

BERAB, JACOB [B. MOSES?]: [\(back to article\)](#)

By : Louis Ginzberg

## Chosen Rabbi at Eighteen.

Talmudist and rabbi; born at Moqueda near Toledo, Spain, in 1474; died at Safed April 3, 1546. He was a pupil of Isaac Aboab. When he fled from Spain to Tlemçen, then the chief town of the Barbary states, the Jewish community there, consisting of 5,000 families, chose him for their rabbi, though he was but a youth of eighteen (Levi ibn Ḥabib, "Responsa," p. 298b). Evidence of the great respect there paid him is afforded by the following lines of Abraham Gavison ("Omer ha-Shikḥah"): "Say not that the lamp of the Law no longer in Israel burneth! Jacob Berab hath come back—once more among us he sojourneth! "It is not known how long Berab remained in Algeria; but before 1522 he was in Jerusalem. There, however, the social conditions were so oppressive that he did not stay long, but went with his pupils to Egypt (Palestine letter, dated 1522, in Luncz, "Jerusalem," iii. 98). Some years later (1527) Berab, now fairly well-to-do, resided in Damascus (Levi ibn Ḥabib, "Responsa," p. 117a); in 1533 he became rabbi at Cairo (*ib.* 33a); and several years after he seems to have finally settled in Safed, which then contained the largest Jewish community in Palestine. It was there that Berab conceived the bold idea which made him famous, that of establishing a central spiritual Jewish power.

## Plan for Ordination.

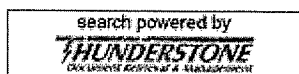
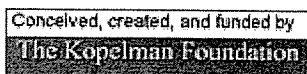
Berab's undertaking, to be judged correctly, must be considered in connection with the whole current of thought of the younger generation of Spanish exiles. The overwhelming catastrophe of 1492, which, in view of the wretched condition of the Jews in Germany and Italy, had threatened the very extinction of Judaism, produced phenomena which, while apparently opposite in character, were but natural consequences. Imaginative and sentimental persons thought that the promised Messianic time was approaching; they regarded their great sufferings as the process of purgation, as the *משיח הנבלי*, the eschatologic "birth-throes," of the Messianic era. The main representative of this mystical tendency was Solomon Molko, whose tragic fate by no means extinguished these fond hopes and the desire for martyrdom. But the delusion had quite a different effect upon more practical natures. According to yet another view, the chief advocate of which was Maimonides, the Messiah would not appear suddenly: the Jews would have to prepare for him; and the chief preparatory step needed was the establishment of a universally recognized Jewish tribunal as their spiritual center. Although the hopes of a Messiah, cherished especially in Palestine, were fundamentally wild and extravagant, they afforded the right person an excellent opportunity to create for the Jews a recognized central authority, spiritual—and perhaps, in time, political—in character. There is no doubt that the man for the purpose was Berab; he was the most important and honored Talmudist in the Orient, and was endowed with perseverance amounting to obstinacy. His plan was the reintroduction of the old "Semikah" (ordination); and Safed he held to be the best field for his activity. The lack of unity in deciding and interpreting the Law must cease. No longer should each rabbi or each student of the Law be allowed to decide upon the gravest matters of religion according to his own judgment. There should be only one court of appeal, to form the highest authority on subjects relating to the comprehension and interpretation of the Torah. Though this idea seemed new, it was not without precedent. The Sanhedrin in tannaitic times was, in a certain sense, Berab's model. But the Sanhedrin consisted of such men as could trace their ordination back to Moses; yet for a thousand years no such men had existed. Berab, however, was equal to the difficulty. Maimonides, he was aware, had taught that if the sages in Palestine would agree to ordain one of themselves, they could do so, and

that the man of their choice could then ordain others. Although Maimonides' opinion had been strongly opposed by Nahmanides and others, and Maimonides himself had not been quite positive in the matter, Berab had so much self-reliance that he was not to be deterred from his great undertaking by petty considerations. Moreover, the scholars at Safed had confidence in him, and had no doubt that, from a rabbinical standpoint, no objection to his plan could be raised. Thus in 1538 twenty-five rabbis met in assembly at Safed and ordained Berab, giving him the right to ordain any number of others, who would then form a Sanhedrin. In a discourse in the synagogue at Safed, Berab defended the legality of his ordination from a Talmudic standpoint, and showed the nature of the rights conferred upon him. On hearing of this event most of the other Palestinian scholars expressed their agreement, and the few who discountenanced the innovation had not the courage to oppose Berab and his following.

