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APPENDIX.

PAGE 24 of Volume I. of this tract contains a Mishna commencing with the statement: "And these are some of the regulations enacted in the attic of Hananiah ben Hizkyah ben Garon," and concluding, "they enforced eighteen regulations on that day." At the same time, the Mishna fails to enumerate in the place mentioned, or elsewhere, these eighteen regulations. The Gemara, however, conjectures upon their character and cites them in a scattered and incoherent manner. As a matter of course, this is not done without the adduction of numerous and varied opinions; but the conclusion is, that the eighteen regulations are those which we shall enumerate farther on.

In another section of the Gemara it is related, that three hundred jars of wine and a like number of jars of oil were taken up into that attic in order to afford the sages no opportunity to leave their places until their deliberations concerning the regulations were finally concluded.

Among these regulations there are, however, only two or three concerning Sabbath, the rest being dispersed throughout the Talmud in their proper departments and merely mentioned as regulations enacted during that session, but they are not enumerated in regular order either of sequence or time of enactment. Hence we, in consistency with our method of translation--viz., to place everything in its proper department--have omitted in this tract the enumeration of these regulations, together with the diverse opinions concerning the reasons for their institution, which reasons as cited by the Gemara are very abstruse and for the most part untenable.

In the last chapter of this tract, however, mention is again made of the eighteen regulations, and it is declared, that their measure was made "heaping full," while elsewhere in the Gemara the assertion is made, that the day on which they were enacted was as grave in its consequences for Israel as the day on which the golden calf was made. It is these two statements that have impelled us at the last moment to embody these eighteen

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regulations in an appendix at the end of this volume, and state as best we can, after careful study and consideration of the subject, the most potent reasons for their enactment.

With this purpose in view, we shall divide the eighteen regulations into five classes, as follows: Those pertaining to Therumah (heave-offerings), Tumah (uncleanness), Chithon (mingling with other nations), Mikvah (legal bath), and Sabbath.

Therumah is rendered useless when brought into contact with any one of the following ten subjects: First: With a man who eats a thing that had been contaminated by a parent of uncleanness 1 and had thus become unclean in the first degree. Second: With a man who had eaten a thing unclean in the second degree (*i.e.*, had been touched by a thing unclean in the first degree). Third: With a man who had drunk unclean beverages. Fourth: With a man who had

bathed his head and the larger portion of his body in water that had been pumped up (drawn or scooped), and not in a legal bath. Fifth: With a clean person (*i.e.*, one who had already taken a legal bath, but was subsequently drenched with three lugs of drawn water). Sixth: With the sacred scrolls of the Holy Writ, either in part or in its entire form. 2 Seventh: With hands of which one was not quite certain that they had been kept clean the whole day. Eighth: With one who had taken a legal bath, if the Therumah was touched before sunset. Ninth: With eatables and utensils which had become unclean through beverages (as will be explained in Tract Yodaim). When brought in contact with any one of these nine subjects, Therumah is rendered useless. Tenth: The crop raised from Therumah (seed) is of the same character as the seed; if the latter was clean when planted the crop is clean, but if the seed was unclean the crop is the same. Nevertheless, it is still considered Therumah, and subject to the

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laws of Therumah. Thus we have ten regulations concerning Therumah.

Concerning uncleanness, there were four regulations enacted: First: All movable things bring uncleanness on a man by means of a tent, not larger even than a span, covering a corpse, even if the space between the corpse and the tent was but an awl's width. (For explanation, see Tract Ahaloth.) Second: The daughters of the Samaritans are considered unclean (as women suffering from their menstruation) from the day of their birth. Third: A child of a heathen is considered unclean, because it is considered as one afflicted with venereal disease. Fourth: One who presses grapes or olives renders the vessels used to receive the must or the oil susceptible to uncleanness. (This is explained in detail in Tract Kelim.)

Concerning Chithon, but one regulation was enacted, covering four subjects: It was prohibited to partake of the bread, oil, or wine of other nations in order to prevent intermarriage with their daughters.

