Rabbi Ya’aqob Berab (1474-1546) and the renewal of Rabbinic ordination

Rabbi Ya'aqob Berab was born in 1474 in Maqueda, a small town near Toledo, Spain. His teacher was Rabbi Isaac Abohab, known as the Gaon of Castile and one of the foremost Talmudic authorities of Spanish Jewry in the generation of the expulsion.

In 1492, when the Jews were expelled from Spain, Ya'aqob Berab was only eighteen years old. He fled to Fes, Morocco, the city where the celebrated Rabbi Isaac Alfasi had taught four centuries earlier. The Jewish community of Fes, which numbered approximately five thousand families, recognized the extraordinary scholarship of this young refugee and appointed him as its rabbi.

The wandering years

Like many of the Spanish exiles, Rabbi Berab spent years moving from one country to another. From Morocco he traveled to Algeria and eventually to Yerushalayim, where he was living before 1522. From there he went to Egypt and later to Damascus. During these years, he also became involved in commerce and achieved considerable financial success. By 1527, he was a wealthy man living in Damascus. In 1533, he became a rabbi in Cairo, and some time later he settled in Tsefat, in the Galilee.

Tsefat was then the largest Jewish community in the Land of Israel. Within a few decades, it would become home to some of the most remarkable figures in Jewish history: Rabbi Yosef Caro, Rabbi Moshe Cordobero, Rabbi Shelomo Alkabets and, later, the Ari. Many of these scholars were Spanish exiles or descendants of Spanish exiles. For several generations, this small town in the mountains of the Galilee became one of the most important centers of Jewish intellectual and spiritual life.

It was there that Rabbi Ya'aqob Berab embarked on one of the most ambitious projects in post-Talmudic Jewish history: *hiddush hasemikha*, the restoration of the original rabbinic ordination, as a first step toward reestablishing the Sanhedrin.

Why restore the Semikha?

The original *semikha* was a form of rabbinic ordination transmitted from teacher to disciple, dating back to the moment when Moshe laid his hands upon Yehoshua'. Only judges who possessed this ordination could serve on the Sanhedrin and exercise certain judicial powers, such as imposing monetary penalties or administering lashes. The chain of ordination was interrupted in the centuries following the Mishna, and for more than a thousand years no rabbi possessed this ancient authority.

Rabbi Berab had several reasons for wanting to restore it.

The first was the need for Halakhic unity. As Rabbi Yosef Caro explained in the introduction to his great Halakhic work, the prolonged exile and the geographical dispersion of the Jewish people had resulted in a proliferation of interpretations, rulings and customs. In the absence of the Sanhedrin, there was no central judicial authority recognized by the entire Jewish people that could establish a universally accepted Halakha.

Now that a substantial community of distinguished Torah scholars had gathered once again in the Land of Israel, the restoration of the semikha seemed possible for the first time in centuries.

There was also a more immediate and deeply personal concern. Many of the Jews who had settled in Tsefat came from Spain and Portugal, where they or their parents had been forced to live as Christians. During those years, they had consumed forbidden foods, desecrated Shabbat and committed other transgressions for which the Torah prescribes *karet*, a severe spiritual punishment. The Mishna teaches that those liable for karet who receive lashes are released from that punishment (Makkot 3:15). However, biblical lashes could only be administered by duly ordained judges. Restoring the semikha would provide these Jews, who had returned to Judaism, with an additional means of atonement and spiritual rehabilitation.

Finally, there was the prospect of redemption. Many Spanish exiles interpreted the tragic expulsion from Spain and the subsequent return of Jews to the Land of Israel as signs that the messianic era might be approaching. Maimonides had anticipated the restoration of the great Jewish court before the coming of the Mashiach, in fulfillment of the words of the prophet Yesha'yahu: "I will restore your judges as at first" (1:26).

The legal key

But how could an ordination that had disappeared more than a thousand years earlier be restored? Who could ordain the first rabbi if there was no ordained rabbi left?

Rabbi Berab found the answer in an extraordinary statement by Maimonides in his commentary on the Mishna (Sanhedrin 1:1):

בזמן שכל חכמי ארץ ישראל .מורין ודנין בכל הדברים שהיו מורין ודנין בהם בזמן שהיה סנהדרין קיים ומוסמכין זה מזה עד משה רבינו שקבל מפי הגבורה ומוסמכין בכל מקום שיהיו מוסמכין בכל מקום שיהיו מוסמכין בכל מקום שיהיו

"If all the sages of the Land of Israel agree to appoint and ordain judges, those judges are duly ordained and are authorized to adjudicate cases involving monetary penalties and to ordain other scholars."

According to Maimonides, the original semikha could be restored through the collective agreement of the Torah scholars of the Land of Israel. Once ordained, these rabbis could transmit their authority to others.

The ancient chain of ordination did not have to be recovered. It could be reestablished.

The historic assembly of 1538

In 1538, twenty-five rabbis assembled in Tsefat and formally ordained Rabbi Ya'aqob Berab. They invested him with the authority to ordain other rabbis, laying the foundations for what they hoped would eventually become a new Sanhedrin.

One of Rabbi Berab's first initiatives was a gesture of reconciliation. He extended the semikha to Rabbi Levi Ibn Habib, known as the Ralbach, the chief rabbi of Yerushalayim. The two scholars had disagreed for years on various Halakhic matters. Nevertheless, Rabbi Berab recognized the importance of Jerusalem's participation in his project and addressed his colleague in cordial terms, hoping to secure his cooperation.

