

## *The Talmud*

THE JEWS have their TALMUD; the CATHOLICS their LEGENDS of Saints; and the TURKS their SONNAH. The PROTESTANT has nothing but his BIBLE. The former are three kindred works. Men have imagined that the more there is to be believed, the more are the merits of the believer. Hence all *traditionists* formed the orthodox and the strongest party. The word of God is lost amidst those heaps of human inventions, sanctioned by an order of men connected with religious duties; they ought now, however, to be regarded as CURIOSITIES OF LITERATURE. I give a sufficiently ample account of the TALMUD and the LEGENDS; but of the SONNAH I only know that it is a collection of the traditional opinions of the Turkish prophets, directing the observance of petty superstitions not mentioned in the Koran.

The TALMUD is a collection of Jewish traditions, which have been *orally* preserved. It comprises the MISHNA, which is the text, and the GEMARA, its commentary. The whole forms a complete system of the learning, ceremonies, civil and canon laws of the Jews; treating indeed on all subjects; even gardening, manual arts, &c. The rigid Jews persuaded themselves that these traditional explications are of divine origin. The Pentateuch, say they, was written out by their legislator before his death

in thirteen copies, distributed among the twelve tribes, and the remaining one deposited in the ark. The oral law Moses continually taught in the Sanhedrim, to the elders and the rest of the people. The law was repeated four times; but the interpretation was delivered only by *word of mouth* from generation to generation. In the fortieth year of the flight from Egypt the memory of the people became treacherous, and Moses was constrained to repeat this oral law, which had been conveyed by successive traditionists. Such is the account of honest David Levi: it is the creed of every rabbin.—David believed in everything, but in Jesus.

This history of the Talmud some inclined to suppose apocryphal, even among a few of the Jews themselves. When these traditions first appeared, the keenest controversy has never been able to determine. It cannot be denied that there existed traditions among the Jews in the time of Jesus Christ. About the second century they were industriously collected by Rabbi Juda the holy, the prince of the rabbins, who enjoyed the favour of Antoninus Pius. He has the merit of giving some order to this multifarious collection.

It appears that the Talmud was compiled by certain Jewish doctors, who were solicited for this purpose by

their nation, that they might have something to oppose to their Christian adversaries.

The learned W. Wotton, in his curious “Discourses” on the traditions of the Scribes and Pharisees, supplies an analysis of this vast collection; he has translated entire two divisions of this code of traditional laws with the original text and the notes.

There are two Talmuds: the Jerusalem and the Babylonian. The last is the most esteemed, because it is the most bulky.

R. Juda, the prince of the rabbins, committed to writing all these traditions, and arranged them under six general heads, called orders or classes. The subjects are indeed curious for philosophical inquirers, and multifarious as the events of civil life. Every *order* is formed of *treatises*: every *treatise* is divided into *chapters*, every *chapter* into *mishnas*, which word means mixtures or miscellanies, in the form of *aphorisms*. In the first part is discussed what relates to *seeds, fruits, and trees*; in the second, *feasts*; in the third, *women, their duties, their disorders, marriages, divorces, contracts, and nuptials*; in the fourth are treated the damages or losses sustained by beasts or men; of *things found; deposits; usuries; rents; farms; partnerships in commerce; inheritance; sales and purchases; oaths; witnesses; arrests; idolatry*; and here are

named those by whom the oral law was received and preserved. In the fifth part are noticed *sacrifices and holy things*: and the sixth treats of *purifications; vessels; furniture; clothes; houses; leprosy; baths*; and numerous other articles. All this forms the MISHNA.

The GEMARA, that is, the complement, or perfection, contains the DISPUTES and the OPINIONS of the RABBINS on the oral traditions. Their last decisions. It must be confessed that absurdities are sometimes elucidated by other absurdities; but there are many admirable things in this vast repository. The Jews have such veneration for this compilation, that they compare the holy writing to *water*, and the Talmud to *wine*; the text of Moses to *pepper*, but the Talmud to *aromatics*. Of the twelve hours of which the day is composed, they tell us that God employs nine to study the Talmud, and only three to read the written law!

St. Jerome appears evidently to allude to this work, and notices its “Old Wives’ Tales,” and the filthiness of some of its matters. The truth is, that the rabbins resembled the Jesuits and Casuists; and Sanchez’s work on “*Matrimonio*” is well known to agitate matters with such *scrupulous niceties*, as to become the most offensive thing possible. But as among the schoolmen and the casuists there have been great men, the same happened

to these gemaraists. Maimonides was a pillar of light among their darkness. The antiquity of this work is of itself sufficient to make it very curious.

