Talmud Summary

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Preface

Contained within this document is a high level summary of the Babylonian or most widely accepted Jewish Rabbinic Talmud. And please don't freak out if you are a regular mainline adherent of Christianity ... please stay with me!

Setting The Record Straight:

The traditional Jewish faith streams in general hold the entire Rabbinic Talmudic Corpus ... (Written Torah, Mishna & Gemara) in much the same way that Roman Catholicism views their Canon Law; meaning that their tradition, both oral and written, is collectively treated as G_D's Torah or revelation to humanity. In "overly simplified terms" each would hold that their collective corpus is inspired and suitable for use as G_D's direct revelation ... suitable for all orthodox instruction, doctrine and halakah (religious practice).

Conversely there are opponents to these positions and in general the Messianic Jewish community on the whole recognizes only the primacy of inspired Written Scriptures while acknowledging the existence and value in oral traditions. As an example ... for years after Yeshua's ministry and glorious ascension back to Abba Father ... much of His Torah would naturally have been transmitted in the form of "oral tradition" ... and would remain so until the end of the first century when the B'rit Chadasha written Torah was completed. There is clearly no indication at all that Yeshua (the Master Rebbe) discretely condemned oral tradition and to a broader extent tradition in general.

In both the Jewish and Catholic traditions however there is indeed an overarching bias with respects to "their tradition" ... to the point wherein their tradition/doctrine is quite frankly deemed to have primacy over written Torah in many instances. On this very issue Yeshua severely rebuked the religious establishment of His day. Still further however Yeshua rebuked the religious establishment for outright blindness of heart/spirit ... assuredly the greater infringement. This conclusion is evident based on the record of the Gospels and ultimately confirmed in the Rabbinic system's inability to recognize Yeshua Himself as Mashiach of Israel.

In the opinion of this believer Mashiach would indeed levy the same accusations and condemnations against the modern religious systems that purport to be the authoritative Spiritual leadership of Israel. Be they the Jewish Rabbis or Gentile-Christians who operate under some notion that a dispensational replacement Israel (i.e. the church) has been established ... a practicing doctrine within mainstream Christianity which itself proves the point that tradition, counter to written Torah, is paramount within these faith streams.

But let us get to the point of why a Messianic Jewish believer would provide for open consumption an overview of the Rabbinic Talmud ... the teachings and traditions of the same Rabbinic system that was incapable of seeing Mashiach Yeshua when He stood face to face with it just about 2000 years ago? ... Good Question!

To begin it is obvious based on the comments already made herein that there will be no agreement between this believer and the Rabbinic system with respects to recognition and acknowledgement of the one true Mashiach of Israel ... Yeshua. Or at least until such time that the Rabbis come to the knowledge of the truth!

This disagreement aside however in no way shape or form must automatically translate into an outright repudiation and condemnation of all the Rabbinic writings. Simply because we recognize a blindness (pertaining to Yeshua), does not mean that all things contained within the Talmud are heretical ... or unfit for utilization. Let us remember that these writings are not the writings of the scribes of Egypt ... or of Islam ... or of the Churches ... these are the writings of the Jewish people who shared a unique Covenantal relationship with ADONAI for thousands of years. THERE IS A DIFFERENCE!

So to the point ... if in fact the premise of this believer ... and the orthodox Messianic faith itself is that a "Hebraic Perspective" ... a "Hebraic Bias" is paramount to properly understanding G_D's Word ... is paramount to understanding G_D and humanity ... is paramount to understanding Israel and the Everlasting Covenantal Relationship, then it would seem apparent that somehow this Hebraic Worldview needs to be made known and explored!

Although a comprehensive work regarding the Hebraic Worldview versus other systems ... i.e. Hellenism ... would seem to be in order, this is not the intent herein. What is intended herein is to provide an understanding for the individual of the Hebraic Worldview via exposure to the summary (Seder/Order) overviews of the Talmud itself. In essence this believer is convinced that these Talmudic summaries can provide the average person with deep insights into the Hebraic mind-set ... and these summaries unto themselves discretely define the differences between the Hebraic perspective and all other systems of thought ... if one approaches these writings looking to determine same.

Therefore what we as believers should be looking for is a peek into the Jewish mindset. Please do not for a moment think that this believer agrees with the "outputs" of the Rabbis. Please do not think that this believer even agrees with the taxonomy employed in dividing G_D's Word as they have. Please do not think that this believer feels the Rabbis are capable of "getting it comprehensively right" without the Spirit of Yeshua HaMashiach within them. And please do not think that that there are any ulterior motives to "Judaize" the reader ... Heaven forbid! ...

But ... we are still left with the prospect that it is within these writings above all others that we can garner our best glimpse into the Hebraic Worldview.

It is hoped that the reader, in reviewing these summaries, can refrain from theological critique long enough to glean the tell-tale declarations that provide insights into the Hebraic perspective. For instance ... below are extracts from the various summaries ... please look at these declarations at face value ... look at these declarations and extrapolate them into broader based constructs that manifest in Jewish thought and life to this very day!

Excerpted Comments:

1) "In Judaism, unlike other religions, faith is not some mystic quality charged with supernatural powers capable of winning divine favor and grace. Faith is a dynamic, a motive for faithfulness, and is of value only in so far as it is productive of faithful action;"

2) "The recognition of the divine ownership of the earth is likewise enforced by the command regarding the first fruits *(Bikkurim)*. 'The object of this precept,' writes Aaron Halevi, `is to instil in man the belief that all he has, he holds from the Lord of the Universe."

3) "In the law of the Sabbath is thus to be found the quintessence of Judaism."

4) The Sabbath and the festivals constitute one complete cycle of Jewish observance that preference has been given to the singular form.

5) "Marriage was natural in purpose, but divine in origin. As a divine institution it was viewed by them in a twofold light: Firstly, as a means intended for the propagation of the human race; secondly, as an ideal state for the promotion of sanctity and purity of life."

6) "In order to develop a saintly character the Jew is not advised to attend a systematic course in philosophy and ethics, nor is he advised to attach himself to a band of cloistered saints who spend their days in meditation and contemplation. The counsel is: Let him who wishes to become a saint study the teachings of the *Nezikin Order* so that he may know how to observe the laws of justice, of right and wrong"

7) "No sacrifice could be offered in expiation of the deliberate transgressions but only for such offences as had been committed in error or under constraint."

8) With respects to the "sacrificial system ... " It was not for the interpreters (Rabbis) of the law to narrow their scope or subtract from their authority. Nor was it of any practical concern to enquire why the divine lawgiver had ordained thus and not

otherwise or indeed ordained them at all. It was enough that he had enjoined upon Israel the observance of them."

9) "But what it does mean is that whilst the laws of the Torah, by the very virtue of their educative character, cannot contain anything which is irrational and which cannot be made to fit into a general framework of reason, and that therefore every attempt to discover their significance is justified, they are nevertheless not reducible altogether to logical concepts; and over and above the reasons that may be adduced there are others that transcend all human thoughts and imagining."

It is assuredly hoped that the value of these declarations, for the stated objective herein, is not lost upon the reader. Although a cursory review of the Talmud ... by way of simple summary review, is no replacement for a thorough review of the Rabbinic writings; it still is contended herein that there is significant value in garnering a basic understanding of how the Hebrew mind operates ... how they think ... what declaratives can be readily discerned as representing their perspective?

Why ... because this world-view and mindset is similar to that of Yeshua our Jewish Messiah ... is similar to that of the Talmidim (Apostles-Disciples) ... is similar to that of Shaul-Paul the great Apostle to the Gentiles and Pharisee of Pharisees (His own words)! If we want to really know what Yeshua and His Talmidim were transmitting to us ... if we really want to know what Yeshua's Torah is ... if we want to "get it"; then we are confronted with the reality that we need to understand the proper framework in how the filled up Torah was given!

Undoubtedly the Rabbinic sages of yesterday and today remain truthful in that G_D's revelation to humanity contains unimaginable mysteries ... but at the same time they fail to recognize that what is unimaginable for them is not unimaginable for others that have accepted the fullness of Yeshua's Torah transmitted through the B'rit Chadasha inspired corpus.

Ultimately there is divine work at play that delivers to humanity and the Jewish people two distinct alternatives: G_D's complete Torah comprising the Tanakh and the B'rit Chadasha versus all other revelatory records ... one of which is the Babylonian Talmud. We have the heavenly revelation versus the revelations defined by man. We see towards the very end of Torah the call from HaSHEM to His people ... the call to come out of Babylon and partake not of her ways. This believer is hopeful that the remnant amongst the Jewish brethren will speedily heed HaSHEM's call!

Shalom Aleichem ... P.R. Otokletos

Talmud Outline

Introduction

These are the Sederim ("orders", or major divisions) and tractates (books) of the Babylonian Talmud, as translated and organized for publication by the Soncino Press in 1935 - 1948. The tractates available on the *Come and Hear* web page are provided with hot links.

The English terms in italics are taken from the Introductions in the respective Soncino volumes. A summary of the contents of each Tractate is given in the Introduction to the Seder, and a detailed summary by chapter is given in the Introduction to the Tractate.

There are about 12,800 printed pages in the Soncino Talmud, not counting introductions, indexes, glossaries, etc. Of these, Come and Hear™ has put about 8050 pages on line, comprising about 1460 files – about 63% of the Soncino Talmud. However, this should in no way be considered a substitute for the printed edition, with the complete text, fully cross-referenced footnotes, a master index, an index for each tractate, scriptural index, rabbinical index, and so on. The sole purpose for the presentation of this text is to provide full context for the many things that are said and heard about the Talmud, and to invite further study.

SEDER ZERA'IM (*Seeds*: 11 tractates)

Introduction to Seder Zera'im – Rabbi Dr. I Epstein
Berakoth (*Benedictions*: 9 chapters, 64 folios, 405 pages)
Introduction to Berakoth – Maurice Simon
Pe'ah (*Corner*: 8 chapters, 46 pages)
Demai (*Doubtful*: 7 chapters, 82 pages)
Kil'ayim (*Mixtures*: 9 chapters, 68 pages)
Shebi'ith (*Seventh*: 10 chapters, 52 pages)
Terumoth (*Heave Offerings*: 11 Chapters, 57 pages)
Ma'aseroth (*Tithes*: 5 chapters, 29 pages)
Ma'aser Sheni (*Second Tithe*: 5 chapters, 33 pages)
Hallah (*Dough* 4 chapters, 40 pages)
'Orlah (*'Uncircumcision', sc. of trees*: 3 chapters, 29 pages)
Bikkurim (*First Fruits*: 4 chapters, 4 folios, 24 pages)

SEDER MO'ED (*Appointed Seasons*: 12 tractates)

Foreword to Seder Mo'ed – The Very Rev. The Chief Rabbi Dr. J. H. Hertz
Introduction to Seder Mo'ed – Rabbi Dr. I Epstein
Shabbath (*Sabbath*: 24 chapters, 157 folios, 806 pages)
Introduction to Shabbath – Rabbi Dr. H. Freedman
'Erubin (*Blendings*: 9 chapters, 105 folios, 733 pages)
Pesahim (*Paschal Lambs*: 10 chapters, 121 folios, 623 pages)
Yoma (*The Day*: 8 chapters, 88 folios, 441 pages)
Sukkah (*Booth*: 5 chapters, 56 folios, 27 pages)
Bezah (*Egg*: 5 chapters, 40 folios, 203 pages)
Rosh Hashana (*New Year*: 4 chapters, 35 folios, 174 pages)
Ta'anith (*Fast*: 4 chapters, 31 folios, 165 pages)
Shekalim (*Shekels*: 8 chapters, 36 pages)
Megillah (*The Scroll*: 4 chapters, 32 folios, 195 pages)
Mo'ed Katan (*Minor Feast*: 3 chapters, 29 folios, 192 pages)
Hagigah (*Festival-Offering*: 3 chapters, 27 folios, 171 pages)

SEDER NASHIM (*Women*: 7 tractates)

Foreword to Seder Nashim – The Very Rev. The Chief Rabbi Dr. J. H. Hertz
Introduction to Seder Nashim – Rabbi Dr. I Epstein
Yebamoth (*Sisters-in-law*: 16 chapters, 122 folios, 871 pages)
Introduction to Yebamoth – Rev. Dr. Israel W. Slotki
Kethuboth (*Marriage Settlements*: 8 chapters, 112 folios, 728 pages)
Introduction to Kethuboth – Rev. Dr. Israel W. Slotki
Nedarim (*Vows*: 9 chapters, 91 folios, 283 pages)
Introduction to Nedarim – Rabbi Dr. H. Freedman
Nazir (*Nazirite*: 9 chapters, 66 folios, 253 pages)
Introduction to Nazir – Rabbi B. D. Klein
Sotah (*Suspected Adulteress*: 9 chapters, 49 folios, 271 pages)
Introduction to Sotah – Rev. Dr. Abraham Cohen
Gittin (*Bills of Divorcement*: 9 chapters, 90 folios, 439 pages plus 5 pages of appendix)
Introduction to Gittin – Maurice Simon
Kiddushin (*Consecrations*: 4 chapters, 82 folios, 425 pages)

SEDER NEZIKIN (*Damage*: 10 tractates)

Foreword – The Very Rev. The Chief Rabbi Dr. J. H. Hertz
Introduction to Seder Nezikin – Rabbi Dr. I. Epstein
Baba Kamma (*First gate*: 10 chapters, 119 folios, 719 pages)
Introduction to Baba Kamma – Dr. E. W. Kirzner
Baba Mezi'a (*Middle gate*: 10 chapters, 119 folios, 676 pages)
Introduction to Baba Mezi'a – Rabbi Dr. H. Freedman
See also: Introductory Essay: Social Legislation in the Talmud (1962) – Rabbi Dr. I. Epstein
Baba Bathra (*Last gate*: 10 chapters, 176 folios, 780 pages)
Introductory to Baba Bathra – Rev. Dr. Israel W. Slotki and Maurice Simon
Sanhedrin (*Court of Justice*: 11 chapters, 113 folios, 781 pages)
Introduction to Sanhedrin – Rabbi Dr. H. Freedman and Jacob Shachter
Abodah Zarah (*Strange Worship*: 5 chapters, 76 folios, 366 pages)
Introduction to Abodah Zarah – Rev. Dr. Abraham Cohen
Horayoth (*Rulings*: 3 chapters, 14 folios, 106 pages)
Introduction to Horayoth – Rev. Dr. Israel W. Slotki
Shebu'oth (*Oaths*: 8 chapters, 49 folios, 309 pages)
Makkoth (*Floggings*: 3 chapters, 24 folios, 175 pages)
'Eduyyoth (*Testimonies*: 8 chapters, 50 pages)
Aboth (*Fathers*: 6 chapters, 91 pages)

