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THE HISTORY AND THE FUTURE
OF THE TALMUDIC TEXT

A LECTURE

DELIVERED BEFORE THE
GRATZ COLLEGE OF PHILADELPHIA

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BY

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THE HISTORY AND THE FUTURE OF THE
TEXT OF THE TALMUD,

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The Talmud has often been called a Cyclopedia. If by this we understand a collection of information on all subjects of human thought and practice, the Talmud may deserve the name, inasmuch as virtually there is not a branch of human industry of ancient days that does not find mention in it, not a problem of human speculation that is not attacked in it, not a science or pseudo-science that is not discussed in it.

But it is a cyclopedia in which that is wanting which forms the main feature of a cyclopedia, namely, order and systematic arrangement.

I do not mean to say that there is no logical order in the discussions and even the digressions, or that there is no systematic arrangement of subjects in the volumes of the Talmud. What is wanting is the arrangement of the matter; what makes familiarity with the Talmud difficult to obtain is the absence of a guide in the labyrinth to tell us where we may find what we are seeking.

The history of the formation of the Talmud and of its final redaction in the present shape accounts for its peculiar character.

The Talmud is a collection of traditional laws and discussions in schools and academies, decisions in courts and colleges, interpretations, legal and homiletical, in synagogues and schoolhouses,—all of them preserved and developed in the national mind, until finally reduced to writing.

Chronologically speaking, it is divided into Mishnah and Gemara. The former contains a collection of laws and discussions of the period of the early teachers, named Tannaïm, comprising at least four centuries. There are elements in the Mishnah pointing back to the second century before our present era, while its latest elements lead us to the beginning of the third century of the present era.

The Gemara is a collection of laws and discussions of the period named after the Amoraim (lectors), which comprises about three centuries.

In spite of its later development, however, the Gemara, in the shape of citations as a basis for discussion, has preserved elements of tradition as old as, and even older than, the oldest constituent parts of the Mishnah. Its close and reduction to writing took place in about 500 of the present era.

But chronological dates are like the dates of the palm-tree, dry and tasteless; the real, spiritual fruits on the tree of knowledge are not affected by time or season; they often ripen in the most uncongenial climates, and shrivel and fade under the most genial sun.

To know the nature of the Talmud, we must know the character of the mental processes crystallized in the proceedings, the synopsis of which is deposited in the Talmud.

What do these minutes of the sessions of scholars in the course of eight centuries contain?

The only exhaustive answer would be another question: "What do they not contain?"

To form a table of contents of the Talmud is impossible. All we can say is that, logically divided, it contains two elements, the legal element (*Halakhah*), includ-

ing religious, civil, and criminal legislation, discussions, and decisions, and a medley of observations, incidental to these legal discussions, on all possible topics. For convenience sake we call this second element of the Talmud, *Agadah* (Talk). There you meet serious and often ingenious Bible exegesis, alongside of sportive plays on words and shrewd scholastic sophistry; grave History and her charming little sisters, Anecdote and Legend; Medicine and her parents, Magic and Superstition; Astronomy and her older companion, Astrology; Metaphysics and her next-door neighbor, Mysticism, and—I regret that I have nothing but an *et cetera* for the rest of the thoughts and things contained in that store-house called the *Agadah*.

All these productions of the Jewish mind of eight centuries were stored in the national memory for ages and ages. The traditions were taught orally in schools and academies, the notes taken down now and then by individual scholars having no value beyond that of mnemonic guides to the student writing them. At last the time was considered ripe to reduce these verbal communications to writing, and to edit them in the form in which they appear in the *Mishnah* and *Gemarah* respectively. Thus was created a store-house wherein the ages could lay down their productions, or at least specimens thereof, protected from the storms of political changes and the ravages of time.

When speaking generally of the *Gemara*, we mean the collection of post-Mishnic discussions which had their origin in, or were brought to, the Babylonian academies, especially those of *Sura* and *Pumbeditha*.

There is, however, a similar, somewhat older collection, which contains the result of the debates held in

the Palestinian schools, and which bears the name of Talmud Yerushalmi, or Jerusalem Talmud. Fragmentary in condition, and lapidary in style, it has the character of stenographic notes rather than of an edited book. Its history cannot be told, for it is the history of neglect. These preliminary remarks were necessary in order to make us understand the *history of the Talmudic Text*, or, we should rather say, *Texts*.

The Talmudic texts have a pre-original history; they had life and development before they were born. The Mishnah, we have seen, existed and grew for centuries in a liquid state (if I may use the expression) before it was crystallized into its present shape, and the Gemara likewise lived and developed in the mouth of tradition from generation to generation, and its text has therefore a pre-original history.

Tradition with the Jewish people, as with the Arabs, has not that vague meaning which we generally attach to it. Tradition is a verbatim report, a faithful documentary record of proceedings, debates, and final decisions and enactments, together with all the incidents and digressions liable to come up in courts, which are at the same time schools, and in schools, the headmasters of which are vested with the authority of practical judges. A tradition is called *sh'mu'ah*, or *sh'm'ata* (that which has been heard), and its reporter gives his immediate authority and all preceding authorities. Only when the chain of tradition becomes too long, the reporter is permitted to leave out the links between his own immediate teacher, and the earliest authority traceable.

