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The first impeachment: T’shuvah works

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Here is a pop quiz: Who was the first president to be impeached and removed from office?

No, it wasn’t Andrew Johnson, or William Jefferson Clinton. Both were impeached by the House of Representatives, but were acquitted in their Senate trials.

The first president to be impeached and removed from office was Rabban Gamaliel II, president of the Sanhedrin for several decades following the fall of the Second Temple. His “high crime and misdemeanor”: abuse of power.

Therein lies a tale few people know (even though there is a trace of it in the Passover Haggadah) and even fewer people understand, at least as far as its import in history is concerned. Until then and even after until our day, the removal of a national ruler is more often accomplished through violence, including killing the ruler.

That certainly was the case in the world of the Mishnah. Julius Caesar, for example, was assassinated by a group of Roman senators in 44 B.C.E. Gaius Caligula was assassinated in 41 C.E. His successor, Claudius, was so removed 13 years later, probably by his wife, who wanted her son Nero to rule. Nero, for his part, eventually committed suicide rather than allow himself to be killed by others. The emperor Domitian was killed in 96.

That was the way of the world in ancient times; it continues to be the way things are done in some parts of the world today.

Ancient Israel, sad to say, was not immune to this method of dealing with heads of state whose removal from office was sought by segments of the governing elite. For example, I Kings 16 tells how King Elah ben Baasha, ruler of the breakaway kingdom of Israel, was assassinated by “Zimri, commander of half the chariotry.... Zimri entered, struck him down, and killed him….” Zimri attempted to rule in Elah’s place. He lasted seven days, however, before committing suicide rather than allowing his enemies to kill him.

II Kings 12 reports that “Yehoash king of Judah took all the things that had been consecrated by his fathers—Kings Yehoshafat, and Yehoram, and Achazyahu of Judah—and by himself, and all the gold that there was in the treasuries of the Temple of the Lord, and in the royal palace, and he sent them [as a bribe] to King Chazael of Aram....” This clearly did not sit well with some of the court elite, who “formed a conspiracy against Yehoash and assassinated him.” A similar fate awaited the 24-year-old King Amon of Judah in II Kings 21. He, too, was killed by the people around him.

Not just kings suffered such fates. Jeremiah 41 tells how, after the First Temple was destroyed, the Babylonian-appointed governor of Judah, Gedalyahu ben Achikam, was assassinated by a man named Yishmael and 10 co-conspirators because they considered him a traitor. That assassination had serious ramifications for the people of Judah. It is annually commemorated today in the Fast of Gedaliah, which we observed this past Wednesday, the day after Rosh Hashanah.

Enter the sages of the Mishnah. Although some of them, at least, were not against seeing those they considered enemies killed (the Babylonian Talmud tractate B’rachot 58a, for example, records how Rabbi Shayla conspired to have an informer killed), they clearly did not believe in assassination as a way of removing a leader from office, despite the world in which they lived. Only a political solution was acceptable, judging from Gamaliel’s case.

Gamaliel II was the great-great grandson of Hillel. He ruled as “nasi,” or president, of the Sanhedrin (Judaism’s official governing body) from approximately 80 C.E. until at least through the end of the first decade of the next century. He also may have been the first leader to actually bear the title of president. By all accounts, in his private life he was a kind, gentle and even compassionate man, but the mantle of leadership he inherited from his father and grandfather and great-great grandfather weighed heaviest on his shoulders.

Judaism at the time was on the brink of extinction. The religion of Israel was Temple-based and priest-led, but the Temple was no more and the priesthood was powerless. Gamaliel understood only too well—as did the previous leader, Rabban Yochanan ben Zakkai—that unless he and his colleagues could quickly transform the religion of Israel into what we now call “rabbinic Judaism” and win the hearts and minds of the people, the Jewish people would cease to be. As such, he jealously guarded his power and dealt heavy-handedly with those who disagreed with him. As an example, he apparently barred hundreds of qualified scholars from the study house, the bet hamidrash, in which halachic matters were debated and decided.

Apparently, one of his biggest nemeses was Rabbi Yehoshua ben Chananiah (although he, it seems, was never barred from Judaism’s governing forum). The Mishnah in BT Rosh Hashanah 24b-25a, for example, reports on two instances in which Gamaliel accepted the word of two witnesses regarding the sighting of the new moon despite the fact that their testimony contained doubtful facts. In both cases, Gamaliel was challenged by other sages, but his decision stood.

It is the second case that is relevant here. Gamaliel set the time for the start of Rosh Hashanah based on spurious evidence given in that case. This upset the sage Rabbi Dosa ben Horkinas, who said the men were “false witnesses.” His reasoning convinced Yehoshua, who then declared that Rosh Hashanah was to begin a day later than Gamaliel had set. “Rabban Gamliel sent [a message] to him,” the Mishnah reports. “’I decree against you that you [must] appear before me with your staff and with your money on [the day on which] Yom Kippur occurs according to your calculation,” which, according to Gamaliel, was the the day after Yom Kippur. In other words, Gamaliel was ordering Yehoshua to do things not permissible on Yom Kippur, even though to Yehoshua that day was Yom Kippur. Yehoshua complied with the order, but only after Rabbi Akiva and Rabbi Dosa ben Horkinas both convinced him to do so.

Another instance is detailed in BT B’khorot 36a. In that case, Rabbi Yehoshua was publicly humiliated by Rabban Gamaliel before the entire bet hamidrash. He was publicly humiliated yet again when he challenged Gamaliel’s ruling regarding whether the evening Amidah was mandatory. Yehoshua believed it to be optional, whereas Gamaliel ruled it to be mandatory. BT B’rachot 27b-28a explains what happened after Gamaliel learned about Yehoshua’s latest challenge: Gamaliel, it reports, publicly and brutally humiliated Yehoshua.

This was the final straw for the other sages. “They said: How long will he continue to afflict [Rabbi Yehoshua as he did] last year on Rosh Hashanah?” They then detailed several of the previous incidents—in essence, articles of impeachment—and concluded that Gamaliel was guilty of abuse of power. “Come,” they declared, “let us remove him [as president].” A vote was taken and Gamaliel was found guilty and removed from office. In his place, the rabbis elected Rabbi Eleazar ben Azariah. The Talmud insists that Eleazar was only 18 at the time, prompting him to declare that he had been given the responsibilities of a much older man. “Behold,” he said in a statement made famous by the Haggadah, “I am like one who is 70 years old.” (That statement appears in the Haggadah, albeit out of context.)

Eventually, Rabban Gamaliel came to realize the error of his ways and apologized to Rabbi Yehoshua. The latter, at first, was dubious, but finally accepted the apology. He then magnanimously fought for Gamaliel to be restored to his post as president.

At this point, the story becomes a bit murky. The Babylonian Talmud suggests, but does not actually say, that Rabban Gamaliel and Rabbi Eleazar ben Azariah shared the presidency, whereas the Jerusalem Talmud states outright that Gamaliel held the post exclusively and that Eleazar became the vice president. (His actual title was “av bet din,” or “father of the court.”)

In any case, around 1,900 years ago, a president was impeached and removed from office because of abuse of power, but was re-elected to his post once he was sufficiently contrite and acted upon his contrition; in other words, he was restored to power only after he did t’shuvah (only after he publicly repented).

Clearly, there is a lesson in that outcome for President Trump and for Congress. There also is a lesson here, however, for all of us as we approach Yom Kippur: T’shuvah works.

An easy fast to one and all, and may you all be inscribed in the Book of Life for a wonderful 5780.