

CHAPTER IV.

THE THIRD CENTURY--THE ARRANGEMENT OF THE MISHNAS--THE TALMUDIC COLLEGES OF PALESTINE AND BABYLONIA.

The sages, the commentators of the Talmud, differed in opinion as to the epoch when the Talmud began to be written down. The scholars of Spain, and their colleagues and disciples, said that it had been recorded from notes possessed since schools had begun in Israel, a long time before R. Jehudah the Nasi. The scholars of France, among them "Rashi," however, declared that not a line was written till the completion of the Talmud, before which its study had been oral. Each school adduced proofs in behalf of its assertion. Modern scholars have made a compromise between these various versions, by asserting that during the first centuries the commentators of the Talmud in the beginning had taken notes of their studies, and later had written them out in a permanent form. It would seem that as the persecutions had at their commencement been very severe, and the sages (see App. No. 7) felt that their lives were in peril, they decided to write its teaching in secret and to conceal it from its foes. No sooner had the Pharisees granted permission for this (for till then it was absolutely forbidden to put in writing oral law) than the number of manuscripts became very great; and when R. Jehudah the Nasi came to occupy the seat of his father and had been confirmed in authority (since he enjoyed the friendship of one Antonius, who was in power at Rome), he discovered that from the multitude of the trees the forest could not be seen; that is, from the multitude of the Mishnas the people had lost sight of the Talmud. He therefore resolved to compile, selecting out of all the written and the unwritten law, clear Mishnayoth, and to systematize them.

Indeed, the period was very favorable to this undertaking, for the Talmud enjoyed a respite from persecutors external and internal. The Jewish followers of the Messiah, Jesus, began at this time to gradually blend with the foreigners who adopted the new creed; hence their influence on their brethren who persisted in the old faith was weakened. Still he met with many obstacles. The chief one was the division of opinion among the students of the Talmud themselves. For although his grandfather,

Rabban Gamaliel the Elder, had succeeded in fixing the law in accordance with Hillel's school, and declared, with the consent of many of the sages of the Talmud, the school of Shammai of no validity when at variance with Hillel's, still the decree was weakened, when later he was deposed for a short time from his office of Nasi, and in his college were assembled four hundred students more, of diverse opinions. In view of this, and it was decided again that individual opinions, even those of the minority, should be considered, the differences between the students and the sages of his college were renewed with greater vigor. This state of things continued till the time of 'Rabbi, and in order that his Mishnayoth might be accepted he was compelled to give due weight to all the varying opinions, slighting none, even of those who were in direct contravention of the decision.

The second difficulty was in selecting, from among the mass of incongruous doctrines and laws--many of which had become obsolete, and others found to be unnecessary or impracticable--those which were both practicable and of direct application (for a tradition relates that Rabbi found six hundred sections of Mishnayoth; and even if we admit that this number is greatly exaggerated, still if even one hundred existed, it was no light task to reduce them to six).

The third difficulty was that as the subject had been studied in divers places, differing in dialect or language, all the Mishnayoth had to be made uniform in their dialect. Added to all this, he was forced to clear the Mishnayoth from the insertions incorporated into it by the Messianists; for being many and considerable persons, and in close alliance with their colleagues the Pharisees during two centuries, they could not have failed to introduce into the Mishnayoth their own peculiar opinion and beliefs, many such passages, indeed, being found in the Gemara.

Reason compels us to admit, at least, that there were passages in the Mishnayoth concerning Jesus and his teachings; for how is it possible that an occurrence which holds so important a place in the history of Israel, and which has spread its influence among the nations for centuries, should not be even hinted at in the Mishnayoth? We must, therefore, conclude that Rabbi thought it well to clear the Mishnayoth of any reference

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to the occurrence itself, as well as to the adherents of the new faith. In this he acted wisely, for he knew beforehand that the Mishnayoth would be the foundation upon which Judaism and the Talmud should be built, and that the interpretations of it would be many, each interpreter following the bias of his mind. Therefore it was deemed best by him to avoid all mention of the new event, to treat it as though it had no existence. Nothing can withstand a strong will. When once he had resolved to carry out his project at any cost, all difficulties vanished. He went from college to college, in cities far and near, in places where the great masters taught and learned; and though they "surrounded him as cocks of Beth Bukia," he was not shaken in his resolution, and with the help of his many friends and sympathizers he was finally enabled to arrange in order six sections of Mishnayoth, condensed from hundreds. Each section is given up to a general subject, and is subdivided into tracts dealing with matters which come naturally within the scope of the section, The tracts are further divided into chapters.