It is not sufficient to deliver the sense of a practical or theoretical decision (or *halakhah*); you must give the very words as you heard them from your teacher.

Here is an example: In a discussion in the Mishnah concerning the quantity of drawn water sufficient to disqualify a tank from use for ritual immersion, it is reported, "Hillel says, 'a *Hin* of drawn water disqualifies a bath,' while Shammai says, 'nine *Kab* are required for disqualification.'" (Eduyoth I, 3.)

You observe, the one makes the *Hin* (which is three *Kab*) a standard measure, the other uses *Kab* for the purpose. The editor of the Mishnah, feeling the incongruity in his text, apologizes by adding, "One must report in the very language of one's teacher."

Hillel had a preference for the old Biblical measure *Hin*, and thus the tradition had to go down the ages with Hillel as author and *Hin* as measure, although the term was no longer used in practical life.

This instance referring to the Mishnah, let me quote another example, which will serve to illustrate the origin of the Gemara. In obedience to the rule of tradition, I shall translate verbatim:

"Said Rab Judah, son of Rab Samuel, son of Shilath, in the name of Rab: 'The guests around the table are not permitted to eat anything until he who breaks the bread has tasted.' When Rab Safra sat down [to teach], he said, '*to taste* has been said,'" which means that the text reads, the guests must not *taste* anything until he who breaks the bread has tasted.

The question now is asked, what difference is there between the two forms of expression? And the answer is, "One is bound to report in the language of one's teacher."

Even differences in spelling are faithfully recorded and commented upon. Rab and Samuel, we are told, differed as to whether *ed* (an idolatrous festival) was to be spelled

with an *Alef* or with an *'Ayin*, and the reasons for the two forms are freely discussed, although not very satisfactorily to our linguistic conceptions. (Erubin 2^a.)

However, in spite of all these safeguards, variations and corruptions have arisen and have been verbally transmitted from generation to generation.

Two causes account for these shortcomings of the national mind: the migration of the material from land to land, and the fallibility of human memory, especially when dependent on oral transmission.

As you are aware, there were two centres of Jewish learning in those days. Palestine and Babylonia contended with each other for the crown of scholarship, and students, solicitous to have the benefits of both schools, traveled from Sura and Pumbeditha to Tiberias, enriching Palestine with Babylonian opinions, and on returning to Babylonia brought valuable material for the workshop of the Babylonian mind.

But the medium of communication between these two countries offered some difficulties. The Hebrew and the Chaldaic spoken in Babylonia differed dialectically from the Palestinian tongues; not enough, it is true, to prevent mutual understanding, but just enough to produce occasional misunderstandings. But the two countries had for centuries been ruled by different nations, which naturally left their impress upon the language of the Jews.

Institutions and customs of the Greeks and Romans furnished Greek and Latin words to the Palestinian vocabulary, and in like manner the Babylonian Jews, although very sparsely, introduced into their language Persian words and phrases.

On this point I may be permitted a slight digression from the subject before us.

A general impression (I may well call it a prejudice) prevails, that the idiom of the Talmuds, especially that of the Babylonian Talmud, is a motley mixture of words borrowed from all sorts of languages and dialects, neighboring or distant, living in those days or extinct—nay, even unborn. Up to the present day linguistic students have helped to confirm the prejudice. They ransacked the abstrusest dialects and remotest literatures, and drew phonetical analogies between languages that had never come in contact with each other.

The philological method of the eighteenth century, which Swift so ingeniously parodied when he derived the name of Alexander the Great from the order "All eggs under the grate," which his English-speaking attendants were wont to issue when the great monarch, who was fond of roasted eggs, approached his palace,—this phonetic philology, long ago discarded in all other fields of linguistic research, still survives to a large extent in Talmudic studies.

Only recently has the idea dawned, or, rather, begun to dawn, upon philologists that the language of the Talmud was developed under the same organic laws as any other tongue, and that the extension of ideas and the growth of mental and material influences caused a natural and internal development and transformation of the linguistic elements available.

Assyrian discoveries, too, have come and are still daily coming to the rescue of the dignity of the Talmudic language, and many a word hitherto believed to be a phonetic corruption and mental distortion of a Greek, or Persian, or Pehlevi, or Huzvar expression, is now recognized to be of good Semitic origin, and the Talmud, on

its part, repays these services of the Assyrian monuments richly by helping Assyriologists to decipher many an obscure expression and doubtful reading.

But worthless are both a language and a civilization that do not borrow ideas and their verbal representatives from their surroundings. Our English language would never have been so rich and flexible as it is, had it not increased its working capital by borrowing from all accessible banks and treasuries.

In the same way the widening of views through contact with other nations produced a literary language for the Jews of Palestine and of Babylonia, enriched through legitimate and conscious importations of foreign elements.

These influences, however, differed in the two centres of Jewish settlement and Jewish learning. Words well understood in one land were carried to the other, and, the means of communication being mainly the tongue, and but rarely the pen, the importations naturally were often misshapen and not infrequently misunderstood.

A few illustrations may not be out of place here.