A specimen of the topics may be shown from the table and contents of "Mishnic Titles." In the order of seeds we find the following heads, which present no uninteresting picture of the pastoral and pious ceremonies of the ancient Jews.

The Mishna, entitled the *Corner*, i.e. of the field. The laws of gleaning are commanded according to Leviticus; xix. 9, 10. Of the corner to be left in a corn-field. When the corner is due, and when not. Of the forgotten sheaf. Of the ears of corn left in gathering. Of grapes left upon the vine. Of olives left upon the trees. When and where the poor may lawfully glean. What sheaf, or olives, or grapes may be looked upon to be forgotten, and what, not. Who are the proper witnesses concerning the poor's due, to exempt it from tithing, &c. They distinguished uncircumcised fruit:—it is unlawful to eat of the fruit of any tree till the fifth year of its growth: the first three years of its bearing, it is called uncircumcised; the fourth is offered to God; and the fifth may be eaten.

The Mishna, entitled *Heterogeneous Mixtures*, contains several curious horticultural particulars. Of divisions

between garden-beds and fields, that the produce of the several sorts of grains or seeds may appear distinct. Of the distance between every species. Distances between vines planted in corn-fields from one another and from the corn; between vines planted against hedges, walls, or espaliers, and anything sowed near them. Various cases relating to vineyards planted near any forbidden seeds.

In their seventh, or sabbatical year, in which the produce of all estates was given up to the poor, one of these regulations is on the different work which must not be omitted in the sixth year, lest (because the seventh being devoted to the poor) the produce should be unfairly diminished, and the public benefit arising from this law be frustrated. Of whatever is not perennial, and produced that year by the earth, no money may be made; but what is perennial may be sold.

On priest's tithes, we have a regulation concerning eating the fruits carried to the place where they are to be separated.

The order of *women* is very copious. A husband is obliged to forbid his wife to keep a particular man's company before two witnesses. Of the waters of jealousy by which a suspected woman is to be tried by drinking, we find many ample particulars. The ceremonies

of clothing the accused woman at her trial. Pregnant women, or who suckle, are not obliged to drink; for the rabbins seem to be well convinced of the effects of the imagination. Of their divorces many are the laws; and care is taken to particularise bills of divorces written by men in delirium or dangerously ill. One party of the rabbins will not allow of any divorce, unless something light was found in the woman's character, while another (the Pharisees) allow divorces even when a woman has only been so unfortunate as to sutler her husband's soup to be burnt!

In the order of *damages*, containing rules how to tax the damages done by man or beast, or other casualties, their distinctions are as nice as their cases are numerous. What beasts are innocent and what convict. By the one they mean creatures not naturally used to do mischief in any particular way; and by the other, those that naturally, or by a vicious habit, are mischievous that way. The tooth of a beast is convict when it is proved to eat its usual food, the property of another man; and full restitution must be made; but if a beast that is used to eat fruits and herbs gnaws clothes or damages tools, which are not its usual food, the owner of the beast shall pay but half the damage when committed on the property of the injured person; but if the injury is com-

mitted on the property of the person who does the damage, he is free, because the beast gnawed what was not its usual food. As thus: if the beast of A. gnaws or tears the clothes of B. in B.'s house or grounds, A. shall pay half the damages; but if B.'s clothes are injured in A's grounds by A's beast, A. is free, for what had B. to do to put his clothes in A.'s grounds? They make such subtile distinctions, as when an ox gores a man or beast, the law inquired into the habits of the beast; whether it was an ox that used to gore, or an ox that was not used to gore. However acute these niceties sometimes were, they were often ridiculous. No beast could be *convicted* of being vicious till evidence was given that he had done mischief three successive days; but if he leaves off those vicious tricks for three days more, he is innocent again. An ox may be convict of goring an ox and not a man, or of goring a man and not an ox: nay, of goring on the sabbath, and not on a working day. Their aim was to make the punishment depend on the proofs of the *design* of the beast that did the injury; but this attempt evidently led them to distinctions much too subtile and obscure. Thus some rabbins say that the morning prayer of the *Shemáh* must be read at the time they can distinguish *blue* from *white*; but another, more indulgent, insists it may be when we can distinguish

*blue* from *green!* which latter colours are so near akin as to require a stronger light. With the same remarkable acuteness in distinguishing things, is their law respecting not touching fire on the sabbath. Among those which are specified in this constitution, the rabbins allow the minister to look over young children by lamplight, but he shall not read himself. The minister is forbidden to read by lamplight, lest he should trim his lamp; but he may direct the children where they should read, because that is quickly done, and there would be no danger of his trimming his lamp in their presence, or suffering any of them to do it in his. All these regulations, which some may consider as minute and frivolous, show a great intimacy with the human heart, and a spirit of profound observation which had been capable of achieving great purposes.