#### Dispute with Ibn Ḥabib.

To obtain the good-will of the Jews of the Holy City, the first use that Berab made of his new dignity was to ordain the chief rabbi at Jerusalem, Levi b. Jacob ibn Ḥabib. Since the latter had for many years been a personal opponent of Berab, and the two had had many disputes in regard to rabbinical decisions and approbations, Berab's ordination of Ibn Ḥabib shows that he placed general above personal interests. Moreover, the terms in which Berab officially announced Ibn Ḥabib's ordination were kindly ones. Berab, therefore, expected no opposition from that quarter; but he was mistaken. Ibn Ḥabib's personal animus was non appeased, but rather stimulated, by his ordination. He considered it an insult to his dignity and to the dignity of Jerusalem that so important a change should be effected without consultation of the Jerusalem scholars. He did not content himself with an oral protest, but sent a communication to the scholars of Safed, in which he set forth the illegality of their proceeding and declared that the innovation involved a risk to rabbinical Judaism, since the Sanhedrin might use its sovereign authority to tamper with the calendar. Although Ibn Ḥabib's tone was moderate, every one could read between the lines that he opposed the man Berab as well as his work. An illustration of this is afforded by the remarks made by Ibn Ḥabib when he maintained at length that the scholars of Safed were not qualified to ordain, since they were not unprejudiced in the matter, and when he hinted that Berab was not worthy to transmit ordination. Berab was surprised by the peril in which his undertaking was now placed; and, embittered by Ibn Ḥabib's personal attacks, he could not adhere to a merely objective refutation, but indulged in personalities. In answer to Ibn Ḥabib's observation, that a sacred ordination must not proceed from learning alone, but from holiness also, Berab replied: "I never changed my name: in the midst of want and despair I went in God's way" (Ibn Ḥabib, "Responsa," p. 298b); thereby alluding to the fact that, when a youth, Ibn Ḥabib had lived for a year in Portugal as a Christian under an assumed name. The strife between Berab and Ibn Ḥabib now became wholly personal, and this had a bad effect on the plan; for Berab had many admirers but few friends. Moreover, Berab's life was endangered. The ordination had been represented to the Turkish authorities as the first step toward the restoration of the Jewish state, and, since Berab was rich, the Turkish officials would have showed him scant mercy in order to lay hands on his wealth. Berab was forced to go to Egypt for a while, but though each moment's delay might have cost him his life, he tarried long enough to ordain four rabbis, so that during his absence they might continue to exercise the function of ordination. In the mean time Ibn Ḥabib's following increased; and when Berab returned, he found his plan to be hopeless. His death some years later put an end to the dispute which had gradually arrayed most of the Palestinian scholars in hostile lines on the question of ordination. It is known positively that Joseph b. Ephraim Caro and Moses of Trani were two of the four men ordained by Berab. If the other two were Abraham Shalom and Israel de Curial, then Caro was the only one who used his privilege to ordain another, Moses Alsheik, who, in turn, ordained Ḥayyim Vital Calabrese. Thus ordination might be traced for four generations. With the exception of some short contributions to the works of others, the only one of Berab's numerous works ever published was his "She'elot u-Teshu-bot" (Questions and Answers), responsa, Venice, 1663; but the Amsterdam edition of the rabbinical Bible (1724-28) contains notes by

Berab on Isaiah and Jeremiah. Bibliography: Azulai, *Shem ha-Gedolim*, ed. Wilna, i. 86; Conforte, *Kore ha-Dorot*, see Index in ed. Cassel; Frumkin, *Eben Yerushalaim*, pp. 34-40, Wilna, 1874; Fuenn, in *Ha-Karmel*, ii. 486-494, 576-580; idem, *Keneset Yisrael*, pp. 539, 540; Grätz, *Gesch. der Juden*, 3d ed., ix. 12, 200-298; Jost, *Gesch. des Judenthums und Seiner Sekten*, iii. 128, 129; Michael, *Or ha-Hayyim*, p. 1069; Steinschneider, *Cat. Bodl.* col. 1194; Zedner, *Cat. Hebr. Books Brit. Mus.* p. 307; Zunz, *Z. G.* pp. 250, 531. The most important source of information for the dispute about ordination is Levi b. Jacob ibn Habib, *Responsa*, pp. 277a, 328a, Venice, 1565; S. P. Rabinowitz, *Moza'ei Golah*, see Index. L. G.