Concerning Mikvah, one regulation only was enacted; viz.

If the water running out of a rain-gutter flow directly into a Mikvah, the Mikvah is not invalidated; but if the water was intercepted by a vessel from which it flowed into the Mikvah, the latter becomes invalid; or even if three lugs of drawn water were poured into the Mikvah, they render it useless (see Tract Mikvaoth).

Concerning Sabbath, two regulations were enacted: First: One shall not search for vermin or read before lamplight (on Friday night). 1 Second: One who was overtaken by dusk on the Sabbath eve while on the road must give his purse to a Gentile.

The learned reader who is not familiar with the intricate teachings of the Talmud, and even the student of the Talmud who has delved in its labyrinths of lore for the sake of probing into the ordinances and discussions contained in its volumes, will be quite amazed at the seeming unimportance and triviality of the above regulations, unless thoroughly comprehensive of the spirit of the Talmud and the object of the sages in their day.

At the time when these regulations were enacted and enforced,

there appeared no reasonable grounds for their enactment; and even the reasons advanced by the Gemara itself in a faltering, groping manner are in many instances quite absurd. Entirely contrary to their usual custom, the sages themselves did not base these regulations upon any inference, analogy, passage, or ordinance contained in the Holy Writ, a very remarkable occurrence indeed. Furthermore, at a casual glance, the student will not find in any one of the regulations a motive based even on common sense.

Strange to say, it has also occurred that our excellent Hebrew poet L. Gordon, in a poem pungent with deepest sarcasm and pointed ridicule, commented upon these eighteen regulations, saying, amongst other things: "Not for political purposes, not for the improvement of the government moral or material, did our sages seclude themselves in their attic, but merely to prohibit matters as trivial and absurd as that of reading by lamplight on the eve of Sabbath," etc.

Had the poet, however, devoted deeper study and closer research to the environments, influences, and conditions prevailing in the days of these sages, he would readily have discovered that the greatest political import, the gravest questions of government both moral and material, actuated the institution of these apparently ridiculous regulations, all culminating and leaning towards the accomplishment of one great object; viz., that of keeping the small nation of Jews intact and guarding it from the dangers menacing it not only from the exterior world but from its interior vampires and oppressors.

It should not be overlooked that when the deliberations anent these regulations were about to be commenced, the hall used for the session was closely guarded by men armed with keen-edged swords, under instructions to permit all who desired to enter to do so, but to instantly thrust their swords through any one endeavoring to retreat; and what was the discussion commenced with? Merely an argument determining the uncleanness of certain vessels, which the priests could not approach (as will be seen farther on). Still, Hillel the Prince, the mighty sage, sat before his old-time opponent Shamai, and listened to him with the most profound attention and reverence, just as if he were the least among his disciples.

This historical fact was but another item in inducing us to digress from our established method and insert the eighteen regulations, together with the explanation of their importance; for

had we not done so, it is highly probable that we would have called down the criticism of many scholars who could not overlook such an omission.

At no period in the history of the Jewish race do we find so much deliberation, profundity of thought, and depth of calculation in evidence as at the time when the sages secluded themselves in the attic of Hananiah ben Hizkyah. *There* it was, that means were devised to keep the nation of the Jews--whose friends were always in the minority, and whose enemies, not only abroad but in their very midst, were as the sands of the sea--intact and proof against annihilation.

All of the literature current among the masses was carefully scanned and revised. The ethical

code was reënforced, and wherever necessary purged of objectionable matter. This censorship was carried to such an extent that it was attempted to reject even Proverbs, Ecclesiastes, and Ezekiel as undesirable; and it was only with great difficulty that those in authority were prevailed upon to let them remain. The records of ancestry, however, tracing the descent of every existing family, which were the pride of the people, as well as all works treating of medical science and the art of healing, were buried and hidden beyond recovery. Even the Apocrypha were eliminated from the Holy Writ and declared ordinary literature, and many other writings unknown to us even in this day, as well as all secret scripts, were thoroughly revised and made adaptable to the existing times and circumstances. All this, and more, was done with the sole purpose of preserving the integrity of the Jewish race and preventing its absorption by other nations.

