"CRUISE ON UNCHARTERED SEAS"

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"The vast sea of the Talmud" is a literary figure of such popularity in rabbinic circles that it is difficult for rabbinic scholars to come to any agreement with regard to its origin. This year, in Kit Kat, we are stressing the humanities, with occasional pleasant scientific digressions; so, I propose to conduct a cruise on this sea as my freshman contribution to the Club. The word "cruise" has been purposefully chosen; this will be no expedition of exploration from which we will return with complete charts, surveys, and accurate descriptions. Such an expedition would require more time than any of us could afford to give. In the twelfth century, Maimonides undertook such an expedition; it took him forty years to finish the work. In our own time, Prof. George Foote Moore, of Harvard, after years of diligent study, produced two heavy volumes which he called "Judaism," and then he added a slightly thinner volume of notes to explain the first two.

Another Christian scholar of our own century, Sir R. Travers Herford, of Oxford, after years of scientific, systematic exploration of the sea of the Talmud gave us two volumes, one called "Pharisaism," and the other "The Pharisees." These efforts are cited only by way of warning as to what a thorough-going exploration might mean. To those whose interest might be excited by the "cruise," I recommend the works of Moore and Herford. But this shall be a cruise, for pleasure, with "stops" or points of visitation selected more for their interest than for their importance.

No area of Jewish knowledge is so little known as the Talmud. No other literature has been so vehemently attacked and so staunchly defended; no books have been so frequently burned, and few have had so far-reaching an influence. Everything has happened to the Talmud except that it was never banned in Boston, and was never made into a motion picture. Henricus Sy[illegible]nensis, a Capucin friar of a past century, thought the Talmud was a man upon whom he gratuitously bestowed the title "Rabbi," and when pressed in theological argument would clinch his point with an "Ut narrat Rabbinus Talmud!" In his "Romancero" Heinrich Heine sings glowing praise of the Talmud, [illegible] he had never seen a single tractate nor looked upon a single page.

During the War, some journalists, reporting the effects of the "blitz" on London's teeming East Side, described aged rabbis running about clutching the "sacred Talmud" to their bosoms. With equal appropriateness and logic, they might have described the Oxford dons clutching the precious Encyclopaedia Britannica to their bosoms, because in terms of physical size and weight the Talmud is comparable to the Encyclopaedia. It consists of 63 tractates, whence is derived its name "Shas" meaning "sixty books." Our mathematicians who might wonder what happened to the other three books would not be alone in their concern. Some scholars insist that three tractates must have been separated from the Talmud at one time. However, I believe that "Shas" is simply a casual reference to "about sixty volumes."

Exclusive of the vast rabbinic literature based upon it, the Talmud is "the uninterrupted work of Judaism from Ezra to the sixth century of the common era, the resultant of all the living forces and the whole religious activity of a nation." It is a faithful mirror of the religion, culture, institutions, manners, and, indeed, the whole civilization of the Jews in Judea and Babylon during the spiritually prolific centuries before and after the beginnin of the Christian era.

To me, Ezra appeals as one of the most remarkable personalities of the Bible who rarely receives even a fraction of the credit he really deserves. Because of him and his efforts, and those of his disciples, the Synagogue came into being, and subsequently and consequently, the Church. Before him, the highest form of religious expression achieved in any organized institutional form was sacrificial in character. To be sure, in the eighth century (B.C.E.) the Hebrew prophets denounced the sacrificial cult in the strongest language, saying in the name of God: "I loathe your festivals; I cannot endure your holy assemblies. Yea, if you offer unto Me holocaust and sacrifices, I do not care for them, and at the peace-offerings of your fatted calves I do not look. . . . But let justice gush forth like water, and righteousness like a perennial stream." (Amos 5:21-22,24.) But despite their utter rejection of the sacrificial cult, the prophets of Israel were never able to propose religious institutions that could take its place.

At first, Ezra was probably unaware of what he was doing; perhaps he never realized that he had given the world a religious technique it had never known before that was destined to supplant animal sacrifices among all

civilized peoples. His aim was probably nothing more than to provide a medium for the preservation of the national culture he loved in the foreign environment of Babylon. He and his disciples, the Scribes, gathered together the most important literary monuments of their people, consisting of chronicles, legends, laws, and lore, transliterated them in the much simpler Chaldaic alphabet which anyone could learn without devoting himself completely and professionally to literary scholarship, arranged them, edited them, and finally read them to the people on Mondays and Thursdays, the Babylonian market days, and of course, on Saturdays, the Sabbath. Texts were read in the original Hebrew, translated in the vernacular Aramaic, and interpreted. The art of homiletics was born when Ezra and the Scribes tried to interpret the ancient texts in such a way as to give them meaning, validity, and appropriateness for their own "modern" times. Thus preaching and teaching became religious techniques.