The discussion is recorded in the Babylonian Talmud as to how bright a light must be in order that the benediction customary at the exit of the Sabbath might be said over it. "Ulla said, bright enough for one to distinguish between an *Isar* (the Roman *As*) and a *Pundion* (the Roman *Dipondium*). Hiskiah said, bright enough for one to distinguish between the *M'luzma* of Tiberias and the *M'luzma* of Sepphoris."

You see at a glance, that this is a Palestinian tradition brought verbatim to Babylonia. The scenery is Palestinian, the coins are those current in Palestine under the Roman government, Tiberias and Sepphoris are Pales-

tinian towns, and the authors quoted, it is needless to say, are Palestinians, native or immigrant. What, now, is the word *M'luzma*? From the context as well as from tradition—for a living tradition accompanies the written Gemara, almost in the same manner as the verbal Gemara accompanied the Mishnah—we know, that *M'luzma* means the *stamp* or *legend* of a coin. There can be no doubt that it is a foreign word, either Greek or Latin. What was its sound originally? It was the Greek *nomisma*, which was adopted into Latin as *numisma*, and which survives in our *numismatics*.

By what phonetic process could *numisma* in its transmission from Palestine to Babylonia have been corrupted into *m'luzma*?—for students need not be reminded that there is a phonetic law for corruptions as well as for legitimate growth.

Now, the Latin *nummus* appears in the Talmud as *lumma*; the plural *nummi* as *lummin*; the Apostle *Lucas* (Luke) is mentioned as *Nakai*. In accordance with this dialectic law of "Lautverschiebung," *numisma* would be changed into *lumisma*, and for the Babylonian tongue it was more convenient to say *meluzma* than *lumisma*, just as it is easier to the English tongue to say *summersalt* or *summerset* than *soprasalto*, as the Italian has it.

Another and more interesting corruption, owing to migration from Palestine to Babylonia, is the following:

There was an institution in the Roman empire called *angaria*, a word borrowed from the Persian, and denoting the service which a Roman officer in the provinces was entitled to exact from the inhabitants of the places through which they marched, as the seizure of men and beasts for paving the roads, for transport of war material, and the like.

This institution is well known in the Talmud, and it gives rise to nice questions of law, as, for instance, if one hires an ass and it is seized for *angaria*, whether or not the owner is bound to furnish another beast in place of the confiscated one. A distinction is drawn between an *angaria* which comes back to the place whence it started, and an *angaria* which does not come back, in which case the owner has to help himself to his property as well as he can. (Baba Metsia 78^b.)

The discussion of this point is reported in the name of Rab and Samuel, both of whom were Babylonians who had been pursuing their studies in Palestine, and who, on their return, became the founders of Talmud schools in their respective homes.

Now, this mental migration was accomplished without any injury to word or sense.

But there was a similar institution known in the Roman empire, which bore the name of *parangaria*. It was the extra service which Roman officials had a right to demand, but for which they had to pay remuneration or indemnities.

Again it is Rab who brings the traditional law connected with this institution to Babylonia. The law is, that he who sells his slave for the *parangaria*, has forfeited his ownership, and the slave, when dismissed from the public service for which he has been bought, goes free.

The question is raised, what could the slave-owner do to retain his slave? The answer follows, that he might have conciliated the officer by paying the requisite amount, or by furnishing a substitute, and not having done so, he surrendered his rights. (Gittin 44^a).

Again the distinction is drawn between the *parangaria* which returns and that which does not.

But through some mistake the word *parangaria* appears as *parhang goy*, which is "a gentile *parhang*," and the commentators, interpreting according to the sense, explain *parhang* to mean a man of power, an oppressor, ignoring the grammatical difficulty that our word is used in the feminine gender. To add to the confusion, later editions have changed the somewhat odious *goy* into the more refined *nokhri*, and thus, in place of the plain *parangaria*, arose the monster *parhang nokhri*, a female, and a puzzle to the linguistic student.

Yet, even this corruption, though distorting the sense to some extent, is harmless, compared with the injury done by misreporting a traditional *halakhah*, and causing a discussion based on a mistake.

Let me give you one glaring example.

The Roman law had a mode of manumission of a slave known by the name of *vindicta* or *vindicatio*. "The master brought his slave before the magistrate; the Lictor laid a rod on the head of the slave, accompanied with certain formal words, in which he declares that he is henceforth a free man *ex jure Quiritium*. The master, in the meantime, held the slave, and after he had pronounced the words, 'Hunc hominem liberum volo,' he turned him round and let him go."*

"When a slave obtained his freedom, he had his head shaven, and wore instead of his hair an undyed *pileus* (cap). The figure of Liberty on some of the coins of Antoninus Pius holds this cap in the right hand." †

These two symbols of manumission were, of course, well known in Palestine, and were made the subject of Talmudic law, not without a practical purpose. The Jews

* See Smith Antiquities, s. v. Manumissio.