SEDER KODASHIM (*Holy Things*: 11 tractates)

Epilogue – The Very Rev. The Chief Rabbi Israel Brodie
Introduction to Seder Kodashim – Rabbi Dr. I. Epstein
Zebahim (*Animal-offerings*: 13 chapters, 120 folios, 596 pages)
Menahoth (*Meal-offerings*: 13 chapters, 110 folios, 682 pages)
Hullin (*Non-holy*: 11 chapters, 142 folios, 825 pages)
Bekoroth (*Firstlings*: 9 chapters, 61 folios, 418 pages)
'Arakin (*Estimations*: 9 chapters, 34 folios, 204 pages)
Temurah (*Substitution*: 7 chapters, 34 folios, 253 pages)
Kerithoth (*Excisions*: 6 chapters, 28 folios, 220 pages)
Me'ilah (*Trespass*: 6 chapters, 22 folios, 86 pages)
Tamid (*The Continual [Offering]*: 7 chapters, 33 folios, 38 pages)
Middoth (*Dimensions*: 5 chapters, 23 pages)
Kinnim (*[Bird-]nests*: 3 chapters, 24 pages)

SEDER TOHOROTH (*Cleannesses*: 12 tractates)

Introduction to Seder Tohoroth – Rabbi Dr. I. Epstein
Niddah (*The Menstruant*: 10 chapters, 73 folios, 509 pages)
Introduction to Niddah – Rev. Dr. Israel W. Slotki
Kelim (*Vessels*: 30 chapters, 142 pages)
Oholoth (*Tents*: 18 chapters, 86 pages)
Nega'im (*Leprosy*: 14 chapters, 70 pages)
Parah (*Heifer*: 12 chapters, 58 pages)
Tohoroth (*Cleannesses*: 10 chapters, 60 pages)
Introduction to Tohoroth – Rev. Dr. Israel W. Slotki
Mikwa'oth (*Pools of Immersion*: 10 chapters, 46 pages)
Makshirin (*Predispositions* 6 chapters, 36 pages)
Zabim (*They That Suffer Flux*: 5 chapters, 24 pages)
Tebul Yom (*Immersed at Day Time*: 6 chapters, 20 pages)
Yadayim (*Hands*: 4 chapters, 26 pages)
Ukzin (*Stalks*: 3 chapters, 20 pages)

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SEDER ZERA'IM

Zera'im ('Seeds'), the name given to the first of the six 'Orders' into which the Talmud is divided, deals principally with the agricultural laws of the Torah in both their religious and social aspects. It sets forth and elaborates the Biblical precepts relating to the rights of the poor and of the priests and levites to the produce of the harvest, as well as the rules and regulations which concern the tillage, cultivation and sowing of fields, gardens and orchards. These laws are digested in ten tractates, each of which deals with a separate aspect of the general subject which gives the 'Order' its name. To them is prefixed the Tractate Berakoth, which has for its theme the daily prayers and worship of the Jew.

The Tractate Berakoth ('Benedictions') consists of nine chapters of which only the last four are concerned with benedictions proper. The first three contain the rules for the recital of the *shema'* (Chapter one, Chapter two, Chapter three), the next two those for the recital of the *tefillah* (Chapter four, Chapter five). The Tractate first lays down the hours within which the *shema'* must be recited first in the evening and then in the morning — preferably in the synagogue — and then specifies a number of conditions for its recital and the persons who are exempt from reciting it. Incidentally the conditions under which the Torah may be studied and the *tefillin* worn are also discussed. The recital of the *tefillah* is then dealt with on similar lines and its wording is discussed. Chapter six first enunciates the principle that before partaking of any kind of food one must recite a benediction, and then lays down the form of blessing for various kinds of foodstuffs. Chapter seven deals specifically with grace before and after meals, and table etiquette generally, particularly *zimmun* or the invitation to join in the grace. Chapter eight lays down the rules for the washing of the hands in connection with a meal, grace over the wine-cup, and the *habdalah* on the termination of the Sabbath. Chapter nine formulates the benedictions to be uttered on a large number of special occasions.

Berakoth contains more Aggada in proportion to its length than any other tractate. The long Chapter nine is mostly aggadic, and is notable for a lenghty excursus on the interpretation of dreams. Another striking piece of Aggada is the account of the quarrel between Rabban Gamaliel and R. Joshua in Chapter four. Chapter six throws great light on the dietary of the Jews in Babylon, while Chapter eight shows that the table customs of Jews in Palestine were largely modelled on those of the Romans.

For some reason which is not obvious Berakoth is included in the 'Order' of Zera'im, or Seeds. In complete editions of the Talmud it has always been placed first in the sequence of tractates. The reason for this is no doubt — as suggested by Maimonides — that the precepts with which it deals — the recital of the *shema'* and the *tefillah* and the benedictions — are among

the first which claim the attention of the Jew in his daily life, and are also among the first taught to the Jewish child. Containing as it does few passages of legal casuistry, Berakoth is among the easiest of the tractates, and on this account and because of its wealth of Aggada it is perhaps the most suitable with which to commence the study of the Talmud.

The 'Order' thus comprises 11 tractates, arranged in the separate printed editions of the Mishnah in the following sequence:

1. BERAKOTH ('Benedictions'): Deals with the prayer and worship of Israel; the regulations relating to the main components of the daily prayers; and the forms of thanksgiving or 'grace' to be recited over food and on sundry occasions. 9 Chapters.

2. PE'AH ('Corner'): Treats of the laws of the corners of the field which must be left to the poor and other dues assigned to them in accordance with Lev. XIX, 9f; XXIII, 22; and Deut. XXIV, 19-21. 8 Chapters.

3. DEMAI ('Doubtful'): Treats of produce concerning which there is a doubt whether or not the tithes have been set aside from it. 7 Chapters.

4. KIL'AYIM ('Mixtures'): Deals with the prohibition of mixture in plants, animals and garments set forth in Lev. XIX, 19, and Deut. XXII, 9-11. 9 Chapters.

5. SHEBI'ITH ('Seventh'): Discusses the regulations concerning the rest to be given to the land and the release of debts in the sabbatical year *(Shemittah)*. See Ex. XVIII, 11; Lev. XXV, 2-7; and Deut. XV, 1-11. 10 Chapters.

6. TERUMOTH ('Heave Offerings'): Sets forth the laws regarding the portion of the harvest assigned to the priest in accordance with Num. XVIII 12. 11 Chapters.

7. MA'ASEROTH ('Tithes'): Has for its theme the 'first tithe' which must be given annually to the levite from the produce of the harvest according to Lev. XXVII, 30-33; and Num. XVIII, 21-24. 5 Chapters.

8. MA'ASER SHENI ('Second Tithe'): Details the rules of the 'second tithe' set aside in the first, second, fourth and sixth years of the septennate in accordance with Deut. XIV, 22ff. 5 Chapters.

9. HALLAH ('Dough'): Deals with the rules concerning the portion of the dough which must be given to the priest. See Num. XV, 20-21. 4 Chapters.

10. 'ORLAH ('Uncircumcision', sc. of trees): Deals with the prohibition of the use of the fruit of the young trees during the first three years, and the rules for its treatment in the fourth year. See Lev. XIX, 23-24. 3 Chapters.

11. BIKKURIM ('First Fruits'): Gives the regulations concerning the offering of the first fruits in the Temple (see Deut. XXVI, Iff.), and includes an account of the accompanying ceremony. 3 Chapters.

This sequence is followed practically in all the printed and manuscript editions of the Mishnah and Talmud. The only notable exception is the Munich MS. which places Berakoth between Mo'ed and Nashim. This, however, seems to have been due more to technical reasons than to a deliberate departure from the recognised sequence. Several attempts have been made to explain the sequence of the tractates in the Seder, but none is very convincing. There is no doubt that there were several determining factors, of which the order in which the laws appear in the Pentateuch was one, and the number of chapters in the tractate was another; whilst another probable factor was the frequency with which the matters treated in the respective tractates occurred.

FUNDAMENTAL CONCEPT OF SEDER ZERA'IM

Seder Zera'im is designated in one place in the Tamud by the term *Emunah*. This designation provides the answer to the question how regulations regarding worship and prayer came to be grouped with agricultural laws, and at the same time the reason for the priority given to Berakoth in this 'Order'.

The Hebrew word *Emunah* has a two-fold connotation — theological and human. It signifies alike faith — trust — in God, and faithfulness — honesty, integrity — in human relations. These two concepts of *Emunah* do not conflict with each other; on the contrary, they complement and supplement each other. In Judaism, unlike other religions, faith is not some mystic quality charged with supernatural powers capable of winning divine favour and grace. Faith is a dynamic, a motive for faithfulness, and is of value only in so far as it is productive of faithful action; nor is there any faithful action that is not rooted in faith in God. The man of faithfulness is an *Ish Emunah,* and the man of faith is a *Ba'al Emunah*. For it is the man of the highest faith in God who is the man of the greatest faithfulness in his dealings with his fellow man; and it is only the man of faithfulness who can truly be considered a man of faith.

The application to the agricultural laws of the signification of *Emunah* as *faith is* aptly explained by the Midrash in its exposition of Psalm XIX, . 1 "*The testimony of the Lord is faithful* (trustworthy)" — this refers to Seder Zera'im, for man has faith (trust) in the Life of

the World and sows." Man, that is to say, has faith in the divine governance of the world and in the regularity of the natural world order which God has established in His Universe, and sows with the assurance of reaping.

On the other hand, the term *Emunah* as applied to the'Order' has also been interpreted in the sense of faithfulness. Thus Rashi says that the 'Order' is called Emunah because the fulfilment of its precepts is a mark of man's faithfulness in his social relations. Man observes these laws, and pays the poor and the priests and levites their respective dues, because he is a man of faithfulness. Here, too, faith and faithfulness combine to form an indissoluble unity. The man of faith will carry out these observances with faith fullness; whilst the faithfulness with which he performs his duties is a test of his faith.

The reason for this close connection of faith and faithfulness in the carrying out of these observances is not far to seek. Faith in the 'Life of the World', if held with conviction, implies the recognition of God as the owner of the earth. In virtue of this principle the earth as well as all the gifts of Nature can never become altogether private property. It is handed out in trust to man who by the sweat of his brow extracts its produce. He has the right and the duty to apply his labour to the land; but this does not constitute it *his*. He must always recognise that *'To the Lord belongs the earth, and the fulness thereof'* (Psalm XXIV, 1). Whatever rights man has in the earth and its produce are derived from God, and are subject to the overruling consideration that He alone has the ultimate ownership of the land. It follows from this as a corollary that all God's children are entitled to a share in the land, as their common heritage. The landowner, therefore, while enjoying the reward of his toil and stewardship must recognise that others too have a right to live and that he has a duty to enable them to live. It was these common human rights, flowing from the idea of divine ownership of the earth, which the Torah sought to safeguard by the provisions it made under various laws for the benefit of the poor. When a field is harvested the corners (Pe'ah) are to be left uncut; a sheaf forgotten in the field by the owner *(Shikhah)* is not to be reclaimed; the gleanings of cornfields *(Leket)* and vineyards (Pere!) which fall to the ground in harvesting are not to be picked up; nor are the defective clusters of grapes *('Oleloth)* to be gathered. A special tithe *(Ma'aser 'Oni)* has in addition to be set aside every three years and laid up in towns and villages for distribution. All these parts of the harvest belong to the poor as their prescriptive rights in the common heritage assigned to them by the divine owner.

It is in the same spirit that the laws of the Sabbatical year *(Shemittah)* were ordained. Designed to confirm the landless poor in their right to live, *'the Sabbath of solemn rest for the land, a Sabbath unto the Lord'* (Lev. XXV, 4) helped at the same time to teach that the produce of the earth must not be regarded as the exclusive private property of a selected

class, but is part of a common divine heritage in which the poor, the alien, the slave, and even animals have a share.

The idea of the divine ownership of the land was likewise suggested by the biblical prohibition regarding the mixture of seeds *(Kil'ayim)* While this and similar laws are designated as `*Statutes*' (Lev. XIX, 19), for which no reason has been revealed, there is no question that underlying them is the idea that the earth belongs to God, and that man has no right to interfere with the appointed order of things or violate the `Statutes' God has established in His physical universe for ever and ever.

The recognition of the divine ownership of the earth is likewise enforced by the command regarding the first fruits *(Bikkurim)*. 'The object of this precept,' writes Aaron Halevi, `is to instil in man the belief that all he has, he holds from the Lord of the Universe.' This too, according to Nahmanides, is the significance of the prohibition of the fruit of young trees in the first three years *('Orlah)*, and the laws regarding them in the fourth year. This precept, in his view, is closely connected with that of the first fruits. The fruit in the first three years is stunted in growth and hence unfit for the offering to God which alone releases it for human use.'

The same motive equally underlies the gifts to be made to the priest — the heave-offering *(Terumah),* and the portion of the dough *(Hallah),* and to the levite — the tithe *(Ma'aser)*. In the words of Rabbi Aaron Halevi, 'Since corn and wine and oil constitute the main staple food of human beings and the whole world belongs to God, it is fitting that man should be mindful of his Creator, in enjoying the blessings wherewith He blessed him, and set aside, in His name, a portion thereof, giving it to His ministers who occupy themselves all the time with "heavenly work", before he himself derives benefit from the produce."