The people became accustomed to these helpful homilies, which they called "Midrash," or "explanations," and when Cyrus facilitated the return of the exiles to Palestine, they insisted upon the continuation of the readings and the lessons even after the re-establishment of the sacrificial cult in the Temple at Jerusalem. Thus, in the very shadow of the Temple, the Synagogue, mother of the Christian Church, was growing to maturity. The coup de grace was administered to the sacrificial cult when Titus had the Temple destroyed in the year 70. Rabbi Johanan ben Zakkai perceived that its destruction was not an utter calamity. He consoled a disciple with a quotation from Hosea, "For I desire mercy and not sacrifice," (6:6) interpreting it to mean that the Roman blows which ended the sacrificial cult had merely done the will of God in clearing the way for the religion of prayer and deeds of lovingkindness as taught in their preachments by the rabbis in their synagogues. He had himself carried in a coffin past Roman legions who thought he was dead into the presence of the Roman general. Of him he asked a favor so simple that the proud Roman laughed aloud at the incongruity of the peril faced versus the naivete of the request: namely, that Johanan ben Zakkai be allowed to proceed with his disciples to the coastal city of Jabneh to establish an academy there. To show his sense of humor the Roman entered into the spirit of the jest and granted the request.

The cream of the jest was the establishment of a religion destined to outlive Rome, and other despotisms designed after her pattern. Of course, the need of the

hour was for more than homiletics. Their government and its authority had been destroyed, and the Jewish people needed a body of law they could respect sufficiently to give it obedience despite the lack of political implementation. The people had learned to love the Biblical scriptures, and had grown accustomed to moral teachings and pious practises derived from them by the Midrashic or homiletical method of interpretation, so the rabbis undertook to produce laws for the government of life by Biblical authority through the Midrashic method in spite of the social and political disorder left in the wake of the Roman legions who did not realize that they were the symptoms of the decadence of their once proud empire.

When scriptural authority could be used, it was, but when it did not seem to specifically encompass some utterly novel situation, the exegetical method was used without scriptural citations, and the result was to become the "Mishnah." The word literally means "Teaching," or "Repitition," as if to suggest that this was merely a teaching or a repitition of a teaching of the type to which the people had been accustomed since the days of the Babylonian Exile. This body of teaching, or Mishnah, was expounded and expanded by rabbis called "Tannaim," which means simply "Teachers," or "Repeaters," until Rabbi Judah the Prince made a final compilation and redaction about 220 of the common era.

The Mishnah, in turn, was used as an authoritative text in the academies of both Palestine and Babylone. The Mishnah was studied, as the Bible had been studied, expounded and expanded in the same manner, until there was a body of discussion based on the Mishnah as the Midrash had been based on the Bible. The discussion of the Mishnah was called Gemorrah, "or completion," and those who participated in the discussion of the Mishnah were called the "Amoraim," or the "finishers." It will be noted that these were academic, class-room discussions, recorded in the typical, telegraphic style still used by students in lecture-halls, but in legal matters, these students had legislative functions! Although the students in the academies were not democratically elected but academically selected, their debates were conducted on what we would now regard as crude parliamentarianism, with the youngest speaking first and the seniors last, and a decision made by majority vote and dissenting opinions recorded by name.

I know of no other comparable legislative body in the history of human government, but if one could imagine a quarterly post-graduate institute of Ohio lawyers meeting under the auspices of the Law School of the Ohio State Uni-

versity to discuss the existing laws of the State and the need of revisions or additions thereto, we would have a modern parallel to the old rabbinic academies of whose activities the Talmud is a record. When the lawyers would agree by majority vote, their agreement would be law!

About the fourth century a group of men called the "Saboraim," or "Thinkers," added a few comments and reflections, with a few finishing touches here and there, and the total work, including the Mishnah, the Gemorrah, and these final additions became what we now call the Talmud. Actually, there are two Talmuds, the Palestinean and the Babylonian, because there were academies in both places to regulate the life of both Jewish communities. The Babylonian Talmud was closed about 440, but some scholars prefer a later date. The Palestinean Talmud was never closed, probably for lack of funds. Consequently, it is less authoritative, but it is nevertheless a rich source of un-retouched historical material. Generally, when the "Talmud" is spoken of or quoted, the Babylonian Talmud is meant; when the Palestinean Talmud is referred to, it is called by that name, or simply Yerushalmi, or the "Jerusalem" Talmud.

The body of law recorded in the Talmud is called "Halakah," or "law." One great weakness of the Halakah is the fact that the rabbis tried to cover every possible contingency that could ever arise. Consequently, many hypothetical situations were contrived that become the subjects of long discussions based on the remotest possibility. Some of these discussions are frequently quoted to show the futility of the whole Talmudic literature. A famous and oft-quoted example is the discussion of the question: "Is it permitted to eat an egg a hen has laid on the Sabbath?" Aware of the peril of hypothetical dialectics, the formulators of the judicial tradition of such a body as the United States Supreme Court established a fixed taboo on the judicial consideration of hypothetical cases.