† Ib., s. v. Pileus.

under the Roman government, although holding fast to their own laws, and clinging to their own jurisdiction, had to deal with these Roman forms, and the question how far these forms had to be recognized, was forced upon them by the political conditions under which they lived and struggled hard to maintain as much of their independence as they possibly could. We find, therefore, in the Palestinian Talmud, that a slave freed by the form of manumission called *vindicta*, or by proving that he had been permitted to wear the cap of liberty without protest, needed, nevertheless, a letter of manumission (*Get*) issued under Jewish jurisdiction. (*Yerush Gittin IV., 45^b*).

On the other hand, an old treatise on slaves, not embodied in the Talmud collection, says: "A slave becomes free by *antukta* (which is *vindicta*), and also by a record found in the owner's *pinax* (account-book) or in tablets, but cannot claim his liberty on the ground of wearing a cap." (*Treatise 'Abadim in Septem Libri Talm., ed Kirchheim, p. 30*).

Now, this tradition came to Babylonia, where those symbols of liberty were unknown, and it assumed the following curious form. I shall again translate verbatim:

"A slave that went out by dint of a writing on a tablet or account-book, goes free, but he does not go free by dint of a writing on a cap or *andukhtra*." (*Gittin 20^a*).

The tradition just quoted is brought up in connection with a discussion on the form of writing necessary to give validity to a document of manumission or divorce. Whether or not engraven or raised letters were a legal form of writing, is the question under dispute, and the tradition just cited is adduced in evidence of respective legality and illegality.

Writing on wax-covered tablets or books is engraving, while writing on a cap can only be thought of as embroidery, and, by a natural analogy, the same applies to the *andukhtra*.

Thus, the curious *andukhtra* or *undakhtre*, in which we could not have recognized the *vindicta*, were it not for the parallels in Palestinian literature, where the word is not yet corrupted beyond recognition, becomes in Babylonia a garment on which a letter of manumission is embroidered.

The difficulty of coping with these importations could not but be deeply felt. Very frequently an interpretation of foreign words is asked for and in a more or less correct way given in the very discussions in which they incidentally appear, and many a student found it profitable to compose a glossary for his own use.

Such a glossary was called *Agadta*, the Chaldaic equivalent of *Agadah*, the general expression for a collection of *miscellanies*.

A scholar in the course of a debate in Babylonia mentions some Greek words as he has heard them in Palestine, or from a Palestinian scholar, as, for instance, *kynegé* (hunter), *ballistré* (archer), and the presiding teacher says to his amanuensis, "Go and write *kynegé* and *ballistré* in thy collection."

Nor did the Babylonians take kindly to the foreign teachers who burdened them with expressions which they considered uncouth. We are told that when R. Ammi and R. Assi were installed as rabbis, the students, mocking at the frequent display of Greek and Latin by their teachers, sang, "Such men, such men, appoint for us, but do not give us men that talk *sermis*, *sermit*, *hemis*, *tremis*." (Kethuboth 17^a; Sanhedrin 14^a).

But considering that all these importations of matter

and of words were carried by the least reliable vehicles of communication, ears and lips, we are warranted in saying that, on the whole, the condition of the text of the Babylonian Talmud is a true reflection of the state of culture and intercourse prevailing in the days preceding its redaction, and of the intellectual intercourse between the two countries.

Another source of corruption is the uncertainty of human memory. Names especially are subject to errors in the process of transmission.

We find, therefore, very frequently, that a tradition is reported in the name of A, B, and C, and an editorial remark is added: "Some say, in the name of D, E, and F."

No less frequent are such editorial glosses concerning opinions and subjects, as, for instance: "Some say, that the course of the discussion and its result are not as just reported, but ran thus."

These editorial glosses, so frequent in the Babylonian Talmud, serving on the one hand as adequate evidence of the uncertainties that arose during the period of its oral transmission, are, on the other hand, a guarantee of the great care given to accuracy of tradition, both in names and in substance.

It is strange, indeed, that writing should have proved more prejudicial to accuracy than oral delivery, yet such is the fact.

The main variations and corruptions of the Talmudic texts arose during the period following the reduction to writing, when each school procured a number of copies made by professional copyists. As soon as copying became a profession, the texts passed from the control of their traditional guardians, and became dependent on the greater or less faithfulness and care of the writers

—nay, even on the greater or less distinctness of the copyists' handwriting.

Who were the copyists? That they were not abundantly blessed with worldly goods, we should surmise, even were we not told in the Talmud, that the Men of the Great Assembly spent twenty-four days in fasting and in praying that the copyists of *S'farim*, *T'fillin*, and *M'zuzoth* might never grow rich, for, if they did, they would soon abandon their occupation.

Troubled minds are not apt to be very accurate. The Bible was under the control of the Massorah which had counted the words and the letters of the entire Scriptures, and given immutable fixity to spelling, to marks, and interspaces; but there was no such standard in existence for Talmudic books, and their texts were subject to the influences which affected the copyists and the Jewish people at large.

Persecutions and migrations from place to place could not but have a disturbing effect on the ease of mind required for painstaking accuracy in literary pursuits.

Consider the quiet and retirement from the noises of the world which the monks enjoyed in their cloisters and could well utilize for the preservation of the literatures of the world, ancient and modern, and contrast with it the troubles and toils, the fears and dangers, to which the dwellers of the Beth Hammidrash were subject as members of a homeless people.