Thus it was commenced to accustom the Jew to study and thought, and as an outcome of this period of virtual renaissance the eighteen regulations were enacted with two prime objects in view, as follows:

Firstly, to diminish as far as possible the constantly growing domination of the priests; for the high-priestdom, with which the supreme governing power was identical, could be purchased with money, and more especially because the number of priests in the last century prior to the destruction of the Temple had grown to such a vast proportion that those in actual service alone numbered little short of twenty thousand. Apart from these were those who did not perform actual service, while enjoying all the immunities and privileges of their rank as priests, and they were: Priests who had the least blemish on their bodies;

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those whose descent or even whose wives' descent left the least room for doubt; and the wealthy and influential priests who would not perform the menial duties of priests, but left them to the less fortunate and more insignificant of their number. (See "Die Priester und der Cultus," by Dr. Adolf Büchler, Vienna, 1895.)

Of such men was the party in power composed, and they made but too free a rise of their authority. As a matter of course, restrictions had to be provided wherewith to relieve the oppressed.

Secondly, the object was to prevent the amalgamation of the Jews with the other nations with whom they were in daily and constant association.

Now for the manner in which the first object was about to be accomplished.

Quite some time previous to the time of which we are treating, the laymen had, after a hard struggle, succeeded in divesting the priests of their spiritual power (*i.e.*, the right to decide all questions pertaining to religious and ritual matters, whether a thing was allowed or forbidden, clean or unclean, etc.), by proving that the priests were far too ignorant to be competent judges. ¹ This struggle had been going on since the days of Nehemiah, for prior to his day the priests were the sole judges both in spiritual and in temporal affairs, claiming their privilege in accordance with the passage [Deut. xxi. 5]: "And after their (the priests') decision shall be done at every controversy and every injury." Having wrested the spiritual power from the priests, the

supervision of all religious and ritual matters was conferred upon the Pharisees, who henceforth were the recognized authorities in the interpretation of the Law. This accomplished, the next step decided upon was to limit as much as possible the temporal power of the priests: it was decided not to do this in too precipitate a manner, but cautiously and unostentatiously, using as a medium regulations seemingly unimportant, but the hidden motives of which were far-reaching in their consequences.

The time of Hananiah ben Hizkyah was the more opportune for such a *coup d'état*, as by that time the Pharisees had obtained the upper hand of all other existing sects, notably the Sadducees.

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Now, inasmuch as it proved to be an easy matter to enact laws by means of which the Jews would be prevented from amalgamating with other nations, such as the prohibition of partaking the bread, oil, etc., of Gentiles, the proclamation declaring the children of heathens unclean (to prevent the children of Jews from joining them at play and thus forming attachments), and the women of the Samaritans, the deadliest enemies of the Jews, unclean (in order to prevent their employment as servants by Jews), it was but little more difficult to devise laws which would forever break the oppressive domination of the priests in a mild but nevertheless effective manner.

The first step necessary for the accomplishment of this desirable end was to completely destroy the system of espionage practised by the priests, and which was carried on to such an extent that spies were constantly prying into actions and even utterances in the houses of the laymen. This was, however, by no means an easy task, from the very fact that the priests were virtual shareholders in all the possessions of the laymen. One fiftieth of all grain raised by the peasants was their share as *Therumah*; one tenth of such grain comprised the *tithe*, and one tenth of the *tithe* belonged to the priests individually; the first of the dough, the first of shorn wool, the parts of slaughtered cattle, the firstlings of cattle, the firstfruits of trees and produce, all belonged to the priests; and it was but natural that they were to be found in the houses of the laymen at all times, whither they would come not to humbly ask for their donations, but to demand it as the rightful possessors and shareholders. Nor were they at all backward about taking a hand in the management of all other affairs of the layman, under the plea of guarding their own interests; and thus at times willingly, sometimes unwillingly, they were the spies of the higher authorities of the government.

