban of heresy to enforce majority decisions, and even humiliated the most eminent teachers of the day. Some time before 95, sentiment against the vigorous rule of Rabban Gamaliel coalesced, the scholars asserted their authority and deposed the president, though for only a day<sup>44</sup>.

One Sabbath<sup>45</sup>, toward twilight, before the day that Rabban Gamaliel was deposed, Rabbi Tarfon was sitting with his students in the shade of a dovecot. It was the end of a hot day, and a student brought the master a dipper of cold water. Rabbi Tarfon took the opportunity to teach an important law: "What ought one to say in blessing over a cup of cold water drunk for thirst?"

"May our master teach us."

"Blessed art Thou, O Lord our God, King of the universe, who creates living beings and satisfies their needs."

On that day in the synagogue the Torah reading had told of the sale of Joseph into slavery, and Rabbi Tarfon began a seemingly innocent discussion of the story: "Behold it is written, 'And they lifted up their eyes and behold, a caravan of Ishmaelites

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<sup>43</sup> TB Gittin 83a, Yoma 76a, Yadaim 4. 3. Sanhedrin 101a, Sifre Deut. 32, Mekilta dr R. Ishmael, Lauberbach ed., II, 280; TB Gittin 9. 1, *inter alia*.

<sup>44</sup> TB Berakhot 27b—28a.

<sup>45</sup> Tosefta Berakhot 4. 16–17. The historical interpretation of this midrash was suggested to me by Professor Saul Lieberman of the Jewish Theological Seminary of America. The interpolated comments on the royal virtues are drawn from S. Lieberman, *Tosefta KiFshuta* (N. Y. 1955), I, 69—71. For other texts, cf. Midrash Tehillim on 76. 2, Mekilta de R. Ishmael, Lauterbach ed., I, 234 (Beshallah 6. 44); Mekilta of R. Simeon bar Yohai, Epstein-Melamed ed., p. 63, 1. 2. Cf. also Finkelstein, *Akiba*, 231, for another interpretation. The blessing over water is taught in Mishnah Berakhot 6. 8, cf. TB Berakhot 44a; Eruvin 14b, TP Berakhot 6. 8.

came from Gilead with their camels bearing spicery, balm, and ladanum, going to carry it down to Egypt' (Genesis 37:25). Now is it the manner of Arabs to carry such things? Do they not trade in evilsmelling skins...? But God put that righteous man Joseph in the midst of pleasant odors (that he might not die of the Arabs' stench). And do we not learn from this that if in the hour of God's anger with the righteous, he has mercy on them, in the hour that he is at peace with them, how much the more will he show them mercy!" Rabbi Tarfon gave other examples of divine grace, and then turned to another part of the Torah reading, that concerning Judah. "May I ask?"

"May our master teach us."

"By what virtue did Judah merit the monarchy?" [Traditionally, David is descended from the tribe of Judah.]

"Was it because he admitted the affair with Tamar?" (Genesis 38:26), for such an admission shows that he did not display favoritism even to himself in matters of justice, and this is a quality worthy of a king and judge.

"But," Rabbi Tarfon answered, "is a reward given for a sin? On what account did he *merit* the monarchy?"

"Is it because he saved his brother Joseph from death, as it is written (Genesis 37:26), 'And Judah said unto his brethren, What profit is it if we slay our brother and conceal his blood? Come, let us sell him to the Ishmaelites and let not our hand be upon him, for he is our brother, our flesh!'", for such a man could appease a quarrelsome party and conciliate through compromise, and the king who can make a compromise is to be praised.

"The act of saving his brother", Rabbi Tarfon objected, "was sufficient perhaps to atone for the act of selling him, but on what account was he worthy of the kingdom?", for even though Judah made restitution by this compromise, still it was not sufficient for the honor of majesty.

"Perhaps it was on account of his modesty, as it is written that he said to Joseph in Egypt (Genesis 44:33), 'Now therefore let thy servant, I pray thee, abide instead as a bondman to my lord, and let the lad go up with his brethren. For how shall I go up to my father if the lad be not with me?'" Thus Judah offered himself

in the place of his youngest, and hence least important, brother, and a man of such modesty is certainly worthy of the throne.

Rabbi Tarfon answered: "But was he not a pledge for his brother's safe return, and the end of a pledge is to fulfill it," that is to say, this was not modesty, for in the first place Judah had made himself a pledge on Benjamin's safe return, "But on what account did Judah merit the kingdom?"

"You teach us, master."