Nay, not only the people of the Talmud, but even the Talmud itself was persecuted. As early as the sixth century the Mishnah was interdicted by the Emperor Justinian, as "a most execrable book," and the only reason why the Gemara was not subjected to the same treatment was that it did not yet exist in writing in his days.

“From Justinian,” says my lamented friend, Emanuel Deutsch, “down to Clement VIII and later, both the secular and the spiritual powers, kings and emperors, popes and anti-popes, vied with each other in hurling anathemas and bulls and edicts of wholesale confiscation and conflagration against this luckless book. Thus, within a period of less than fifty years—and these forming the latter half of the sixteenth century—it was publicly burnt no less than six different times, and that not in single copies, but wholesale, by the wagon-load. Julius III issued his proclamation against what he grotesquely calls the ‘Gemaroth-Talmud’ in 1553 and 1555, Paul IV in 1559, Pius V in 1566, Clement VIII in 1592 and 1599.”

Twelve thousand copies were burned in the latter year in Italy alone.

“Pope Gregory IX, in 1239, decreed the cremation of the Talmud, and hundreds and thousands of copies were burnt in France and Italy. In 1264, Pope Clement IV set the penalty of death on whatsoever person should harbor a copy of the Talmud in his house.” I quote this from the introduction to *Dikduke So'frim* by Rabbinowicz (of whom we shall have to speak yet to-night), as it refers to the period of copying books by hand.

Writing and selling the Talmud under such conditions must necessarily have had an injurious effect on the manner of its reproduction, not to speak of the abbreviations necessitated by poverty for the sake of saving space and costly material, and the confusion resulting therefrom. Final syllables, for instance, were marked by a little stroke on top, and the reader or the next following copyist had the choice between the singular and the

plural number, between the masculine and the feminine gender. An innumerable host of technical terms were indicated by initials, many of which allowed of two or three different interpretations.

Especially confusing are the abbreviations of proper names, initials like *Resh Yod* (י"ר), permitting the readings, Rabbi Yishak, Rabbi Judah, Rabbi Yishmael, Rabbi Jonathan, and so forth.

Hence it is not surprising that discrepancies, sometimes very material ones, exist between the few manuscript copies of the Talmud still extant in Munich and Rome, Oxford and Florence, Cambridge, Hamburg, and other seats of learning. It is surprising that there are no more of these variations, and that, on the arrival of the Talmudic text at its third stage, the printing period, it was possible to produce tolerably uniform and measurably correct editions.

The printing of the Talmud began as early as 1494 in Soncino. The luckless book was still under the ban of the papal and imperial interdicts, and even when, thanks to the untiring efforts of influential Jews and Christians, fortified by offers of bribes more or less open and direct, permission to print was granted (by Pope Leo X, in 1520), it was so guarded and restricted as to make a complete and accurate edition an impossibility. Passages believed to be hostile to Christianity were to be omitted, or, what is worse, modified, and the entire treatise *'Abodah Zarah*, containing laws concerning idolatry and dealing with idolaters, was to be suppressed from the Basle-Venice edition, the bad conscience of the censor making him suspect that idolatry in the Talmud was merely a disguise for Christianity.

Up to this day, wherever the sword of the censor has

not yet been sheathed, as, for instance, in Russia, that treatise, which, by the way, is a veritable treasure-house of antiquities, must be printed without the running title "Abodah Zarah" on its pages.

That the permission granted by Leo X did not secure immunity from persecution, we learn from the fact mentioned before, that *autos-da-fé* were renewed at intervals from 1533 to 1599. In fact, when, in 1564, at the Council of Trent, the Italian Jews petitioned for permission to republish the Talmud, the license granted was, in spite of a vast amount of Jewish money in the pockets of the Bishops, still more restrictive. Even the title Talmud was to be omitted. We do not find, however, that the Italian printing houses availed themselves of this dubious mercy.

I shall pass over the deficiencies of the early editions, caused by the lack of experience in proof-reading, in order to say a word about the disfigurements of the printed texts through the ignorant fanaticism of the censors, and no less through the self-restriction which timid publishers practiced in order to protect their editions from governmental or Church interference.

A few instances will suffice to give you an idea of the confusion created through these censorial changes. In the countries under the control of the Catholic Church "Rome" was under the ban, and with it all the disguises it had assumed in early days, such as "Edom," "Aram," and the like. For "Rome" it was necessary to substitute "Persia," or "Greece," or "Egypt," or some other appellative.

Again, in countries where the Greco-Catholic or Orthodox Church was dominant, "Yavan" (Greeks) had to be avoided, and some other nationality had to take its place.

For example: In Megillah 11a, the Scriptural prophecy, "And yet for all that, when they be in the land of their enemies, I will not reject them, nor will I abhor them, to destroy them utterly, to break my covenant with them, for I am the Lord their God,"—is made the subject of interpretation.

"I did not reject them" (says the Talmud) in the days of the Greeks (meaning the Maccabean days), "and I did not abhor them" in the days of Vespasian the Cæsar (meaning in the days of the destruction of the Temple, when the very existence of the Jewish people was threatened with dissolution); "to destroy them utterly" alludes to the persecution by Haman; "to break my covenant with them" refers to the days of the Romans—meaning those days of friendly intercourse between Rabbi Judah han-Nasi and his successors, and the Roman emperors Antoninus Pius and his successor, the philosopher, Marcus Aurelius.

