

Appendix
to
“Halakhic Archaeology and Mesorah:
An Exploration of the Possibility of Archaeology
Solving Halakhic Disputes”
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Archaeology Illuminating a Rabbinic Dispute

There are times when archaeology does not solve halakhic disputes but is rather a reflection of them. A good example is the Mishnaic dispute¹ concerning how many *badasim* and *aravoth* are required to fulfill the biblical mitzvah of *arba minim*. Rabbi Yishmael maintains that three *Hadasim* and two *Aravoth* are required. Whereas Rabbi Akiva holds that just as there is one *esrog* and one *lulav*, there is also just one *badas* and one *arava*.

Mishnah *Sukkah* 3:4

מתניתין: רבי ישמעאל אומר: שלשה הדסים ושתים ערבות, לולב אחד ואֶתְרוֹג אחד. אֶפִּילוּ שְׁנַיִם קטומים ואֶחָד אינו קטום. רבי טרפון אומר: אֶפִּילוּ שְׁלֹשָׁתָן קטומים; רבי עקיבא אומר: כִּשֶׁם שֶׁלֹּולֵב אֶחָד ואֶתְרוֹג אֶחָד, כִּן הֵדֶם אֶחָד ועֶרְבָה אחת.

MISHNA: Rabbi Yishmael says: The mitzvah of the four species is to take **three myrtle branches, and two willow branches, one *lulav*, and one *etrog***. With regard to the myrtle branches, **even if** the tops of **two are severed and** the top of **one is not severed**, it is fit. **Rabbi Tarfon says: Even if** the tops of **all three are severed**, it is fit. **Rabbi Akiva says** with regard to the number of each of the species: **Just as** there is **one *lulav* and one *etrog*, so too** there is **one myrtle branch and one willow branch**.²

A coin minted during the Bar Kokhba Revolt depicts a *lulav*, *esrog* and just one *badas* and one *arava*.³ Can we conclude from the coin that

¹ BT *Sukkah* 34b.

² Koren Translation as referenced at Sefaria.org

³ JUDAEA, Bar Kochba Revolt. 132-135 CE. AR Sela – Tetradrachm (28mm, 14.07 g, 11h). Undated issue (year 3 - 134/5 CE). Temple facade, the Ark of the Covenant within; star above / *Lulav* with *etrog*. Mildenberg 85.12

the correct and historical halakha was in accordance with Rabi Akiva? The answer would be “no” and not just because the halakhah follows Rabbi Yishmael. Most of the Jewish people could have followed the view of Rav Yishmael while the disciples of Rabbi Akiva can still follow his ruling.⁴ Rabbi Akiva believed that Shimon Bar Kokhba (Shimon bar Kosevah) was the Moshiakh⁵ while most other Rabbis did not. Accordingly, it is not a large logical stretch to believe that Shimon Bar Kokhba was a follower of Rabbi Akiva when it came to halakhic issues, and thus followed his ruling. Nevertheless, Klal Yisroel followed the Halakhah according to Rabbi Yishmael as is the case today.⁶



Picture of Bar Kokhba Coin with one *badas* and one *arava*.

Archaeology Illuminates a Law in the Mishnah.

An example of archaeology illuminating a law in the Mishnah involves a reference in Mishnah *Eruvin* 5:11 to Shabbos *tekhum* boundaries delineated based on distance from caves.

אמר לִהְיוֹן רַבִּי עֲקִיבָא, אִי אַתֶּם מוֹדִים לִי בְּנוֹתָן עֲרוּבוּ בְּמַעְרָה, שְׂאִין לוֹ
מִמָּקוֹם עֲרוּבוֹ אֶלֶּא אֶלְפִים אַמָּה. אָמְרוּ לוֹ, אֵימַתִּי, בְּזִמְנָן שְׂאִין בֵּה דִּיּוּרִין,
אַבֵּל יֵשׁ בֵּה דִּיּוּרִין, מְהֵלֵךְ אֶת כָּלָה וְחוֹצֶה לָּהּ אֶלְפִים אַמָּה. נִמְצָא, קַל תּוֹכָה
מַעַל גִּבָּהּ. וְלִמּוֹדֵד שְׂאֲמְרוּ נּוֹתְנִין לוֹ אֶלְפִים, שְׂאֲפִלוֹ סוּף מִדָּתוֹ כָּלָה
בְּמַעְרָה:

(O127/R44⁷); Meshorer 233; Hendin 711. Near EF, toned, light deposits.
https://en.wikipedia.org/wiki/Bar_Kokhba_Revolt_coinage#/media/File:Bar_kokhba-silver-tetradrachm.jpg.

⁴ Another example is the majority view that eating poultry and milk together is rabbinically proscribed, however, Rabi Yosei Haglili believed it was permitted. In Mishnah *Eruvin* 10:1, Rabi Yosei Haglili states that his students and those who lived in his town can follow his ruling. The halakha was that for Rabi Yosei Haglili's students and those that lived in his town can follow his ruling, see BT *Beitz'a* 7a, BT *Khulin* 113a, BT *Khulin* 116a.

⁵ JT *Ta'anith* 4:5 or 21a, BT *Sanhedrin* 93b, Eikha Raba 2.

⁶ *Shulkhan Arukh, Orach Chaim* 651.1.

Rabbi Akiva said to the Rabbis: Do you not concede to me that **one who places his *eiruv* in a cave has only two thousand cubits from the place of his *eiruv*,** and that consequently the entire cave is not considered as merely four cubits? The Rabbis **said to him:** When does this apply? **When the cave has no residents. But if it has residents,** it is considered as though it were only four cubits, and **one may walk through all of it and another two thousand cubits beyond it. Consequently,** the *halakha* with regard to an *eiruv* placed **inside** a cave **is** sometimes **more lenient than** the *halakha* governing an *eiruv* placed in the area **above** the cave. If one places his *eiruv* inside a cave that has residents, he has two thousand cubits beyond the cave; if he places it above the cave, where there are no residents, he has only two thousand cubits from the place of his *eiruv*. **And as for one who is measuring his Shabbat limit,** with regard to whom the Sages **said that one gives him two thousand cubits,** that measurement applies **even if the end of his measurement terminates in** the middle of **a cave.** He may not walk further into the cave, even if the cave is inhabited.⁷

For many years archaeologists believed an ancient stone with the word "שבת" etched on it denoted the *tekhum*⁸ of either Shimron or Nahalal.⁹ But Dr. Yoel Elitzur believed that it was more likely that it was associated with KHurvāt Qisi. The problem was that there was no historical village there, only caves. Dr. Elitzur believed that these were underground hiding places in caves, and the *Shabbath Tekhum* boundary could have been associated with those caves. He, therefore, concluded that the dispute between Rabbi Akiva and the Sages in Mishnah *Eruvin* 5:11 was dealing with reality not theory.¹⁰

⁷ Koren Translation as referenced at Sefaria.org.

⁸ There is a 2,000 Amah limit a person can walk outside their dwelling space (or a continuously habitated area) on Shabbos. An *Eiruv tekhumim* can add an additional 2,000.

⁹ Approximately 4.2 km northwest of modern day Migdal Haemek in Eretz Yisroel.

¹⁰ Dr. Yoel Elitzur, "Ha'arah LiMamarim shel Zev Erlich ViYinon Shvatiel," *Al Atar* 20, Elul 5779.

Other *Hakirah* Articles by Stewart Rubin

“Jewish Opposition to the Ancient Gladiatorial Games,” *Hakirah*, vol. 26, <https://hakirah.org/Vol26Rubin.pdf>

“Between the Stoikos and the Beth Midrash: A Philosophic and Ethical Comparative Analysis of Stoicism and Judaism,” *Hakirah*, vol. 29, <https://hakirah.org/Vol29Rubin.pdf>

“Yom Tov Sheini: Reasons and Relevance,” *Hakirah*, vol. 31, <https://hakirah.org/Vol31Rubin.pdf>