"Because he sanctified the Name of the Holy One, blessed be He, at the Red sea. When Israel went out from Egypt, and the tribes came to the sea, they stood there with the waters raging before them and the Egyptians pressing behind; one tribe said, I won't descend and another, I won't descend. The tribe of Judah seized the initiative and descended first, and sanctified by such faith the name of the Omnipresent. And of that hour, Scripture says (Psalms 69:2-3) "I sink in deep mire where there is no standing, I am come into deep waters where the floods overflow me. I am weary of my crying, my throat is dried, mine eyes fail while wait for my God," and the Scripture says of Judah's courage at this hour (Psalms 114:2), "When Israel went out of Egypt, the house of Jacob from a people of strange language, Judah was His sanctuary and Israel His dominion, that is to say, Judah sanctified God's name at the sea, therefore Israel became his dominion." So the reason that Judah merited the monarchy was that he went bravely to meet danger and appeared as an example to strengthen the faith of others in the Holy One, and such a man is certainly suited for dominion. And all the students agreed with Rabbi Tarfon.

Thus Rabbi Tarfon began to discourse upon a seemingly innocuous matter, and each point of his discourse became a quasi-political lecture to the regnant authority: the descendent of the House of David, the offshoot of the family tree of Hillel, must own to the qualities of leadership: fairness, ability to compromise, modesty, courage. No one could have missed the point<sup>46</sup>.

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<sup>46</sup> For another discussion "on that day" in which Tarfon participated, cf. Yadaim 4. 3., TB Berakhot 28a; cf. also Shevi-it 6. 1.

Despite Rabbi Tarfon's position at Javneh, on the day that Rabban Gamaliel was deposed, he was not even considered as a successor. Rabbi Joshua, the chief of the Sanhedrin, was more eminent, but he was excluded as an immediate cause of the deposition; Rabbi Akiba did not come of distinguished parentage; so Rabbi Eleazer ben Azariah, a young man at the time, was appointed. He was descended from Ezra, and possessed the required wealth and prestige to deal successfully with the Roman authorities and the rabbis. Why for all this was Rabbi Tarfon passed over in silence? He too was wealthy, and was a priest like Rabbi Eleazar, and so claimed distinguished ancestry. It may be that his volatile temper prevented his appointment; some might think that a man with so little pity on his children that he swore by their lives would not have sufficient pity to cope with the scholars at the academy; but more probably he was not considered because by this time he had not yet attained sufficient prestige.

Later in his life, Rabbi Tarfon left Jarneh and settled on his estates in Lud (Lydda) and ruled as the rabbinic authority in that town. Lud was controlled by the foremost patrician families; sometimes, under Rabban Gamaliel, the Sanhedrin would meet there<sup>47</sup>. When Rabbi Tarfon returned to Lud, he stood on the threshhold of great honor. His authority waxed; he would proclaim fasts and end them; judge cases of ritual and business law, advise in all the diverse matters of rabbinic concern. On one occasion he ruled that a fraudulent sale was a sale in which the purchaser paid more than a third of the article's true value. At this the merchants rejoiced, since the other rabbis had permitted an overcharge of only sixth. But Rabbi Tarfon ruled that the purchaser might return the article the whole day of the sale, rather than in the short time permitted by the rabbis. At this the merchants petitioned to revert to the ruling of the rabbis. From this incident it is clear that Rabbi Tarfon was able at Lud to contradict a ruling of the sages in his administration of the town<sup>48</sup>. Another time two

<sup>47</sup> Cf. G. Allon, *Toldot HaYehudim be-Erez Yisrael betekufat HaMishnah veHaTalmud* (Tel Aviv 1954) I, 301.

<sup>48</sup> Cf. *inter alia*, TB Taanit 19a, TP Taanit 3. 11, TB Baba Meziah 49b, 50a, Sifra Behar 3. 5, TP Baba Meziah 4. 3. Weiss, *Dor*, II, 90.

pregnant women came before him on Yom Kippur to ask whether they might be permitted to eat. He sent to them two students, and said, "Go and say into the ears of these women that today is Yom Kippur, and the children inside their bellies will hear and be silenced and they will not move about in their mother's bellies." They did so to the first and the child became still, and of him they said "Thou art he who took me from the womb, Thou didst keep me safe upon my mother's breasts" (Psalms 22:9). The second did not keep still, and of him they said, "The wicked go astray from the womb, they err from birth" (Psalm 58:3)<sup>49</sup>.

At his court he enforced rules of testimony in opposition to established custom<sup>50</sup>. The rabbis taught that in the testimony given on marital matters (for example, that the husband of a woman has died and that she might remarry), it is unnecessary to test the witness' soundness, but Rabbi Tarfon did just that at his court. It once happened that a man came to give evidence in behalf of a woman that her husband had died and she might remarry. Rabbi Tarfon asked him: "My son, what do you know concerning this woman's husband?"