Faith in the divine ownership of the earth is thus implicit in the agricultural laws of the'Order' and is the all-inspiring motive for the fulfilment of them in faithfulness; and it is this faith which constitutes the very heart of Jewish prayer and worship, to which Berakoth is devoted. For what is the *Shema',* which forms the opening theme of the Tractate, but the grand affirmation of Israel's faith in God's ownership of the world — His mastery overlife and Nature — with His consequent claim upon human service, devotion and love? Similarly the *'Amidah,* the Jewish daily Prayer *par excellence,* covering the whole range of human needs — physical, mental, and spiritual — is grounded on faith in God's ownership of the Universe, wherein He has power to do as He wills, and to meet the needs of man in prayer. And likewise those benedictions prescribed for various occasions, such as for partaking of food or for enjoying other gifts of Nature, are uttered in grateful acknowledgment to their divine Owner. This is how the Rabbis of the Talmud understood the significance of these ancient benedictions instituted by the

spiritual Fathers of Israel. There is nothing sacramental about them; they are but expressions of thanks to God for personal enjoyments and benefits. Noteworthy in this connection is the Talmudic dictum, 'He who enjoys aught in this world without benediction is as though he robbed God. The world is God's and whatever is therein is His; and it is only after making acknowledgment to the divine Owner that man has the right to put to personal use what he has received at His hands.

With faith in divine ownership as the common basic concept, the relevancy of Berakoth in Zera'im becomes evident; nor could there be any fitter introduction to the 'Order' than that tractate from which there breathes the spirit of faith.

It is also to this basic concept that Zera'im owes its pride of place as the opening Seder of the Talmud. Faith is after all the very pivot of the Jewish religion, and it was only natural for the 'Order' which has Faith as its underlying principle to form the prelude, with the *Shema'* leading, to that authoritative guide of Jewish life and action which is the Talmud.

THE AGRICULTURAL LAWS AND OUR TIMES

Berakoth is the only tractate in this 'Order' which has Gemara in both the Babylonian and Palestinian versions. The other tractates have Palestinian Gemara only, as the laws with which they deal are with a few exceptions restricted to the Holy Land. This is in conformity with the well-known principle that all the religious commandments that depend on the soil apply only in the Holy Land. The reason for this reservation is apparently because the conception of divine ownership basic to these commandments has no relevance to conditions in which the Jewish tenancy of the land is not derived directly from its divine Owner. An exception is the law of the 'mixed species', which in some of its aspects is valid also outside Palestine, as the underlying idea of not interfering with the natural order appointed by God in His Cosmos is of universal application.

Since the fall of the Hebrew State, many of the precepts, particularly those connected with the Temple, such as the priestly portion and the tithe, have lost their biblical force, though rabbinically they are still binding to a certain degree and are observed by religious settlements in the New Yishuv. The transformation of the national economy consequent upon the loss of Israel's political independence has likewise affected the harvesting laws, reducing their observance to a mere token. As to the *Shemittah,* the question of its present-day validity has been the subject of much controversy among post-Talmudic authorities, giving rise to a variety of opinions. Some there are who hold that the Shemittah still retains its full biblical force; others would deprive it of all validity; whilst others again insist on its observance, though only

as part of Rabbinic legislation. The point at issue is the dependence of the *Shemittah* on the jubilee. It is the accepted Rabbinic view that the jubilee is bound up with the territorial integrity of the Jewish State on both sides of the Jordan; and that accordingly its observance came to an end with the cessation of the Hebrew polity. This being the case, the dependence of the *Shemittah* on the jubilee, would mean that its laws are no longer applicable nowadays. Its non-dependence, on the other hand, would mean that the *Shemittah* may well remain in force, even though the jubilee had become obsolete. Here is no place to enter into a discussion of the complicated Halachic problems involved; but from the point of view of human relations, to make the *Shemittah* dependent on the jubilee, would impart to it a political connotation not applicable to our own days; while its nondependence would bring it into the category of those socio-moral Laws of the Torah which have not lost their significance even for our times.

In practice the Jewish Communities that maintained themselves in the Holy Land throughout the centuries following the destruction of the Temple continued to adhere to the *Shemittah* laws. But since the rise of the New Judea with agriculture as the basis of its economy, the observance of the *Shemittah* has become a burning question, urgently demanding a solution. In the early stages of the *Chovevei Zion* Movement, the fear that the observance of the *Shemittah* might jeopardise the existence of the struggling colonists impelled Rabbinic authorities to devise measures for overcoming the hardships involved in its operation. With the approach of the *Shemittah* year 5649 (1888-1889), Rabbi Isaac Elhanan Spektor of Kovno (1817-1896), the foremost rabbinical authority of his age, relying on the view that the *Shemittah* nowadays is only of Rabbinic origin, sanctioned the nominal sale of the land to a non-Jew and the employment of non-Jewish labourers during the *Shemihtah*. This device met with strong opposition on the part of a number of rabbis, such as Joshua Loeb Diskin (1818-1898) and Samuel Salant (1816-1911), both of Jerusalem. A staunch defender of the measure advocated by Rabbi Spektor was Rabbi A. I. Kook (1865-1935), who wrote a brilliant work on the subject under the title [H]. He, too, was not without his opponents, of whom the most prominent was Rabbi Jacob David Willowsky of Slutsk, commonly known as the Ridbaz (1845-1913). At present most of the religious settlements in Palestine avail themselves of Rabbi Spektor's concessions, though a few adopt the more rigorous attitude and, at a great sacrifice, observe the *Shemittah* in all its details.

The gradual restoration of the Hebrew polity, which is taking shape before our eyes, after a submergence of almost 2.000 years, gives to the study of this 'Order' more than an mere academic or antiquarian interest. It is yet too early to foretell the form in which these agricultural laws of the Torah will find their embodiment in the economic, political and social structure of the Jewish State that is slowly coming into being. But the occupation of mind and heart with these laws must surely help to foster those social ideals which should be the

distinguishing mark of the new civilisation the Jewish people are resolved to plant on the hills of Judea, and by which alone it can be preserved.

And not for the Jewish people alone. The humanitarian implications, for all times, of these early biblical measures are obvious. The same motives as inspired the social legislation of the Torah will today prompt any ethical being to apply the sense of duty to his daily tasks. He will recognise that whatever he has he holds from God, and that his claim to possession of property is justified only by the opportunity it provides for service to his fellow-man. With this principle as his mainspring of action, he will strive to turn his vocation and his talents, as well as other gifts that fall to him by good fortune, into a contribution to the common weal. This is a lesson the importance of which for our times cannot be over-estimated; for it is only insofar as humanity will assimilate these ideals to all the complexity of its material problems that it can hope to witness the realisation of its millenial dreams of universal i peace and happiness.

In the presentation of the tractates the following principles have also been adopted:

i. The Mishnah and the words of the Mishnah recurring and commented upon in the Gemara are printed in capitals.

ii. [H] introducing a Mishnah cited in the Gemara, is rendered we have learnt'.

iii. [H] introducing a Baraitha, is rendered 'it has been (or was) taught'.

iv. [H] introducing a Tannaitic teaching, is rendered 'Our Rabbis taught'.

v. Where an Amora cites a Tannaitic teaching the word 'learnt' is used, e.g., [H] 'R. Joseph learnt'.

vi. The word tanna designating a teacher of the Amoraic period (v. Glos.) is written with a small 't'.

vii. A distinction is made between ... [H] referring to a Tannaitic ruling and ... [H] which refers to the ruling of an Amora, the former being rendered 'the *haluchuh* is ...' and the latter, 'the law is ...'

viii. R. stands either for Rabbi designating a Palestinian teacher or Rab designating a Babylonian teacher, except in the case of the frequently recurring Rab Judah where the title 'Rab' has been written in full to distinguish him from the Tanna of the same name.

ix. [H] lit., 'The Merciful One', has been rendered 'the Divine Law' in cases where the literal rendering may appear somewhat incongruous to the English ear.

x. Biblical verses appear in italics except for the emphasized word or words in the quotation which appear in Roman characters.

xi. No particular English version of the Bible is followed, as the Talmud has its own method of exegesis and its own way of understanding Biblical verses which it cites. Where, however, there is a radical departure from the English versions, the rendering of a recognized English version is indicated in the Notes. References to chapter and verse are those of the Massoretic Hebrew text.

xii. Any answer to a question is preceded by a dash (–), except where the question and the answer form part of one and the same argument.

xiii. Inverted commas are used sparingly, that is, where they are deemed essential or in dialogues.

xiv. The archaic second person 'thou', 'thee' etc. is employed only in *Aggadic* passages or where it is necessary to distinguish it from the plural 'you', 'yours', etc.

xv. The usual English spelling is retained in proper names in vogue like Simeon, Isaac, Akiba, as well as in words like *halachah. Shechinah, shechitah,* etc. which have almost passed into the English language. The transliteration employed for other Hebrew words is given at the end of each tractate.

xvi. It might also be pointed out for the benefit of the student that the recurring phrases 'Come and hear:' and 'An objection was raised:' or 'He objected:' introduce Tannaitic teachings, the two latter in contradiction, the former either in support or contradiction of a particular view expressed by an Amora.

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SEDER MO'ED

Mo'ed, which is the name given to the second 'Order' of the Babylonian Talmud, deals with the 'appointed seasons', the feasts and fasts and holy days of the calendar, which have always constituted a highly distinctive feature of Jewish life. The Pentateuch enumerates six such seasons — the Sabbath, the three pilgrimage festivals, and the Days of 'blowing of the trumpet' and atonement. To these were added subsequently, by the religious authorities of the people, certain holidays and fast days of lesser sanctity, instituted to commemorate outstanding occasions of joy or sorrow in later Jewish history. Each of these had its own distinguishing mark or ceremony, the rules and regulations for which are exhaustively discussed in the appropriate tractates of Seder Mo'ed.

The term 'Mo'ed' ('appointed season') by which this Order has always been known is probably derived from Lev. XXIII, where it is used in introducing the laws of the festivals including the Sabbath. It might be observed that the designation 'Mo'ed' is in the singular, as distinct from the plural forms used to designate the other Orders, e.g., Nashim, Nezikin, etc. It has been suggested that the singular is here specially used to avoid the confusion that might arise through the employment of the plural Seder Mo'adim (or Mo'adoth) denoting as it does in Rabbinic literature the Order of the Calendar. The opinion may, however, be hazarded that it is because the Sabbath and the festivals constitute one complete cycle of Jewish observance that preference has been given to the singular form.

The 'Order' is divided into twelve tractates arranged according to the separate editions of the Mishnah in the following sequence:

1. SHABBATH (Sabbath) 24 Chapters. Rules and regulations for observing the Sabbath rest. Includes also the laws of Hanukkah.

2. 'ERUBIN (Blendings) 10 Chapters. Regulations enabling freedom of movement beyond certain prescribed limits on Sabbaths and festivals.

3. PESAHIM (Paschal Lambs) 10 Chapters. Laws of destroying leaven on Passover, of bringing the Paschal lamb and of the *Seder* service.

4. SHEKALIM (Shekels) 8 Chapters. On the contributions for the upkeep of the Temple and the regular sacrifices.

5. YOMA (The Day) 8 Chapters. Regulations for the Day of Atonement, with an historic description of the ceremonies carried out by the High Priest on that day.

6. SUKKAH (Booth) 5 Chapters. Regulations of the 'booth' on the Feast of Tabernacles and the taking of the four plants.

7. BEZAH (Egg) 5 Chapters. Lays down the limitations within which food may be prepared on Festivals.

8. ROSH HASHANAH (New Year) 4 Chapters. Rules for proclaiming New Moon, for the New Year liturgy and the blowing of the *shofar* (trumpet).

9. TA'ANITH (Fast) 4 Chapters. Rules for the fast days, whether fixed or occasional, whether private or communal.

10. MEGILLAH (The Scroll) 4 Chapters. Rules for reading the Book of Esther on Purim; also the regulations for the reading of the Torah in public worship.

11. MO'ED KATAN (Minor Feast) 3 Chapters. Regulations governing work on the intermediate days of Passover and Tabernacles; also contains the laws of mourning.

12. HAGIGAH (Festival-Offering) 3 Chapters. Regulations regarding voluntary offerings on Festivals. Contains the famous digression on the esoteric teaching of the Torah.

In the printed editions of the Babylonian and Jerusalem Talmud there are deviations from this order of succession. In view of these divergencies it is idle to search for any logical sequence in the arrangement of the several tractates within the 'Order'. Significant in this connection is the fact that already in the days of Sherira Gaon there was no uniformity in this respect in the Academies; and the Gaon, in his famous *Epistle,* written in 987 C.E., is at pains to explain why a particular sequence was followed in his Academy. Generally speaking the tractates are arranged in accordance with the respective number of chapters in each, the largest taking precedence; and such variations as do occur are in most cases where the number of the chapters in the tractates is equal.

For the eight volume first edition of this publication the order adopted is for practical reasons as follows:

Vols. I and II.	Shabbath.
Vol. III.	Erubin.
Vol. IV.	Pesahim.
Vol. V.	Yoma.
Vol. VI.	Sukkah and Bezah.
Vol. VII.	Rosh Hashanah, Ta'anith and Shekalim.
Vol. VIII.	Megillah, Wed Katan and Hagigah

For the edition de luxe it was found expedient to follow another sequence:

Vols. I, II and III.	Shabbath.
Vols. IV and V.	Erubin.
Vols. VI and VII.	Pesahim.
Vol. VIII.	Yoma.
Vol. IX.	Sukkah.
Vol. X.	Bezah and Rosh Hashanah.
Vol. XI.	Ta'amth, Shekahm and Megillah.
Vol. XII.	Mo'ed Katan and Hagigah.

RELIGIOUS AND MORAL SIGNIFICANCE OF THE 'APPOINTED SEASONS'

The Sabbath, declare the Talmudic Sages, is equal in importance to all the precepts in the Torah. An evaluation of the Sabbath will accordingly involve as preliminary some explanation of the significance of the Torah. Briefly stated, the foremost meaning of the word Torah is teaching. The primary purpose of the Torah which God gave to Israel is educative. Its aim is the idealization of all earthly action and the bringing of all detail of life into touch with the divine.