But in spite of this weakness, the rabbis were able to maintain social and legal controls governed by considerations of justice and social amelioration through Halakah. For example, they faced the problem of setting up a judicial system outside of the defunct sacrifical cult of the Bible. A decision is recorded in the Mishnah: "Civil cases are to be tried by three judges." (Sanhedrin I:1) Why? Because in the Biblical passage describing the procedure to be followed in the case of theft, the

word "Elohim," or God, is mentioned three times. From this it was deduced that civil cases must be tried by three judges. (Cf. Exodus 22:7 ff. Also, Sanhedrin 3b) The form of reasoning here is Midrashic, or homiletical, but the result is Halakah, or legalistic.

All of the discussions in the academies were not legalistic, however. Nor did the rabbis always stay closely to their text, the Mishnah. Indeed, as in the case of class-rooms of our own recollection, the departures and interruptions were frequently the most inspiring recollections we have of our own undergraduate days. Everything that happened in the academies was noted: laymen came to classes with personal problems they wanted solved, window-washers stopped their work to give opinions in a discussion going on in the class, students would raise questions or tell of experiences distantly related to the subject immediately at hand, and all was recorded in the same terse, telegraphic style that makes Talmud so difficult to read. Sometimes, perhaps on a Friday afternoon, as the Sabbath approached on the golden rays of the setting sun, the lecturer would put his notes aside and tell a story or an anecdote which might be sublime in its spiritual tone, or might be delightfully amusing.

All these stories, analogies, anecdotes and illustrations are called Haggadah, which means "story." Law is not derived from the Haggadah, but inspiration frequently is. In the words of the Sifri: "If it is thy wish to know thy Creator, study the Haggadah, and thou wilt understand the ways of the Holy One, blessed be He, and thou wilt learn to cleave unto His ways. Verily, thou shalt not say, 'I will study Halakah, and that will be enough for me.' Deuteronomy specifically teaches that man does not live by bread alone, and then follows the explanation that by every word that cometh from the mouth of God should man live! This means that the Haggadic passages must be studied as well."

The Haggadah reflects for us many remarkable personalities that would not have survived through the ages in the dull records of their legal or Halakic opinions and decisions. Were it not for Haggadah, we would never have known how Rabbi Johanan ben Zakkai managed to established the school at Jabneh. From the Halakkah we would learn of the bitter arguments between the strict-constructionist, Shammai, and his disciples, and the more liberal Hillel, and his disciples, but without the Haggadah we would never have known of the precise circumstances under which Hillel uttered the definition of religion which Jesus later reformulated and which became famous as the Golden Rule.

A cynical scoffer, ridiculing the complexities of rabbinic method and dialectic, heedless of the problems involved in bringing about an almost evolutionary religious reformation without violence or internecine strife, once went to Shammai and taunted him with this challenge: "If you could teach me your religion while I stand on one foot, I would accept it!" Recognizing his desire to make him appear ridiculous, Shammai picked up his yardstick and drove the scoundrel away.

Delighted with his successful irritation of Shammai, the scoffer then went to Hillel, and put the same question to him in the same mocking spirit. Hillel, however, did not interpret the question as an impertinence; instead, he replied: "What is hateful unto thee, never do to thy fellow-man. This is the entire Torah; all else is commentary. Go thou and learn!" (Shabbat 31a)

It is no wonder that the disciples of the first century antagonists, Hillel and Shammai, kept their memory alive and fresh in the discussions of the academies all through the centuries when the Talmud was being created. Frequently, they would boast of the superiority of their own teacher. On one occasion, this type of student discussion resulted in a wager. Students of Hillel were willing to bet that students of Shammai could not make Hillel lose his temper. The wager was fixed, and a student of Shammai went to the street on which the great Rabbi Hillel lived, calling for him in a loud and impertinent voice. Hillel was disturbed at his bath, but in response to the call, appeared at his doorstep in his robe and with a towel wrapped about his head. The student asked a question intended to be foolish, but Hillel answered it seriously. The student departed, only to return later, with the same loud calls all the way down the street. Again Hillel's bath was interrupted. Again a question was asked which Hillel answered seriously. The third time, the student asked a question which was frankly insulting: "Why are Babylonians' heads so peculiarly shaped?" he asked, with obvious reference to the fact that Hillel himself was a Babylonian. But the Master replied calmly: "Because the mid-wives in Babylon are less skillful than the mid-wives in Palestine." Failing in this effort, the student made one final attempt.