In any edition of the Talmud issued after and copied from the Basle edition (1578–81) "Nebuchadnezzar" is found to be substituted for "Vespasian the Cæsar," and "the days of the Persians" for "the days of the Romans." Thus, it will be seen how the entire historical perspective is destroyed by these changes.

Another favorable opportunity for maltreatment by the censor was furnished by the word *nokhri* or *Goy* (stranger or gentile). It had to be changed wherever it pained the eye of the inquisitor, sometimes into *Accum*, an abbreviation for "worshiper of stars and planets", at other times into *Kuthi*, the name of the Samaritan sect which, in the early Talmudic days, played an important part in Jewish ritual legislation; at times, again, *Kuthi* appeared to the censor too thin a disguise

for *Christian*, and *Kushi* (Ethiopian or Negro) was inserted in its place, so that suddenly to the surprise of the Talmudic student the poor Negro appeared in a business transaction or in a ritual question.

Imagine the confusion which this promiscuous use of words creates, both in legal discussions and decisions and in historical and archaic allusions!

Only he who has lived under censorial supervision can form an idea of the depth of stupidity, in conjunction with bureaucratic petty tyranny, a censor is capable of displaying

“He who has no wife, lives without joy, without blessing, without good; without joy, for it is said, ‘And thou shalt rejoice, thou and thy house’; without blessing, for we read, ‘To cause a blessing to rest on thy house’; without good, for the Scripture says, ‘It is not good for man to be alone.’” (Yebamoth 62^b).

Who, but an incorrigible old bachelor, could have any objection to this gallant tribute to womanhood? Yet, the censors are shrewd men; they look into the hearts of those perfidious Talmudic teachers, and discover in this apparently harmless sentiment a malicious reflection on the celibacy of the Catholic clergy, sublimely oblivious of the anachronism.

And the censors, being wise men, knew how to turn aside an arrow hurled against their holy religion, and now we read, “A Yehudi that has no wife, lives without joy,” etc. The Church is saved, and the cursed Jews are permitted to worship wicked woman as they please, preparatory to the eternal damnation awaiting them, when they leave this home of the flesh.

A modern example although not bearing on Talmudic texts, may serve to illustrate censorial ingenuity:

“Man is the slave of his passions.” Is there anything objectionable in this phrase to the most thin-skinned absolutist? Yet, a Russian censor discovered that the word *slave*, which, in the Slavic tongues, is rendered by *unfree*, awakens rebellious thoughts, which it were better to put to sleep again, ere they do any mischief. And this sentence, which appeared in a little school-book of exercises for translation from Polish into Hebrew and *vice versa*, was changed into, “Man is the Moor of his passions.” Perhaps the poetic censor thought of Shakespeare and his “Othello.”

Imagine, if you can, the condition, under such circumstances, of literature in general, and of Jewish literature in particular, always apt to arouse the censor’s jealous suspicion; and again the most cruelly abused of all was, and in some places still is, the Talmud.

Even the latest editions, and even those published in free countries, show the traces of this maltreatment, and the task of purging the Talmud from these woful corruptions will have to call for the ingenuity and critical acumen of many a scholar, before they can be entirely eliminated.

With the exception, however, of these political changes, our printed editions, on the whole, show careful textual care, and compare favorably with the manuscripts extant.

In three successive centuries the text of the Babylonian Talmud has been revised by three critics of deep penetration and ingenious intuition.

Solomon Luria, known by the abbreviation, Maharshal, Joel Sirks, named after his work, *Bah* (an abbreviation of Beth Hadash), and Isaiah Berlin or Pick,—these three men, living in the sixteenth, seventeenth, and eighteenth

centuries, respectively, have applied their vast erudition to the thankless task of reconstructing a correct text, as far as it could be done by comparing parallel passages and incidental quotations in the vast post-Talmudic literature, and by consulting the context.

Their services must be regarded as inestimable.

On a smaller scale, and in a more incidental way, in our own days, men like Rapoport, Reggio, Luzzatto, Krochmal, Schor, Geiger, Graetz, Carmoly, Perles, and a host of less well known scholars, have furnished contributions, more or less valuable, towards a restoration of the Talmud text, which the future editor of Mishnah and Gemara will have to consult and reckon with.

But all these contributions, from Maharshal down to Perles, are, as it were, personal equations, which may or may not be accepted, but at all events must be carefully sifted by the future editor. The main material for textual criticism lies in the manuscripts preserved, in their comparison with the earliest works on Talmudic subjects, and in the philological achievements of the most recent times in the province of Semitic studies.

To collect the material from manuscripts and early writers was the life-work, unfinished alas, of the late Raphael Rabbinowicz.

Subventioned and assisted by a Mæcenas, himself a scholar and, strange to say a man of wealth,—the late Abraham Merzbacher, of Munich,—Rabbinowicz succeeded in collecting and noting variants from all manuscripts accessible, as well as from the earliest and rarest editions, and from incidental early citations in the 'Arukh, the Talmudic dictionary of the eleventh century, and in many other books, published and unpublished.