The laws of the Torah are divided into two classes — socio-moral and religious. They consist in other words of precepts concerning the relations between man and God and precepts governing the relations between man and man. Precepts that affect directly our fellowman are regarded as sociomoral. Those regulating the cult and ritual are religious. These differences in the laws, however, involve no contradiction in the unity of the Torah. For what is not moral law, is law helping thereto, or means of educating thereto, although the connection may not be evident in all cases.

The Sabbath stands at the boundary between the moral and the religious signification of the Torah. In the law of the Sabbath is thus to be found the quintessence of Judaism. It is both 'a memorial of the work of the beginning', and 'of the going out of Egypt'. Its socio-ethical character is well illustrated in Deuteronomy (V, 12-15): *Observe the Sabbath day, to keep it holy as the Lord thy< God commanded thee. Six days shalt thou labour, and do all thy work; but the seventh day is a Sabbath unto the Lord thy God, in it thou shalt not do any manner of work, thou, nor thy son, nor thy daughter, nor thy man-servant, nor thy maidservant, nor thine ox, nor thine ass, nor any of thy cattle, nor thy stranger that is within thy gates; that thy man-servant and thy maid-servant may rest as well as thou. And thou shalt remember 'that thou wast a servant in the land of Egypt, and the Lord thy God brought thee out thence by a mighty hand and by an outstretched arm; therefore the Lord thy God commanded thee to keep the Sabbath day.* Here we have the emphasis on the social significance of the Sabbath as the symbol of the emancipation of the slave who must rest on the day when the Israelites rest. It is further worthy of note that the Hebrew word *'as well as thou'* [H] is the same as that used in the injunction to love thy neighbour as thyself (Lev. XIX, 18). The wording of the Sabbath law in Deuteronomy clearly shows that the Sabbath is designed to make secure the equality of all men in spite of the differences in their social position. This is indeed a clear testimony to the fundamental connection of Sabbath with morality.

The religious significance of the Sabbath is emphasized in Exodus (XX, 8-11) where it is presented as the symbol of the creation as well as the end of creation. This aspect of the Sabbath makes it not merely a day of rest, of cessation of labour, but a Holy Day. *'Therefore the Lord blessed the day of Sabbath and sanctified it',* a phrase which is conspicuously absent from the Deuteronomic version.

The proper observance of the Sabbath in testimony to the Creator and His creation demands the sanctification of objects as well as of life. This does not imply a flight from the holy pleasures of life: *Thou shalt call the Sabbath a delight, the holy of the Lord, honourable* (Isa. LVIII, 13). But it does mean a surrender to the Creator of all such activities as shut in man's outlook during the working days of the week and blind him in consequence to his actual relations to God and to his fellowman. Hence the many restrictions of the Sabbath day regarding the handling of objects (*Mukzeh,* v. Glos.) as well as action and movement, which form the major part of the laws discussed in this 'Order'. By such a surrender to God man testifies that the world and all that is therein is God's. 'He who observes Sabbath testifies to Him at Whose word the world came into existence'. The sanctification of the Day of Rest makes the Sabbath into a day in which man is free to attend to the claims of his relations to God and to his fellowman. *Blessed be the man that keepeth the Sabbath from polluting it and*

keeps his hand from doing evil (Isa. LVI, 2). The Sabbath thus becomes a day of religious inwardness and moral regeneration.

The same twofold significance is found in the Festivals. The three pilgrimage Festivals, Passover, Tabernacles and Pentecost, commemorating the mighty acts at the Exodus that culminated in the Revelation at Sinai and the national experiences of Israel during their wandering in the desert, combine the religious and the social aspects of the Torah. The former finds expression in the special ceremonies and rites attached to each of the Festivals, proclaiming the sovereignty and overruling providence of God, and the latter in the Festival rejoicings in which the stranger, the orphan and the widow were to be invited to participate. 10 But the most striking expression of the close connection between the religious and social aspects of the Law is found in the Day of Atonement. The Day of Atonement is the chief of all Festivals not excepting the Passover Festival. The Bible describes the day as one given up to fasting and solemn sacrifice. The high priest atoned for himself, then for the priests, lastly for all Israel. Yet an old Mishnah tells us that the Atonement-day was at the same time a day of national rejoicing.

Young men and young women held bride-show. The richer young women had to dress in plain white linen in order not to outshine the poorer — a piece of consideration, which is as yet conspicuously absent from the polished societies of modern times. In the evening all went to the house of the high priest who made a feast for all his friends. The culminating act was the sending of the scapegoat into the wilderness and the pronouncement of the pardon of the people. In later days when the sacrificial system ceased, the Day of Atonement still retained its twofold significance. While the fasting and abstention from other bodily requirements spelled contrition, confession and repentance for all trespasses both ritual and moral, the liturgy of the day, significantly enough, practically excluded from the confession ritual trespasses. Moreover, the reconciliation of man with God was made dependent on the reconciliation of man with man. Closely linked with the Atonement-day is the New Year day, both being periods of Divine Judgment and days of self-scrutiny and moral regeneration, in which too the socio-moral and religious aspects of the Torah are merged into one.

And not only the appointed seasons prescribed by the Torah possess this twofold signification of Jewish feast and fast; it is found equally in all the holidays and fasts of lesser sanctity instituted by the religious leaders of later generations: Purim with the Megillah reading and the distribution of 'gifts to the poor' as special features of the feast; and the four minor fasts with their insistent message of the love of 'truth and peace', alike show the inseparableness in the Jewish conception of morals and religion. And similarly the rain-fasts were like the minor fasts on which they were patterned. The various regulations of the rain-fasts described in Ta'amth were primarily designed to rouse the people to contrition and to

make amends for any social wrongs of which they might have been guilty. The only feast in which the blending of the moral and religious is absent is Hanukkah (the Feast of Dedication). But Hanukkah is strictly speaking not a Feast. The eight days of Hanukkah, except for the kindling of lights and the recital of *Hallel* and other liturgical additions, are but ordinary working days and do not bear the stamp of *Yom Tob*. Nevertheless later Jewish piety introduced the moral note characteristic of Jewish festivals in the celebration, and made the distribution of charity a feature also of this festival.

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SEDER NASHIM

The name '**Nashim**', 'Women', given to the third 'Order' of the Babylonian Talmud is of ancient origin. This 'Order' was so known in the early Talmudic period when it had been also aptly designated *'Hosen'* 'Strength'. As the 'Order' devoted to regulating the relations between husband and wife, its fundamental teachings of the sanctity of marriage, moral sobriety and purity of family life, invested the Jewish home with the 'beauty of holiness', which enabled it to resist the disruptive influences and disintegrating force of centuries, thus proving the saving strength of the Jewish people throughout the long and chequered history of their existence.

With woman as its principal theme, the appelation Nashim as applied to this 'Order', is self-explanatory. It may, however, be noted that in the Cambridge MS. of the Mishnah the opening tractate is entitled Nashim instead of Yebamoth, the title evidently having been derived from the third Hebrew word in the tractate: [H] 'Fifteen women'. Consequently, it has been suggested that Nashim was the name by which the first tractate was originally known and to which tractate it was originally restricted, and that this name was finally used to describe the whole of this 'Order', even as a whole is often made to bear the name of a part.

The 'Order' is divided into seven tractates arranged according to the separate printed edition of the Mishnah in the following sequence:

1. YEBAMOTH (Sisters-in-law). Beginning with the Biblical law relating to the duty of a man to marry his deceased brother's childless widow, the Tractate deals generally with prohibited marriages, the ceremony of *halizah,* and the right of a minor to have her marriage annulled. 16 Chapters.

2. KETHUBOTH (Marriage Settlements). Treats of the settlement made upon the bride, the fine paid for seduction, the mutual obligations of husband and wife, and the rights of a widow and stepchild. 13 Chapters.

3. NEDARIM (Vows). Describes the various forms avow may take, the kinds of vows which are invalid, how they may be renounced, and the power of annulling them when made by a wife or daughter. 11 Chapters.

4. NAZIR (Nazirite). Discusses what constitutes a Nazirite's vow, and how it may be renounced; enumerates what is forbidden to a Nazirite and deals finally with the case where the vow is taken by women and slaves. 9 Chapters.

5. SOTAH (Suspected Adulteress). The main theme is the ordeal imposed upon a woman whose husband suspects her of infidelity, and its ritual. Other subjects dealt with are religious formulae which may be made in any language or only in Hebrew, the seven types of Pharisees, the reforms instituted by John Hyrcanus, and the Civil War between Aristobulus and Hyrcanus. 9 Chapters.

6. GITTIN (Bills of divorcement). Treats of the various circumstances attending the delivery of the bill of divorcement to the woman when the marriage is to be dissolved. 9 Chapters.

7. KIDDUSHIN (Consecrations). Deals with the rites connected with betrothal and marriage, the legal acquisition of slaves, chattels and real estate, and principles of morality. 4 Chapters.

The above sequence has been followed in this publication, the tractates in the eight volume first edition appearing for practical reasons as follows:

Vols. I and II.	Yebamoth.
Vols. III and IV.	Kethuboth.
Vol. V.	Nedarim.
Vol. VI.	Nazir and Sotah.
Vol. VII.	Gittin.
Vol. VIII.	Kiddushin.

For the edition de luxe it was found expedient to follow another arrangement:

Vols. I, II and III.	Yebamoth.
Vols. IV, V and VI.	Kethuboth.
Vol. VII.	Nedarim.
Vol. VIII.	Nazir.
Vol. IX.	Sotah.
Vol. X.	Gittin.
Vols. XI and XII.	Kiddushin.

The inclusion of Nedarim in this 'Order', although it has no particular bearing on the subject of 'Women', is because the Scriptural basis of the tractate is Numbers XXX, 3ff which treats of vows made by women — wives and unmarried daughters. The resemblance of Nazir to Nedarim, both dealing with vows, is responsible for the inclusion of the former in this 'Order' instead of Kodashim to which it properly belongs (v. Sot. 2a). Another reason is given in the

Talmud for the inclusion of Nazir. Assuming the order of the tractates to be Gittin, Nazir, Sotah, it is explained that Nazir has been included as an antidote to Gittin and Sotah (v. Naz. 2a). Yet in another place (Sot. 2a) the order of the tractates is assumed to be Nedarim, Nazir, Sotah. In view of this divergence it is idle to seek any definite logical sequence in the arrangement of the several tractates within the 'Order'. There is, however, common agreement about Yebamoth being assigned the pride of place at the head of this 'Order'. It is said to owe its position to the number of its chapters which is greater than that of any other tractate in Nashim. The opinion may, however, be hazarded that it is because of the fundamental purpose of marriage which under-lies the Levirate laws dealt with in this tractate that it was selected as a fitting introduction to this 'Order'.

The primary object of Levirate Marriage was to provide an heir to succeed in the name of the deceased (Deut. XXV, 6). Marriage having been regarded in Judaism as a divine institution ordained primarily for the purpose of the propagation of the human species, a childless marriage was deemed to have been, in a large sense, a failure. To redeem the deceased brother's failure, it was the duty of the eldest surviving brother to marry his widow and raise, so to speak, a son for him. Where the brother was so churlish as to refuse to redeem his brother's memory from failure, he had to submit to *Halizah*.

SOME FUNDAMENTAL PRINCIPLES OF THE LAWS OF MARRIAGE AND DIVORCE IN THE TALMUD

The Rabbis of the Talmud, unlike the Church Fathers, never attached any stigma to marriage. Being opposed to asceticism and celibacy as alien to the spirit of Judaism, they did not regard a person who had never married as superior to one 'who had contaminated himself by marriage'. On the contrary, they declared that true manhood can be realized only through married life: 'He who has no wife is no man' (Yeb. 63a). Marriage was natural in purpose, but divine in origin. As a divine institution it was viewed by them in a twofold light: Firstly, as a means intended for the propagation of the human race; secondly, as an ideal state for the promotion of sanctity and purity of life. Whilst prizing chastity above all other virtues, they refused to ascribe anything degrading to the marital union *per se*. Prenuptial connections, whether in the case of men or women, they did truly condemn. Not only was harlotry prohibited by them on the basis of Biblical commands (Lev. XIX, 29, and Deut. XXIII, 18), but they even went so far as to forbid the private association of sexes. Yet the regulated sexual relations between husband and wife were raised to the dignity of a positive command. Thus it is the unmarried man who was said by them to live in unchastity — at least in the inescapable unchastity of thought if not of action; whereas the married man alone could live in purity. No wonder that they regarded marriage as a holy state, entrance into which carried with it

forgiveness of sins. For this reason they encouraged early marriage, declaring eighteen to be the ideal age, although realists as they were, they insisted on a man being in a position to provide for a wife before venturing into matrimony.

The marriage laws as developed by the Rabbis in the Talmud only served to confirm and deepen the elevated view of married life. Already from time immemorial, a Jewish marriage was contracted by two stages (v. Deut. XX, 7). In the Talmudic period these were designated respectively: *erusin* and *nissu'in*. The *erusin* was an act of betrothal effected by the bridegroom in the presence of two eligible witnesses before whom he declared, 'Be thou consecrated unto me ...', [H]. This phrase is explained in the Talmud (Kid. 2b) as 'a setting aside of the woman like a consecrated object'. The bridegroom, that is to say, by the act of *erusin* imposes upon the woman the character of a sanctified object whereby she becomes prohibited to the world. That, however, does not imply that she is forthwith permitted to him without the need of any further rites; just as the mere consecration of an object for the sanctuary does not complete the process of making it acceptable as an offering. The bridegroom still stands to her in a prenuptial relation in which all marital connections are forbidden. The *erusin* is thus but a legal contract whereby the woman reserves herself for her husband, without however yet becoming permitted to him. In other words, she binds herself to give herself in marriage to him at the nuptials; otherwise neither he nor she has any claim on the other: He neither inherits from her in case of her death, nor has he any title to use her income or earnings; nor has she claim to sustenance or to any other obligation of a Jewish husband to his wife. This undertaking is, however, indissoluble save by divorce or death, and any act of infidelity on her part is treated as adultery.