"He and I were once going along the same road when a gang of robbers pursued us, and he grasped a branch of an olive tree and pulled it down and with it forced the gang to retreat. 'Lion! I said to him, I thank you. Whence did you know, he asked, that my name was Lion? For so in fact I am called in my own village, Johanan son of Rabbi Jonathan the Lion of Kfar Shihaya. After some time, this same Johanan fell ill and died."

"Did you not tell me thus: Johanan the son of Jonathan of Kfar Shihaya the Lion?"

"No, rabbi, no, but this is what I told you: Johanan the son of Jonathan the Lion of Kfar Shihaya."

"Ah yes, you have spoken well — Jonathan the son of Johanan the Lion of Kfar Shihaya is dead."

"No rabbi no, but it was Johanan the son of Jonathan the Lion

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<sup>49</sup> TP Yoma 8. 4.

<sup>50</sup> Cf. TB Baba Kama 90b, Rosh Hashanah 26a. Cf. also Makkot 1. 10 (TB Makkot 7a).

of Kfar Shihaya.” And so a few more times Rabbi Tarfon tried to confuse the man, but he found that his testimony was exact, and on this evidence he permitted the wife to remarry<sup>51</sup>.

In Rabbi Tarfon’s time Jewish-Christians lived in Lud (and elsewhere in the Plain of Palestine). Their numbers were not large (it was not until the fourth century that Jewish Palestine faced the temporal power of the Church) and the Christianity that Rabbi Tarfon knew was little more than an egregious heresy, not a national and religious threat<sup>52</sup>. He glowed with fierce anger against the Jewish apostates, for they had known God, he felt, and cast Him off. “May I bury my children if, should the writings of the apostates come into my hands, I do not burn them and even the inscriptions of the Ineffable Name that are in them. Should a man pursue me to kill me and a snake run forward to bite me at once, I should flee to a pagan temple but I should not shelter in the houses of these, for they know and deny God, while the pagans never knew him to deny Him. Concerning the Christians Scripture says (Isaiah 57:8): ‘Behind the doors also and the posts thou hast set up thy remembrance,’ that is, the remembrance of God that was in their hands they never lost, but they threw Him behind the door. The idolators do not recognize God, for in idolatry they were raised and this is the faith of their fathers, but these apostate Jews knew Him and denied Him<sup>53</sup>!” Rabbi Tarfon once observed, “I wonder whether there is anyone at all in this generation who accepts reproof, for whenever you say to a man, ‘Remove the mote from between your eyes,’” he answers back, “First remove the beam from between your own<sup>54</sup>!”

Rabbi Tarfon’s career at Lud was a fitting climax to his life: here he exercised the active authority suited to him; he taught and judged, and here toward the end of his life, he apparently succeeded to the authority of Rabban Gamaliel (after his death

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<sup>51</sup> TB Yevamot 122b. Tosefta Yevamot 14. 10.

<sup>52</sup> Cf. M. Avi-Yonah, *Biyemei Roma u-Byzantium* (Jerusalem, 1952) 91-2.

<sup>53</sup> TB Shabbat 116a, Tosefta Shabbat 14.5. Compare TB Gittin 88 b.

<sup>54</sup> TB Arekhin 16 b. Cf. also Sifra Kiddushin 4.9. Sifre Numbers 1. Cf. also Berenbourg, *Essai*, 379.

after 116)<sup>55</sup>. How could it have happened that Rabbi Tarfon should succeed Rabban Gamaliel? It was possible because he was a priest, and because he was wealthy and supported a number of students, two customary requirements of the *nasi*. It was possible also because Rabban Gamaliel's son, Simon ben Gamaliel, was still a youth at his father's death. Third, he was probably the only major scholar who continued, by this time, to remain at Lud throughout the year. Rabbi Eleazar ben Azariah had left the Plain for Sepphoris in Galilee during the troubled years preceding the revolt of Bar Kochba; Rabbi Joshua ben Hananah and Rabbi Akiba were both deeply involved in the political crisis, the one in negotiation with the Romans, the other proclaiming the time for revolt. And many of the other great sages who might have been chosen were either dead or in retirement (Rabbi Eliezer ben Hyrcanus had settled at Caesarea, for instance). Hence it was entirely possible for Rabbi Tarfon to attain the last eminence of the rabbinic career.

During these final years, when Rabbi Tarfon was ruling Lud and presiding over the academy, a national assembly of the rabbis met at the upper chamber of a house in Lud where privacy was assured; Rabbi Akiba and others deeply committed to the coming struggle were present. This was to be no scholastic argument: national policy was to be decided. In the face of death, which should be maintained at all cost, the study of the Torah, necessarily in semi-public assembly and hence more dangerous, or the fulfillment of the commandments and the doing of good deeds, at least partly in secret? Rabbi Tarfon said, "Practice is greater."