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**LEVI BEN ḤABIB** (Rabbaḥ; c. 1483–1545), rabbi in Jerusalem and principal opponent of the restoration of the *\*semikhah*. Levi b. Ḥabib was born in Zamora, Spain, and in 1492 was taken to Portugal by his father, R. Jacob \*Ibn Ḥabib. There he was forcibly baptized. Both he and his father escaped to Salonika where Levi received his education. He succeeded his father, teaching at the congregation of Spanish exiles, called *Gerush Sefarad*, in Salonika. Levi became famous as a talmudist, showing a preference for the use of literal meaning (*peshat*) as opposed to casuistry (*pilpul*). He never presented his own views unless they had been given by previous scholars. Levi admitted that he was not well versed in Kabbalah, but he was proud of his knowledge of astronomy. In order to atone for his baptism as a youth, he went to Erez Israel, traveling via Asia Minor, Aleppo, and Damascus. He first settled in Safed and later moved to Jerusalem. For 15 years he officiated there, instituting as rabbi various new regulations for the community. At that time, there was no "ordained" (Heb., *samukh*) *bet din*, like the ancient Sanhedrin, i.e., one which was authorized to sentence to punishment by lashes (*malkot*), prescribe fines, and determine the intercalation of months. Therefore the rabbis of Safed decided to restore the ancient *semikhah* and chose R. Jacob \*Berab to ordain rabbis and act as a judge. This act was of great significance, as the ordination was to be reestablished only in messianic times, and it also marked the supremacy of the Safed rabbis. Levi b. Ḥabib refused to accept

the authority of Berab and accused the latter of disgracing the honor of Jerusalem. A violent controversy ensued whose details are recalled in an appendix entitled *Semikhat Zekenim o Kunteres ha-Semikhah* ("Ordination of the Elders or Pamphlet Concerning Ordination") printed at the end of Levi's responsa (Venice, 1565). The volume also contains Levi's commentary on Maimonides' *Hilkhot Kiddush ha-Ḥodesh*. In addition to responsa, he completed and published the second part of his father's *Ein Ya'akov*.

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[Simon Marcus]

**LEVI BEN JAPHETH** (Abū Sa'īd; 10<sup>th</sup>–11<sup>th</sup> century), Karaite scholar, son of \*Japheth b. Ali. Levi b. Japheth lived in Jerusalem and wrote, in Arabic, a "Book of Precepts," a work which was used by almost all the later Karaite writers. Only fragments of the Arabic original are preserved. Manuscripts of the Hebrew translation, *Sefer ha-Mitzvot*, are extant in Oxford, Leningrad, and Leiden. In his interpretation of the law, Levi distinguished between the views of the early and later \*Rabbanites, numbering \*Saadia Gaon among the latter and frequently censuring him severely. He also wrote a short commentary on the Bible (only fragments of this, too, remain), and is said to have compiled an abridged version of David b. Abraham \*Alfasi's dictionary, *Agron*.

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**LEVI BEN SISI** (end of second and beginning of third century, c.E.), Palestinian and Babylonian *amora*. He is mentioned in the Babylonian Talmud without a patronymic, but with his father's name in the Jerusalem Talmud. He was a colleague-disciple of \*Judah ha-Nasi (Ber. 49a; Shab. 107b; Zev. 30b; Men. 80b, et al.), whom he called *Rabbenu ha-Kadosh* ("Our Holy Master," Shab. 156a). Although Judah sometimes scolded him (Yev. 9a), he held his scholarship in high regard (Zev. 30b). So authentic were the traditions handed down by him that the words *lemedin li-fenei ha-ḥakhamim* ("It was taught before the sages") are said to refer to Levi's transmission of the teachings of Judah ha-Nasi (Sanh. 17b). The Talmud gives various details of his intimate position in Judah's household: he was the merryman on festive occasions and entertained those present with acrobatic performances. Once he tried to imitate the manner in which the priests used to prostrate themselves in the Temple, but dislocated his hip which resulted in a permanent limp (Suk. 53a). Levi taught that at prayer a person must stand with his feet straight like the angels (TJ, Ber. 1:1, 2c). He used to write down in a notebook the discussions with his teacher R. Judah Ha-Nasi (Shab. 156a). He also had a collection of *beraitot* which is mentioned several times in the Talmud (Yoma 24a; Yev. 10a; Ket. 53b; et al.). Levi was held to possess special power for successful in-