On the elapse of a certain period after the *erusin,* twelve months in the case of a maiden, and thirty days in that of a widow, there followed the *fulfilment* of the contract — the *nissu'in,* at which the bride came to her husband for the consummation of the marriage. But for this consummation, as well as for the contract that preceded it, the consent of both parties was demanded. Indispensable when they had both become of age, consent was deemed an essential factor of marriage; and thus the Rabbis forbade a man to give his daughter in betrothal before she was old enough to express her own feelings on the subject of matrimony, although legally he had the right to contract a marriage on her behalf until she had reached adolescence — twelve years and six months plus one day. For this reason, too, the Rabbis insisted on every betrothal being preceded by *shiddukin,* a proposal of marriage, the disregard of which involved the infliction of disciplinary measures — flogging. It is this consideration too that lies behind the institution of *mi'un* which enabled an orphan girl, who had been given in marriage as a minor by her mother or brother, to have her marriage dissolved by a mere declaration of refusal. Whilst anxious to make provision for the marriage of an orphan girl,

should circumstances demand it, the Sages refused to bind her against her own wish to the husband who had been chosen for her while she was not yet in a position to make her own choice, but reserved for her the right to regain her freedom without subjecting her to the necessity of a bill of divorce.

Marriage by consent also explains the signification of *huppah* which forms one of the distinctive ceremonies at the nuptials. Whatever may be the origin of this ceremony, the *huppah,* which denotes the baldachin or canopy wherein the bridegroom receives the bride, came to signify in the Talmud the voluntary entrance of the bride upon the final stage in her consecration to the task of womanhood begun at the *erusin,* and her free surrender to her husband for the consummation of marriage. Thus is the real significance of the term *Kiddushin* revealed. It has two aspects: a negative aspect and a positive one. The *erusin,* in rendering the woman forbidden to the world, discloses only its negative side; whereas the positive side is released at the *nissu'in,* which completes the *kiddushin* and thus perfects it. Both the *erusin* and *nissu'in* together constitute the *kiddushin,* sanctifying the union.

There is still another requisite for the consecration of the union. The *kethubah* — the deed of marriage settlement instituted primarily with the object of protecting a wife against hasty divorce, had to be drawn up and duly completed before the consummation of marriage. In view of the right vested by the Bible in the husband to divorce the wife at his pleasure — a theoretical right which the Rabbis could not entirely set aside — it was felt that no woman could enter upon matrimony with a free and easy mind without being in possession of this safeguard to her marital security. The Sages accordingly forbade marital relations as long as the *kethubah* had not been completed. Furthermore, they declared that it was forbidden for husband and wife to live together for a single moment without a *kethubah* (B.K. 89a); and where the *kethubah* was lost, they had to abstain from intercourse until another *kethubah* had been made out.

This elevated view of marriage is likewise reflected in the Talmudic law of divorce. It is a commonplace to assert that the New Testament condemns divorce as sinful and thus to oppose this stricter view to the latitude allowed by Judaism. But this categorical assertion is open to question. One searches in vain throughout the New Testament for a denunciation of divorce *as* divorce. In every instance where the teaching of Jesus on the matter is reported, the emphasis is on remarriage rather than on divorce itself. *Whosoever putteth away his wife and marrieth another committeth adultery; and whosoever marrieth her that is put away from her husband committeth adultery* (Luke XVI, 18).

The parallel passages in Mark X, 11-12 and Mat. V, 31-32 vary in phraseology but the emphasis is everywhere the same — viz., remarriage after divorce. Even in Mat. XIX, 3-6 where

Jesus, appealing to Genesis, makes his famous declaration, *'What therefore God hath joined together let not man put asunder',* the complementary verses, *7-9*, make it clear that what he was concerned with was not the tragedy involved in a divorce — the wrecking of a home — but the remarriage that would follow. Provided there was no remarriage, the mere putting away of a wife does not seem to have evoked his disapproval. This becomes even more evident in Paul: *And unto the married I command, and yet not I but the Lord, Let not the wife depart from her husband. But if she depart let her remain unmarried or be reconciled to her husband.* (I Cor. VII, 10). This attitude is in consonance with the New Testament view that extols celibacy and virginity above marriage and married life. As against this attitude, the Talmud with its elevated view of marriage considers the separation of husband and wife which divorce entails, a domestic tragedy for which 'the very altar of God sheds tears', and for this reason declares that 'he who dismisseth his wife is hated by God'. Yet with all their abhorrence of divorce, the Sages held the continuance of intimate relations between husband and wife after the bonds of affection were snapped to be immoral; and the offspring of such a union was regarded by them as morally unhealthy, belonging to the class of *'rebels'* and of such as *'transgress'* against God (cf. Ezek. XX, 38). With the result, that whilst the Rabbis instituted a number of measures such as the payment of the *kethubah* and other minute regulations attendant on the procedure of divorce designed to act as a check against its abuse, they refused to blind themselves to the harsh realities of life, when divorce with freedom to remarry could come as the only happy release from a galling relationship which discordant natures and unequal tempers had rendered intolerable.

Closely related to the attitude of the Talmud on remarriage after divorce is its attitude of remarriage on widowhood. The strong voice of disapproval of second marriages heard in the Church never found an echo in the Beth Hamidrash. 'If a man married in his youth, let him also marry (if necessary) in his old age'. Widows likewise were encouraged to remarry, though they were not likely to find a suitor for a third marriage owing to the popular belief that a widow who had been unfortunate in the loss of two husbands was ill-starred and apt to bring death on him who might venture to marry her.

In the case of a childless marriage, the widow could find a home in the house of her deceased husband's brother by contracting levitate marriage *(yibbum),* or she could marry a stranger after having secured her freedom by *halizah*. Where she married the brother-in-law, the Rabbis enacted, as a safeguard against divorce, that his estate, in the event of divorce, was to be charged with the payment of the *kethubah,* if the first husband's estate was insufficient for the payment thereof, although according to the earlier law the widow had no claim on the levir beyond the ordinary marital obligations of a husband to a wife.

'Of all expositions by the Sages of the commandments in the Torah, none redounds more to their praise than their exposition of the marriage laws'. Such was the verdict of past generations; and such it is confidently anticipated will be the verdict of every diligent student who will endeavour to penetrate the spirit that animated the discussions in the Babylonian and Palestinian schools presented in this 'Order'.

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SEDER NEZIKIN

The term *'Nezikin'*, 'Damage', by which the order became finally known was originally limited to the first three tractates—the 'Three Gates': Baba Kamma, Baba Mezi'a and Baba Bathra, which deal primarily with all kinds of injury and damage to property as well as person and with claims to compensation. It is derived from the third Hebrew word in the opening tractate: [Hebr.]. 'The principal categories of damage (*nezikin*) are four.' These 'Three Gates' originally constituted one single tractate of thirty chapters, but on account of its excessive length it was subsequently divided into three, each section being designated by the Aramaic 'Baba' denoting, as in Arabic, 'Gate', 'Chapter'. Finally the whole of the order came to be described by the term *Nezikin,* even as a whole is often made to bear the name of a part.

The term [Hebr.] is generally taken as plural of [Hebr.] *('damage',* cf. Esther VII. 4) following the plural formation of the noun [Hebr.]. Others treat it as the plural from a substantive [Hebr.], which like [Hebr.] would be active in sense, so that *'nezikin'* would mean 'doers of damage', but the existence of this singular noun remains yet to be proved.

The order as we have it now is divided into ten tractates, arranged according to Maimonides and most of the printed and manuscript editions of the Mishnah in the following sequence:

1. BABA KAMMA. On damage caused to property; injuries perpetrated on the person with or without criminality; and cases of compensation for theft, robbery and violence.

2. BABA MEZI'A. Laws relating to found property, bailments, sale and exchange; defrauding; interest; hiring of labourers and cattle; renting and leasing; joint-ownership in dwellings and fields.

3. BABA BATHRA. Deals with laws concerning the division of property held in partnership; restrictions in respect of private and public property; established rights of ownership; acquisition of property; hereditary succession, and drafting of documents.

4. SANHEDRIN. Is concerned with Courts of Justice and their composition; trials, arbitration, judicial procedure in monetary and capital cases; prescriptions for death sentences; and Dogmas of the Jewish Religion.

5. MAKKOTH. Treats of the punishment of perjurers; the Cities of Refuge; the offences punishable by lashes and the regulations for the administration of stripes.

6. SHEBU'OTH. Deals with the various forms of oaths made privately and also those administered (i) to witnesses, (ii) to litigants, (iii) to wardens.

7. 'EDUYYOTH. A collection of miscellaneous traditions of earlier authorities cited in the Academy on the day when Rabbi Eleazar ben Azariah was elected as its head.

8. 'ABODAH ZARAH. Deals with festivals, rites and cults of idolaters, and prescribes regulations concerning association and social intercourse with heathens.

9. ABOTH. Contains aphorisms and maxims of teachers of successive generations from the men of the Great Assembly onwards.

10. HORAYOTH. Deals with erroneous rulings in matters of ritual law by religious authorities.

As will have been seen from the above brief sketch, the 'Order' falls into two parts: (i) civil law; (ii) criminal law. The civil law is dealt with in the first of the three tractates, and for this very reason it is interesting to note that they go in the Jerusalem Talmud by the comprehensive name, [Hebr.] lit., 'cases of money', i.e., civil cases. The criminal law is dealt with in Sanhedrin and Makkoth, which latter originally formed the concluding part of Sanhedrin. The other five tractates can be considered more or less appendices to these two sections. Shebu'oth dealing mostly with oaths in civil cases is an appendix to the 'Three Gates'. The other four are appendices to Sanhedrin; thus 'Eduyyoth contains mainly important decisions of the Great Sanhedrin in Jabneh, while Aboth is introduced with the enumeration of the heads of the Sanhedrin in succession; and likewise 'Abodah Zarah, dealing mainly with idolatry, is primarily an elaboration of part of the seventh chapter of Sanhedrin. Finally Horayoth deals mainly with the erroneous decision of the Sanhedrin. Thus it comes about that though we are not in a position to state definitely the principles that determined the arrangement of the several tractates within the order, we are, nevertheless, able to trace a distinct logical sequence in that arrangement.

For the eight volume edition of this publication the order adopted is for practical reasons as follows:

Vol I.	Baba Kamma.
Vol II.	Baba Mezi'a.
Vols. III and IV.	Baba Bathra.
Vols. V and VI.	Sanhedrin.
Vol. VII. '	Abodah Zarah and Horayoth.
Vol. VIII.	Shebu'oth, Makkoth, 'Eduyyoth and Aboth.

For the edition de luxe it was found expedient to follow another sequence:

Vols. I and II.	Baba Kamma.
Vols. III and IV.	Baba Mezi'a.
Vols. V and VI.	Baba Bathra.
Vols. VII and VIII.	Sanhedrin.
Vol. IX.	Shebu'oth.
Vol. X.	Makkoth and 'Eduyyoth.
Vol. XI.	Abodah Zarah.
Vol. XII.	Horayoth and Aboth.

Religious and Ethical Importance

'He who wishes to become a *Hasid* (saint) let him observe the teachings of *Nezikin*' (B.K. 30a). This striking dictum of Rab Judah, a Babylonian teacher of the third century, well illustrates the true conception of Jewish civil and criminal law. In order to develop a saintly character the Jew is not advised to attend a systematic course in philosophy and ethics, nor is he advised to attach himself to a band of cloistered saints who spend their days in meditation and contemplation. The counsel is: Let him who wishes to become a saint study the teachings of the *Nezikin* order so that be may know how to observe the laws of justice, of right and wrong, of *meum* and *tuum*.

This close connection of ethics and law is the essence of the Jewish legal system. The civil and criminal law was regarded by the Jews as a part of the Divine Revelation — the Torah. Grounded in the Book and centred in God, it was not, as other legal systems are, the creation of the state, nor did it ever draw its inspiration from political feeling. For the Jew, the Torah was to be an independent and positive source of inspiration, regulating individual and corporate action; and on it was to be reared the whole structure of the Jewish legal system. This does not involve the ignoring of the economic and social functions of organised society. Political movements and events did play their part in the formation and development of the civil and criminal law; but they were ever subordinated to moral purpose and ethical principle. In other words, morality was the dominant factor in communal life and the underlying principle in all social and economic legislation.

Thus the object of the legal system was not to preserve a particular dynasty or a certain form of government, but to establish social righteousness, and to *maintain* thereby a constant, close, inseparable connection between ethics and law, both flowing from the same Divine source. The Sanhedrin, the body which framed and enacted laws, was not so much a legislative body as a research institute, where the Torah was investigated and studied and the results of such study applied to the needs of practical life.

This function, it is significant to note, made in reality the Sanhedrin, and not the king, the leader of the people. Alien to the whole spirit of Judaism was the idea of a single all-dominating authority vested in a person or corporation. All laws, regulations and enactments had authority only in so far as they were able to stand the ethical test of the Torah.

Once they passed this test they were no longer regarded as manmade, but became identified with the very law of God. And this it was which made the Jewish communities able to exhibit, even under the most trying circumstance and the most hostile environment, a moral enthusiasm and a passion for social justice in which even enlightened European states have often lamentably failed. Thanks to its divine basis, the Jewish civil law never ceased to exercise its humanising influence on the dispersed Jewish communities throughout the exile, enabling them to bring the details of social life into subjection to the divine will, and at the same time into harmony with the changing environments and conditions.

For this reason the study of the *Nezikin* order was from the earliest days the most popular. We find it carefully treated in the school of Karna during the second century. A century later, in the days of Rab Judah, the attention of students was chiefly concentrated on this order; and we are told that a boy of six was able to discuss with acumen a passage in the tractate of this order— 'Abodah Zarah (v. A.Z. *56b*, Sonc. ed., p. 285). Moreover, it has been recently shown that the compilation of the *Nezikin* order (at least in the Jerusalem version) preceded the compilation of all the other orders.

Nezikin and Comparative Jurisprudence

It is a much disputed question whether definite mutual relations really did exist between Jewish Talmudic law and other law-systems. Undoubtedly it is true that the former exerted an influence on the legal ordinances and laws of other peoples. The Jews were scattered throughout the world and wherever they went their law went with them. Thus inevitably was their law in many ways made known to the surrounding world. Certainly the Mishnah had an influence on Roman law—an influence that is not to be wondered at seeing that Rabbi Judah the Prince, the compiler of the Mishnah, maintained friendly relations with Roman emperors. It

has even been assumed that the institutions of the Gajus were based on the pattern of the Mishnah and also that the compilations of Justinian followed the same pattern. ... And the compilers of the canonical law of the Church must, from its very essence, have fallen back on the Talmud.