The response was the opposite of what he had anticipated.

The opposition of Jerusalem

Rabbi Levi Ibn Habib not only refused to accept the ordination but challenged the legitimacy of the entire project. His objections were substantial. Maimonides had explicitly required the agreement of *all* the sages of the Land of Israel, yet the rabbis of Yerushalayim had not been consulted. Furthermore, when Maimonides discussed this possibility in his Mishne Torah, he concluded with the words *ve-hadabar tsarikh hekhrea'*, indicating that the matter still required resolution. Rabbi Ibn Habib also raised concerns about the implications that a restored Sanhedrin might have for the fixed Jewish calendar, which had preserved the unity of Jewish religious life since the days of Hillel.

For approximately three months, letters traveled back and forth between Yerushalayim and Tsefat. The correspondence was subsequently published by Rabbi Levi Ibn Habib under the title *Kuntres haSemikha*, included at the end of his responsa, printed in Venice in 1565. This remarkable document remains our principal historical source for the controversy.

Unfortunately, what began as a scholarly disagreement eventually acquired a personal dimension. As a young boy in Portugal, Rabbi Levi Ibn Habib had been forcibly baptized and compelled to live for a year as a Christian under a different name. In one of his letters, Rabbi Berab remarked that he himself had "never changed his name." The painful implication of these words was unmistakable. Meanwhile, in Egypt, another prominent Halakhic authority, Rabbi David Ibn Abi Zimra, known as the Radbaz, sided with Rabbi Ibn Habib.

The intervention of the Ottoman authorities

The controversy soon extended beyond the boundaries of the Jewish community. Rabbi Berab's opponents denounced him to the Ottoman authorities, presenting the restoration of the Sanhedrin as a first step toward the establishment of an independent Jewish state. From a political perspective, a central Jewish governing body could be perceived as the nucleus of an autonomous national institution. Rabbi Berab's considerable personal wealth made him particularly vulnerable.

With his life in danger, Rabbi Berab was forced to flee to Egypt. Before leaving Tsefat, however, he made sure that the semikha would not disappear with his departure. He ordained four distinguished rabbis, among them Rabbi Yosef Caro (1488–1575), the future author of the Shulhan 'arukh, and Rabbi Moshe Miterani (1500–1580), known as the Mabit.

The survival of the Semikha

Rabbi Berab eventually returned to Tsefat, but by then the opposition had gained considerable strength, and the prospects of restoring the Sanhedrin had virtually disappeared. He died in Tsefat in 1546, at the age of seventy-two, and was buried in the city's ancient Jewish cemetery.

Although the project of restoring the Sanhedrin was effectively abandoned after his death, the chain of ordination that he had initiated continued for several generations.

While some of the details remain historically disputed, it appears that Rabbi Berab also ordained Rabbi Israel Curiel (1501–1573) and Rabbi Abraham Shalom (d. 1557), both of whom served on the Bet Din of Maran Rabbi Yosef Caro in Tsefat, as well as Rabbi Moshe Cordobero (1522–1570) and Rabbi Yosef Sagis (d. 1573).

Rabbi Yosef Caro, in turn, ordained Rabbi Moshe Alshekh (1508–1593), who subsequently ordained Rabbi Hayim Vital (1543–1620). Rabbi Caro also ordained Rabbi Berab's grandson and namesake, Rabbi Ya'aqob Berab II, who became one of the leading Torah scholars of Tsefat. The latter ordained seven rabbis, including Rabbi Moshe Galante, Rabbi Eleazar Azikri, author of *Sefer Haredim*, and his own brother, Rabbi Moshe Berab.

We know of other rabbis who received this special ordination in subsequent generations. Among them were another grandson of Rabbi Ya'aqob Berab, Rabbi Ya'aqob Abulafia of Damascus; his student Rabbi Yoshiahu Pinto (1565–1648), also of Damascus; and his grandson, Rabbi Hayim Abulafia (1660–1744).

Nevertheless, although these distinguished scholars were considered *musmakhim*, they neither exercised nor claimed judicial authority superior to that of other rabbis. Eventually, the chain of ordination faded into history.

An unexpected legacy

Rabbi Ya'aqob Berab left behind a collection of Halakhic responsa, published in Venice in 1663, and a commentary on portions of Maimonides' Mishne Torah. His greatest legacy, however, may lie elsewhere.

One of Rabbi Berab's central aspirations was to overcome the Halakhic fragmentation produced by centuries of exile. He dreamed of restoring a central judicial authority that would unite the Jewish people under a common body of Jewish law. He did not live to see that dream fulfilled.

Yet history took an unexpected turn. One of the four rabbis whom he had hurriedly ordained before fleeing Tsefat, Rabbi Yosef Caro, went on to compose the Shulhan 'arukh. Within a few generations, Jewish communities from Morocco to Poland had embraced this monumental work, together with its commentaries and glosses, as their common framework of Halakhic authority.

In a remarkable twist of Jewish history, Rabbi Berab's disciple achieved through scholarship much of what his teacher had hoped to accomplish through the restoration of the Sanhedrin.

What could not be accomplished through the establishment of a court was ultimately achieved through the publication of a book.