There are logical grounds to assume the fading of the dissent over ordination. Those who supported a revival of ordination did not seek to undertake new judicial responsibilities based upon their new status. At issue was the source of their authority on matters already in effect, such as imposing fines and dispensing lashes for those who came to receive punishment as religious penitents. The title holders even abstained from using their ordination as a source of authority for these purposes. The *bet din* of Moses di Trani, who claimed to have been ordained by Berab, continued to mete out penalties based on geonic rulings; it did not invoke the authority of an ordained *bet din*.

Joseph Caro, though he supported the renewing of ordination and even hoped to ordain others, did not consider himself ordained by the earlier ceremony. Sixteen years after the renewal of ordination, Caro defended the superior authority of the Safed *bet din*, claiming for it the status of "great *bet din*" in accordance with Maimonides's definition (*Commentary on the Mishnah*, Sanhedrin 6:9), because "Nowadays the *bet din* in this city is recognized by the public and is great in wisdom and numbers. We have heard from all over the world that their questions were answered and afterwards they were satisfied." However, its status as an ordained *bet din* is nowhere listed among its qualities. Caro's opinion in the *Shulhan Arukh* and in *Beir Yosef* that "we do not have ordained judges, and in our time none are ordained," is tantamount to an assertion of the fact that the *bet din* did not function based on the authority of the ordainees.

After *ibn Abi Zimra's* decision, the ordainees themselves ceased to accord their ordination total halakhic sanction. It is not that they backed down because of halakhic considerations, as contended by those who oppose ordination in our day, but rather that they refrained from claiming for themselves any authority not universally recognized as legitimate. Among themselves they continued to retain the title of ordination, and even saw themselves as authorized to ordain those who came after them. However, as ordination carried no real authority, it became an honorific title that scholars gave to their outstanding students. Berab had already sought to stop use of the title from spreading, limiting the right to be ordained to those possessing exceptional knowledge. His grandson, R. Jacob Berab the Second, ordained his students with the understanding that they would not ordain others without his approval. Nonetheless, even in its attenuated form, ordination remained attractive as a mark of the great and special scholar. The formal aspect, then, was not the main motivation for transmitting ordination to coming generations. We can assume that sixteenth-century messianic expectations also entered the picture, based upon Maimonides's

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assertion (*Code*, Sanhedrin 1:3) that the establishment of a great *bet din* will precede the messianic destiny could be fulfilled at any moment. There were always those who looked toward an imminent "End-of-Days" — even after the calculations of the earlier dates for messianic fulfillment had proved to be false.

### Motives for the Controversy

Now that the actual events are clear, we shall attempt to shed light on the factors that led to the eruption of the controversy over ordination. The most simplistic explanation is based upon the angry accusations of the participants in the dispute. Ben Habib berated Berab for seeking personal status, and the Berab accused Ben Habib of jealousy and animosity toward his rival. The controversy over ordination had indeed been preceded by arguments and friction between the two over a period of some fourteen years. However, this explanation provides only the psychological background of the controversy, which intensified the bitterness once the new dispute had erupted. Ben Habib himself indicated that, aside from this emboliment, the two had not been involved in any argument outside the realm of the usual intellectual exchanges. As was the custom of the time, these discussions were conducted in sharp tones, but without acrimony. In any event, the latent bitterness was initially well hidden, and at the outset of the controversy each participant tried to be respectful of his opponent. Thus the personal psychological explanation has no validity regarding the outbreak of the controversy.

Graetz's proposal of an intercity competition between Jerusalem and Safed is no more productive as an explanation for the controversy, although it is subscribed to by some contemporary scholars. This competition did, in fact, exist. For a full generation Safed had been undergoing a process of development, and with the great influx of refugees from Spain — many of them renowned rabbis and scholars — material prosperity (in 1495 the Jews of Safed were reported to be actively trading in spices, cheese, oil, vegetables, and fruits) began to be matched by intellectual wealth. During the sixteenth century, Safed became the vibrant center of Jewish mysticism, and also produced some of the most authoritative legalistic works of Judaism.