More difficult is the question: Did Jewish Talmudic law experience foreign influence? Explicit references are rarely found and the spiritually exclusive attitude of the Mishnah and Talmud teachers may be cited as evidence against the existence of such influences. Although the peculiar nature of Talmudic law—a peculiarity which proceeds from its mode of thought and methodology —precludes us from assuming direct incorporation of foreign legal institutions; yet it is possible that Jewish law has adopted some of these, after reshaping them for its own ends.

The similarity of the institutions and of several legal ordinances found in the Talmud and non-Jewish law need not necessarily indicate mutual influence. Similar circumstances could easily produce similar laws. The resemblance is moreover very limited. The influence of foreign law, if there was any, was therefore also limited. Besides, the fact must not be overlooked that the Mishnah (and the Jerusalem Talmud) appeared in the Roman Empire while the Babylonian Talmud has its origin in the Babylonian-Persian realm—a difference which accounts for certain different strains; and these can be shown by the foreign words borrowed in the Mishnah and Talmud. It is questionable, however, if the teachers of the Talmud and Mishnah really knew the Roman legal system as such and constructed their law with a deliberate acceptance or rejection of its institutions.

Be that as it may, knowledge of Jewish law is undoubtedly of value for the study of Jurisprudence. Long ago Sir Henry Sumner Maine made this clear when he declared that in the days of the Renaissance and subsequent generations when the philosophers were trying to devise a new system of law there was one body of records—those of the Jews—which was worth studying. Nor is this to be wondered at. Such a highly developed system of laws and ordinances, as—apart from the Roman law—the ancient world never knew, must possess far comparative jurisprudence a fullness of interesting material which cannot fail to be of great service for the better understanding of other legal systems.

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SEDER KODASHIM

The Hebrew term *Kodashim* means Holy Things. This term, in the Biblical context, applies to the sacrifices, the Temple and its appurtenances, as well as its officiating priests; and it is with these holy things, places and persons that the Seder Kodashim is mainly concerned. Its position between *Nezikin* (Torts) and *Tohoroth* (Cleannesses) is determined, according to Maimonides, by the sequence in which the laws dealt with in these three orders appear in the Bible. This Seder contains also the Tractate Hullin which, although it treats of non-holy things, is included because the rules it prescribes regarding the slaughter of animals and birds, and their ritual fitness for use, constitute an integral part of the law of Holiness of which, as will be seen, the sacrificial cult was designed as vehicle of the highest religious expression.

The 'Order' comprises eleven tractates arranged in the separate printed editions of the Mishnah in the following sequence:

ZEBAHIM (Animal-offerings): Regulates the procedure for the offering of animal-sacrifices through its various stages, and lays down the conditions which render them acceptable or otherwise. 14 Chapters.

MENAHOTH (Meal-offerings): Prescribes the rules regarding the preparation and presentation of meal and drink offerings; the bringing of the sheaf of barley (Lev. XXIII, 10); the two loaves (Lev. XXIII, 17); and the shewbread (Lev. XXIV, 5). 13 Chapters.

HULLIN (Non-holy): Prescribes the rules for the slaughtering of animals and birds for normal consumption, and treats of the whole body of the dietary laws. 12 Chapters.

BEKOROTH (Firstlings): Deals with the laws concerning the firstborn of men, animals, laid down in Ex. XIII, 12-13, Num. XVIII, 15-17, and Deut. XV, 19-23, and the tithing of cattle (Lev. XXVII, 32-33). 9 Chapters.

'ARAKIN (Estimations): Gives the rules for determining the amount which must be paid in fulfilment of a vow to dedicate to the Temple the 'market-value' or 'worth' of a person or a thing according to Lev. XXVII, 2-27; and sets forth the laws relating to the jubilee year (Lev. XXV, 8ff). 9 Chapters.

TEMURAH (Substitution): Sets forth the rules governing the substitution of one offering for another in accordance with the law prescribed in Lev. XXVII, 10. 7 Chapters.

KERITHOTH (Excisions) : Deals with offences which carry with them the penalty of *Kareth* (v.Glos.), if committed wilfully, and of a sin-offering if committed in error; and discusses the cases in which an 'unconditional' or a 'suspensive guilt-offering' is due. 6 Chapters.

ME'ILAH (Trespass): Treats of the laws of Sacrilege or making unlawful use of consecrated things, in accordance with Lev. V, 15-16. 6 Chapters.

TAMID (the Continual [Offering]) : Describes the Temple service, in connection with the daily morning and evening sacrifice, prescribed in Ex. XXIX, 38-41, and Num. XXVIII, 2-8. 7 Chapters.

MIDDOTH (Dimensions): Contains the measurements and descriptions of the Temple, its courts, gates and halls and the Altar, and includes an account of the service of the priestly watches in the Temple. 5 Chapters.

KINNIM ([Bird-]nests): Gives the regulations for the offering of birds prescribed in expiation of certain offences and certain conditions of uncleanness (see Lev. I, 14; V, 7 and XII, 8) and discusses the case in which birds belonging to different persons or to different offerings have become mixed up with one another. 3 Chapters.

This sequence is also followed in the six volume first edition of Seder Kodashim in which the tractates appear as follows:

Vol. I	Zebahim.
Vol. II	Menahoth.
Vols. III and IV	Hullin.
Vol. V	Bekoroth and 'Arakin.
Vol. VI	Temurah, Kerithoth, Me'ilah, Tamid, Middoth and Kinnim.

For the edition de luxe it was found necessary to publish the 'Order' in 9 volumes. Of the eleven tractates that constitute the 'Order', all, except Middoth and Kinnim, have Gemara in the Babylonian version of the Talmud. No Gemara is extant in the Palestinian version. Maimonides, however, speaks of the existence of a Palestine Gemara to Kodashim. That this 'Order' was a subject of study in the Palestinian no less than in Babylonian schools is seen from the many statements contained in the Babylonian Gemara emanating from Palestinian Amoraim. There are indeed few pages in the Babylonian Gemara on Kodashim in which Palestinian Amoraim do not figure in discussions relevant to the 'Order'. The only conclusion to be arrived at is that there was once a Palestinian Gemara to Kodashim but that it has been lost to us as have many other literary products of the past.

The Gemara on the 'Order' Kodashim is a testimony to the strong interest which the teachers of the Palestinian and Babylonian schools continued to take in the sacrificial cult even after its cessation with the destruction of the Temple. This interest was more than merely historical and academic. It was based on strictly practical considerations. There were in fact two motives that kept alive the study of the Seder Kodashim even after its laws had fallen into disuse. One sprang from the unquenchable hope that the Temple would sooner or later be rebuilt, involving the restoration of the sacrificial cult, so that the knowledge of its laws would once again become essential. The other was the belief that the study of the sacrificial laws could serve as a surrogate for the Temple cult and was no less efficacious than the actual offering of the sacrifice itself. These motives lay behind the unceasing intellectual activity that centred round the Seder Kodashim throughout the intervening centuries to the present day, and which has crystallised itself in a mass of commentaries on the 'Order'; and in our own times the conviction that has seized many minds that we are witnessing the *Athhalta di-Geulah* ('beginning of the redemption') has led to the assiduous study of Seder Kodashim in many of the higher schools of learning in the Holy Land.

THE CONCEPTION OF SACRIFICES IN RABBINIC TEACHING

The sacrificial laws of the Torah, discussed and elaborated in this 'Order', are interspersed throughout the Pentateuch, but the main collection of them is to be found in the Book of Leviticus. The sacrifices set forth were varied in character. There were obligatory sacrifices, and there were voluntary sacrifices. There were collective sacrifices brought in the name of the entire community: the early morning and afternoon sacrifices, and the additional sacrifices on Sabbaths, New Moons, Festivals, and the Day of Atonement; and there were besides individual sacrifices. Some sacrifices were honorific in character and were offered in worship or as an expression of homage to God; others were piacular and were brought in expiation of sin; others again were tributary and presented in recognition of God as bestower of the gifts of Nature. To the honorific belong the peace-offering *(shelem,* plur. *shelamim),* the thank-offering *(todah),* and the burnt-offering *('olah).* The sin-offering *(hattath)* and guilt-offering *(asham)* belong to the piacular; and included in the tributary are the firstlings (*bekoroth*) and the cattle tithes (*ma'aser behemah*).

The sacrificial material was drawn from the animal and vegetable kingdoms. The animal sacrifice came from the herd or flock and in some cases from among birds. The vegetable offerings *(minhah)* consisted either of plain unbaked flour, baked cakes, or parched corn. There were in addition liquid offerings *(nesakim)* brought in conjunction with sacrifices, and

there was also an incense-offering *(ketoreth)* compounded of several odoriferous vegetable products.

The sacrifices involved a series of acts of which the sprinkling of the blood was the most important in the case of animal sacrifices, and the burning of the handful *(Komez)* in the case of vegetable offerings.

The origin of sacrifices is wrapped in obscurity. Many widely differing theories have been propounded in explanation, but all are highly conjectural. All that can be said with certainty is that sacrifices are found to have formed a universal element of worship from the earliest times, and that there are traces among the precursors of Israel of sacrificial practices anterior to those instituted in the Torah. This admission does not detract from the claim of the sacrificial laws of the Torah to divine origin, any more than the fact that religious belief did not begin with the Sinaitic Revelation affects the validity of the Religion of Israel. On the contrary, the universality and antiquity of sacrifices only serve to testify to a deep-rooted sacrificial instinct in the human heart which seeks to respond to the claims of God upon man, and which like all other instincts needs correcting, purifying and directing.

The need for a reconciliation of man with the higher power on whom his welfare depends lies after all at the heart of all religion. Religious consciousness has been defined by William James as consisting in a sense (*a*) of uneasiness 'that there is *something wrong about* us as we naturally stand', and (*b*) of a solution for that uneasiness — of a sense 'that we are *saved from the wrongness* by making proper connection with the higher powers'. In mythology and polytheism the gods are filled with envy, anger and hatred, and sacrifices are brought in order to effect a reconciliation and re-establish connection with them. But the God of Israel can be angry only on account of injustice, and cannot be reconciled otherwise than by the doing justly, loving mercy, and walking humbly with Him. It was therefore essential to transform the crude ideas and desires concerning man's approach to God by filling them with a spiritual ethical content; and it was for securing this end that the sacrifices instituted in the Torah were designed as a most effective means.

How were the sacrifices prescribed in the Torah to serve this purpose? In considering the Jewish sacrificial system, we are impressed by two unique features which characterise it. First, sacrifices were ordained exclusively for ritual or religious sins, and not for social sins. Second, no sacrifice could be offered in expiation of the deliberate transgressions but only for such offences as had been committed in error or under constraint. These two reservations, which have no parallel in other sacrificial systems, affect the whole quality of the sacrifices of the Torah. Not the needs of God are the sacrifices intended to satisfy, but the needs of man. They are no longer conceived as gifts to an offended Deity in appeasement of its anger, or in

reparation for a wrong done to fellowman. Their aim is essentially man's spiritual regeneration and perfection. They are designed, in all their parts, to foster in the mind of the worshipper a sense of the awfulness of ritual sin, in that it creates an estrangement alike between man and God and between man and man.

The grave view which the Bible takes of ritual sins is bound up with the significance of the ritual law. It is almost a truism that the ritual law of the Torah has for its purpose the religious and moral perfection of man. Have not the sages of the Talmud already declared that the precepts have been given only to ennoble mankind? This is true of the negative religious precepts no less than of the positive ones. Both sets of precepts have one common aim — the perfection of man. While the positive precepts have been ordained for the cultivation of virtue and for the promotion of those finer qualities which distinguish the truly religious and ethical being, the negative precepts are designed to combat vice and suppress other evil tendencies, and instincts that stand athwart man's strivings towards perfection.

Thus conceived, the ritual law is charged with a moral and religious dynamism capable of transforming the individual and, through the individual, the society of which he forms a unit. The disregard of a ritual precept is accordingly no longer a private affair; in so far as it lowers man's moral fibre and his power of resistance to evil, every ritual offence is in a sense a social offence. Viewed in this light, the insistence of the Torah on the need of sacrifices in expiation of ritual sin becomes readily intelligible. The purpose is twofold. They serve to bring home to the offender the seriousness of ritual sins even if committed unwillingly, and at the same time they guard him from lapsing through force of habit into wilful transgression.

This appreciation of the sacrificial laws of the Torah has already been stressed by Maimonides in Book III, Chapter 46 of his *Guide*, which is devoted to the application of this idea to various offerings. 'Do not consider this', he writes, 'a weak argument, for it is the object of all these ceremonies to impress on the mind of every sinner and transgressor the necessity of continually remembering and mentioning his sin'. 'When this theory', he continues, 'has been well established in the minds of people they must certainly be led by it to consider disobedience to God as a disgraceful thing. Everyone will thus be careful that he should not sin'.

This explanation of sacrifices by Maimonides will appear contradictory to the view advanced by him in the thirty-second chapter of the same book where he regards the institution as a concession to a people still hankering after the idolatrous practices of their environment and age. 'It was in accordance with the wisdom and plan of God,' he declares, 'that He did not command us to discontinue all these manners of service; for to obey such a commandment would have been contrary to the nature of man who generally cleaves to that which he is used.

It would in these days have made the same impression as a prophet would make at present if he called to the service of God and told us in His name that we should not pray to Him nor fast, nor seek His help in time of trouble, that we should serve Him in thought and not by any action.'

No part of Maimonides' *Guide* has aroused more controversy than his theory regarding sacrifices. Most outspoken and unsparing among his critics was Nahmanides, who prefers to see in sacrifices a moral symbolism founded on a psychological analysis of conduct. His staunchest defender is Abrabanel, who quotes a Midrash in support of the Maimonidean view. In reality, both the critics and the defenders of Maimonides misconstrued his attitude to the problem. To obtain a full insight into Maimonides' interpretation of sacrifices, it is not sufficient to limit our study to one particular chapter in his *Guide*. We must of necessity extend our investigation to other parts of his work and include in our survey his great *Halachic* masterpiece, the *Mishneh Torah,* where he presents to us the independent Jewish view which his philosophic speculations and critical enquiries served to confirm and strengthen.