The subjects of the sections and the tracts are as follows:

1. *The Section of Seeds.*--The general subject of this section is the law relating to vegetables, heave offerings, tithes, the sabbatical year, Kilaim, etc.; and at the head of this section he placed the tract on benedictions which man owes to his Maker every morning, beginning with those of the evening, which commences the day according to the Jewish custom.

2. *The Section of Festivals.*--This treats of the Sabbath holidays (to each holiday being devoted a separate tract), and incidentally also of the duty of taxes before the holidays, and of mourning during the festivals. (See App. No. 8.)

3. *The Section of Women.*--This deals with laws having reference to women, marriage, divorce, in separate tracts, and thereto are added laws concerning vows and Nazarites, as women's vows

are dependent on the decision of their fathers and husbands, and Nazarites depend on women, who may legally consecrate the child previous to its birth, as for example, Hannah and the mother of Samson.

4. *The Section of Damages.*--This section treats of laws of Property, of the judges, of the penalties which the court may Prescribe, and is divided into the tracts "Sanhedrin," "Penalties"

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[paragraph continues] (Makkoth), etc.; but as the first part treats only of damages and their prevention, it is divided simply into three parts without distinct titles: but as first, second and third Geths, and as it treats of damages for which men are responsible, a tract on morals has been added--"Abboth." (Sections "Festivals and Jurisprudence" have been already translated into English by us in eighteen volumes; the synopsis of which will be here appended.)

5. *The Section of Sacred Things* (sacrifices), divided into tracts on sacrifices (Zebachim) firstlings (Bekhoroth), and by the way also Chulin; it treats of slaughtering, and examination of the slaughtered animal used for profane purposes.

6. *The Section of Purifications* (Tohoroth).--This deals with the subject of defilements and purifications in general, and has for special topics the defilement of vessels (Kelim), of plagues (Nega'im), of tents (Aholoth), etc., and a tract relating to a Nidah (menstruated woman).

Thus he arranged all the laws relating to the Hebrew religion and to civil matters, and called his entire work Mishnayoth (Mishna), *i.e.* meaning "teaching" to distinguish it from "Torah" and "Talmud," and probably because it is written (Deut. vi. 7) V'shinantam--"and thou shalt teach them diligently to thy children"--in the original version (Mishna Tohroh), which signifies really to explain and comment upon it. Thus the Mishna is an explanation of and a comment upon the Pentateuch (see footnote for a different explanation, in the introduction to "Sabbath"), and teaches men how to conduct themselves in relation to their fellow-men, and incites them to all good and praiseworthy (actions).

In the short introduction to "Sabbath" (vi.-vii.) we have already described briefly the character of the Mishnayoth which Rabbi arranged, and how he succeeded in imparting to it the sanctity of the Pentateuch itself, so that nothing is to be added to them, and what was done later after Rabbi's death, is not the place to expatiate on this subject; we may, however, state briefly that as soon as the Mishnayoth was completed, colleges were founded in Palestine and Babylonia to explain the meaning of the Mishnayoth and develop their laws to their ultimate consequences. After Rabbi's death, when Boraihoth and Tosepheth were discovered which did not form part of his

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compilation and which in many places contradicted the Mishnayoth, these colleges busied themselves in reconciling them with the Mishnayoth and with each other. They accounted for contradictions in Baraihoth by saying that one spoke of a case under same circumstances, while another meant a like case under different circumstances. So they explained the differences in the Mishnayoth themselves, often dividing a Mishna, whose parts seemed to contradict each other,

and giving as explanation of the contradictions that the first part was according to one tana, but the latter part according to another. These discussions and comments on the Mishna they called "Gemara," which also signifies "teaching" in Aramaic, which was the spoken language of the sages of the Gemara (see in the above-mentioned introduction for a different reason), and to the combined Mishnayoth and Gemara they gave the old name, "Talmud".

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