Jerusalem presented a completely different picture. Because of government pressure and lack of sources of income, the Jerusalem community had to fight for its existence, so that even some of those who truly yearned to shelter themselves in the city's holy shadow were frightened away. The Jews

of Jerusalem had nothing save their pride in the city's supreme holiness, a dignity preserved by the faithful even in their poverty and distress.

The rivalry between Jerusalem and Safed was mirrored in the competition between the two scholars to procure donations for their respective communities. Yet this is merely one additional detail in the background to the ordination controversy. There is neither evidence nor even a hint of the assumption that Berab wished to expropriate Jerusalem's holiness by affording Safed special privilege; ben Habib acknowledged that, in sending him the first ordination, the scholars of Safed had intended to pay honor to the holiness of Jerusalem. While the intercity rivalry did add to the controversy's virulence as time went on — Berab criticized ben Habib's custom of calling himself "the man of Jerusalem," and ben Habib pointed to the devotion of the Jerusalem community which remained steadfast despite extreme material suffering — the basis for the eruption of the controversy cannot be found here.

The reason for the embroilment must be sought in the renewal of ordination itself, about which the two scholars adopted diametrically opposed stands. Berab's basic motive for his action was messianic; it was based on Maimonides's formulation that, even if the chain of ordination (i.e., the appointment of ordained judges by other ordained judges) had been broken, the process could be renewed by the agreement of all the scholars of the Land of Israel to "put forward one person...to be ordained himself and [who will] be qualified to ordain whomever he desires afterward."

Maimonides had no halakhic source for his determination, but described his thought process. As is common procedure, he refers to a biblical passage for support: "I will restore your judges as of old... After that you shall be called the city of righteousness" (Isaiah 1:26). Thus, the judges' return would precede Redemption. Since, according to halakhic principles, "a *bet din* is not such in the full sense unless it is ordained in the Land of Israel," it is imperative to find a way to renew ordination before Redemption. For Maimonides — the rationalist exegete, philosopher, and legalist — this was a purely intellectual clarification of the halakhah that would find practical expression only at some indeterminate time in the future. However, in the eyes of a generation that saw itself at the gates of Redemption, ordination renewal became a magic key to facilitate the first human step which would provide the impetus for the remaining divine steps toward Redemption.

Graetz described the generation's readiness for messianism following the activities of Solomon Molcho (1500–1532) and noted its relevance to Berab's attempt to renew ordination. Gershon Scholem wrote at length about Abraham Halevy of Jerusalem (*Major Trends in Jewish Mysticism*,

pp. 215–244), whose messianic prophecy of Redemption provides further testimony of the expectant atmosphere among the Spanish exiles who had settled in Eretz Israel. Although calculation of the End-of-Days is not mentioned in the arguments over ordination, Graetz postulates — with good reason — that 1538 was chosen for renewing ordination because it was close to Solomon Molcho's prediction of 1540 as the date of the Redemption. Joseph Caro's avid support of the renewal of ordination, coupled with his close relationship to Solomon Molcho, lends further credence to Graetz's theory. The messianic tendency in ordination renewal is also hinted at, as we shall see, in the first declaration of ordination, and is spelled out in the polemics of Berab, who undoubtedly identified his generation as that of the Messiah's appearance. One of Berab's claims against ben Habib, in fact, was that his opposition was delaying the preparation required for Redemption.

Berab was caught up in the actively expectant, mystical atmosphere of Safed, although it is almost certain that he himself was not a kabbalist. In truth, messianic activity is not dependent on mysticism, so there is no point in attributing the rivalry of Berab and ben Habib to their divergent approaches to kabbalah, as some scholars have done. The *sine qua non* for messianic activity is a particular outlook regarding the stages of Redemption. Berab acquired his concept of messianism from Maimonides, who held that the first stage of Redemption was in human hands, with the initial step being the renewal of ordination. This step was, by its very nature, a matter for those well versed in halakhah, such as Berab.

Ben Habib did not subscribe to the belief that Redemption depends on fulfilling certain conditions, and challenged the messianic outlook upon which renewing ordination depended. Indeed, he had reservations regarding any messianic concept; for him, "the future is largely concealed from everyone, even from our departed scholars." He based himself on another statement of Maimonides in his *Code* (Me'akham 12, 2), "And all these things and the like will be unknown to men until they happen, they are obscure in the sayings of the prophets, and the scholars have no received knowledge of them." (Note that these words contradict Maimonides's youthful attempt to prove the legality of renewing ordination based on a particular assumption about the order of the events in the End-of-Days.)