Rabbi Akiba spoke up: "Study is greater, for it leads to practice."

And all the scholars answered and said: "Study is greater, for study leads to deed<sup>56</sup>."

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<sup>55</sup> Cf. Allon, *Toldot*, 294; Derenbourg, *Essay*, 380—382; Avi-Yonah, *Milhemet Bar Kokhba* (Jerusalem 1952), 79. Allon bases his assertion on the use of the title "Avihem shel kol Yisrael" in reference to Tarfon, in TP Megillah 1. 12, Yevamot 4. 14, and Yoma 1. 1; he holds that this title was reserved for the *nasi*.

<sup>56</sup> Cf. Sifre Deut. 41, TB Kiddushin 40b, Mekilta of R. Simeon bar Yohai, Epstein-Melamed ed., p. 19, 1. 17; TP Pesahim 3. 7; Hagigah 1. 7. Shir

## VII

Rabbi Tarfon lived in the memory of later generations. What was he like? When Rabbi Judah the Prince, two generations later, listed the merits of the teachers, he would say of Rabbi Tarfon: "He was like a heap of nuts — or some say, of stones: when a person removes one from a pile, they all go tumbling over each other. This is what Rabbi Tarfon was like. When a scholar came to him and said, 'Teach me!', Rabbi Tarfon would cite for him Scripture and Mishnah, Midrash, Halachah, and Agadah. When the scholar departed, he went away filled with blessing and goodness<sup>57</sup>."

Abba Saul once related: "I was a grave digger and one time a cave opened under my feet and I stood in the eyeball of a corpse up to my nose. When I got out, I was told it was the eye of Absalom. And should you suggest that Abba Saul was a dwarf, Abba Saul was the tallest man in his generation, and Rabbi Tarfon reached to his shoulder, and Rabbi Tarfon was the tallest in his generation, and Rabbi Meir reached to his shoulder; Rabbi Meir was tallest in his generation, and Rabbi Judah the Prince reached to his shoulder...<sup>58</sup>."

When later generations of students envied the students of old, they would recall Rabbi Tarfon: "Rabbi Simon ben Lakish admonished, 'Do not say, how much better were the old days than these days. Do not say... if Rabbi Tarfon were alive, I should go to study Torah in his presence,' for you only have the scholars of your own generation<sup>59</sup>."

There is a tradition that he died a martyr of the Hadrianic persecutions, for his name is included, though equivocally, in a

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HaShirim Rabbah 2. 14; Hoffman, Midrash Tannaim, p. 34, 1. 7. Weiss, *Dor*, II, 123, Finkelstein, *Akiba*, 259—261, and many others suggest that the question is, as interpreted here, how to meet the growing persecutions. Allon, *Toldot*, 314 holds, however, that the question was not how to meet the oppressive decrees, but rather, what is the chief responsibility of the sages themselves — to learning or to action?

<sup>57</sup> ARN a ch. 18, Schechter 34a, Goldin p. 90. Cf. also Gititin 67a.

<sup>58</sup> TB Niddah 24b.

<sup>59</sup> Midrash Samuel, ed. S. Buber, on 16. 2.

list of ten martyrs at the time of Bar Kochba<sup>60</sup>. After his death, his expletive, “May I bury my children...” led to some curiosity as to whether his children had survived this ferocious oath (for often he was wrong). When Rabbi Judah the Prince chanced to visit Rabbi Tarfon’s town, he asked the Lyddans, “Has that righteous man who used to swear by the life of his children left a son?”

“He has left no son, but a daughter’s son remains, and every harlot who is hired for two selas hires *him* for eight!”

So Rabbi Judah had the fellow brought to him and said, “If you will repent your sin, I shall give you my daughter.”

Some say he repented; some say he married the girl and then divorced her; others say he did not marry her at all, lest it be said that his repentance was on her account.

And why did Rabbi Judah the Prince go to such extreme effort to redeem Rabbi Tarfon’s son? Because it is taught ‘He who teaches Torah to his neighbor’s son will be privileged to sit in the heavenly academy...<sup>61</sup>.’

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<sup>60</sup> Lamentations Rabbati on Lam. II, 2, para. 4.

<sup>61</sup> Cf. Baba Meziah 85a. A son Simeon ben Tarfon is mentioned in Shevuot 47a. I acknowledge with gratitude the criticism given to this essay in an earlier form by Professor Seymour Siegel of the Jewish Theological Seminary of America, and the helpful comments of Rabbis David Clayman, Matthew Simon, and Neil G. Gillman.