The question then arose how to find a place where the deliberations for the suppression of this constantly growing evil could be held without the presence of the spying priests; and to meet the exigencies of the case, an old decree that had been promulgated in the early days of the existence of the Temple was again called into being and made effective. The decree was the one enacted in the time of Jose ben Joezer Ish Izreda and Jose ben Johanan the Jerusalemite, and read: "All the lands outside of Judæa are unclean" (*i.e.*, all eatables and beverages containing any degree of sanctity whatever are rendered unclean by coming

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in contact with the soil of those lands outside of Judæa, but aside from such eatables and beverages nothing was rendered unclean). Now, the only eatables and beverages containing any sanctity whatever, which could be found outside of Jerusalem, where the sacrifices and other

sanctified articles were brought, were the gifts and the Therumah set aside for the priests. Thus we see that the declaration of uncleanness, ostensibly directed against all eatables containing any degree of sanctity, was in reality directed against the Therumah of the priests, while the priests themselves were flattered by the elevation of the Therumah to the degree of highest sanctity, and its object will be apparent from the following argument:

The Therumah is invested with sanctity only when it is separated from the bulk, but while still a part of the entire crop it is regarded as ordinary grain. If the Therumah were separated from the bulk in any land outside of Judæa, the moment it comes in contact with the soil it becomes unclean and unfit for use. This fact made it necessary to separate the Therumah in Judæa. The transportation of the entire crop to Judæa for such a purpose involving too much labor and expense, part of the crop was set aside in the field, and from that part a sufficient quantity was separated and sent to the holy land. There the quantity of the Therumah (which according to biblical ordinance could have been only one grain, but according to established custom amounted to one fiftieth of the entire crop) was separated from the quantity sent. The consequence of this mode of procedure was, that the presence of the priest at the place where the crop was harvested was no longer required, as he could not demand his share outside of Judæa. Thus it was rendered possible to hold a convocation where the presence of the priest was no longer to be dreaded. 1 It seems that up to the time of Hananiah ben Hizkyah this decree had been evidently disregarded or not sufficiently effective, 2 for we see that eighty years

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prior to the destruction of the Temple it was again promulgated, and this time reënforced with the declaration that even the atmosphere of all lands outside of Judæa was unclean and all articles containing any degree of sanctity were rendered unclean by contact with such atmosphere.

The eighty years before the destruction of the Temple correspond with the time of Hananiah ben Hizkyah, and it is quite possible that the sages called by the Talmud "the sages of the eighty years" were the same that took part in the deliberations in the attic, and that, in order to secure at least one place where they could hold a convocation undisturbed by the priests, they declared even the atmosphere of the lands outside of Judæa unclean.

The Talmud relates, also, that in the city of Usha the decree was reënforced for the third time with the declaration that all articles rendered unclean by the atmosphere of such lands were not only to be rendered useless, but were to be immediately burned, as a precaution lest a priest might accidentally make use of them.

Still, the decree was not as effective as it should have been, as long as the priest could come and announce that he would use his share of the Therumah for seed or dispose of it as seed, and to meet this exigency the sages of the attic first of all decreed that the crops raised from clean or unclean Therumah, used as seed, were clean or unclean respectively.

Again, means had to be devised to rid the laymen residing in Judæa proper from the obnoxious presence of the priests at all times; for at harvest-time, or when the grain was brought from the lands outside of Judæa, the ever-watchful priest was on hand. To this end the subsequent regulations concerning Therumah were enacted and gradually reënforced. Thus at first a man

who had eaten a thing unclean in the first degree rendered Therumah useless; then a man who had eaten a thing of the second degree of uncleanness, until finally even a sacred scroll, or even a hand that had come in contact with a sacred scroll, and last of all a hand that was not known to be positively clean, rendered Therumah useless. All this was done with the sole object of keeping the priests out of the houses of the laymen, and rather bring the Therumah to them than have them come to demand it. Should they come in spite of this, it was not difficult to find a pretext for calling the Therumah unclean. In order, however, not to make the purpose of these regulations

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too apparent, and thus give offence to the priests, other regulations were enacted in conjunction with these, which, while of no value whatever in themselves, acted as screens for the actual intentions.