Ben Habib's hopes for Redemption were passive; no special action was required to accelerate it. Rather, it served as an incentive to do what is good and correct in any case — and if the meritorious deeds were more numerous, their performers would thereby earn Redemption. This practical

approach is expressed in his suggestion to convene the sages of Safed and Jerusalem in order to consider the renewal or ordination.

And even if it does not succeed...with what strength we have at present we shall appoint fair and worthy judges throughout the Holy Land to pass judgment on all matters they have until now considered. And perhaps by virtue of this, our God will reward us, and we shall soon merit by fulfillment of this commandment the return of our judges and our Sanhedrin to their chambers.

The declaration of those who supported ordination carries a different message. While it concludes with a reference to the reinstatement of judges, it is much more abstract. The language is poetic and replete with messianic imagery and specific terms referring to Redemption. Ordination renewal is not a righteous act by virtue of which one gains Redemption, but constitutes the first stage in the process of Redemption.

The divergent positions upheld by ben Habib and Berab have each received support throughout the periods of the Exile. Entire generations followed ben Habib in anticipating Redemption; it was only necessary to fulfill the Torah commandments, the details of which were set down in halakhah and further elaborated upon and strengthened in the ethical writings. Other generations, conversely, sought to "second-guess" the Divine Will and ascertain what special conditions were imperative for "awakening from below" that which would be followed by "awakening from above." Hence, various messianic approaches developed, each delineating the different stages of Redemption.

Although Berab's generation — because of the historical circumstances following the Exile from Spain — inclined toward action based on identification with messianic conceptions, there were nonetheless individuals who espoused the passive messianic view, and who measured every step — even those that would appear to others as direct means to bring Redemption — by the immanent standard of halakhah and morality. Ben Habib's was such a pure halakhic stance. This best explains his opposition to Berab's attempt to revive the institution of ordination.

Jacob Berab's push for ordination renewal must be seen, then, as a decision based on extrahalakhic motivations, while ben Habib passed negative judgment on the issue of ordination renewal according to pure halakhic standards. The differing approach of each protagonist is revealed in their discussions.

### Positions Regarding Halakhah

There are essentially three issues regarding halakhah and ordination renewal upon which the two sides disagreed. The primary claim of ben Habib and de Castro was that there was insufficient halakhic ground for renewing ordination. They noted that Maimonides's argument in his *Commentary on the Mishnah*, upon which the renewers of ordination depended, was later retracted by Maimonides himself in his *Code* (Sanhedrin 4, 11) where he commences the discussion about renewal with the words "It appears to me" and concludes with "the matter requires a decision." Ben Habib argues, therefore, that Maimonides reconsidered what he had written when he was younger; for the accepted rule in determining halakhah is that a later decision overrides a former decision (a rule formulated elsewhere by Maimonides himself). All rabbinic authorities accept this rule wherever the *Code* contradicts the *Commentary on the Mishnah*.

Berab did not seek to refute this rule. However, he explained the closing words "the matter requires a decision" as referring to a different law about ordination, that is, whether the *bet din* extending ordination must be composed of three ordained persons, or whether one person who is ordained together with two unordained scholars is sufficient. Berab stuck fast to his interpretation, even though — as ben Habib argued — in the very same paragraph Maimonides clearly rules on the question of the composition of a *bet din*.

The second point of controversy was the authority of an ordained *bet din*. Here too, ben Habib's opinion is determined by halakhic reasoning, while Berab is once again influenced by external factors that compelled him to come to terms with overt contradictions in his claims. Those who favored the renewal of ordination articulated in the Ordination Declaration two areas in which an ordained *bet din* has an advantage over an ordinary *bet din*; the authority to impose penalties and fines and to mete out lashings to a penitent, thus absolving him of his fate of *keret* (being cut off), as ordained in the Bible. The matter of fines is mentioned only briefly, while the issue of lashes is discussed at length, with stress given to the need to help penitents achieve their complete absolution.