To complete this collection should be the first of the preliminary tasks of the future editor.

But where will you find a man, like Rabbinowicz, combining vast erudition with utter self-abnegation, willing to do bricklayer's work for the future builder, contented, above all, with a sparse subsistence during his years of study, and ready to devote the intervals between the publication of one volume and the preparation of the next to travelling about and selling his work, in order to collect the means with which to pay his printer and his grocer?

Or where will you find a banker, like Merzbacher, with a library of rarest books, and liberality no less rare?

Of scholars qualified for the work there is no lack in Europe, but the time has passed when Jewish scholarship goes a-begging; it can afford to be begged, now that it finds a home in universities and colleges.

I lift up mine eyes to the mountains of Jewish wealth—whence will the banker come?

But, granted that there be the man and the means, we should have the material merely for a textually correct or nearly correct edition, one which might be called a Variorum edition of the Talmud.

A specimen of such an edition was furnished in the year 1886, when, at the suggestion of Professors Theodor Nöldeke and D. H. Müller, under the auspices of the International Oriental Congress, assembled in Vienna, the *lector* at the Vienna Beth Hammidrash, Mr. Mayer Friedman, tentatively edited one treatise of the Talmud, the treatise *Maccoth*, with critical notes and an occasional brief commentary in Hebrew.

Though I cannot approve of the style of the critical notes, and much less of the form of the commentary and

critical remarks, which, to an uninitiated student, are as difficult to unriddle as the main text, yet Mr. Friedman has proved that he would be able to give us what is desired, if sufficiently endowed with means and leisure, and supported by the advice of competent colaborers in the field.

More difficult will it be to satisfy the demands of what, in our days, we call the Higher Criticism.

To borrow a metaphor from geology, there are, especially in the Gemara, layers representing different ages and epochs in the growth of this unique literature; but they have been inextricably fused by the skilful editorial hands that gave the Babylonian Gemara its present shape.

A critical eye can easily distinguish, but no hand can separate them without destroying the characteristic texture of the Talmud.

Permit me to give you a specimen of these geological strata.

Here is a Mishnah, at the beginning of *Pesahim*, saying, "On the evening of the fourteenth [of Nisan] leavened matter is to be searched for by candle light."

For "the evening," the Mishnah uses the word *Or* (אור), which commonly denotes *light*. The original meaning of the root *Or* (אור) is "to break through," and as we speak of the break of day and the breaking in of the night, so the Hebrew uses the word *Or* in that double sense, and the Mishnah, literally translated, reads: "At the breaking in of the fourteenth day leavened matter is searched for," etc.

Based on this double meaning of the word *Or*, a discussion is started in the Gemara: "What is *Or*? Rab Huna said, *Naghé*; Rab Judah said, *Lelé*. *Naghé* is the

Chaldaic equivalent of the Hebrew *Or*, having exactly the same double meaning of day-break and "night-break," but, like *Or*, more commonly used for *light*. Thus, Rab Huna translates *Or* with *Naghé*, and Rab Judah with *Lelé*, which means *night*." This is the first layer.

Now, in order to initiate the reader into the discussion following this philological controversy over the meaning of *Or*, an editorial remark is inserted, which says: "The first impression was that he who said *Naghé* meant really *Naghé* (that is, *light* or *morning*), as he who said *Lelé* meant really *Lelé* (*night*)." This is the second layer.

After this editorial note, the flood-gates of discussion are opened.

Verse after verse from the Bible is adduced to prove that *Or* stands for daylight or for evening, respectively, and every argument for or against is refuted more or less ingeniously. Even this discussion is interspersed with incidental citations of older sayings connected with the interpretation of the quoted Bible verses.

The arguments from Biblical usage leaving the question as to the meaning of *Or* undecided, post-Biblical usage is adduced in favor of the one or the other of the two opinions, and a number of citations are made from Mishnahs, both such as have found a place in the collection of Rab Judah han-Nasi, and such as were not deemed worthy of his sanction, yet continued to live and to be studied from written copies or verbal tradition. These are all older elements, some of which can be traced to extant literature, while others would have been entirely lost but for the accident of this discussion. They form a third layer.

The argument *pro* and *con* ends with the indisputable evidence that the *Or* in the Mishnah, from which sprang

all this trouble, is meant for *night*, and the editorial remark, which introduced the discussion, is here continued, explaining that there was no difference of opinion between R. Huna and R. Judah, both meaning *evening*, only that in Rab Huna's home, the beginning of the night is called *Naghé*, whereas in R. Judah's home the more common word *Lelé* is used.

It may be remembered that it was the unwritten law of tradition that the report of the discussion must be verbatim, and for how many most interesting linguistic data we are indebted to this literal faithfulness!

Suppose a modern editor of the Talmud would, as has actually been proposed, discard the entire discussion on the meaning of *Or*, based on an erroneous presumption, contenting himself with the editorial observations which introduce and end the controversy, would not the scholarly world raise a well-justified protest against such a mutilation?