The owner of an innocent beast only pays half the costs for the mischief incurred. Man is always convict, and for all mischief he does he must pay full costs. However there are casual damages,—as when a man pours water accidentally on another man; or makes a thorn-hedge which annoys his neighbour; or falling down, and another by stumbling on him incurs harm; how such compensations are to be made. He that has a vessel of another's in keeping, and removes it, but in

the removal breaks it, must swear to his own integrity; i.e. that he had no design to break it. All offensive or noisy trades were to be carried on at a certain distance from a town. Where there is an estate, the sons inherit and the daughters are maintained; but if there is not enough for all, the daughters are maintained, and the sons must get their living as they can, or even beg. The contrary to this excellent ordination has been observed in Europe.

These few titles may enable the reader to form a general notion of the several subjects on which the Mishna treats. The Gemara or Commentary is often overloaded with ineptitudes and ridiculous subtleties. For instance, in the article of "Negative Oaths." If a man swears he will eat no bread, and does eat all sorts of bread, in that case the perjury is but one; but if he swears that he will eat neither barley, nor wheaten, nor rye-bread, the perjury is multiplied as he multiplies his eating of the several sorts.—Again, the Pharisees and the Sadducees had strong differences about touching the holy writings with their hands. The doctors ordained that whoever touched the book of the law must not eat of the *truma* (first fruits of the wrought produce of the ground), till they had washed their hands. The reason they gave was this. In times of persecution they used to hide those

sacred books in secret places, and good men would lay them out of the way when they had done reading them. It was possible then that these rolls of the law might be gnawed by *mice*. The hands then that touched these books when they took them out of the places where they had laid them up were supposed to be unclean, so far as to disable them from eating the truma till they were washed. On that account they made this a general rule, that if any part of the *Bible* (except *Ecclesiastes*, because that excellent book their sagacity accounted less holy than the rest), or their phylacteries, or the strings of their phylacteries, were touched by one who had a right to eat the truma, he might not eat it till he had washed his hands. An evidence of that superstitious trifling for which the Pharisees and the later Rabbins have been so justly reprobated.

They were absurdly minute in the literal observance of their vows, and as shamefully subtile in their artful evasion of them. The Pharisees could be easy enough to themselves when convenient, and always as hard and unrelenting as possible to all others. They quibbled, and dissolved their vows with experienced casuistry. Jesus reproaches the Pharisees in Matthew xv. and Mark vii. for flagrantly violating the fifth commandment, by allowing the vow of a son, perhaps made in hasty anger,

its full force, when he had sworn that his father should never be the better for him, or anything he had, and by which an indigent father might be suffered to starve. There is an express case to this purpose in the Mishna, in the title of *Vows*. The reader may be amused by the story.—A man made a vow that his *father should not profit by him*. This man afterwards made a wedding feast for his own son, and wishes his father should be present; but he cannot invite him because he is tied up by his vow. He invented this expedient:—He makes a gift of the court in which the feast was to be kept, and of the beast itself, to a third person in trust, that his father should be invited by that third person with the other company whom he at first designed. This first person then says,—If these things you thus have given me are mine, I will dedicate them to God, and then none of you can be the better for them. The son replied,—I did not give them to you that you should consecrate them. Then the third man said,—Yours was no donation, only you were willing to eat and drink with your father. Thus, says R. Juda, they dissolved each other's intentions; and when the case came before the rabbins, they decreed, that a gift which may not be consecrated by the person to whom it is given is not a gift.

The following extract from the Talmud exhibits a

subtile mode of reasoning, which the Jews adopted when the learned of Rome sought to persuade them to conform to their idolatry. It forms an entire Mishna, entitled *Seder Nezikin*, Avoda Zara, iv. 7, on idolatrous worship, translated by Wotton.

“Some Roman senators examined the Jews in this manner:—If God hath no delight in the worship of idols, why did he not destroy them? The Jews made answer,—If men had worshipped only things of which the world had had no need, he would have destroyed the object of their worship; but they also worship the sun and moon, stars and planets; and then he must have destroyed his world for the sake of these deluded men. But still, said the Romans, why does not God destroy the things which the world does not want, and leave those things which the world cannot be without? Because, replied the Jews, this would strengthen the hands of such as worship these necessary things, who would then say,—Ye allow now that these are gods, since they are not destroyed.”