The messianic component of ordination renewal is not mentioned explicitly in the declaration, but is alluded to in its concluding passage. However, the prominence given to the practical value of ordination renewal was an expression of the orientation toward action that was harnessed to the messianic dream. By proving the advantage of the authority of an ordained *bet din* within halakhic concepts, it was possible to contend that

raised about the nature of their institution and might change the permanent calendar improperly.

Ben Habib went further; he claimed that not all commentators agreed that proclamation of the new moon was dependent on the Sanhedrin's existence. According to Nahmanides, an ordained *bet din* was quite sufficient; this court not only had the right but indeed the obligation to fix the calendar. Since the main positive commandment of setting times for festivals is fulfilled by proclaiming the new moon based on evidence, only in periods when there is no suitable *bet din* is it permissible to depend on the calendar. With the establishment of an ordained *bet din* — assuming that the ordinations were valid — scholars of Safed were questioning the legitimacy of the existing calendar, or at least raising doubts regarding its validity, without daring to put in its stead a system of determining the festivals based on evidence.

Berab dismissed out of hand the fears arising from establishment of a new *bet din* stripped of power to deal with the calendar. Nonetheless, when he heard of these misgivings — whether from the messenger or from de Castro's letter — he related to them in absolute seriousness; his comment that the doubt was caused by the misunderstanding of a "mistaken student" by no means disguises his seriousness. The fact is that Berab opens the Ordination Declaration with a description of what led to invalidating the proclamation of the new moon by evidence, as was explained by the Spanish astronomer Isaac Israeli in his book *Yesod Olam* (written in 1310). According to Israeli, Hillel's calendar would remain in effect until the Messiah comes.

Here ben Habib faulted Berab's logic. Israeli's book provided a historical description of events and linked the calendar's determination to an actual need, namely, that the community of Jews would not become factionalized. But, ben Habib argued, history and halakha are two separate and distinct things; the halakhist cannot base himself on the historian's theories. Had Berab based his arguments on Maimonides and Nahmanides, said ben Habib, he would have come to the conclusion that his attempt to reestablish ordination was damaging the very basis for determining the dates of the festivals.

In addition to these three weak points in Berab's halakhic grounding, the opponents of ordination renewal found a procedural flaw serious enough to invalidate what the scholars of Safed had done. As noted, the scholars of Safed contacted their colleagues in Jerusalem only after they had ordained Berab. However, Maimonides's formulation, upon which they based themselves, explicitly stipulated "the agreement of all the scholars in the Land of Israel." It would have been logical to have gathered all

the scholars together, rather than to have permitted the Safed majority to decide, on the assumption that the Jerusalem minority would agree after the fact. By turning to the Jerusalemies for their *post facto* approval, the scholars of Safed undermined the legality of their action; they revealed their opinion that the ordination's validity was dependent on the concurrence of the minority. However, such assent without prior negotiations among all the involved parties was futile.

The question was whether rectification was possible. Could all that had occurred be ignored, and negotiations now be opened? If the supporters could convince the opposition, in writing or face to face, then ordination renewal could become reality. Both de Castro and ben Habib raised this possibility. However, this was merely a gesture of appeasement on their part, so that they would not seem to turn a deaf ear to the reasoning of the opposing side. In actuality, they did not consider retracting their negative opinion. No wonder Berab ignored their suggestion. Instead of opening new negotiations, he published two treatises refuting their claims.

Apparently it had not occurred to Berab to take the Jerusalem scholars into account. He based himself on what Maimonides wrote in his *Commentary on the Mishnah* about yeshiva students gathered to ordain their rabbi; Berab ruled that "in our time the yeshiva is mainly in Safed." That this was Berab's opinion is evident from the fact that he swore the messenger not to seek the agreement of his student, de Castro. When Berab's opponents claimed that Maimonides's interpretation predicated renewed ordination on the unanimous agreement of the scholars in the Land of Israel, and that there is no effective agreement without negotiations, this claim was rejected.

Berab held that this is not a case of a *bet din* ruling based on proof-text evidence, stating that: "In such a matter, there is need neither for negotiations nor a position, but only a declaration by the sages that they are in agreement." He compared this issue to the establishment of a regulation by public referendum, to which the halakhic rules applicable to the *bet din* do not apply. "And should you say" that there was indeed need for negotiations, Berab argued, the messenger who came to Jerusalem did negotiate with the scholars. This is a strange answer, for even if we consider his visit to be "negotiating," it took place after the act of ordination by the Safed scholars. Here, as elsewhere, Berab allows his yearning for Redemption to influence halakhic considerations. Berab claimed that Maimonides's explanation in his *Commentary on the Mishnah* means that "this agreement needs only a conviction to serve the Lord, and if so there is no need for any particular convocation or even negotiations, but merely a statement of agreement." Regarding the concern about the lack of agreement of the



Jerusalem scholars, he said: "Who would even think of something that would delay our Redemption...that all who hear of it would not come with drums and dancing to subscribe to it."