The recent attempt in this country at producing "the original Talmud," as the editor modestly called it, serves to illustrate the impossibility of severing the various layers without destroying the continuity of sense and logical development.

An abridged or "original" Talmud is neither possible nor desirable, the latest insertions and seemingly trivial digressions being as interesting as the earliest elements.

What we need for the future text of the Talmud is a differentiation of the various layers by differences of type.

I would suggest that a different type be used for the Mishnah, to distinguish it from the Gemara more clearly than in the present arrangement, and to make the different layers of the Gemara itself distinguishable

from one another, I would suggest that the main discussion be typographically differentiated from the digressions.

Again, some typographical device should be invented for making the citations of older traditional elements visible to the eye.

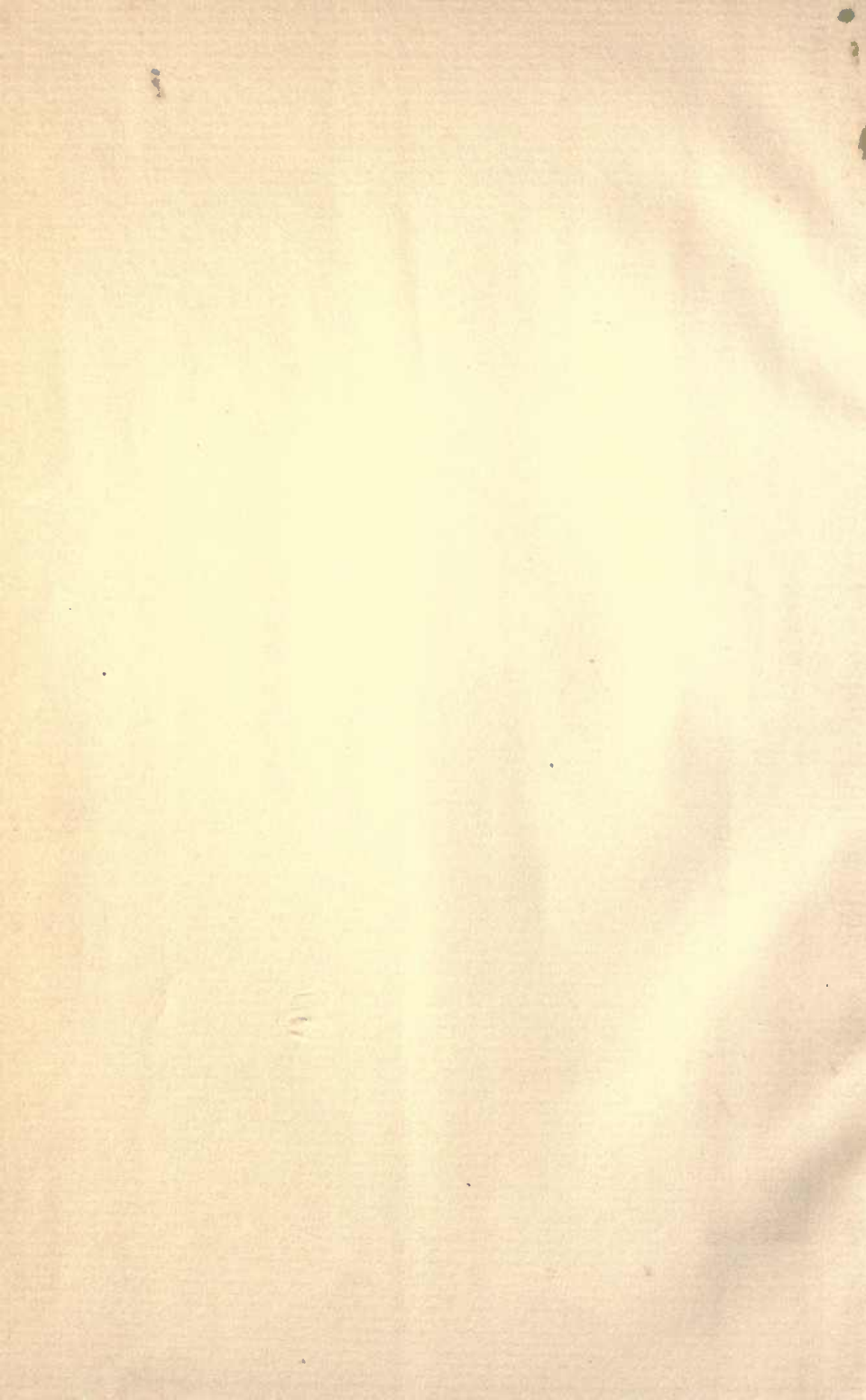
I would not favor a polychrome Talmud, after the manner of Prof. Haupt's edition of the Bible, its mere cost, if nothing else, being a sufficient reason for rejecting that idea. This, however, is a mere technical question.

What we need is a COMPLETE Talmud, with an approximately correct text and intelligible Variorum notes, and with a graphic illustration of the growth of the Talmudic text, from its beginning as a verbal tradition to its close and final redaction.

It is needless to say that a work of this kind would require the co-operation of the best scholars in the Jewish world and the financial support of the Jewish community at large.

Who will undertake it?

History will answer this question. I am content with having propounded it.





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