It is now not difficult to explain the historical sensation caused by the deference shown by Hillel to Shamai at the commencement of these deliberations, and the reasons which prompted the posting of an armed guard at the entrance of the hall. Hillel, in his capacity as a prince of Israel, was somewhat too timid to proceed against the priests in too harsh a manner; but the masses were so much incensed against their oppressors, and so deeply conscious of their grievances, that he could not stem the popular tide against them. In this emergency it was Shamai, under ordinary circumstances of lesser consequence than Hillel, that proved to be the champion of the popular cause; and in order to insure for him a telling majority when the question came up for a final vote, the doors of the hall were guarded so that none could leave, while all were allowed to enter. Seeing the patriotism and popularity of Shamai, the prince could not help bowing to popular sentiment and showing respect to the favorite of the hour.

It would require a volume of many, many pages to demonstrate how each one of the regulations instituted was directed against the priests, how deeply it injured them, and in what measure it curtailed their previous unlimited sphere of action; also, especially, how the dispute between Hillel and Shamai concerning the susceptibility to uncleanness of vessels used at grape and olive pressing concerned the priests. Even then, a person not thoroughly imbued with the spirit of those times could scarcely understand it; but we would request that the eighteen regulations be again carefully perused, and it will readily be observed by even the casual reader, from the hints given, that the ten ordinances 1 relating to Therumah were directed entirely against the priests, and the four concerning uncleanness were in part against the priests and in part against mingling with other nations; as for the regulation against mingling, that goes without saying, while the regulations concerning the Mikvah and Sabbath were but incidental and trivial matters intended as a screen for the grave importance of those mentioned.

Footnotes

[382:1](#) By a "parent of uncleanness" is meant any object that had come in direct contact with a corpse. See explanation in Tract Shekalim.

[382:2](#) Why contact with the Holy Writ should render Therumah unclean can in our opinion be explained only as follows: When the priests came to demand their share of the Therumah, it is highly probable that they did this with a correspondingly impressive ceremony and read the part of the Law referring to the Therumah before the donors. If such was really the case, they no doubt carried the scrolls with them wherever they went, and in consequence the regulation was enacted which rendered the Therumah unclean when brought into contact with the scrolls or book containing the Holy Writ. Our basis for this assertion is the ordinance to be found in Tract Yodaim, which proclaims that the scrolls or books containing the Holy Writ render hands unclean when coming in contact with them, and doubtless the hands of the priests, which were afterwards to handle Therumah, are meant.

[383:1](#) There are differences of opinion in the Gemara as to the division of the regulations. Some hold that they should be grouped, while others would count them separately. The matter is of no importance, however, and hence we have grouped them in conformity with the number stated by the Mishna.

[386:1](#) See Haggai ii. 13 and 14.

[388:1](#) At the same time that the decree declaring all lands outside of Judæa unclean was promulgated, glassware was also declared unclean, while prior to that time glassware had not even been susceptible to uncleanness. We cannot state positively whether this was done in order to render the first decree less conspicuous or to prevent the priests from being present at the places where glassware was manufactured, which were all outside of Judæa. Be that as it may, it can safely be assumed that the measure was another political ruse.

[388:2](#) It was not sufficiently effective because, in order to circumvene the decree, the priests brought chests to the lands outside of Judæa in which to store the bulk of the grain before separating the Therumah, and thus prevent the contact of the latter with the soil. This we presume from a hint of Rashi to that effect.

[390:1](#) We have not enumerated the ordinances in their regular order of sequence as to the time, for they are scattered in the Talmud without any order, but arranged them more in accordance with their importance and severity, according to the commentary of Rashi.