### An Appraisal of the Characters

A description of the events and an analysis of the motives involved reveal that the controversy was conditioned by ambitions, states of mind, and ways of thinking prevalent at that time, and not solely by the personalities of the involved parties. However, this does not exclude the possibility that personality-based factors were involved in the development of the events.

Both of the protagonists were well-defined and vital personalities. Berab was a dynamic and authoritarian individual, driven to action and initiative — all of which gives rise to a clear sense of superiority, to the point of demanding the right of way at all times and the power of decision in every instance. In contrast, Ben Habib was a passive, almost contemplative individual. His confidence results from the lack of a need for initiated activity; he does not reveal the energy contained within him except when presented with a specific outside challenge.

These character traits were apparent in the actions of Berab and ben Habib prior to this controversy. The fact that ben Habib remained in desolate Jerusalem, "sighing bitterly, seeing the Temple ruins around" (the words he used repeatedly in signing his responsa), testifies to his wish for tranquility, even at the expense of extreme frugality. This quality is dominant in his relationship to those who pose halakhic queries; he merely responds to their doubts, without interfering in matters not under his direct authority.

In contrast to this we see Berab gallivanning from place to place — Egypt, Damascus, Jerusalem, and Safed; even if his wanderings are due only to his far-flung business dealings, they are certainly a mark of his dynamic but irritating qualities. Berab undoubtedly saw himself as the greatest scholar of his time — thus was he perceived by his students and admirers. Everywhere he went, he demanded power of decision. For this same reason he clashed with scholars who did not submit to his personal power, and thus became a factious individual, involved in controversy far and wide.

The same initiative and sense of superiority also characterize Berab's actions concerning ordination renewal. Had the undertaking succeeded, his personal authority would have been unsurpassed; perhaps such an ambition contributed to his driving nature. Nonetheless, Berab should not be viewed

as desiring to establish a central institution in the Holy Land in order to impose his authority on the scattered Jews. It is possible that an ordained *bet din* — and, even more, a Sanhedrin — would have left its imprint on future generations, but that was not Berab's intention. He focused on the messianic consequences of his actions. For his generation, the hope for Redemption was based upon the expectation of sudden and radical reform. It is impossible that someone who prepared the stages of Redemption, as Berab thought to do by renewing ordination, would pin his hope on actions that could only be carried out within the existing and continuing reality. If Berab envisioned personal glory in the future, it was undoubtedly tied to the messianic conception that guided him. He undoubtedly saw himself not as one who was destined to head an institution that would function according to accepted norms, but rather as a leading actor in the messianic drama, that is, as the head of the Sanhedrin that would greet the Redeemer.

### Conclusion

In clarifying the personal and extrapersonal motives and in recognizing the personalities of the disputants, it would seem that the historian has exhausted the possibilities of discovering the reasons for any historical dispute. Moreover, to the extent that he succeeds in understanding the opponents' personalities and motives, he becomes unable to evaluate them objectively. The conflict between these two opponents appears to have been preordained, and is not to be judged in terms of praise or criticism. The question of who is preferable — Berab, the dynamic activist who was swept up by the currents of thought and yearning of his time, or the contemplative ben Habib who, in relying on "timeless" values of tradition and morality, disengaged himself from the historical action of his time — is almost moot. The historian should not be asked to make a value judgment between these personalities and between the spiritual and intellectual systems to which they subscribed. He should rather apply the criteria appropriate to the world of each rival and, just as they did, measure their ideals and value systems against their achievement and reality.

Occasionally, the historian finds signs of insecurity and qualms in the words of those he is scrutinizing, and by following those hints he may continue his evaluation and criticism. Berab's embarrassment when the contradictions in his claims were exposed helps us assess him. Here he himself revealed that his messianic yearning led him to utilize conflicting halakhic opinions in an attempt to achieve his goal. Nor can we ignore the