"Art thou truly Hillel?" he asked. When the sage replied in the affirmative, the student shouted: "Then may God never cause another to be like thee!" But Hillel was not insulted. He simply asked, "Why not, my son?"

"Because," explained the student, "on account of thee

have I lost 400 zuzim." And both men laughed as the student told of the wager. (ibid.)

The study of the Halakkah would disclose to us the complicated hermeneutic rules by which a man like Akiba proposed to amend Biblical law which could no longer apply to an entirely different social, economic and political situation than the one which it subsumed, while at the same time he would protect the authority of the Bible in the eyes of the people who had to be governed by the new law. But the Halakah alone would never disclose a student's inability to comprehend the problem. When a student wonders how an Akibah could change a law of Moses, he was told this story: once upon a time, during the days when Akiba lectured, Moses up in Heaven was growing restless. He wondered about the people he had led out of Egypt and what they were doing on earth with the Torah he gave them. Moses appeared before God and asked leave to visit his people on earth. Although it was entirely irregular and completely contrary to the rules of heaven, God could not deny Moses' request, so Moses, in the guise of a poor peasant, happened to walk into the academy while Akiba was lecturing. So complex and so difficult were the matters with which Rabbi Akiba was concerned that Moses could not follow the lecture at all, and found himself becoming very drowsy. He noticed the intense interest of the students, and so he forced himself to listen.

After the conclusion of the lecture, questions were asked and answers given. Everyone seemed to participate eagerly in the discussion, but Moses could not even guess what it was all about. Finally, logic failing him at a certain point in the argument, Akiba simply declared: "This is the law of Moses from Mt. Sinai!" And the students accepted that authority. Moses was delighted, and returned to Heaven. There God asked him how he found things on earth, and Moses, exuberantly declared: "Wonderful! O Lord! Wonderful! They still remember me, and make laws in my name!"

The Haggadah also gives us an interesting insight into the development of a rational method of interpreting the Scriptures. In the course of an argument as to whether or not the recitation of a miracle would be admissible as evidence, an Halakic argument, of course, this bit of Haggadic material is found, which I consider to be a masterpiece of irony. The story was told that once Rabbi Eliezer and Rabbi Joshua were arguing a point at law. Exasperated with the ruthless logic of his opponent, Rabbi Eliezer pointed to a carob tree just outside the window of

the academy, and said: "I call upon that carob tree to testify in my behalf." Immediately the tree was uprooted from the ground. Rabbi Joshua insisted it was a mere co-incident that proved nothing at all. Rabbi Eliezer pointed to the rivulet that flowed past the spot where the tree formerly stood, and said: "I call upon that stream to testify in my behalf." Immediately, the stream reversed its course and began to flow upward to its source. Rabbi Joshua dismissed it as an optical illusion of some sort and refused to accept the evidence of the stream. Thereupon, Rabbi Eliezer called upon the walls of the academy to testify for him, and the walls immediately cracked and sagged. (At this point, I can well imagine, the narrator of the story probably drew laughter as he might well have pointed to cracked and sagging walls even though the gesture would not have been indicated in the Talmudic record.) Again Rabbi Joshua insisted that the cracking and the sagging of the walls were probably co-incidental. Completely disgusted with his stubborn opponent, Rabbi Eliezer called upon the Bath Kol, the Voice from Heaven, to decide the issue. Immediately a voice was heard speaking from Heaven, and it said: "Why do ye contend with Rabbi Eliezer? Of course, he is right."

To this, Rabbi Joshua replied: "The Torah deals with human affairs on earth and not with Heaven. Since the Torah is on earth and not in heaven, the decision must be made on earth by men in accordance with their best power of judgment and reason, and not by celestial beings in heaven. They have no right to interfere with us." (Baba Mezia 59b)

There are also some amazing examples of psychological insight in the Talmud. Needless to say, Rab Assi never read Dr. Strecker's book "Their Mothers' Sons," and yet the Talmud tells that "Rab Assi's mother asked for ornaments. He bought them for her. She wished to marry, and he offered to find her a suitable man. But when she said: 'I desire a man as handsome as thou, my son,' he left her, and went to Palestine." (Kiddushin 31) The scientific study of geriatrics was unknown in Talmudic times, but in the Talmud we read: "A man will die quickly if he has nothing to do."

The men quoted in the Talmud were religious men, and yet they knew that excessive piety is unwholesome. It was said: "A virgin who prays continually; a widow who visits her neighbors too frequently; and an undergraduate who gives decisions in the law - these are the destroyers of the world."

There were no luncheon clubs in Talmudic times, and yet we are told that "Rabbah would always open his discourse with a jest, and let his hearers laugh a little. Then he would become serious." (Shabbat 30) Thus Rabbah began, and thus we conclude our cruise.