Turning to the *Mishneh Torah,* we find Maimonides adopting an entirely different attitude. Sacrifices, he there declares, belong to the class of divine commandments designated as *hukkim* (statutes), for which no reason is ascertainable (*Me'ilah*, VIII, 8). This assertion, sufficiently categorical, appears in turn to be modified in his *Guide,* Book III, 26, where he distinguishes between the sacrificial institution in itself and its detailed rules: sacrifices in general have a reason, but no reason can be given for its details.

Thus, we see Maimonides adopting four distinct attitudes in regard to sacrifices which, summarised, are as follows:

1. Sacrifices have no reason (*Mishneh Torah, Me'ilah* VIII, 8).

2. Sacrifices are a concession to the idolatrous propensities of the early Israelites (*Guide* III, 32).

3. Sacrifices are designed as prevention of sin and as consequent safeguard of the ritual Law (*Guide* III, 46).

4. Sacrifices have a reason in general, but not as to their detailed rules (*Guide*, III, 26).

These apparent clashings and crossings of Maimonides' views have their explanation, it is here submitted, in the distinction which must be drawn between voluntary sacrifices and obligatory sacrifices.

Obligatory sacrifices have been ordained by God. They form accordingly an integral part of revealed religion. Their reason may be unknown. But the fact that God had commanded them imparts to them a spiritual and moral quality making for human perfection; and this may be after all the best explanation that can be given for them. Voluntary sacrifices on the other hand have not been enjoined by God. They cannot therefore lay claim to the elevating tendency inherent in divine commands; and in consequence would not have been included in the Torah, but for some definite purpose, which must be understandable and clear to the human mind.

This distinction between obligatory and voluntary sacrifices accounts for the difference of Maimonides' approach to the problem in the *Mishneh Torah* and his *Guide*, III, 32. A careful reading of that Chapter in his *Guide,* where he traces the root of sacrifices to idolatrous instincts makes it evident that Maimonides was concerned there only with *voluntary* sacrifices. Honorific in character, voluntary sacrifices would be brought only as tokens of worship and homage. As such they were under the best of circumstances inferior to prayer which is the 'service of the heart'. But that is not all. Through their idolatrous origin and by their very nature, voluntary sacrifices were not without lurking dangers. Unlimited in number, and unattended by confession and the repentance which are fundamental to expiatory offerings, or by the mental preparation that is inseparable from other obligatory offerings, voluntary sacrifices were liable to become a source of inner injury to righteous life. The reality of this danger was exemplified in later Jewish history; and it was against the abuse of this type of sacrifices that the prophets launched their scathing denunciations. Yet far from being suppressed by the Torah, they received, paradoxically enough, divine approval. The only feasible explanation, in the opinion of Maimonides, was that they were to be considered in the light of a concession, because of their inestimable value as a road through which primitive Israel could travel, albeit slowly and gradually, from idolatrous superstition to the highest service of the one and only God.

But whatever perils voluntary sacrifices might involve, there were no such dangers lurking in obligatory sacrifices ordained by God. They could accordingly, irrespective of their reason, serve as means to righteous life. The difficulty, however, of finding a rational explanation for them gave them the character of statutory Jaws; and it is with reference to obligatory offerings therefore that Maimonides asserts in his Code that they belong to the *hukkim* of the Torah.

Obligatory offerings form also, as is to be seen from the context, the subject of discussion in the *Guide,* Book III, 46, where Maimonides ascribes to them a practical motive — the prevention of sin. This is not inconsistent with his classification in the *Mishneh Torah* of the obligatory sacrifices among the *hukkim*. Even *hukkins,* it is well to remember have, according to Maimonides, a cause and serve a practical purpose, though their reason is not so evident nor their object so generally clear as those of other precepts. There is therefgre in Maimonides'

attempts to present a *rationale* of obligatory offerings nothing incompatible with his assertion of their statutory character. While the *modus operandi* for the effectiveness of the sacrificial rites must elude natural explanation, it is still possible to detect in them certain aspects, the value of which is discernable by the human mind.

Actually, however, Maimonides' treatment of obligatory sacrifices in his *Guide*, III, 46, while accounting for the main outlines, leaves much of the detailed rules unexplained. This is in conformity with his insistence in III, 26, of the same work that details call for no explanation, as they have been ordained for no other purpose than as tests for man's obedience. Details, he argues, are a necessary part of the structure of anything 'which can receive different forms, but receives one of them'. 'Those who therefore trouble themselves to find a cause for any of these detailed rules are in my eyes void of sense.' 'You ask,' he continues by way of illustration, 'why must a lamb be sacrificed and not a ram, and the same question would be asked why a ram had been commanded instead of a lamb... the same is to be said as to the question why were seven lambs sacrificed and not eight; the same question might have been asked if they were eight, ten or twenty lambs, so long as some definite number of lambs were sacrificed.' This does not mean to imply that the details are altogether arbitrary. They may be arbitrary as far as man is concerned. Having been given as tests of obedience one set of details could have served the same purpose as well as any other. But they are certainly not arbitrary as far as the divine law-giver is concerned. They have in the words of Maimonides been 'dictated by his will'. They have their source in the will of God and as such can admit nothing of the fortuitous or adventitious.

What Maimonides means to convey, in deprecating all attempts to discover a reason for the details, is that their value is derived not from their content but from the fact that they are grounded in the will of God. All that matters here is that they have been ordained by God, and this is sufficient to compel their observance. This may appear a blind, irrational attitude running counter to the whole trend of Maimonidean thought. The fact, rejoins Maimonides, is that in whatever we do in life we cannot avoid making our decision in favour of one of many possible forms without necessarily having to rationalise about our choice. As against the details, however, stand the commandments in themselves. These have their source, according to Maimonides, in the wisdom of God. As such they have a definite purpose. This purpose, as he conceives it, is primarily educative. Their aim is the highest perfection of man — intellectual and moral. They are designed to infuse right knowledge, inculcate truths and train man to righteous life and action. They cannot, however, produce these effects unless the ideals and principles they enshrine are properly understood. The explanation of them thus becomes an important religious need and duty; and in regard to sacrifices in particular the

appreciation of their significances and meaning, as far as their general character is concerned, constitutes an integral part of their fulfilment.

Thus the varying interpretations of sacrifices given by Maimonides, far from conflicting with each other, supplement and complement each other. Voluntary sacrifices are a concession to the hankering after ancient idolatrous forms and practices of worship. Obligatory sacrifices belong to the *hukkim,* the reason for which though not so evident, it is proper for man to investigate. This, however, applies to the laws in their broad outline, but not to the details, for which no explanation need be sought, except that they were. prescribed as mere tests of obedience.

This somewhat lengthy exposition of Maimonides' views on sacrifices may appear to be out of place in an Introduction to a Talmudic 'Order'. It is, however, included here because it presents the classical rabbinic tradition from which Maimonides, despite foreign guidance and system, never departed. Essentially rabbinic is the idea of the statutory character of obligatory sacrifices. 'The sacrificial institutions,' writes Moore 'were an integral part of revealed religion and had the obligation of statutory law. It was not for the interpreters of the law to narrow their scope or subtract from their authority. Nor was it of any practical concern to enquire why the divine lawgiver had ordained thus and not otherwise or indeed ordained them at all. It was enough that he had enjoined upon Israel the observance of them.' Likewise rabbinic in origin is the theory as to the idolatrous associations of voluntary sacrifices, being found in a Midrash which, as already mentioned, Abrabanel cites in his support. Commenting on the verse, *What man soever there be of the house of Israel that killeth an ox ... and hath not brought it unto the door of the Tent of Meeting... he hath shed blood* (Lev. XVII, 3). R. Phinehas in the name of R. Levi says: The matter may be compared to the case of a king's son who thought he could do what he liked and habitually ate the flesh of nebeloth and terefoth. Said the king: 'I will have him always at my own table, and he will automatically be hedged round.' Similarly, because Israel were passionate followers after idolatry in Egypt and used to bring their sacrifices to the satyrs, the Holy One, blessed be He, said: 'Let them offer their sacrifice at all times in the Tent of Meeting and thev will be separated from idolatry, etc.' The words, 'let them offer their sacrifices at all times' make it evident that the reference is to voluntary sacrifices since obligatory sacrifices were strictly circumscribed in point of time and circumstance. Nor is the practical motive of sacrifices advanced by Maimonides absent from rabbinic thought. 'What,' says the Midrash,'is the meaning of the words 'he offered it up for a burnt-offering instead of his son' (Gen. XXII, 13)? At every sacrificial act Abraham performed with the ram, he prayed, 'May it be Thy will that this service be regarded as if I performed it with my son, as if he had been slaughtered, as if his blood had been sprinkled, and as if he had been made ashes.' Here we have a significance ascribed by the Rabbis to

sacrifices which is but a vivid formulation of the practical motive given by Maimonides. It was also a Midrashic dictum to which Maimonides appealed in support of his view that the details of the sacrifices have been given to serve only as tests of obedience.
But whatever theory the Rabbis of the Talmud may have held as to the sacrificial cult, there is little doubt that they had an appreciation of its fundamentally educational value. This is shown by the designation Hokmah which they came to give to this 'Order' . Hokmah means wisdom; and wisdom in the Jewish conception was not theoretical but practical. It was not an intellectual pursuit, but essentially a religious ethic. Through this designation, the Talmudic conception of the sacrifices as educative becomes unmistakably clear. Their object was conceived of as being to instil in the heart of the devoteee that wisdom whose mainspring and motive was the 'fear of the Lord', and to which the observance of the ritual law was designed as an aid.

The observance of the ritual law which the sacrificial cult inspired made it a vehicle of Holiness of the highest expression. Whatever its root meaning, Kodesh, the Hebrew term for Holiness, denotes both that which pertains to God and that which is recognised to be the character of God. This character has from the earliest days in Jewish teaching been associated with ideals of righteousness. The *pursuit* of Holiness involved for man a self-surrender *to* God accompanied by a resolve *to* make the divine pattern of righteousness his own. This is the Holiness which the sacrificial cult was divinely designed to foster. Its contribution to Holiness was both of a negative and posttive character. On the negative side, by safeguarding the observance of the ritual law, the sacrifices served to strengthen what the Torah regarded as the only available defences against the forces inimical to Holiness. On the positive side, through the confession and repentance which accompanied them, as well as the solemnity of their setting, the sacrifices helped to draw man near to God in close communion than which there is no greater power making for Holiness.

The view of the sacrifices outlined above has much bearing on the question of their restoration in the future — a restoration which Maimonides in his *Mishneh Torah* includes among the tenets of traditional Judaism. Here, too, the distinction may have to be drawn between voluntary offerings and obligatory offerings. In fact the prayers for the restoration of sacrifices that figure so largely in our Liturgy are specifically restricted to obligatory sacrifices. Granted that with the disappearance of the 'passion for idol worship' (*yizra di abodah zarah*) there could be little, if any, religious value in the restoration of voluntary offerings; it is otherwise with obligatory offerings. As a safeguard for the observance of the ritual law, the obligatory sacrifices have lost none of their validity. The sickness and distress of the modern world is derived in the last resort from the lack of correspondence between man's moral progress and his intellectual and scientific achievements. Indeed, the terrific power of evil at the

command of man leads a modern writer, Lewis Mumford, to advocate a moral tightening by the introduction of all kinds of inhibitions and renunciations in order to train man in the habit of that inner check and self-restraint so essential to human survival. But surely no humanly contrived restrictions and restraints can take the place of those divinely ordained in the ritual law of the Torah. Thus do the grim and tragic experiences of our time only serve to confirm the attitude of traditional Judaism to the ritual law as an indispensable aid to moral law; and the restoration of the obligatory offerings in the days to come can only serve to strengthen and safeguard the ritual law for the regeneration and perfection of Israel and, through Israel, of the whole of humanity. Well, then, may the disciple of the Law in delving into the intricacies of the Seder Kodashim re-echo, in no narrow spirit, the words of that ancient prayer, 'May it be Thy will that the Temple be rebuilt speedily in our days and grant us our portion in Thy Law.

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SEDER TOHOROTH

Tohoroth ('Cleannesses'), which is the name given to the last of the six 'Orders' into which the Talmud is divided, has for its subject the laws of the 'clean' and 'unclean' in things and persons. These laws constitute a code of levitical purity and are of much more special application than those relating to the 'clean' and 'unclean' food (animals, birds, locusts, fishes), which are discussed and elaborated in the tractate Hullin, included in the immediately preceding Order Kodashim. Whereas these latter laws are absolute, and are valid for all times and all places, most of those treated in this 'Order' are connected inseparably with the sanctuary, and have no validity apart from it. Even in Temple times many of them did not affect the common man, and unless he was to visit the sanctuary precincts, or come into contact with consecrated food, he need have paid little regard to them. Nor did these laws of 'uncleanness' ever apply outside Palestine; and with the destruction of the Temple they have as a whole fallen into obsolescence even in the Holy Land itself. An exception to this strictly circumscribed character of the laws dealt with in this 'Order' is the law of the menstruant which remains in force to the present day; but even in this case the emphasis here is primarily on the levitical 'uncleanness', rather than on the prohibition of marital relations which this impurity involves.

This connection with the sanctuary makes the Seder Tohoroth a fitting sequel to Seder Kodashim, which deals principally with the Temple and its sacrificial system and rites.

The'Order' consists of twelve tractates, arranged according to the separate printed editions of the Mishnah in the following sequence:

1. KELIM (Vessels):3 Deals with the rules about the uncleanness of 'vessels' (a term denoting articles of utility of every kind), indicating under which conditions they are unclean, or become susceptible to uncleanness, in accordance with Leviticus XI, 33-35. 30 Chapters.

2. OHOLOTH (Tents): Treats of the laws concerning the defilement conveyed by a dead body to persons or 'vessels' which happen to be in the same tent or under the same roof with it, as set forth in Numbers, XIX, 14-15. 18 Chapters.

3. NEGA'IM (Leprosy): Sets forth the rules concerning the treatment of leprosies in men, garments and dwellings in accordance with Leviticus XIII-XIV, and the prescriptions for the leper's purification. 14 Chapters.

4. PARAH (Heifer): Describes the required properties of the Red Heifer, and the preparation and use of its ashes for the purification of the unclean, according to Numbers XIX. 12 Chapters.

5. TOHOROTH (Cleannesses): Deals with the rules about the uncleanness of food-stuffs and liquids, indicating under what conditions they are rendered unclean through contact with different sources and grades of impurity. 19 Chapters.

6. MIKWA'OTH (Pools of Immersion): Gives the requirements for wells and reservoirs in order to render them ritually fit for immersions, and the regulations governing all ritual immersions. 10 Chapters.

7. NIDDAH (The Menstruant). Details the rules about the legal uncleanness arising from certain conditions in women, such as those described in Leviticus, XV, 19-31 and XII, 2-8. 10 Chapters.

8. MAKSHIRIN (Predispositions). Has for its theme the conditions under which foodstuffs become 'predisposed', that is susceptible to uncleanness after having come into contact with liquid (in accordance with Leviticus XI, 34, 38), and enumerates the liquids that make foodstuffs susceptible in this sense. 6 Chapters.

9. ZABIM (They That Suffer Flux): Treats of the uncleanness of men and women affected with a running issue, according to Leviticus, XV, 2-18. 5 Chapters.

10. TEBUL YOM (Immersed at Day Time): Discusses the character of the uncleanness which, until the setting of the sun, adheres to one who has immersed himself during the day time for his purification (cf. Leviticus XXII, 6f.) 4 Chapters.

11. YADAYIM (Hands): Treats of the uncleanness of unwashed hands and of their purification. It also includes a discussion on certain books of the Canon of the Bible, and records some controversies between the Sadduccees and the Pharisees. 4 Chapters.

12. 'UKZIN (Stalks): Deals with the conditions under which stalks of plants or fruits convey uncleanness to the fruits or plants to which they are attached or *vice versa*. 3 Chapters.

Kelim is well qualified by its contents to serve as a sort of Introduction to the whole of the 'Order'. This alone, quite apart from its length, entitles it to the pride of place as opening tractate in most of the printed editions of the Mishnah. In the Talmud editions, the first place is assigned to Niddah, as being the only tractate within the 'Order' to which there is Gemara extant. Whether there has ever been Gemara to the other tractates is a question which cannot be answered with a definite 'Yes' or 'No'. There is clear evidence in the Talmud that in the days of Raba (299- 352 C.E.) the Order Tohoroth was studied with the same intensity as the other 'Orders'. Significant in this connection is the mention of 'Ukzin', which we are told

was discussed in the school of Raba at thirteen sessions; this indicates apparently that the studies covered the whole of the 'Order' to its very last tractate. Reference is also made in a Berlin MS. to a Palestine Gemara for "Ukzin".6 On the other hand, Maimonides, who speaks of a Palestine Gemara to Kodashim, of which nothing is known to us, declares that 'except for Niddah, there is to be found no Gemara of any kind to Seder Tohoroth, neither in the Babylonian norm the Palestinian version.' It is therefore natural to assume that, while the study of the other 'Orders' was continuous and regular, suffering no break or interruption through the centuries, that of Tohoroth was casual and intermittent; and, but for some exceptions, was undertaken in the schools of Palestine and Babylon only in so far as its principles and teachings had a bearing on the subjects of study. This comparative neglect of the 'Order' meant that much of its contents was left unelucidated and unexplained, and that little material beyond that which had already been distributed here and there throughout the other 'Orders', was provided for the Redactors of the Talmud to work up into a separate Gemara.

This neglect was not due to the fact that the subject matter of Tohoroth had no relevancy to the times when the edifice of the Talmud was being reared. Had this been the sole explanation there would have been, apart from Hullin, no Gemara on Kodashim either, seeing that also this 'Order' is devoted to laws which had lost all practical significance. There must have been some deeper reason for this disregard of the study of precepts which were recognised as belonging to the 'essentials of the Torah'. The opinion may be hazarded that it was some vision of the Messianic future which inspired the different attitudes of the schools to Kodashim and Tohoroth. That vision embraced the restoration of the Temple with its sacrificial rites; but whereas the study of Kodashim was maintained with all diligence in order to keep the people prepared for the resumption of the Temple service, no similar motive applied to the laws of uncleanness which are treated in Tohoroth. They had been rendered obsolete with the destruction of the Temple, and no hope was set on their revival in the future. Not that there was no longing for purity, but Messianism itself spelled purity. The Messianic future, as Jewish teachers conceived it, was one in which, generally speaking, there would be no defilement, no uncleanness, God Himself appearing in His self-manifesting power and redemptive love to cleanse His people from all filthiness and pollution: *'Then I will sprinkle upon you clean water, and ye shall be clean from all your filthiness and from all your idols will I cleanse you'* (Ezekiel XXXVI, 25); *'and I will also cause the unclean spirit to pass out of the land'* (Zechariah, XIII, 2). With the loss of all practical interest which this vision entailed, it was natural for the study of Tohoroth to fall into desuetude. There were nevertheless still teachers, particularly of, priestly descent, for whom the 'Order' had its fascination, perhaps in satisfaction of a wistful longing for a glory that was past. Preeminent among these was Rabbah bar Nahmani (d. 339 C.E.) who contributed greatly to the exposition of Tohoroth and whose

pronouncement on a matter of levitical purity, uttered by him as he was breathing his last, received, according to Talmudic Aggadah, the stamp of Divine approval with the words: 'Happy art thou, O Rabbah bar Nahmani, whose body is pure and whose soul has departed in purity'. It is thanks to these teachers that the 'disciple of the Torah' may, notwithstanding the absence of Gemara, find his way through the branchings and windings of this 'Order' and through the maze of laws and regulations that compose it.

THE SIGNIFICANCE OF THE LAWS OF 'CLEANNESSES'

The laws of uncleanness elaborated in this 'Order' are based on a number of injunctions found in various places in the Pentateuch, principally in Leviticus Chapters XI-XV. There we find enumerated a list of things and persons which are deemed unclean in themselves and may communicate uncleanness either directly or sometimes even through an intermediary. An examination of the sources of uncleanness shows that they are reducible to three categories: (*a*) Death; (*b*) Disease; (*c*) Sexual Functions.

Death: The most potent source of uncleanness is Death. A human corpse or part of it spreads uncleanness, conveying it not only to the person or thing that comes directly or indirectly in contact with it, but even (according to Numbers XIX, *14*) to such as happen to be under the same 'tent' or 'cover' as itself. Uncleanness of a minor character also is attached to the carcass of animals, of birds and of certain species of vermin.

Disease. A very high degree of uncleanness is attached to various diseases comprehended under the general term, *Zaraath* ('leprosy'), of which there are three types: Leprosy of Men, Leprosy of Houses, and Leprosy of Garments.

Sexual Functions. Sexual functions, whether normal or pathological, carry with them a type of uncleanness varying in severity according to the nature of the affection. Included in this category is the menstruant, and the woman after childbirth.

Each type of uncleanness has its own specific rules defining both its character and the means by which it can be removed.

These laws are the least intelligible in the Torah. The words of the Wise King *'I said, I will get wisdom but it was far from me'* (Eccl. VII. 2.3), were applied by the Rabbis of the Talmud to the laws of 'cleanness' and 'uncleanness'. Maimonides likewise in the Introduction to his commentary on Tohoroth describes the whole subject as 'bristling with difficulties, far from human understanding and one which even the Great Sages of the Mishnah found hard to comprehend.' This may perhaps be the reason that this Order has been designated in the

Talmud as 'Da'ath' ('Knowledge'). While, that is to say, it communicates the knowledge of a body of divine ordinances, to explain the reason for them is beyond the reach of human wisdom. Yet it was inevitable that the attempt should be made; for it cannot be supposed that these ordinances were devoid of some purpose of vital importance for the life of the Jew. Some there are who would define the object of these laws as mainly hygienic. And indeed when we read the directions for cleanness set forth in the Bible they seem not unlike hygienic orders of a General to soldiers on march, or the rules of a Board of Health. Yet while this will hardly be contested, it cannot be maintained that the hygienic motive is paramount in these laws. The fact that many of the regulations bear no relation whatsoever to hygiene is clear evidence to the contrary. The same criticism applies to other motives which have been suggested, such as taboos and totemism. While these might account for some of the regulations, it is obvious that much of the legislation regarding uncleanness has no connection with these ideas, and they cannot therefore be regarded as the operative reason for it.

More satisfactory is the view of Maimonides, who declared that the object of these regulations was to impose certain limitations and conditions upon Israel's approach to God, which should have the effect of deepening in them the sense of awe and reverence for the majesty of their divine Father and King. It is for this reason, as he points out, that the whole of these laws apply only to relations with the sanctuary and the holy objects connected with it and not to other cases. This basic principle provides Maimonides with a key to many of the details of the laws of uncleanness and purifications. The source of uncleanness is, in his view, physical dirt and filth. Human corpses, carcasses of animals, birds or creeping things, sexual functions, leprous diseases, are all dirt and filth and accordingly convey uncleanness.

While Maimonides is certainly correct in relating the laws of purity to the sanctuary, his idea of the source of uncleanness does not appear adequate. It does not account for the exclusion from the Biblical list of 'uncleannesses' other things that are equally dirty and filthy. There is therefore much to be said in favour of the suggestion that the laws of uncleanness as related to the sanctuary were as a whole instituted to wean Israel away from the then prevalent animal worship and cult of the dead as well as from the sexual perversions that were inseparable from Caananite idolatrous cults. But while there is no reason to doubt that this motive is present in the institution of corpse and carcass uncleanness and the uncleanness of sexual functions, this would still leave most of the laws of uncleanness unexplained.

Many more suggestions in explanation of these laws have been made by Biblical commentators both Jewish and non-Jewish, mediaeval and modern, but notwithstanding the penetration and richness of thought that is to be found in some of them, particularly in those of Nahmanides, Gersonides and Abrabanel, they cannot be said to satisfy the student. The only correct attitude to adopt in regard to this legislation is that of Maimonides. With all his

endeavour to give in his *'Guide'* a rational explanation of these laws, even to their smallest details, he declares categorically in his *Yad ha-Hazakah* that they are to be treated as divine statutes which baffle human understanding. 'It is clear and obvious', he writes, 'that the regulations concerning uncleanness and cleanness are decrees of the Holy Writ, and do not belong to the subjects which a man can rationally explain. They thus belong to the category of statutes. Similarly the act of immersion to rid oneself of impurity belongs to that class of "statutes" because defilement is not material filth that can be removed by water. It is but a decree of the Holy Writ, and the removal is dependent upon the intention of the heart. On that account the Sages said, "If a man immersed himself without specific intention, it is as though he had not immersed himself at all." Nevertheless there is symbolical significance in this matter. In the same way that a person who directs his heart to self-purification attains cleanness as soon as he immerses although there has been no physical change in him, so the person who directs his heart to purify his soul from spiritual impurities, such as inquitous thoughts and evil notions, becomes clean as soon as he determines in his heart to keep apart from these courses, and bathes his soul in the waters of the pure knowledge.'

This attitude follows logically from the belief in Revelation, and any other attitude is *ipso facto* a rejection of the Torah of Israel and of God who is its Author. This does not mean to say that the laws of the Torah are arbitrary, with no purpose and significance. Had this been admitted, Jewish religious thinkers throughout the ages would not have devoted so much of their energies to an inquiry into the specific reasons of the Commandments. But what it does mean is that whilst the laws of the Torah, by the very virtue of their educative character, cannot contain anything which is irrational and which cannot be made to fit into a general framework of reason, and that therefore every attempt to discover their significance is justified, they are nevertheless not reducible altogether to logical concepts; and over and above the reasons that may be adduced there are others that transcend all human thoughts and imagining.

Reverting to the laws of 'cleanness' and 'uncleanness', all that Jewish religious teachers sought to establish in their quest for a meaning of these ordinances was a rationale in accord with the moral and spiritual nature of man which would explain the inclusion of them in the Torah, without however attempting to penetrate into their innermost significance. This, they recognised, was related to a higher order of existence, incomprehensible to our state of human knowledge. Fundamental to their view of life is the close relationship of body and soul, so that what affects the one affects the other. Nor is there anything strange in this conception. In the words of R. Aaron Halevi, 'We may indeed be astonished at this close relationship between body and soul, but we do not know the nature of the soul nor its essence; how then should we know what is good or harmful for it? Just as a doctor can effect no cure without first

ascertaining the cause of the malady, so is the reason for some of the commandments bound to elude us so long as we have no complete knowledge of the nature of the soul.' From this conception it follows that the soul is affected by the uncleanness of the body. The nature of this affection varies in accordance with the source of uncleanness, as determined by the wisdom of the 'Creator of all Souls'. In general, bodily uncleanness has a contaminating influence on the soul, disqualifying the person thus affected from approaching the sanctuary of God. Although no longer valid, the relevant laws have not lost their symbolic significance: the necessity of purity of body, mind and soul in order to gain acceptance with God. Graver in its consequences and in full force to the present day is the law of *Niddah*. The reasons for the *Niddah* ordinances are many and varied. They promote sexual hygiene, physical health, marital continence, respect for womanhood, consecration of married life, and family happiness. But over and above these weighty reasons, they concern the very being of the soul of the Jew. They safeguard the purity of the Jewish soul, without which no true religious moral and spiritual life — individual or corporate — as Judaism conceives it, is attainable.

While the Halachic student will turn to Seder Tohoroth in order to satisfy his thirst for knowledge in an important department of Jewish law, and to find intellectual delight in its dialectic, which is of a very high order, the non-Halachic student will be rewarded in his study of the Seder by the discovery of a wealth of material of archaeological, medical and general cultural interest. Of particular value are its deposits of linguistic elements which can supply much of the needs of New Judea for Hebrew norms of expression in keeping with the advance of technology, commerce, science, and modern life in general.

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End Talmud Seder/Order Summary